



# NACCCW

NATIONAL ASSOCIATION OF CHILD CARE WORKERS

**Reviewed Submission on the Draft Children's  
Amendment Bill  
From the National Association of Child and Youth  
Care Workers (NACCCW)**

August 2007

**1. Recognition of the role of child and youth care workers in the  
implementation of the Bill**

It is noted that the role to be played by child and youth care workers (and other emerging social service professions) in the implementation of the Bill has been acknowledged in the following:

- Definition of social service professional
  - The inclusive terminology now used in this definition broadens the responsibility for providing social services to a broad range of service providers, also allowing for the possibility of other professions currently not yet recognized to play a role in social service provision in the future. The fact that this term is used throughout the Bill, except when services can only be rendered by a social worker, demonstrates a significant shift in the view of how social services are to be provided. This is noted in the following sections of the Bill:

- Sec 49 (1) on lay-forum hearings which may be conducted by social service professions.
  - Sec 81 (1) and Sec 82 (4) on applications for registration of partial care facilities where a social service professional may be called upon to report on the viability of the application.
  - Sec 97 (4) on consideration of ECD applications, where a social service professional may be called upon to report to the provincial head of social development on such an application.
  - Sec 110 (1) on reporting of a child in need of care and protection where a social service professional is required to report abuse.
  - Sec 141 (2) on child labour where a social service professional is required to report instances of child labour.
  - Sec 186 (3) on support to foster care placements, where a social service professional is able to evaluate the placement.
  - Sec 220 (4) on consideration of applications for the registration of drop-in centres, where a social service professional may be called upon to report on such an application.
  - Sec 288 on reporting of child victims of trafficking where a social service professional is required to report such instances.
  - Chapter 8 on prevention and early intervention where a social service professional may design and participate in different programs. This significantly strengthens this chapter which had been widely considered to have been inadequate.
  - Chapter 6 on early childhood development.
- Costing of the Bill
    - The inclusion of child and youth care workers as social service professionals ensures that the range of social service expertise available and developing within the country is able to be appropriately deployed in the context of the skills deficit currently to be faced in the implementation of the Bill. Approximately 6000 child and youth care workers are poised to register with the South African Council for Social Service Professions, and await the Minister's approval of regulations drafted in this regard.

## **2. Chapter 13 on Child and Youth Care Centres**

It is noted with relief that Sec 191 (2) (j) includes centres for the reception and care for children with experience of living on the street as child and youth care

centres, thus recognizing the need for appropriate service provision for this very vulnerable group of children, and removing the inherent discrimination that was previously present when shelters were defined separately from child and youth care centres.

It is further noted that Sec 209 (1) (a) makes allowance for regulations to ensure that a manager of a child and youth care centre has the skills and training necessary for so demanding and responsible a position.

In respect of the inclusion of Sec 201 (5) it is noted that provision has been made for the provincial head of social development to assist unregistered facilities to meet prescribed norms and standards, and this is considered positive. However, assistance of this nature should also be provided in the form of financial support to enable such norms to be met by poorly-resourced facilities prior to receiving on-going state funding. In addition, this section only allows for such unregistered centres to transform into child and youth care centres offering residential programs, whilst it is advisable that other transformation options should be available as well – for instance, transforming such centres into non-residential primary prevention and early intervention projects.

Points of concern in relation to this chapter are as follows (see point 5 below for details of suggested amendments):

- Staff of child and youth care centres
  - Sec 209 (1) (b) refers to “staff or other appropriate persons” to be employed in child and youth care centres. However, this should be changed to read “child and youth care workers, auxiliary child and youth care workers and other appropriate persons” as it is broadly recognized that child and youth care work is the only social service profession focused on providing direct, ‘lifespace’ work to children and youth. The transformation of child and youth care centres envisaged by this chapter depends on the deployment of trained, registered child and youth care workers – in addition to other staff such as drivers, cooks etc.
  - Child and youth care workers should be thus also defined in the Bill.
  
