

**Submission  
on the Draft Children's Amendment Bill (7 April 2006)**

**to the Department of Social Development**

**From the South African Congress for Early Childhood Development, and Early  
Learning Resource Unit**

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## **Introduction and background information:**

- **ECD services and programmes form the first level of a basic preventative and intervention strategy for the well being of the children of South Africa.** Early identification of disability or at risk situations for children in the early years means less costs to the State. The involvement of parents in education and support (outreach) programmes is a critical part of ECD and forms part of the comprehensive and integrated approach to ECD provisioning that is required.
- **Child Rights.** The child rights chapter included in the SALC draft has been removed. South Africa has a strong rights framework informed by the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child (ACRWC) but what remains critical to the well being of South Africa's children is that legislation must bind the key role players to deliver on the obligations. All children including children with disabilities and chronic illnesses and poor and vulnerable groups have a right to ECD services and programmes including the right to clean water, shelter, nutrition, education, safety, protection and to social services.
- **Funding must be changed from the present per capita funding to programme based funding.** This would include remuneration for practitioners, children (including children with disabilities and affected by HIV AIDS), equipment including specialised equipment for children with disabilities and HIV AIDS and upgrading of facilities to meet health and safety standards.
- **The need for a needs analysis in all Local Municipalities.** The MECs must ensure that all children in the age category 0 – 9 years (including poor children, those with disabilities, chronic illnesses and HIV AIDS) are counted in order to inform the planning of ECD programmes and services. SALC recommended also that the location and socio economic status of the children must be monitored.
- **The need for review of statistics.** MEC's must instruct Local Municipalities to provide updated statistics on a regularly defined basis and to use the statistics and the needs analysis to budget for the provision of ECD services and programmes in any given locality.

**Early childhood development – the Clauses.**

There is a need for synchronicity between relevant chapters in this Bill as they affect early childhood development (ECD). The definitions must clarify the relationships within the early childhood development service in a particular locality. In order to address these challenges and in order to support the commitment to an integrated approach across all sectors that impact on the well being of children we have attempted some cross referencing in this submission.

**Chapter 5 Partial Care**

This Chapter has particular relevance for the Early childhood development chapter( Chap 6) therefore synchronization is critical in order to avoid confusion and overlap. An early childhood development service for 0 – 9 year olds (see 91) in our view includes partial care facilities and early childhood development (as well as other age appropriate) programmes.

Clause	Amendment proposed	Discussion/motivation
76	<p><b>Insert:</b>  <b>Partial care is provided when a person, whether for or without reward, takes care of more than six children on behalf of their parents or care-givers during specific hours of the day or night, but excludes the taking care of a child .....</b></p> <p><b>NPO early childhood development services must be funded and regulated by the Departments of Social Development, Health and Education in order to offer facilities and programmes for all children including disabled and vulnerable children. tment of Health and the Department of Educaion.</b></p>	<p><b>The of “partial care” needs to be revised. Partial care includes the regulation and funding of the infrastructure required to support children’s services - the infrastructure (environment and buildings) that supports and sustains the development of a comprehensive service for early childhood (and middle childhood?) in a particular geographical locality.</b></p> <p>A comprehensive, inclusive and funded early childhood development service is required ; partial care addresses the regulation and funding of the facilities. The principles of access and redress are important here given the vast disparities which continue to affect the majority of children in South Africa. Programmes are required to meet the needs of all children including children with disabilities and children living in poverty and difficult circumstances.</p> <p>A comprehensive service can include: Preschools,nursery schools or educare centres, Playgroups, Crèches/day care,</p>

Deleted: or for a temporary period, in terms of a private arrangement between the parents or care-givers and the provider of the service

		Baby care, Home visiting and parent education programmes, Family, education, health and nutrition programmes (White paper for Social Welfare 1997), Grade R/Reception Year, After school care, Summer camps, Programmes for disabled children, Developmental screening programmes, Early intervention programmes etc.
77	<p><b>Insert:</b></p> <ol style="list-style-type: none"> <li><b>1. The Minister, after consultation with the Minister of Health and the Minister of Education must include in the departmental strategy a comprehensive national strategy aimed at securing a properly resourced, co-ordinated and managed system for childrens services.</b></li> <li><b>2. The Minister must include within the strategy, a plan for ensuring equal access to all children.</b></li> </ol>	If the definition of early childhood development is reinstated as 0 – 9 a coherency returns because essentially in each chapter the distinction between the age cohorts would then be relatively easy to clarify. “Children’s services” then becomes an overarching term within which different facilities and programmes would be available to the different age cohorts.
80	<p><b>Insert</b></p> <p><b>If a partial care facility is closed then alternative arrangements must be made with immediate effect.</b></p>	Closure of partial care facilities often leads to great hardship for the parents/caregivers as alternative facilities are hard to find in many places.
81	<p><b>81c</b></p> <p><b>Insert</b></p> <p><b>(i) replace “designated social worker” with “competent social service official”.</b></p>	Social workers are overloaded and therefore other competent Department of Social Development officials are required to fulfil these requirements. All officials involved in the different components of ECD should receive training on the principles and importance of ECD. A key objective for ECD is to increase access to the large

