

# Supporting families in South Africa: A policy map

Patricia Martin, Katharine Hall and Lori Lake

*When [children's] rights are respected, protected and fulfilled, dividends are returned in the form of global security, sustainability, and human progress.*

UN Human Rights Council, 2016<sup>1</sup>

The provision of support to families by the state is central to achieving sustainable development. Human rights and development instruments recognise families as key development partners, without whom children's rights and lasting development cannot be achieved.

Development instruments such as the Sustainable Development Goals (SDGs), Africa's Agenda 2063 and Africa's Agenda for Children 2040 recognise that economic and social development depend on realising children's rights – for example to family care, nutrition, water, shelter, health care, social services, social security, protection and education. The United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) recognise families as the primary duty-bearers in securing children's rights and outline the duty of states to take all necessary measures – legislative, financial and administrative – to enable families to nurture, protect and provide for children. This includes providing the necessary services and ensuring that families can access them.

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*Support for families at the heart  
of human rights and sustainable  
development.*

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The UN Secretary General recently confirmed the centrality of families and the associated responsibility of states to develop policies that support families and ensure sustainable development. He noted that because:

*... the stability and cohesiveness of communities and societies largely rest on the strength of the family ... the very achievement of development goals depends on how well families are empowered to contribute to the achievement of those goals. Thus, policies focusing on improving the well-being of families are certain to benefit development.*<sup>2</sup>

A recent analysis confirms that support for families is a proven vehicle for sustainable development. If families are provided with appropriate support to enable them to provide nurturing care, then their children's full potential can be realised – and development accelerated and sustained.<sup>3</sup> The report concludes that:

*Across all the SDGs reviewed, the role of family policies is consistently linked to improved outcomes. Mechanisms of delivery matter for different goals – including family participation, targeting, conditionality, and coverage.*<sup>4</sup>

Supporting families makes a difference, but only where the policies and programmes are responsive to families' changing needs, and recognise and value the diversity of family arrangements.<sup>5</sup> The rights and development instruments create a duty on states to develop policies, laws and programmes that are inclusive of *all* families, so that no child is left behind.

Policies and programmes that support families cut across many sectors and departments and therefore require strong leadership and coordination. A coherent national policy framework should clearly articulate the role of families in promoting sustainable, rights-based development, and provide a mandate to guide the design and delivery of policies, services and support to all families in an inclusive, responsive and integrated way.

The implications of the agenda for sustainable development are clear: policies alone are not enough. A capable state is critical to ensure effective implementation: the state must develop a public system that unites, compels, enables, supports and holds all role players accountable for fulfilling their responsibilities to achieve the shared family support vision and goal. The system's features should include:

1. **Policies** that provide direction and an enabling framework to ensure a shared, developmentally appropriate vision of the family.

2. **Leadership, governance and coordination structures** to coordinate the different sectors and advance the shared vision and goal.
3. **Programmes / platforms** to deliver responsive services and support at a family, community, and facility level.

### The national policy framework

South Africa has developed several overarching policies or national frameworks that describe a vision and prescribe mechanisms for delivering a comprehensive suite of services so that families can secure the optimal development and protection of children in their care.

These include the following:

- The National Development Plan 2030: Our Future – Make it work (2012)
- The White Paper for Social Welfare (1997)
- The White Paper on Families in South Africa (2013)
- The National Integrated Early Childhood Development Policy (2015)
- The Child Care and Protection Policy (Draft) (2018)

The **National Development Plan** (NDP) views families broadly, expressly including single-headed families, various cohabitation arrangements, multigenerational families, and families with heterosexual and same-sex parents. It acknowledges that families are subject to many pressures including the persistence of racially segregated communities and that poor residential areas tend to be far from work, limiting family time at home; the difficulties that poor families face in securing adequate education or healthcare for children; and the high levels of interpersonal violence that put family members at risk, both within and beyond the household. It calls for further investigation to inform appropriate policy interventions to “make families better able to provide a loving, supportive and safe environment... in which values such as tolerance, diversity, non-racialism, non-sexism and equity are fostered.” In this way it sees the family not only as a development partner for reproducing and developing the population, but also essential for building social cohesion and tolerance in society.<sup>6</sup>

The specific family support services prescribed by the NDP include health care, early childhood development, water, sanitation and housing services, as well as education and employment support. Many other elements of the NDP’s vision will benefit children and families, including building the economy, reducing unemployment, ensuring household food security, transforming human settlements, building an inclusive rural economy, creating safer communities and promoting social cohesion.

The **White Paper for Social Welfare** articulates South Africa’s developmental and inclusive approach to social welfare. It aims to meet people’s basic needs and build their capacity, so that all South Africans can achieve their aspirations and participate fully in social, economic and political life. The White Paper outlines a comprehensive system of services to ensure that all people have economic and social protection, and access to welfare programmes that promote development. The policy recognises that social welfare needs to be linked to other mechanisms – such as health care, nutrition, education, housing, employment, recreation, rural and urban development and land reform – in order to achieve social development.<sup>7</sup> Like the NDP, the White Paper places great emphasis on the family, which it sees as a core unit of society. It calls for the development and delivery of a multi-sectoral suite of services and support for families to enable them to provide adequate care for their members, especially children, and in so doing free them from apartheid’s legacy of poverty and inequality.<sup>8</sup> It sees this integrated approach as essential for addressing the structural drivers of poverty and inequality.

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*Children in poor families are less likely to attend a group-based early learning programme.*

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The **White Paper on Families in South Africa** also views family as a key development imperative and seeks to secure government-wide support to enhance the “socializing, caring, nurturing and supporting capabilities of families so that their members are able to contribute effectively to the overall development of the country.”<sup>9</sup> Like the NDP and Social Welfare Policy, the Family Policy sees a well-integrated, cross-sectoral approach as essential for implementation, including a high-level partnership between government, the private sector and civil society. Within government, implementation depends on a “sound intersectoral and interdepartmental system”<sup>10</sup> at national, provincial and local levels and involves around 20 departments ranging from Social Development, Health and Basic Education to the departments of Labour, Trade and Industry and International Relations. An important question is how to establish effective coordination and accountability as the Department of Social Development does not necessarily have sufficient leverage over other departments, particularly those outside the social cluster. Although the White Paper, like other overarching policies, defines families broadly, some of the detail reveals a much narrower view of what constitutes an “ideal” family, as outlined in Box 11.