- Unregistered children’s homes
  - Sec 199 (1) still allows for discretion on the part of the head of social development to intervene in a situation where an unregistered facility is being run. This should be a requirement of the head of department, otherwise unregistered facilities will continue to be ignored, with children being cared for away from their homes in unregulated and unmonitored ‘care’ settings.
  - Sec 201 (4) requires a “designated social worker” to investigate and make recommendations on unregistered child and youth care centres. However, it is strongly recommended that this be adjusted to allow for reports to be received by social service

professionals. In addition, any social service professional or social worker assessing the suitability of an unregistered child and youth care centre must have appropriate specialised expertise in residential care and early intervention. Many instances of inappropriate, badly managed assessments of this nature have been experienced in the field, where social workers place well-meaning unregistered children's homes in 'catch-22' situations where they are expected to meet inappropriate first world standards in order to be considered suitable for registration – these constituting misinterpretations of registration requirements due to lack of expertise.

- In section 202 it is recommended that the MEC for social development of a province must assist person or organisations operating a conditionally registered child and youth care centre to meet the prescribed norms and standards.

### **3. Chapter 12 on Foster Care**

Whilst it is agreed that cluster foster care schemes as envisaged by Sec 181 (c) are of value, it should be ensured that these do not become 'mini-children's homes' so that regulations need to clearly define such schemes as excluding situations in which foster parents become employees of organizations managing such homes. Rather, cluster foster care schemes should be supported by NGO's who are in turn supported by the department of social development to provide support to a group of foster carers in a particular area, as is envisaged in the notion of 'cluster foster care'.

It is noted that Sec 185 (1) b allows for an extension of the number of children in foster care under certain circumstances, thus allowing for the 'extended household' phenomenon where foster parents care for more than 6 children in response to community needs. It is however noted that such situations ought to be carefully monitored, and therefore provision ought to be made for regulations to this clause which will:

- Ensure that such 'expanded households' are monitored by a social service professional.
- Ensure that placements in such households are indeed in children's best interests.
- Ensure that the numbers of children in these placements is limited.

### **4. Chapter 8 on Prevention and Early Intervention**

It is recommended that Chapter 8 be further reviewed to ensure that this operates as a foundation chapter to the child protection system, and appropriate model programs be included to ensure an effective level of service delivery at this point of intervention.

In order to strengthen this chapter, Sec 146 (1) should read 'must' not 'may' so that the MEC for social development provides and funds early intervention programs in each province.

## 5. Specific Recommendations

Note: Words in bold are insertions. Words with strikethrough are deletions.

### Chapter 1: Definitions

Clause	Proposed amendment	Discussion/motivation
<b>Definitions</b>		
1	Insert a definition of “child and youth care worker”.	<p>Child and youth care workers provide direct ‘lifespace’ work in child and youth care centres and other settings. However they are not expressly defined and named in the Bill and are not expressly allocated functions and roles in the Bill (except sometimes in the Child and Youth Care chapter).</p> <p>We therefore recommend the insertion of a definition of a “child and youth care worker” as follows: “Child and Youth Care worker and auxiliary child and youth care worker means a person who is registered or deemed to be registered as a child and youth care worker or an auxiliary child and youth care worker, in terms of the Social Service Professions Act, 1978 (Act No. 110 of 1978)”.</p>

### Chapter 12: Foster Care

Clause	Proposed amendment	Discussion/motivation
<b>Number of children to be placed in foster care per household</b>		
185 (2)	Section 185(2) provides for more than six children to be placed in foster care in terms of a cluster foster care	Of concern is the manner in which ‘cluster foster care’ is articulated in the Bill. Originally designed as a model for ensuring social service agency support to ‘clusters’ of foster carers, all taking care of children in their own homes, the concept is now also being used to develop models of care that look worryingly like mini-residential care units. The idea is that an agency buys a house, ‘employs’ a number of foster parents who then receive six foster care grants each. Some of the models supervise workers, provide them with support, and work towards professionalizing them. The legal