	<b>Insert: (ii) any documents that may be prescribed by regulation must be “user friendly”</b>	numbers of children outside of existing provision. The importance of user friendly documents must be underscored.
82 (2) (b)(c) (d) and (3)	<b>(b)Clear guidelines are required regarding a person who is “not fit and proper to work in a partial care facility”. (c)this sentence must be linked to registration clause 84 and Assistance clause 100</b>	
83	<b>Insert: Norms and standards must be extended in order to</b> <ul style="list-style-type: none"> <li><b>provide support for increased ECD service provision via local government and the Integrated Development Plans (IDP’s). Norms and standards must give clear guidelines eg an ECD service must show that it intends to reach 90% of children over a stated period of time via different facilities and a range of appropriate programmes.</b></li> </ul>	Norms and standards must be directly cross referenced to Chapter 6 in order to ensure that every ECD facility includes an educational stimulation programme appropriate to the developmental needs of the children. The relationship of norms and standards to the proposed regulations and the recently published Guidelines for Daycare (Dept of Soc Dev 2005) also requires clarification and cross referencing.
84	<b>Change to registration and omit conditional.</b>	
85 - 90		No specific changes.
	<b>EARLY CHILDHOOD DEV CHAP 6</b>	
91	<b>Definitional provisions (s91) -</b>	

	<p>It is recommended that the definitional provision of ECD in section 91 of the Children’s Bill be changed to the following:</p> <p>91  (1) Early childhood development, for the purposes of this Act, means the process of emotional, mental, spiritual, moral, physical and social development of children from birth to <del>school-going</del> <b>nine years of age or in accordance with the child’s developmental age.</b></p>	<p>This section defining the ambit of ECD is problematic as it excludes vulnerable groups of children such as children with disabilities and chronic illnesses and poor children and all children seven and older. The definition should remain 0 – 9 years with the proviso that for some children with disabilities developmental rather than chronological age is appropriate.</p> <p>NB of After care for children up to nine years</p> <p>Grade R provisioning would also fall under this ambit. This section should however be explicit that the Department of Education is responsible for providing and regulating Grade R services that are attached to the formal schooling system and <u>the Department of Social Development be responsible for all other ECD provisioning, including grade R offered at community, home based facilities and family outreach programmes.</u> The Department of Social Development should be responsible for providing for and regulating all other ECD services outside the formal schooling system. This includes services for 6 – 9 year olds who are in the formal system but use ECD centres outside the formal system, such as after school centres run by NGOs.</p> <p>The present situation is a bit of a grey area in that some of these are at schools but the subsidy is from DSD</p>
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	<p>91 (2)</p> <p><b>Insert:</b> Early childhood development services means services intended to promote early childhood development including the provision of facilities (eg buildings (if required)) staff training, equipment and materials for communication).</p> <p>(b) provided by a person, other than a child's parent or primary caregiver, on a regular basis to children up to <del>school</del> <u>going <b>nine years of age</b></u> or attending an after care facility_or not attending school or according to the child's developmental age.</p> <p>c) <b>Insert and omit:</b> The definition of an early childhood development programme must be extended as follows: <b>An early childhood development programme means a programme structured within an</b></p>	<p>The meaning of ECD "services" is often confused with "ECD programmes"</p> <p><i>SALC Draft re "services" and "programme"s.</i></p> <p>The SALC draft referred to ECD as "programmes" that partial care facilities (the service) would be obliged to provide, and that the obligation to provide and the norms and standards of programmes would be enforced by provincial department of social development, education or the municipality through inspections and notices of enforcement. The Departmental Draft of 7 April 2006 restates the compulsory registration of ECD programmes/services in section 95 (1). In effect, this will mean that applicants will be required to register their partial care facility (the service?) and the ECD programme with the provincial Department of Social Development which is a step forward.</p> <p>Early childhood development programmes include a range of programmes to support child development including direct support for the role of parents as the child's first duty bearer.</p>
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	<p><b>early childhood development service to provide educational stimulation appropriate to the child's developmental age and stage.</b></p>	<p>Programmes include those that provide support to parents of children with disabilities and chronic illnesses and to children and families living in poverty and difficult circumstances as well as to children and families in more well off circumstances.</p> <p>These programmes include parent support groups, parent advice services, counselling services, referral services and partial care and early childhood development centres and programmes. Children with disabilities and children living in poverty are more vulnerable to abuse and neglect if their parents are not adequately supported to care for their children's extra needs as caring for a child with a disability places strain on a family.</p> <p>ECD is therefore the first line of prevention and intervention for children and families. Therefore the links with section 144 need to be cross referenced here so that early prevention is included in the intended holistic view of ECD.</p> <p>In order to assist parents to move away from using violence (corporal punishment) to discipline their children, programmes that provide information and support to parents and to practitioners on alternative non-violent positive forms of discipline should be provided and funded.</p>
92	<ul style="list-style-type: none"> <li>• <b>Strategies concerning ECD (s92) –</b> We recommend that s106A (1) of the SALRC Bill be re-introduced and replace section 92 of the</li> </ul>	<p><b>The inclusion of the strategy</b> aimed at securing a properly resourced, co-ordinated and managed ECD system is welcomed. <b>Nowhere does it say however that the Minister must provide services and programmes.</b></p>