## Box 11: Contradictory perspectives in the Family White Paper

Marlize Rabe

When family policy is at stake, a specific definition that is sensitive to the socio-historical context is required since it will have consequences for who will receive services and share responsibilities based on family relationships. The South African *White Paper on Families* defines a family as:

*a societal group that is related by blood (kinship), adoption, foster care or the ties of marriage (civil, customary or religious), civil union or cohabitation, and go beyond a particular physical residence.*<sup>11</sup>

This definition is inclusive of diverse family relationships because it does not narrowly stipulate the various possible relationships between the family members and it recognizes that families often do not share a household. The *White Paper on Families* recognises the wide variety of families in South Africa including families that are split between rural households with income earners living in the city, same-sex couples with or without children, polygamous families, nuclear and extended families.

However, this seemingly positive support for the variety of family forms in the early section of the *White Paper* does not manifest when “ideal” families are outlined. Several authors<sup>12</sup> highlight how the *White Paper* actually promotes a middle class heteronormative view of what families should be by suggesting that married heterosexual couples with enough financial resources are ideal (or “stable”). *Marriage* is portrayed as a mechanism that resolves or prevents conflict since household labour and income earning activities are supposedly shared between adults. These notions may stem from international literature where the link between stable marital unions and family members’ quality of life is often found, and where

unemployment rates are not as high as in South Africa.

Yet, there is confusion between the cause and the outcome in the above argument. For example, if two people are employed, married, have children and make use of paid domestic and child services (e.g. nannies and pre-schools), they are insulated from stresses associated with poverty. The latter may include difficult and long journeys to work, insecure and insufficient income and not having access to reliable child care. Marriage in itself can thus not be portrayed as the source of stability, since class position is more likely responsible for the stability.

Moreover, conflict and domestic violence occur in all types of families and instead of promoting marriage as a solution to problems, conflict resolution strategies should form part of supporting all families. There should also be an acknowledgement that some family members are better off not living together (e.g. when couples divorce or choose not to marry in the first place) but certain parenting responsibilities towards children can still be undertaken, such as social and financial support.

Instead of promoting a particular family ideology, state support towards children and families should be practical and responsive. Examples of such support include low cost housing that caters for various household arrangements (e.g. multi-generational households and lone parent households), conflict resolution services, universal and affordable childcare services, equally accessible birth registration irrespective of marriage status, welcoming of men into maternity wards, and programmes to empower men to become better nurturers and to ensure that fathers pay maintenance.

Two recent policies advance the national vision and require the development of a coherent system of inclusive support and services to enable all families to protect and support the development of children in their care. The **National Integrated Early Childhood Development Policy** (2015) and the **draft National Child Care and Protection Policy** (2018) require relevant government departments to develop and deliver a suite of promotive, preventative and protective services that respond to the specific risks faced by individual families.

### Guiding principles

Viewed holistically, South Africa’s overarching policies align with the international and regional development agenda. They

provide direction for the development of inclusive government-wide policies and programmes to support families and secure the foundations of sustainable development.

The family is a critical partner for social and economic development and the care and material support families provide to children will determine the development of the child and their ability, where born into adversity, to transcend the intergenerational cycle of poverty and inequality.

1. Families are diverse and are social units, not necessarily created through marriage or co-parenting, or living in the same household. Families provide children with the best start in life and harbor significant opportunities for children’s development, but families are also under stress.

Many of the stresses are a legacy of apartheid policies which sought systematically to weaken the family. These stressors are exacerbated by persistent and structural unemployment, spatial inequality and poverty.

2. The state is duty-bound to ensure that families receive the support services they need to overcome stress and risks.
3. All families – as expansively defined – must receive services to enable them to play this developmental role.
4. Services can be provided by government or civil society – but it is government’s duty to ensure that all families benefit.

### A continuum of family support

The guiding principles recognise that the planning, provisioning, resourcing and monitoring of family support services must be managed through an effective and efficient public system which ensures the provision of a continuum of inclusive, responsive and developmental family support services including:

- **Universal services:** All families benefit from physical and social infrastructure and receive the services necessary to enable them to fulfil their developmental role;
- **Targeted services:** Families under stress or suffering deprivation receive assistance so that they can support and provide for children in their care;
- **Responsive, emergency and specialised services:** Children and families who are exposed to risks or trauma can access the relevant protective or therapeutic services, either on demand or through efficient referral systems. Some services, such as police, fire, ambulance and emergency welfare services, are universal in that they are available to anyone in need, but also responsive in that they need to be relied upon to come quickly in an emergency.

The remainder of this chapter provides an overview of policies and programmes delivering universal, targeted and responsive services and benefits to families and their children. We outline some of these and draw attention to some of the successes, challenges and conceptual flaws in the design or delivery of selected programmes.

### Universal services for all families

A range of policies, laws and programmes has been adopted and rolled out with the objective of providing universal services to enable families to provide the nurturing care their children need.

### Department of Home Affairs

The Department of Home Affairs is mandated to provide caregivers and children with identification documents such as birth certificates, identity documents, marriage and death certificates, as well as residency documents for foreign migrant families.<sup>1</sup> While the policies and laws are generally inclusive and purport to ensure universal access, the ways in which they are narrowly interpreted and implemented discriminate against certain children<sup>13</sup> (See Box 12).