<p>scheme.</p> <p>While we support the concept of cluster foster care, we recommend that the Bill create absolute clarity as to the difference between cluster foster care schemes and a child and youth care centre.</p> <p>Strict requirements apply to child and youth care centres, while cluster foster schemes remain largely unregulated in the Bill.</p> <p>If they are very similar, this large difference between the two types is likely to create a “loophole” in the Bill which will leave children in cluster foster</p>	<p>complexity of this situation is not clear in that the agency’s involvement in a situation of this nature is not legislated. The foster parents are in effect staff, yet they will have no legal protection as staff as they are not recognised in law as staff. There may be legal matters pertaining to worker rights in such models that will be raised by the labour unions as they scrutinize the Bill.</p> <p>Besides the problems outline above in relation to the staff, a more important consideration here also relates to children’s rights to family (especially in relation to permanency planning) and to protection from abuse and neglect. Surely in this type of operation we open children to many of the negative effects of unregulated residential care? A danger would be exposing children to serial (not multiple) care givers, as foster carers are free to decide to stop being foster parents, or worse still foster parents who continue being foster parents because they are economically trapped.</p> <p>By calling a rose by another name are we not fooling ourselves into thinking that it is not a rose? Will we in effect be creating mini children’s homes with the same pressures on staff, who will be poorly remunerated compared to their colleagues working in child and youth care centres?</p> <p>Staff in cluster foster schemes are also likely to have limited understanding of challenged children’s special developmental needs as they will not be linked to the training and skills requirements that are set for staff in child and youth care centres.</p> <p>As a result, we may end up creating many small child and youth care centres without the necessary safeguards being in place and thereby exposing many children to the debilitating effects of long-term residential care.</p>
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### Chapter 13: Child and Youth Care Centres

Clause	Proposed amendment	Discussion/motivation
191(2)	Provide clarity on how community outreach programmes (primary prevention and early intervention) will qualify for funding (ie will it be via chapter 8 provisions or via Chapter 13 provisions?)	<p>Many centres provide outreach programmes (prevention and early intervention programmes, family reunification and aftercare) to the surrounding community aimed at preventing children in the community needing to be placed in residential care or re-admitted into care.</p> <p>Programs for street children often concentrate on immediate prevention and early interventions when they come across a new child on the street as interventions at this stage have a greater success rate in ensuring family re-unification. Such a child may not yet be resident in a child and youth care center – ie the intervention happens on the street when a street worker is on street patrol looking for new street children. In Hillbrow there is an example of a mobile unit that moves through Hillbrow spotting new children on the street, assessing their needs, and providing options to the child for assistance.</p> <p>At the moment, centres receive funding in the form of per capita grants (per child in the centre) and they do not receive separate funding for outreach programmes. When the new Bill becomes law, and when per capita funding changes to programatic funding, will centres be able to apply for and</p>



		<p>qualify for funding for their prevention services and reunification/aftercare programs or only for the residential care programme?</p> <p>How will funding for such prevention programmes be channelled? The list of programmes in 192(2) concentrates on the programmes provided in the residential centre to the children in the centre, while Chapter 8 provides for funding to primary prevention and early intervention programmes. Clarity is needed here as to how centres will apply for funding for outreach programmes.</p>
<p>191 (3) (a)</p>	<p>191 (3) A child and youth care centre may in addition to its residential care programmes, offer – (a) <del>the provision of appropriate care and development of children with physical or mental disabilities or chronic illnesses;</del></p> <p>New section: <b>191 (3) All child and youth care centres must ensure an enabling environment to promote equal access and opportunities for children with disabilities and chronic illnesses.</b></p> <p>and</p> <p>192(2) The MEC must – <b>( c) include in the strategy a plan for ensuring that a sufficient number of centres take the necessary measures to enable access for children with disabilities and chronic illnesses.</b></p>	<p>This sub-section creates the impression that children with disabilities require residential care due to having a disability. Children with disabilities end up in the child protection system for the same reasons as other children: they have been abused, neglected, maltreated, orphaned, abandoned etc. They need care and protection in recognition that they are a child first and then additional assistance in recognition that they have a disability which could compound their vulnerability.</p> <p>We therefore recommend that 3(a) should be deleted and a clause inserted that places an obligation on all centres to provide an enabling environment to enable children with disabilities to access all centres.</p>