Deleted: early childhood services



	<p>Section 76 Bill.</p> <p><del>92 The Minister, after consultation with the Minister of Education, must include in the departmental strategy a comprehensive national strategy aimed at securing a properly resourced, co-ordinated and managed early childhood development system.</del></p> <p>Insert:</p> <p><b>(1) The Minister, in consultation with the Minister for Education and the Minister of Health, must develop a comprehensive national strategy aimed at securing a properly resourced, co-ordinated and managed early childhood development system, which must include –</b></p> <p><b>(a) mechanisms for the planning, development and implementation of designated early childhood development services and programmes;</b></p> <p><b>(b) strategies for expanding the range of early childhood development</b></p>	<p>A mechanism is required to ensure co-ordination between government departments involved in providing services and resourcing ECD sites. (<b><i>note the concerns with regard to norms and standards and regulations as discussed in s93</i></b>).</p> <p>Most of the problems in the ECD sector are due to the lack of inter-sectoral collaboration. <i>“At provincial level ECD function is seldom stand-alone and typically falls under other Directorates. The location of ECD within provincial departments differs across provinces. They are managed in an ad hoc, inconsistent, uncoordinated manner”.</i><sup>1</sup></p> <p>The Department of Social Development needs to make clear and transparent the mechanisms for delivery that will ensure:</p> <ul style="list-style-type: none"> <li>• better inter-sectoral co-ordination that would bind all government departments and all civil society organisations providing services to children.</li> <li>• An inter-sectoral ECD plan aimed specifically at ensuring better co-ordination and resourcing of ECD.</li> </ul> <p>The 2001 White Paper on Early Childhood Development<sup>2</sup> seeks to increase the amount and quality of ECD provision through inter-sectoral collaboration. Key elements are the phasing in of a compulsory Reception Year (Grade R)<sup>3</sup> for children by 2010, a variety of programmes for children birth to 5 years including</p>
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<sup>1</sup> Ibid

<sup>2</sup> Op cit 3

<sup>3</sup> The South African Schools Act has been amended to the effect that admission age to Grade R is age 4 turning 5 by 30 June in the year of admission.

	<p>services and programmes;  (c) criteria for the selection and designation of early childhood development services and programmes;  (d) existing minimum standards for early childhood development services and programmes;  (e) mechanisms to ensure impartiality in the provisions of early childhood development services and programmes; and  (d) measures to ensure that budgetary requirements and procedures are complied with to secure adequate funds for the provision of early childhood development services and programmes.  <u>Insert new (e)</u>  (e) mechanisms for monitoring and evaluation of ECD services and programmes to promote good quality.</p>	<p>developmental screening, home based and family education outreach programmes, nutrition and health programmes; practitioner development and the development of a strategic plan for inter-sectoral collaboration with the other role players involved in pre-reception year provision. Integration was identified and supported unanimously by all parties as a major goal and as a challenge to be addressed in the development of the Guidelines for Daycare.(Final draft 2005).</p> <ul style="list-style-type: none"> <li>• The omission of budgetary commitment for ECD services and programmes, that was set out in s.106A(1)(f) of the SALC draft remains a serious omission. This is a vital provision if we want to ensure that budgetary requirements and procedures are in place to secure adequate funds for ECD services and programmes</li> <li>• The role of non governmental organisations is not mentioned yet ECD services and programmes in South Africa are largely provided by a vast network of non governmental and community based organisations which must be recognised and supported.</li> <li>• An inclusive approach to ECD is required that ensures the removal of barriers to learning and provides support to families.</li> </ul> <p>Will the funding for ECD and Partial care services and programmes be explicitly costed and provided via the equitable share?</p>
93	<ul style="list-style-type: none"> <li>• Provision of ECD services (s93)</li> </ul>	

	<p><b>Insert:</b></p> <p>(1) Early childhood development services provided by an organ of state or <b>an NPO, a community based organisation or an individual</b> only qualify for funding from money appropriated by a provincial legislature if it complies with the national norms and standards mentioned in subsection 2 <b>and in clause 82 (Partial Care).</b></p>	<p>There is a need for a statement which provides the meaning or interpretation of ECD services as noted in the discussion under 91(2)The use of the words “designated child protection organisation must be removed in order to include the many ECD non governmental, community based organisations and individuals which offer needed services.</p> <p>There is confusion within the sector on what Norms and standards are currently in operation and how this relates to the “Regulations” and to the manual ‘Guidelines for Day Care’ (Dept of Social Development Oct 2005). One of the drafters of the manual stated that the “latest norms and standards are reasonable even for the poorest, otherwise the safety of children will be compromised. It doesn’t even stipulate that there should be running water on the property, only that it be nearby.”</p> <p><b>We submit that that the manual should be used as the basis for the development of the regulations and directly related to the national norms and standards taking into account the concerns raised about the norms and standards as presently articulated in clauses 83 and 93</b></p> <p><i>Description of the current situation- Cash subsidies for crèches and for ECD programmes</i></p> <hr/> <p>ECD facilities are currently eligible for subsidies from the Department of Social Development if they are registered</p>
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		<p>with the Department (or from the education department if they are registered grade R providers). But many facilities often operate in poor areas and are in need of state support/subsidies in order to comply with the standards required for registration. Registration is a lengthy and expensive process and facilities cannot apply for a subsidy until they are registered. This is a catch twenty two situation because if the registration requirements are examined, it is clear that facilities will need a stable source of income to meet some of the registration requirements. Often ECD facilities assume they will automatically receive subsidisation upon registration.<sup>4</sup> ECD facilities should be allowed to apply for registration and subsidisation jointly to avoid unnecessary delays.</p> <p>The Children's Bill, in section 97 allows for conditional registration of ECD service providers. Therefore ECD service providers are granted conditional registration and will be granted full registration on compliance with minimum standards. It would be effective for those facilities with few resources to be able to call upon the assistance of the departments of Education and Social Development to meet registration requirements, thus enabling them to apply for subsidies. It is recommended that facilities that are conditionally registered be in receipt of developmental subsidisation that would aid the facility to satisfy the conditions to be fully registered</p>
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<sup>4</sup> Interview with Eric Atmore CECD [date](#)