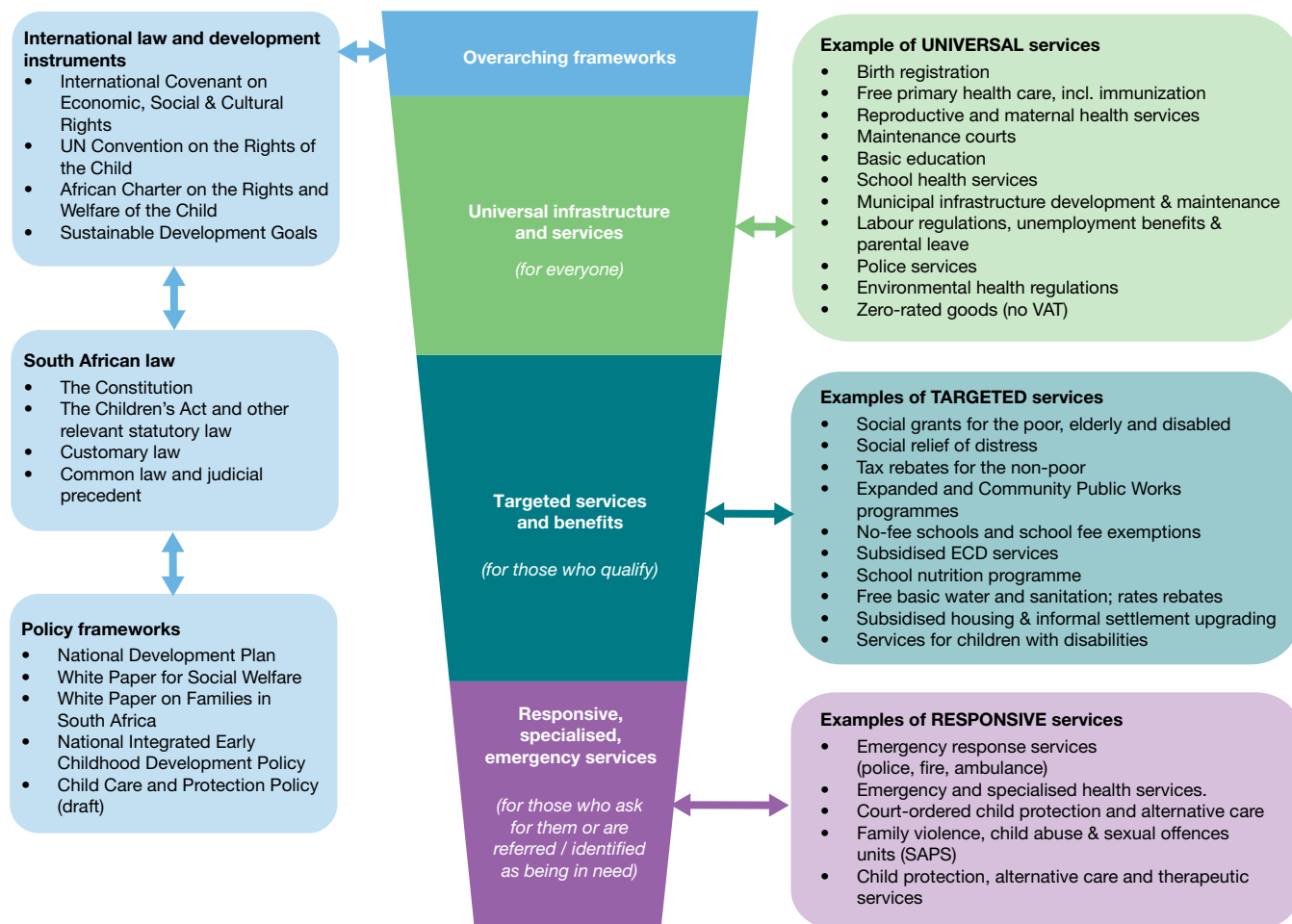
### Health and nutrition

The Department of Health is mandated to provide a range of health promotion, prevention and therapeutic services across the life cycle of children and their caregivers. It is supported by a range of other departments such as Social Development; Agriculture, Forestry and Fisheries; Water and Sanitation; Environmental Affairs; and Human Settlements. These other departments provide services designed to address the social and economic determinants of children’s health and that of their families. The range of programmes and services for children and families include:

1. Free primary health care services for all children and families (except those who benefit from a private medical aid).
2. National health insurance,<sup>14</sup> a financing system which (when fully implemented) aims to provide financial risk protection and enable all South Africans to access an affordable package of health care services irrespective of their socio-economic status.
3. The Integrated School Health Policy, which outlines a comprehensive package of services for learners in grades R – 12. These include health education; immunization, deworming, sexual and reproductive health services;<sup>15</sup> screening for chronic illnesses, malnutrition and disabilities; and referrals for follow up care.
4. The Integrated Nutrition Programme, which focuses on children under six, pregnant and breastfeeding women, and provides support to promote optimal feeding practices (including exclusive breastfeeding for the first six months and appropriate complementary feeding), growth monitoring, the provision of micronutrient supplements (such as zinc and vitamin A), and the fortification of foods such as maize, salt and bread.
5. The recently adopted National Strategic Plan for HIV, TB and STIs 2017 – 2022,<sup>16</sup> which aims to accelerate prevention, and provide treatment, care and adherence support for all.

i The right of all families and children to a birth certificate and other enabling documents is guaranteed by, inter alia, the National Integrated ECD Policy; the Draft Child Care and Protection Policy; the Births and Deaths Registration No 51 of 1992 as amended; the Marriage Act No 25 of 1961; the Recognition of Customary Marriages Act No 120 of 1998; the South African Citizenship Act No 88 of 1995; the Refugees Act No 30 of 1998; and the Immigration Act No 13 of 2002; the Sex Description and Sex Status Act of 2003; and the Children’s Act no 38 of 2005.

**Figure 22: From overarching frameworks to responsive services**



### Water and sanitation

Access to clean running water and adequate sanitation is critical for children's health, nutrition and development. Several policies and programmes recognise the right of all children and their families to have access to basic water and sanitation, and set minimum norms and standards for the design of residential developments, health care facilities, early learning centres and schools.<sup>ii</sup> The Strategic Framework for Water Services (2003) requires that all people are progressively provided with at least basic water and sanitation services.<sup>17</sup>

### Early childhood development

The National Integrated Early Childhood Development Policy<sup>18</sup> outlines a package of essential services designed to promote the optimal health, care and development of young children. The state is responsible for ensuring sufficient quantity, spread and quality of these essential services. In addition to birth

registration, health care, nutrition, and environmental health services, the essential package includes:

- Income and psychosocial support for caregivers.
- Information about positive parenting practices and how best to promote young children's health, growth, early learning and development.
- Quality childcare programmes that are safe and promote early learning.

Responsibility for implementing these early care and learning is vested in several departments:

- The **Department of Health** is responsible for a suite of health and nutrition services, as well as parenting support and education for pregnant women and caregivers of young children under the age of two years. These interventions have been integrated into the revised Road to Health Booklet and Side-by-Side campaign to strengthen support for caregivers of young children.

<sup>ii</sup> Policies and programmes include the National Sanitation Policy 2016, the Strategic Framework of Water Services 2003, the Upgrading of Informal Settlements Programme, the Children's Act No 38 of 2005, National Environmental Health Norms and Standards for Premises and Acceptable Monitoring Standards for Environmental Health Practitioners, Regulations relating to minimum uniform norms and standards for public school Infrastructure, 2013.

## Box 12: A closer look at birth certificates

Paula Proudlock

Access to services often depends on whether family members and children have identity documents and birth certificates. Other important enabling documents include marriage and death certificates.

The issuing of a birth certificate represents formal recognition by the state of the child's existence. It is the document that allows registration of the child on the national population register. It also records the identity of the biological parents, which is important for establishing parental responsibilities and proving orphan status if parents die.

Enabling documents are essential for:

- Population-level planning and adequate resourcing of supportive services;
- Access to subsidised early learning programmes, school, writing matric exams, free basic services and housing subsidy applications, child protection services and alternative care;
- Enjoyment of inheritance rights and access to disability and death benefits upon the death or injury of a spouse or caregiver;
- Claiming maintenance from parents or social security benefits from the state (eg. the Road Accident Fund or the CSG);
- Access to social and economic opportunities, including opening a bank account, applying for a job or bank loan, or purchasing a cell phone;
- Protecting children from child labour and early marriage, and establishing their age for purposes of legal consent.