	<p>93 (2) The Minister must determine the national norms and standards after consultation with the MEC's for Social Development, Services, the</p>	<p>The Department of Education is responsible for subsidising Grade R whereas the Department of Social Development subsidises all other ECD services.</p> <p>Subsidisation, as it currently stands, it is open to the interpretation of officials. Subsidies need to be covered in the regulations in such way that they are transparent, easy to administer, do not overload bureaucracy, and keep pace with inflation.</p> <p>The Interim Policy for ECD recognises the importance of public funding for ECD services. "The public funding of ECD programmes is justified on many grounds. It can help redress past discrimination against young children, protect the rights of children and women, promote human resource development, help prevent costly social pathologies, secure more efficient performance by children in school and improve the effectiveness and efficiency of the schooling system"<sup>5</sup></p> <p>The Report on the National ECD pilot project outlines the importance of a strong political will within provincial government to enhance ECD provisioning. This is particularly important with regard to budgeting processes because in certain provinces funding for ECD services are absorbed for other expenditures.</p>
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<sup>5</sup> Op Cit 2, p28

<sup>6</sup> Op Cit 20 ,p4

	Financial and Fiscal Commission, the Minister of Finance and the Minister of Education. ( No change required.)	It is proposed that funding for ECD projects <b>be ring fenced</b> so that they are not used for any other purposes, or provided through a conditional grant. ECD should be moved from the periphery of government to its core thus getting the appropriate budgeting attention it requires. <sup>6</sup>
	<p>94(1) Early childhood development services complying with the minimum requirements prescribed by regulation must be provided by-</p> <p><b>Insert:</b></p> <p>a) a partial care facility providing partial care services for any children up to <del>school-going age</del> <b>nine years of age or appropriate developmental age</b></p> <p>(a) Delete and insert:</p> <p>(b) a child and youth care centre which has in its care any children up to <del>school-going age</del> nine years of age or appropriate developmental age.</p> <p>(c) <b>a primary school as part of its regular education programmes.</b></p> <p><b>(2) Insert:</b></p> <p>Any person or organisation including schools not disqualified in terms of section 96(3) may provide early childhood development</p> <p>146. <b>(1)</b>The Minister must include in the departmental strategy a comprehensive national strategy aimed at securing the provision of prevention and early intervention services to</p>	<p>This is a necessary alignment in order to ensure inclusivity in early childhood services and programmes.</p> <p>As above</p> <p>Schools also provide ECD services and programmes.</p> <p>Section 5 of the Bill deals with inter-sectoral implementation of the Act and provides as follows:</p> <p>5. "To achieve the implementation of this Act in the manner referred to in section 4, all organs of state in the national, provincial and, where applicable, local spheres of government involved with the care, protection and well-being of children</p>

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	<p>families, parents, care-givers and children across the country.</p> <p><b>(2) In order to give effect to section 5 of this Act, the Minister must consult with the Minister’s of Education, Health and Justice, when developing the strategy.</b></p> <p><b>(3) In order to promote the participation of civil society in the development of the national strategy, the Minister must publish the national strategy for public comment before finalisation.</b></p>	<p>must co-operate in the development of a uniform approach aimed at co-ordinating and integrating the services delivered to children. “</p> <p>In order to give effect to this section, the Minister should be explicitly obliged to consult with all other relevant Ministers (but not be beholden to them) when developing the national strategy for ECD and in line with prevention and early intervention. The role of the Dept of Health needs to be more centrally situated.</p>
94	<ul style="list-style-type: none"> <li>• <b>Minimum standards for ECD services (s94)</b> – We recommend that schools be included as ECD providers</li> </ul> <p><b>Section 94 of the Children’s Bill – Minimum standards for early childhood development services</b></p> <p>Section 94 should be amended as follows to be in line with our recommendation in section 91</p>	<p>This section specifies that <b>all</b> partial care facilities (eg. creches and after school centres) <b>must</b> provide ECD “services”. Firstly the concern is that meaning given to “services” and “programmes” causes confusion. (Refer to our recommendation for 91 (2) and 91(3))</p> <p>Furthermore, these “services” must comply with the minimum requirements that will be set out in regulations to the Act. There is concern over the viability of such a provision. Is it practically possible for every partial care facility to be forced to provide an ECD programme,</p>

	<p>94 1 (a) <b>Insert:</b>  A partial care facility providing partial care services for children up to nine years or according to the child's developmental age.</p> <p>(b) a child and youth care centre which has in its care any children up to <del>school-going age</del> <b>nine years of age or according to the child's developmental age</b></p> <p>(c) <b>a primary school as part of its regular education programmes.</b></p> <p>(d) stays as is.</p>	<p>especially one that needs to comply with minimum requirements? If this is going to be an obligation imposed on partial care facilities, there needs to be a clear obligation on the provincial department of Social Development to provide partial care facilities with financial support to establish ECD facilities and programmes with buildings, trained personnel and equipment.. It is noted that this can be done through the mechanism of conditional registration and the developmental grant recommended in our comments on sections 93 and 97.</p> <p>Partial care for children above nine or children according to their developmental age will require an appropriate programme although not necessarily an early childhood programme.</p>
95	<ul style="list-style-type: none"> <li>• <b>ECD Programmes to be registered.–</b></li> </ul>	<p>The distinction between ECD services and ECD programmes must be clarified and adhered to or it will continue to cause confusion. See our recommendations for s 91 (2) &amp; (3)</p>



	<p>95 (1) Insert  A person operating or managing a partial care facility or a child and youth care centre <b>or an early childhood development service</b> where <b>early childhood development programmes</b> are provided <b>must register both the early childhood service and the programme</b> with the provincial head of social development.</p> <p><b>95c(i)</b>  <b>Accepted as is</b></p>	<p>Due to the need for regulating and monitoring the sector, it is a welcomed addition to the SALC draft</p> <p>The need for the registration of programmes for the 0 – 3 years old group should be mentioned here. Parent and Family education and support programmes – this would support the development of a comprehensive approach to ECD which acknowledges that parents are the primary duty bearers of children and efforts must go towards strengthening the family. These services also enhance provision by increasing the numbers of children reached and particularly those children outside of existing provision.</p> <p><b><i>Description of the current situation -Registration</i></b>  Registration procedures are currently very cumbersome. They involve a number of different government departments including the Department of Social Development, Department of Education, and divisions of Local government. Thus ECD facilities often have to meet norms and standards and minimum requirements set by all these Departments. In addition to that, some ECD service providers have to register as NPO as well.</p> <p>Any person wanting to operate an ECD facility has to make contact with a social worker at the nearest Social Development office where the applicant will be given an application form and other complex documents to complete. Due to the wide geographical spread of the population and the deep rural nature of large parts of the country, access to a Social Development Office can be extremely difficult. Also, departmental staff are</p>
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		<p>not specifically allocated to handle ECD registration or other ECD related queries. The ECD function of social workers is often put on the back burner whilst they attend to their other tasks. ECD is not seen as a priority by staff and therefore it does not get the appropriate attention. The completion of documents is a cumbersome process with which the applicant may require guidance and supervision. In many poor areas quality partial care is provided, often by unqualified individuals who will find the completion of such documents difficult and view it as a stumbling block. These requirements should be flexible enough to allow for registration or conditional registration for all providers. In addition, applicants should be trained or informed on how they could meet registration requirements.</p> <p>Once all these documents are completed, the social worker has to instruct the Local Authority to investigate and issue an environmental health certificate. For similar reasons outlined under step one, particularly that of social workers being caught up in other matters, the application can lay unattended to for long time. The application procedure can be held up whilst waiting for the clearance certificate from Local Authority. It is not stipulated what requirements the applicant must abide by to get the clearance certificate.</p> <p><b>All requirements for registration should be covered in one document.</b> Local Authority should be given a time frame within which to provide the clearance certificate so that applicants wanting to register are not kept waiting unnecessarily. If all conditions are met, centres are awarded registration for two</p>
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		<p>years after which they will be monitored.</p> <p>The criteria under which a facility has to re register should be reviewed, and a simpler process be put in place. For example, if the only changes a facility is undergone is a change of ownership and everything else is transferred there is no point in undergoing re registration. Instead the facility can notify the Department Social Development of the change in ownership and the facility can be closely monitored to see that it is operating as it was under the previous owner.</p> <p>Apart from the registration requirements for the Department of Social Development, the Department of Education is responsible for the registration of Grade R. Therefore, facilities offering services for children aged 0-9 years (should this be 0 - 9?) will have to meet the registration requirements of both Departments in addition to that of Local Authority. 4 – 9 years is the pattern in some schools.</p> <p><i>“Provincial human, financial, and infrastructural resources to support ECD provincial work are variable and, in most cases, inadequate for the provinces to carry out appropriate monitoring of ECD sites. These include: not enough personnel; personnel with many other duties besides ECD; lack of facilities and funding for transport and communication materials”<sup>7</sup></i></p> <p><i>SALC Bill re registration of programmes.</i></p>
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<sup>7</sup> Department of Education (2000) **National ECD Pilot Project**, p4

		<p>The SALC draft Bill did not include provisions for the registration of ECD <u>programmes</u>. Instead it provided for partial care <u>facilities</u> to be registered. It referred to ECD as “programmes” that partial care facilities would be obliged to provide, and that the obligation to provide and the norms and standards of programmes would be enforced by provincial department of social development, education or the municipality through inspections and notices of enforcement. The compulsory registration of ECD programmes/services in section 95 (1) of the current draft means that applicants will be required to register their partial care facility and the ECD <b>programme</b> with the provincial Department of Social Development <b>which is a step forward</b>.</p> <p><i>Comment</i></p> <p>It is welcomed that all partial care facilities need to provide a <i>basic</i> educational stimulation programme which needs to be registered. Registration for additional levels of ECD “educational” provision is voluntary and needs to be incentivised.</p> <p>ECD Home visiting, family based education and support programmes need to provide a basic programme which should be registered. Additional levels of provision are voluntary and need to be incentivised.</p>
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<sup>8</sup> Op Cit 4, pii

<sup>9</sup> Van Niekerk (2003) **Differences between the SALC Draft Children’s Bill December 2002 and Departmental Draft June 2003**, p3.