The Births and Deaths Registration Act can be read to enable a diversity of caregivers to access birth certificates irrespective of whether or how the parents are married, the parents and/or child's nationality, or whether the child is living with parents or other family members.<sup>19</sup>

However, in practice the law is narrowly interpreted and applied, while the supporting computer systems, procedural protocols, and attitudes of Home Affairs leaders and officials prevent timely access to full birth registration for many children, especially when the parents are not married, when both or one parent is a foreign national, or when the caregiver is not a biological parent. Such delays can push registration beyond the 30-day limit, after which additional onerous requirements for late birth

registration apply. Discouraged parents and caregivers either give up or have to approach advice offices or public interest law organisations for legal assistance.

- **Unmarried parents** face greater difficulty than married parents in securing a full birth certificate that includes the father's name. The father's details may be added if he acknowledges paternity on the application form in the presence of a Home Affairs official. The father therefore needs to be with the mother when the birth registration is done. The majority of birth certificates in South Africa (62% in 2017) contain only the mother's details.<sup>20</sup>
- **Unmarried fathers** can apply, after the birth certificate has been issued, for the inclusion of their name and the issue of a revised birth certificate. If the mother consents, then this can be done by both parents signing an affidavit at the Home Affairs office. But if the mother cannot consent (for example because she is dead, absent or lacks capacity) the father must apply to the High Court for an order confirming his paternity. This process is too costly and inaccessible for most fathers.
- **Foreign national parents** also face onerous procedural requirements. In the case of unmarried parents, if Home Affairs suspects that one parent is not a South African citizen they request the parents and child to undergo a DNA test at their own cost (approximately R2,200).<sup>21</sup> Temporary residents, asylum seekers and parents with work permits or visas must submit a copy of their passport and their permit or visa. Many foreigners who are legitimately in the country do not have a passport or have expired permits due to the long delays in processing of refugee permits. If the mother's permit has expired at the time her baby is born or her passport is missing, she will not be allowed to register the child's birth at all, and Home Affairs tends to refuse applications in the father's name in these cases, even if the father's documents are in order.
- **Family members** (such as grandparents) caring for children whose biological parents are alive but not living with them, are no longer able to register the birth of the child. Only where both the biological parents are deceased may they do so.<sup>22</sup> Where one parent is deceased and the other is unknown or has abandoned the child, a social worker needs to assist in obtaining a

Children's Court order before Home Affairs will accept the birth registration application, but they are often required to search for the remaining parent first (for example, by advertising in newspapers). Given that social workers already have very heavy caseloads these processes can delay birth registration by a year or more.

- **Mothers without identity documents** cannot obtain a birth certificate for their baby until they have first

completed their own late birth registration process. Birth registration for a person over the age of 7 years is very onerous as it requires detailed information on the person's life events, numerous certified supporting documents, and possible interviews with a range of people. This is particularly difficult for teenage mothers who may face stigma and may struggle to obtain all the supporting information.<sup>23</sup>

- The **Department of Social Development** is responsible for providing (or funding NPOs to provide) and regulating crèches and ECD programmes for children aged 0 – 4.
- The **Department of Basic Education** is responsible for the development of the early learning curriculum, the training of ECD practitioners, overseeing the implementation of the early learning curriculum and integration of ECD messaging into the school curriculum.<sup>24</sup>
- **Local government** must ensure that registered centres comply with norms and standards. In addition, the ECD Policy requires local municipalities to register child-minding services.<sup>25</sup>

### Workplace support

Several policies, laws and programmes have been adopted to ensure parents and caregivers receive support from their employers to enable them to fulfil their parenting responsibilities. The implementation of the services involves two key role players. The Department of Labour is responsible for overseeing implementation of the governing legislation, while employers (businesses, government departments, NGOs and others) are responsible for actual implementation. Key workplace support programmes include:

- **Unemployment insurance:** In terms of the Unemployment Insurance Fund Act<sup>26</sup> workers and employers are required to make monthly contributions to the unemployment

insurance fund. In the event of retrenchment, death, illness or the birth or adoption of a child, the employee or his or her dependents can claim from the fund. For example, workers who fall pregnant while contributing may claim up to 121 days of benefits.

- **Parental leave:** The Basic Conditions of Employment Act<sup>27</sup> currently guarantees women four months' unpaid maternity leave. The new Labour Laws Amendment Bill<sup>28</sup> (not yet in force) makes provision for increased UIF and maternity benefits, and will afford new fathers 10 days paid paternity leave as outlined in Box 13.
- **Support for breastfeeding in the workplace:** The Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child<sup>29</sup> is designed to safeguard the health of pregnant women and new mothers. It requires employers to allow mothers two 30-minute breaks a day to express milk or breastfeed their babies. Although the Code creates a duty which may be enforceable through arbitration and the courts, the Department of Labour does not monitor or enforce its provisions. The Code is not widely known and is rarely implemented by employers in the public, private or NGO sectors, and women in the informal sector could not benefit from this protection even if it were enforced. Though designed to be universal, the Code is far from universal in practice.<sup>30</sup>

### Box 13: A closer look at parental leave

The adoption of the Labour Laws Amendment Bill marks a positive development in our governing labour framework. As noted in the following commentary, the amendment gives effect to the broader, inclusive understanding of family as the fundamental social structure upon which our national development depends, and its expansion of support to fathers and adoptive parents strengthens the developmental foundations of the country:

*Fathers would now be able to assist their partner/ spouse when their child is born or adopted and would also be able to bond with the baby. Furthermore, it will go a long way to ensure that society does not view mothers as the only primary caregivers of children. Paid paternity leave could pave the way for fathers to know that the South African Legislature values the roles that they play in the upbringing of their children.<sup>31</sup>*

### Child maintenance

South Africa's laws<sup>32</sup> recognise and reinforce the duty of both parents (and additional family members such as grandparents) to support their children in accordance with their means. The Department of Justice and Constitutional Development has developed systems to help enforce the payment of maintenance and track down maintenance defaulters, for example through Operation Isondlo. (See the chapter on Legislative Developments for the latest developments in maintenance law)

### Basic education

The South African government has adopted a range of policies and laws that support parents and family members to realise the children's right to basic education. For example, the South African Schools Act<sup>33</sup> makes primary and lower secondary schooling compulsory for all children between the ages of 7 and 15 years. The Act obliges every parent to ensure their children are enrolled at school and attend school and obliges the Department of Basic Education to ensure that there are enough school spaces to accommodate all children.<sup>34</sup> In addition, the Policy on Learner Attendance<sup>35</sup> obliges schools to monitor daily attendance of learners and take supportive action where they are unlawfully absent. (See the chapter on Legislative Developments for recent developments around compulsory school attendance.)