		<p>All registered income or poverty targeted programmes, either facility based or outreach and other than private for profit, should receive a basic subsidy. Additional levels of provision will make programmes eligible for additional levels of subsidy.</p> <p>Registration, as much as it is a monitoring and regulating mechanism, should be viewed as a means of ensuring the protection of children. Registration of places of care, which include home-based, community-based and centre-based facilities, should be viewed by caregivers primarily as a measure to protect children and their rights. These minimum standards for early childhood services are applicable to all provinces. The Draft Guidelines for ECD (Oct 2005) provides minimum standards for early childhood services and programmes in order to ensure that children receive good quality care albeit on an incremental basis and that children are protected. Registration is seen as one means of ensuring quality ECD provisioning.<sup>8</sup></p> <p>The re introduction of compulsory registration is positive, as the sector requires regulation and monitoring. It is therefore recommended that section 95 (1) remain as is. The regulations that govern registration however need to be simplified</p> <p>All documents required for the application process must be kept to the minimum and be directly linked to the provision of quality ECD services</p> <p>However the concern about registration fees remains in that</p>
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	<p><b>95 c (ii)</b></p> <p>The change of wording to “such a fee may be prescribed “ is welcomed.</p>	<p>they can and do bar access. ECD is a very vulnerable sector and many service providers operate in impoverished communities. Fees should not therefore be regarded as the norm in deeply impoverished environments characterised by unemployment and the increasing impact of HIV AIDS.<sup>9</sup></p> <p>ECD is a service provided to communities, and it benefits children of a particularly vulnerable age group. The benefits of ECD are well documented and some of them have been highlighted in the introduction above. Service providers of ECD are assisting the State towards its obligations to young children. It does not make sense for them to have to pay the State for providing a service which in itself is already regulated by the State.</p>
	<p><b>Section 96 - Consideration of applications</b></p> <p>The following amendments a is recommended:</p> <p>96 (2) When considering an application for registration, the provincial head of social development must take into account all relevant factors including whether-</p> <p>(a) the early childhood development facility and programme complies with the minimum requirements prescribed by regulation; <u>or</u> does not comply but submits a proposal that shows commitment towards compliance and has</p>	<p>Section 96 of the Bill is also an addition to the SALC draft of the Bill. Of particular concern are sections s96(2)(a) and (c). These sections call for ECD facilities to comply with minimum requirements prescribed by legislation and for applicants to have necessary skills, funds and resources available to provide ECD programmes.</p> <p>Many ECD programmes serving the poorest communities are unlikely to have the funds and resources unless they become registered and subsidised. Regulations must be drafted carefully so that they do not act as barriers for ECD</p>

	<p>requested assistance for this purpose.</p> <p>(c) the applicant has the necessary skills, funds and resources available to provide the early childhood development services in accordance with the early childhood development applied for; or does not have the necessary skills, funds and resources, but submits a proposal that shows commitment towards obtaining them and has requested assistance for this purpose.</p> <p><u>(d) the early childhood development programme meets the emotional, mental, spiritual, moral, physical and social development needs of the children in that partial care facility or child and youth care centre, or does not meet the emotional, mental, spiritual, moral, physical and social development needs of the children in that partial care facility or child and youth care centre but shows commitment towards meeting these needs and has requested assistance for this purpose.</u></p> <p>96 (4) The provincial head of social development must consider a report of a social worker, <b><u>or any other authorised official of the department of social</u></b></p>	<p>provisioning.</p> <p>If the Bill places the obligation on ECD service providers to meet all these requirements in order to register, the Department of Social Development should indicate its willingness to assist these service providers to meet these requirements.</p> <p>This section also specifies the role of a social worker in the application process. As discussed under section 95 i.e. registration process, the burden placed on social workers in the application process often slows down the process. It is suggested that other competent staff of the department of social development assist with the application process for ECD registration thus lessening the burden placed on social workers. All officials involved in different components of ECD should</p>
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	<p><b>development</b> before deciding an application for registration, conditional registration or renewal of registration.</p>	<p>receive some form of training on the principles and importance of ECD.</p>
	<p><b>Section 97 - Conditional registration to be altered to Registration of ECD programmes.</b></p> <p>It is recommended that the following be added to section 97:</p> <p>97. The registration or renewal of registration of an early childhood development programme may be granted on such conditions as the provincial head of social development may determine, including conditions-</p> <p><b>(b) specifying a reasonable time period whereby which minimum requirements must be adhered to.</b></p>	<p>We welcome the provision that the Bill makes for <b>conditional registration</b>. This allows for ECD facilities to be registered if they have not met all requirements but on condition that they meet the requirements as stipulated by the Department. It is however proposed that the section be amended to acknowledge that service providers be given a time frame within which to adhere to minimum standards.</p> <p>They should also be awarded with a developmental grant (covered in section 100) to assist them to meet minimum standards and be fully registered.</p>
	<p><b>Section 98 - Cancellation of registration</b></p> <p>This section outlines instances where the registration of ECD programme will be cancelled.</p>	<p>The change to section 99(4) is welcomed.</p>