### Regulation of harmful business and cultural practices

Families are primarily responsible for ensuring that their children are protected from harm. However, modern

economies and technological advances create risks for children that families have little control over. The South African government has therefore taken measures to protect children by regulating potentially harmful practices. This includes regulating the marketing and sale of tobacco,<sup>36</sup> alcohol,<sup>37</sup> toys, health and nutritional services,<sup>38</sup> and the prohibition of child pornography<sup>39</sup> and child labour.<sup>40</sup> A range of departments is responsible for the implementation of these protective measures, including the departments of Telecommunications and Postal Services, Labour and Health. While the Children's Act regulates the age at which children may participate in customary practices, it also affords them the right to refuse to participate at all.<sup>41</sup>

### Targeted services and benefits for children and their families

Poverty and other forms of deprivation prevent many children and families from benefitting from the diversity of universal programmes described above. Poverty often intersects with other risk factors to amplify the adversities faced by children, and particularly those whose families have been historically marginalised. The government has therefore developed a range of targeted programmes to support children and their caregivers, households and families.

Targeted programmes are designed to reach particular groups or sub-categories of the population who are defined as eligible for a benefit or service. Targeted programmes are subject to two main types of error: errors of inclusion (where those who are not eligible manage to receive the service or benefit anyway), and errors of exclusion (where those who are

#### Box 14: A closer look at the CSG means test

The Child Support Grant (CSG) is the biggest of all the social grants in terms of the numbers of people reached, but the smallest in value. CSGs, valued at R410 from October 2018, are paid to the caregivers of over 12 million children each month. To be eligible for a child support grant the child's caregiver must pass a means test based on *the income of the child's primary caregiver and, if married, his/her spouse*. If single, the income threshold is ten times the value of the grant (eg. R4,100 per month). If married, it is double that.

There are two important concepts here: first, the law does not assume that the child's primary caregiver is their biological parent. This is appropriate in a context where many children are cared for by other family members. Family members may therefore also apply for the grant but are required to supply proof that they are the primary

caregiver. This can be an affidavit by a police officer, a report from a social worker, a letter from the school principal, or an affidavit by the child's parent.

Second, if the caregiver (usually a woman) is married, then her spouse's income is included in the means test. This assumption does not apply if the caregiver is in an unmarried partnership, so in effect the Department discriminates based on marital status. Caregivers who are unmarried must pass a much more stringent means test: their income must be half of that allowed to married caregivers in order to be eligible for the grant. Implicit in the differentiated means test thresholds is an assumption that if the caregiver is married then her spouse is contributing to the cost of the child irrespective of his relationship to the child or even whether he lives in the same household.



meant to receive the benefit fail to do so). Errors of inclusion or “leakage” are a concern because the state must try not to waste resources on those who do not need them. But errors of exclusion are arguably an even greater concern because it is often the most vulnerable and marginalized who are unable to access the services that they desperately need and to which they are entitled, and because this failure to reach those most in need is a violation of their rights. For example, approximately 2 million eligible poor children, in particular infants and orphans, do not benefit from the Child Support Grant.

The Social Welfare White Paper emphasizes the developmental importance of targeted programmes including cash transfers and services to ensure that people have adequate economic and social protection during times of unemployment, ill-health, maternity, child-rearing, disability or old age. “Social welfare programmes of this nature contribute to human resource development by enabling impoverished households to provide adequate care for their members, especially children and those who are vulnerable.”<sup>42</sup>

Multiple departments have developed a host of targeted programmes to alleviate income poverty, to promote health and access to education and to provide adequate living environments. We outline some of the programmes offered by different departments and include some critical reflections on their targeting design or implementation.

### Social assistance

The state provides three non-contributory cash grants to the caregivers of children at risk:

- **The Child Support Grant:** An unconditional cash transfer paid to the primary caregivers of children living in poverty (determined by a means test – see Box 14 below) to help them provide for the basic needs of the child.
- **The Foster Child Grant:** A cash transfer paid to a court-appointed foster parent caring for children who are in need of care and protection (for example because they have been abandoned or removed from their family because of abuse or neglect). All foster parents qualify for the grant, regardless of their income and regardless of whether they are permanent residents or refugees.
- **The Care Dependency Grant:** A cash transfer paid to the primary caregiver of a child who must “require and receive permanent care or support services due to his or her physical or mental disability.”<sup>43</sup> Beneficiaries may include biological and adoptive parents, primary caregivers (de-

facto carers) or foster parents. To qualify, the monthly income of the caregiver and spouse (if married) must fall below the prescribed income threshold and the child’s status must be verified by a medical officer.

### Housing and basic services

The state provides subsidised housing and free basic water and sanitation.

- **Subsidised housing:** The National Housing Subsidy Scheme aims to redress some of the imbalances of the past by progressively ensuring that everyone has access to housing that is of an adequate standard and is accompanied by basic services, security of tenure and access to facilities and employment opportunities. The Department of Human Settlements offers a range of housing subsidies to vulnerable groups who are eligible. These include subsidies for families living in poverty, older persons living in poverty and people with disabilities.<sup>44</sup> Despite a broad targeting mechanism, the subsidy scheme has been critiqued for its focus on quantity rather than quality and for the proliferation of small matchbox-type housing developments on the urban periphery, far from work opportunities and social infrastructure. Well-located social housing, a housing option that could have served families well, has been deprioritized. Despite its broad targeting in terms of eligible family forms, the housing subsidy scheme has vast errors of exclusion, evidenced by long waiting lists, and has been relatively inflexible in the type of accommodation it can provide for families, as outlined in Box 15 on page 122.
- **Free basic water and sanitation:** The Free Basic Services Policy, White Paper on Basic Household Sanitation (2001) and the National Sanitation Policy (2016) commit local governments to provide a minimum level of free basic water and sanitation services to poor households. This is achieved through tariff rebates, flow restrictors or, in the case of communal services in informal settlements, an assumption that people who must carry water manually cannot consume more than the basic amount.

### Education fee waivers

The cost of education – early, basic and tertiary – remains a major barrier to education for children in the care of poor families. The Department of Basic Education offers free schooling to children living in poverty, calculated on the poverty rankings of the surrounding community, or alternatively through a means test. All schools in quintiles 1 – 3 (the poorest 60%) and many in quintile 4 are designated

### Box 15: A closer look how families are defined for housing subsidies

Since 1995 the Department of Housing (now Human Settlements) has provided nearly four million housing subsidies for low-cost housing. To be eligible for a subsidy house a range of requirements must be met, including being a first-time property owner and passing a means test. In terms of family and household arrangements the *applicant must be married or cohabiting in a permanent partnership and/or have dependants*.<sup>45</sup> This suggests that the Department of Human Settlements has a broad view of what a family can be. It does not require marriage or the presence of children, and where there are children it allows for single parent families. In effect, the only household forms excluded from the housing subsidy are single adults without dependants (a household form that

is on the increase) and child-headed households (which are very small in number). Based on the eligibility criteria, the housing subsidy could, in theory, cater for families with a wide range of shapes and sizes.