	<p><b>Section 99 - Notices of Enforcement</b></p> <p>It is recommended that the following be added to section 99:</p> <p>Notice of enforcement must indicate access to an assistance programme that would aid towards the compliance with minimum standards</p>	<p>The Bill allows the Department to issue 'Notices of Enforcement' to a partial, child and youth care facility that does not provide an ECD programme to offer the service. It also issues a notice to those that are providing ECD services but where minimum requirements are not being met. Thus facilities will be given the opportunity to comply with the requirements in the notice within the specified time period.</p> <p>As has been recommended throughout the submission, where reference has been made to minimum requirements, the department of social development should indicate access to assistance that would aid ECD service providers to meet minimum requirements.</p>
	<p><b>Section 100 - Assistance</b></p> <p>It is recommended that the following be added to section 100:</p> <p><b>100 (2) A provincial head of social development must ensure that ECD service providers granted with conditional registration have access to financial and other appropriate assistance to enable them to comply with minimum standards and thus reach full registration.</b></p>	<p>This section states that the department of social development may provide assistance to ECD service providers to meet minimum requirement. It does not stipulate the type of assistance. This should be fleshed out in regulations. An assistance 'package' should be designed outlining the different elements of assistance. The criteria must be spelt out with regard to who qualifies for the assistance. This provision should include service providers that are conditionally registered.</p>

	<p><b>Section 102- Assignment of functions to municipality.</b></p>	<p>This section allows for the delegation of registration, conditional registration, consideration of application, cancellation of registration, notices of enforcement, assistance and assessment of ECD services to municipalities. Municipality offices are more accessible to registration applicants than social development offices.</p>
	<p><b>Section 103- Regulations</b>  It is recommended that section 103 be amended as follows:  Omit and insert  103 The Minister may make regulations in terms of section 306 concerning-  (b) the procedure to be followed <del>and the fees to be paid</del> in connection with the lodging and consideration of applications for registration <b>and conditional registration</b> in terms of this Chapter and for the renewal of such registrations.</p>	<p>This is in line with our submission on section 95(2)(c) that calls for the abolition of payment of registration fees.</p>
Additional clauses required	<p><b>Local government and the IDP's.</b>  Early childhood development services and programmes are often listed in the IDP but not planned or budgeted for.  It is important to insert a clause that puts obligations on Local Government to consider the needs of all children in their areas. ECD services and programmes plans for the protection and</p>	<p>Local government must be required to ensure the collection and collation of statistics around the needs of children in their areas.</p>

	<p>development of all the under 9 year olds including children with disabilities and chronic illnesses, children with HIV AIDS and children and families living in poverty. Of particular concern are:</p> <ul style="list-style-type: none"> <li>- places of entertainment (eg dams, rivers, beaches, public swimming pools etc)</li> <li>- child safety in vehicles and on roads.</li> <li>- death and illness rates in relation to preventable diseases</li> </ul>	
Additional clause required.	<p><b>ECD Practitioners</b> (this may fit better under Partial care) <b>Insert:</b> Any registered facility must be able to indicate how practitioners are proceeding with their training requirements. It is the responsibility of the Department of Education to provide learnerships and work collaboratively with NGO's and other institutions regarding training programme delivery and quality assurance.</p>	<p>Nothing is said in the Amended draft about the importance of training of ECD practitioners and including ECD family workers who work directly at community level. This is particularly important due to the interfacing with vulnerable children and families thereby requiring assisting with accessing resources and sharing vital information about child growth and development building upon existing child raising beliefs and practices.</p>
Additional clause	<p><b>ECD Non governmental organisations, and community based organisations and individuals</b>  (Perhaps this should go with section 100 or in Partial care)</p>	<p>There is a need for a clause to ensure that non governmental organisations and community based services receive the required finances to provide the needed ECD services and programmes.  South Africa's ECD non governmental organisations,</p>