But when one considers the size of the dwelling the options are much more limited. The first million or so “RDP” houses were just 30m<sup>2</sup> (for example, 5 x 6 metres for the whole house, including bathroom and kitchen). Even when they were increased to 40m<sup>2</sup> they were still far too small to accommodate the large and extended family arrangements that were so common. The rapid decline in average household size after 1994 has been partly attributed to the roll-out of the housing subsidy programme.<sup>46</sup>

as no-fee schools and may not charge any fees.<sup>iii</sup> The caregivers of poor children attending fee-paying schools are entitled to apply for a school fee exemption, and certain children automatically qualify for an exemption, including children in receipt of a social grant, children in foster care or other forms of alternative care, and children in child-headed households. In addition, the South African Schools Act prohibits discrimination against any child (for example, exclusion or withholding reports) because of their caregiver's inability to pay school fees. The school fee exemption policy has been challenged because it discriminates against single parents (see Box 16).

Support for poor families to enable their children's participation in schools extends beyond free schooling to include the right of all parents to participate in decisions about the fees charged at their schools. The Funding Norms and Standards oblige schools to consult the parent body at an annual general meeting, to discuss and decide on the school fees to be charged by that school.

There are other costs of schooling, including uniform, transport and opportunity costs, that remain a barrier to education. Although uniform and school transport policies have been developed with a view to reducing or eliminating these costs for poor families, they have not yet been systematically implemented or adequately funded.

#### Early childhood development subsidies

The National Development Plan, the National Integrated ECD Policy and the draft Child Care and Protection Policy all recognise education from the early years as critical to

achieving sustainable development. They prioritise increasing investments in early learning programmes to ensure school readiness and secure access to quality education, especially for historically marginalised children.

Provincial Departments of Social Development pay a subsidy of R15 per-child per day to early childhood centres for those children whose family income falls below a specified means test. The subsidy is paid only to centres that are registered with DSD. The subsidy is used to contribute to the costs of services provided by the centre, including the purchase and provision of food and staff salaries. Due to the low value of the subsidy versus the basic costs of running a centre, most centres continue to charge fees even if they receive a subsidy, and cost remains a key barrier for the poorest of families and their children.<sup>47</sup> As a result, children living in poor families are far less likely than less poor children to attend a group-based early learning programme. For example, “a 4-year-old from a poor household has a 50% chance of being enrolled in a group learning programme. A child of the same age from a wealthy household has a 90% chance of enjoying this benefit.”<sup>48</sup> Moreover, no additional subsidy is paid to centres to accommodate the needs of children with disabilities.

#### Health and nutrition support programmes

- **Health fee waivers:** Although primary health care services (clinics) are free for everyone, there are multiple ways in which children and their families can qualify for reduced fees at secondary and tertiary levels in the public sector (general and specialized hospitals). Pregnant women,

iii No fee schools and school fee exemptions are governed by the National Norms and Standards for Public School Funding (1998) as amended.

children under six years and those who receive social grants automatically receive free health care at all levels. For those who do not fall within these categories, a sliding tariff may be applied so that, for the very poor, all public health services are effectively free.

- **School feeding policy:** The Department of Basic Education offers a National School Nutrition Programme that provides nutrition education, deworming, micronutrient supplementation and daily food to learners attending schools in quintiles 1 – 3.
- **Supplementation programmes for malnourished children:** The Department of Health provides targeted nutritional support for pregnant women and children who are identified as under-nourished. The Nutrition Supplementation Programme provides nutritional support for children who experience growth faltering and nutritionally at-risk pregnant women, and where necessary, hospitalization for children with severe and acute malnutrition.

#### Targeted services for families of children with specific risks

Several specialised policies and programmes have been developed and rolled out to provide support to families caring for children with specific risks. These include for example:

- **Disability policies and programmes:** South Africa has developed a range of policies and strategies delineating the roles of different departments and their respective responsibilities. Programmes for children with disabilities include developmental screening, free health care services, and inclusive and special education facilities. Government has also established a disability service and information portal to provide access to information on disability services, including counselling, peer support, therapeutic, educational and economic programmes.<sup>49</sup>
- **Community-based support for families at risk:** Departments such as Social Development and Health provide a range of home- and community-based services to support families caring for children at risk, including those living in poverty, with disabilities, with chronic illness, children who are orphaned and others made vulnerable by HIV and AIDS, and those or who live in remote or under-serviced areas. Programmes such as the Community Health Worker Programme, Community Caregivers and the Isibindi programme provide services which include screening for poverty, substance abuse, violence, abuse, neglect and exploitation; referrals for social and material support; psychosocial and parenting support where needed. The effectiveness of these services depends on

#### Box 16: A closer look at the means test for school-fee exemptions

Over 70% of government schools do not charge fees. The rest may charge fees but are required to apply the national school-fee exemption policy. The policy is designed to ensure that children are not excluded from fee-charging schools because of poverty (although this often happens in practice, for example because of application fees or profiling in the admissions process).

The means test for the school fee exemption calculates the *combined annual gross income of both parents of the child* – in other words, it is expected that both biological parents should be contributing to the child's educational and other costs, irrespective of the relationship between the parents, their marital status or their living arrangements. This has created difficulties for single and divorced mothers who applied for exemptions, but who did not receive maintenance from the other parent and could not easily provide details of the other parents' earnings. In 2017 a court order ruled that in circumstances where one parent has refused or failed to provide their income details, public schools can grant a conditional fee

exemption to the custodial parent, having regard only to her or his income. The court noted:

*Historically, mothers have been the primary caregivers of children in this country. That continues to be so. It is almost always mothers who become custodial parents and have to care for children on the breakdown of their marriage or other significant relationships. That places an additional financial burden on them and the sad reality is that they then become overburdened in terms of responsibilities and under-resourced in terms of means.*<sup>50</sup>

The judgement provides for an exception to the means test in cases when the custodial parent cannot provide proof of the other parent's income. For the most part, school fee exemptions will continue to be based on the income of both biological parents. This is clearly a different approach to that of the Child Support Grant (CSG) (where the means test is based on the income of the child's caregiver and, if married, her spouses income), although receipt of a CSG also entitles the child to an automatic school fee exemption.

## Case 18: Addressing bias among social services professionals

Andre Lewaks

In South Africa around two thirds of children do not live with their biological fathers. There are many reasons for father absence including labour migration, violence, abandonment, HIV/AIDS, paternal deaths, poverty and unemployment.<sup>51</sup> Yet even when fathers don't live with their children, men can play a positive role in children's lives.<sup>52</sup>

The MenCare programme is a global campaign designed to promote gender equality in the home and society by encouraging fathers to assume an active and non-violent role in the care of their children and to contribute equally to domestic work and sexual and reproductive health. The MenCare Child Care and Protection Programme led by Sonke Gender Justice trains social services professionals to run positive parenting interventions with fathers in South Africa.

While social services professionals render a range of social services to families, some are reluctant to include fathers in parenting interventions and decisions about child care because they themselves have socially conservative assumptions about the role of fathers. It is for this reason that Sonke entered into a partnership with UNICEF South Africa and the National Department of Social Development, to train social services professionals

to implement parenting interventions with fathers. The programme has trained 115 social services professionals in five provinces and included a pre- and post-test analysis to evaluate changes in social service professionals' perceptions and attitudes about gender, care and contraceptive use. The results indicate that the programme has been successful in promoting a more positive view of men's role in the family and in the care of their children. The evaluation also revealed that a significant number of social services professionals were exposed to violence in their own childhood, interpersonal relationships and work with abused women and children, raising concerns that this may impact on the quality of services that they render and their approach to men as clients.

The findings highlight the need to include gender transformative programming in the curriculum of social services professionals to ensure that they are better equipped to engage with men as fathers. In addition, the South African Council of Social Services Professionals should introduce a care-for-the-caregiver programme and compulsory counselling sessions for all social services professionals providing services to abused women and children.

how they are implemented in practice by the individuals who engage with families. Case 18 provides an example of how important it is for practitioners to overcome their own biases and assumptions when dealing with families.

### Employment opportunities and expanded social services

The Departments of Social Development, Basic Education and Health together with local government are responsible for the Expanded Public Works Programme (EPWP) which serves a dual purpose: It provides short-term skills development and employment for unemployed adults and youth, thereby addressing unemployment and providing some income relief (albeit in a limited way); and it contributes to social programmes that provide expanded access to essential services.

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*Well-located social housing, a housing option that could have served families well, has been deprioritized.*

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The EPWP Social Sector provides work to unemployed and unskilled people through the delivery of social development and community protection services such as:<sup>53</sup>

- **Early Childhood Development:** provides care and stimulation to children in the temporary absence of their parents or adult caregivers.
- **Home- and Community-based Care:** provides basic health services to people in their own homes or home-based care that families can access closer to their homes.
- **School Nutrition Programme:** employs community members as food handlers to provide food to children from needy families and thus address malnutrition.
- **Community Crime Prevention:** aims to encourage community members to help reduce crime by employing volunteers in EPWP projects to be active in helping to identify community safety priorities for their neighbourhoods.
- **School Mass Participation:** provides work opportunities to sports coaches and encourages members of the public to participate actively in sports with the objectives of promoting good health, self-realisation, community development and social cohesion.

## Responsive and protective services

South Africa has developed a comprehensive legal framework that defines child abuse, neglect and maltreatment and obliges government to establish a child protection system that provides a broad range of services. The goal is to create a safe and friendly society for children. It aims to:

- prevent violence against children;
- protect child victims from further harm by strengthening the capacity of the family to care for the child, removing the threat of the perpetrator or as a last resort removing the child to a safe environment; and
- support and treat children who have experienced violence and restore them to physical and psychological health.

While the DSD is the lead department for the child protection system, others – such as the Police, and the departments of Health, Home Affairs, Basic Education, Justice and Correctional Services – also play an important role. Co-operation between government and civil society is also crucial since most social services are being delivered by the NGO sector. The laws and policies outline a cooperative implementation model and oblige different agencies to cross-refer cases and work together to protect children.

### The duty to report

Section 110 of the Children’s Act creates a mandatory duty on certain professionals who work with children, such as teachers, child and youth care workers, and health professionals to identify and refer children who have been sexually abused, physically abused causing injury, or deliberately neglected, to social services and/or the police for investigation.

These professionals can face criminal charges if they do not report abuse. The Act also states that anyone can make a report if they believe that a child and family are at risk of any kind of abuse, exploitation or harm and that a social worker or police officer must investigate the matter. The police and social services also have a duty to share reports with each other.

### Assessment and investigation

Once referred, the designated social worker must investigate the family’s situation and take appropriate action to ensure the child and family receive the support they need. In the first instance the police officer or social worker must ensure the safety of the child. They have the power to remove anyone who poses a risk to the child from the household, but this power is rarely used and it is much more common for the child to be removed. Once the child is safe, the social worker

must investigate fully to establish what happened, determine what the needs of the child are and the capacity of the family to meet those needs. If the child is in need of care and protection, as defined in the Children’s Act, the social worker must submit a report to the Children’s Court.

### Court-ordered protection

A family member or a social worker to whom a child and family are referred may approach a magistrate’s or a children’s court for an order to secure support and protection. Any magistrate’s court may, upon application by a victim of domestic violence, including a child, issue a protection order requiring the cessation of all further abuse.<sup>iv</sup> A children’s court may order the caregiver and/or child to attend a prevention programme, place the family under the supervision of a social worker, and/or as a last resort, order the removal and placement of a child in alternative care, including temporary safe care; foster care or a child and youth care centre.

### Therapeutic and restorative services

Children and families who have experienced abuse, neglect or exploitation are also entitled to therapeutic and restorative services, including:

- Preventative HIV treatment for children and adults who have been sexually assaulted;
- Psychological evaluation to determine the needs and capacity of child and caregiver;
- Therapeutic services for both child and caregiver including home visits, counselling, and specialist support to deal with complex and continuous trauma;
- Rehabilitation and reintegration services for children who have been removed from their own families and placed in alternative care. These services should promote their physical and psychological recovery and reintegration into their families and society;
- Family reunification services that secure family development, family skills training, family group conferencing and mentorship, that ensure the return of the child into a developmentally promotive family environment; and
- Aftercare services to support families to care for children following their release from alternative care.