	<p><b>Insert:</b>  The role of non governmental organisations, community based organisations as well as organs of state as partners in ECD service and programme delivery must receive appropriate subsidisation.  Homes are the basic unit of ECD provision and the child's family needs to be supported as the main duty bearers of their children.  An integrated approach to programming is required in both existing and planned ECD centres in order to strengthen the safety net around all children and families in every community.  Public works and local government must be called upon to provide one stop centres for children and families which can become a nucleus for ECD services in a variety of ways. ECD centres must be encouraged to adapt to changing needs and supported to respond to the HIV AIDS as it increases by adapting programmes to meet the needs of affected or infected children and their families</p>	<p>community based services and individuals provide a range of ECD services and impact on policy and programme development. Yet the role they play as vital delivery agents is underutilised and financially unsupported.</p> <p>ECD remains the most vulnerable sector in relation to provincial budgets. ECD NGO's are facing even greater challenges in the face of dwindling financial resources caused by the withdrawal of direct funding by many international donor agencies and problems that have emerged with the designated South African agencies. The Children's Bill needs to ensure that the range of ECD programmes that meet the needs of all children and families in South Africa is extended and endorsed. Centre and school based ECD programmes are not the only alternatives. Programmes and services with direct outreach to the primary caregivers of children must also be recognised. Children who do not have access to school or centre base ECD sites due to ill health or other reasons should not be left out of the loop of ECD provisioning. ECD outreach services should be extended to these children who are home bound.</p>
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<p>New clause needed.</p>	<p><b>Nutritional support for children in ECD facilities</b>  <b><u>(to go to Partial care(83) norms and standards re service provision?)</u></b></p> <p><b><u>Access</u></b> to adequate nutrition for all children in the 0-9 age group must be ensured via a comprehensive Nutritional Plan for all out of school children.</p> <p>Role of the relevant Department to be discussed.</p>	<p>There is no mention of nutrition in the ECD chapter of the Children’s Bill as it presently stands. Nothing is said about the critical need for a comprehensive nutrition plan to address malnutrition and under nutrition.</p> <p>Studies from neuroscience have shown that the first two years of the child’s life are critical for brain maturation. Many children in SA suffer from malnutrition or under nutrition and this leads to stunting, which can be both physical and intellectual. The Primary School Nutrition Programme is inadequate in that it serves the needs of only those ECD children in the Grade R classes attached to primary schools. An ECD nutrition programme is needed for the vast majority of children who are outside of the existing school based Grade R programmes. Nutritional support must go beyond ECD at schools and centre based facilities, and also serves the needs of vulnerable children in other ECD outreach programmes such as family programmes.</p> <p>As adequate nutrition is so critical to early years, the Children’s Bill must make provision for the inclusion of a comprehensive Nutritional Plan as a very specific requirement. The Department of Health has stopped its nutrition subsidy for crèches and has transferred the primary school nutrition programme over to the Department of Education. The Department of Health should look at other ways it could assist ECD facilities deal with the problem of malnutrition. A possible suggestion is the use of community health workers to educate ECD service providers on adequate nutrition requirements for young children. This type of information sharing should take into account the practical</p>
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		<p>constraints faced by these service providers and provide them with guidance on how to meet nutrition requirements with the minimum resources at hand. Poverty alleviation programmes is providing some nutritional support which differs in the different provinces. Emergency rations for three months provide some relief but do not go far enough to assuage the dire need for vulnerable children and particularly those at risk and those infected and affected by HIV AIDS.</p> <p>The idea is that this should come from DSD subsidies but the number of subsidised facilities is relatively low so perhaps there should be a bridging mechanism. Also the fact that DoH menus costings in mid 2005 indicate that it costs R 4.27 per day for a child of 3 - will check and send this and that this would necessitate moving to the national costing norm of R 9 rapidly to ensure that children in subsidised facilities are receiving adequate nutrition.</p>
? new clause		<p><b>Children with disabilities</b><sup>10</sup> Despite a policy commitment to broad programming, the main focus of the ECD chapter in the Children's Bill is entirely on centre based services, and not on family programmes. Family programmes (such as those run by parents of children with disabilities or chronic illnesses or by caregivers of those children affected or infected by HIV AIDS) have the potential to provide direct support to the primary caregivers of vulnerable young children. However, in order to</p>

<sup>10</sup> Excerpt taken from DICAG **Submission to the Portfolio Committee on Social Development on the Children's Bill: Section 75 [B70-2003 (Reintroduced)]**

		<p>provide a sustainable and high-quality service, they need subsidies, training for practitioners and nutritional support<sup>11</sup>.</p> <p>Opportunities for ECD are critical for young children with disabilities or chronic illnesses who (more than many others) require every opportunity for stimulation, in order to develop basic communication, mobility and life skills. Particular focus needs to be placed on children who are deaf or blind, as well as those who have multiple disabilities. It is essential that the principles of ECD be consistent with those of the Education White Paper 6<sup>12</sup>, so that an <i>inclusive approach</i> to ECD is advocated and that there is a focus on removal of barriers to learning. It is also recommended that the ECD sector specifically play a role in terms of:</p> <ul style="list-style-type: none"> <li>• <i>Promotion</i> of children's well-being, including nutritional support and <i>prevention</i> of illnesses and injuries. Prevention in early childhood is particularly important - as this is a stage at which much potential damage can be averted.</li> <li>• <i>Early identification and intervention</i> for children with disabilities and chronic illnesses.</li> <li>• Appropriate <i>referral</i> of children identified who have health or social needs.</li> </ul> <p>Currently in the Children's Bill<sup>13</sup>, there is no reference made to appropriate norms and standards for ECD facilities to cater for</p>
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<sup>11</sup> Draft submission for discussion - ECD sub-group submission on the Children's Bill (ELRU August 2003)

<sup>12</sup> Dept of Education 2001

<sup>13</sup> Children's Bill, Minister for Social Development August 2003

<sup>14</sup> Draft submission for discussion - ECD sub-group submission on the Children's Bill (ELRU August 2003)

		<p>children with disabilities and chronic illnesses. These might include for example the physical adaptations that may need to be made, or specialised seating provided. There is also no reference to the appropriate training of ECD personnel to ensure that they are suitably trained and equipped to cater for children's diverse needs (e.g. First Aid training, feeding children through feeding tubes, comforting a child whose parent has passed away).</p> <p>Recognition and support need to be given to parents of children with disabilities and chronic illnesses, who run home-based informal stimulation centres. These parents need to be given training and financial support, so that the centres can be registered and further developed in partnership with the Department of Social Development and/or Education. ECD centres and home based programmes in poor communities that are without funds and resources are unlikely to meet the requirements - thus condemning the children in such places to unregistered and often substandard care"<sup>14</sup>. Funding policies need to include ECD sites that cater for children with a range of impairment types.</p> <p>It is recommended that all these concerns be included in the proposed comprehensive national strategy aimed at securing an inclusive ECD system which is properly resourced, co-ordinated and managed,.. Provision must be made for special education programmes for ECD practitioners that deal with HIV AIDS.</p>
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