### Social Relief of Distress

The Social Relief of Distress grant provides temporary financial assistance (for a maximum of three months) and is the same value as the CSG (R410 in 2018). It is meant to be paid to persons living in poverty who are in urgent need of

<sup>iv</sup> Protection orders are governed by the Domestic Violence Act No 116 of 1998.

immediate temporary assistance. Eligible categories include caregivers waiting for payment of another grant; caregivers not receiving maintenance from a parent, child or spouse; caregivers in a household where the breadwinner has died; single parents who have to care for a child and cannot take up employment because of this responsibility; children who live alone and have no access to daily meals; and families with children who are malnourished or stunted. This is potentially a huge eligible population yet only 410,000 grants are envisaged in the social development budget.<sup>54</sup>

This section has briefly outlined some examples of specialised and responsive services for children and their families. Other emergency response services include ambulance and paramedic services, emergency fire and rescue services, emergency services that respond to flooding or other natural disasters, emergency police services and social welfare services that should respond immediately when requested in a crisis situation. Many of these services are under-resourced, under-capacitated or too far from where families live to be able to respond promptly to emergencies.

### **Does the current policy framework meet the developmental imperative?**

A review of the Social Welfare White Paper some 20 years after its adoption confirmed that South Africa has made significant progress in its developmental journey.<sup>55</sup> Since 1997 there has been a groundswell in supportive services for families to enable them to provide nurturing care for their children. These services are recognised as providing a continuum of developmental support including:

1. Universal (or promotive) services that “enhance the capabilities of individuals, communities and institutions to participate in all spheres of activity”<sup>56</sup>, including early childhood development and education;
2. Targeted (or preventive) services for families and individuals, including comprehensive social protection services targeted at economically and socially excluded families; and
3. Responsive (or protective) services to protect families and children in need of immediate support and intervention, including children who have experienced abuse and/or neglect.

The reviewers noted that, despite the growth in services and supporting budgets, the country’s overarching social developmental goals have yet to be achieved. Poverty, violence, abuse and neglect remain the experience of many families and their children, and inequality has increased. The extensive suite of services has not enabled families to break the inter-generational cycle of exclusion and poor development outcomes.

The review identifies the lack of a shared understanding of what developmental social welfare services mean and what this requires as one of the underlying causes of the country’s limited progress. There is evidence of a similar failure to understand the developmental role of the family and the range of support services required to help realise this potential. The resulting policy incoherence has led to fragmentation in the design, targeting and reach of services, resulting in the exclusion of many vulnerable families from critical services. Responsive services such as emergency and child protection services need to be strengthened to ensure that they are able to respond immediately and efficiently in times of crisis.

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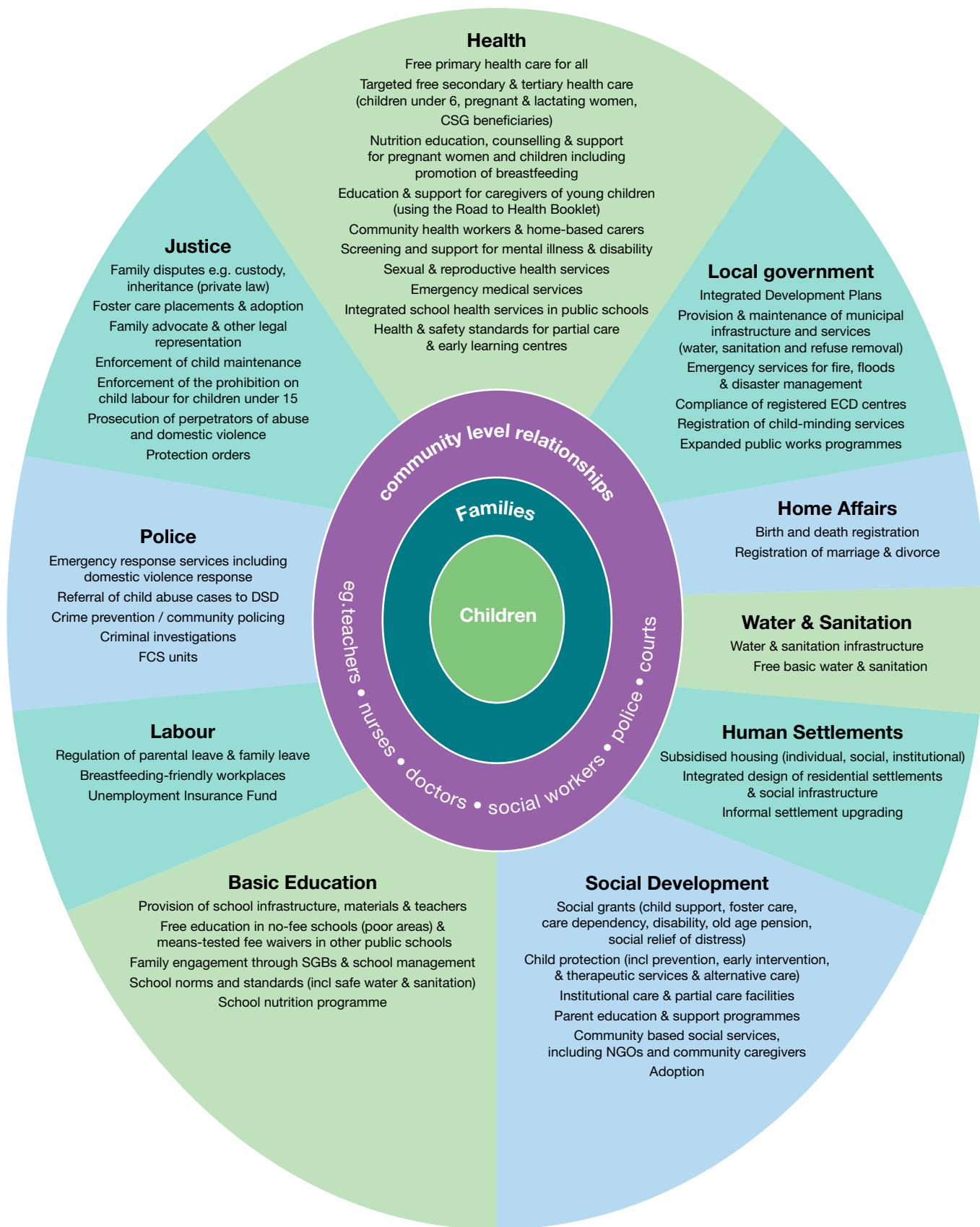
*Rights and development instruments  
create a duty on states to develop  
policies, laws and programmes that  
are inclusive of all families.*

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Figure 23 illustrates the broad range of government departments that must work in harmony to support the health, wellbeing and development of children and their families. It also foregrounds the central role of frontline workers in mediating between different departments and the children and families they serve.

The gaps highlighted in this chapter call for stronger national and provincial leadership. A clear mandate must be given to ensure that all policies and programmes – across all departments, levels of government and services – give effect to a shared and inclusive understanding of the family. The priority is to ensure that *all families* are supported to become the building blocks of South Africa’s sustainable development.

**Figure 23: Illustrative map of multi-sectoral programmes and services for children and families**



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