191(3)	<p>Provide clarity on how sub-section (3) (c) will interact with the Prevention and Treatment of Drug Dependency Act<sup>1</sup>.</p> <p>Move 3(c) to be one of the sub-categories in sub-section 2.</p>	<p>Centres providing treatment for drug addiction, currently need to register and apply for funding through the Prevention and Treatment of Drug Dependency Act. Will the insertion of sub-section (b) into the Children’s Bill change this in any way? Will centres providing programmes for children with drug dependency problems be required to register in terms of both Acts or just one of the Acts?</p> <p>We recommend that there be only one registration procedure and that this should be regulated through the Children’s Bill. Many children in existing child and youth care centres need drug dependency treatment and child and youth care centres therefore need to have programmes available for such children. There are very few drug treatment centres available in South Africa and there are long waiting lists for admission to such centres. Programmes run at child and youth care centres should therefore be encouraged and funded.</p> <p>It is also important to ensure that drug treatment programmes are designed and developed specifically taking into account the needs of children. It is questionable whether the Drug Dependency Act and the regulations/norms and stds/monitoring of centres does that sufficiently. Housing drug dependency programmes under the Children’s Bill would ensure that they were specifically designed and implemented with children’s needs in mind.</p>
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<sup>1</sup> Act 20 of 1992. Section 9 provides that : “(1) No person shall manage any institution or other place maintained mainly for the accommodation and care of persons who are dependent on drugs or in which such persons receive mainly physical, psychological, spiritual or social treatment, except a treatment centre, unless such institution or place is registered under this section. “

192	<p>Insert specific references to sections 4 and 5 of the Children’s Act (inter-departmental co-ordination) in the strategy clause.</p>	<p>The Departments of Health, Education, and Justice currently also operate facilities for the residential care of children or provide elements of the programmes and services needed in centres operated under the umbrella of the Department of Social Development.</p> <p>An example is a hospice type institution for children with chronic illnesses such as HIV/AIDS.</p> <p>Furthermore, some centres operate under the umbrella of two pieces of legislation. An example would be a treatment programme for children dependent on drugs. Currently applications and funding need to be made in accordance with the Drug Dependency Act, however such centres may also fall under the umbrella of the Child Care Act/Children’s Bill.</p> <p>Another inter-departmental issue in need of redress is school fees in relation to children in child and youth care centres. Despite the new school funding regulations, centres routinely report that schools are demanding school fees from children in child and youth care centres, or indirectly denying access to children by saying that they do not have space for the children. It does not make sense for the funding from one Department (Social Development) to be used to have to pay another department (Department of Education).</p> <p>Given these interdependencies between the different departments, and the overlaps between different laws, we recommend that an integrated approach to drafting the strategy and planning provisioning of centres is pro-actively</p>
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		<p>mentioned. The Bill could make a cross reference to section 5 (obligation to ensure a co-ordinated approach) in s192 in order to place the need for integration in a prominent place.</p> <p>Please see the end of this grid for more examples of inter-departmental interdependencies that need to be considered.</p>
<b>Notices of enforcement</b>		
199(1)	<p>Replace “may” with a “must”.</p> <p>A provincial head of social development <del>may</del> <b>must</b> by way of written notice of enforcement instruct –</p> <p>(a) a person or organisation operating an unregistered child and youth care centre –</p> <p>(i) to stop operating that centre; or</p> <p>(ii) to apply for registration in terms of section 199 within a period specified in the notice; or</p> <p>(iii) <b>to transform the centre into a non-residential primary prevention and early intervention project</b></p>	<p>The head of department should not have a discretion as to whether or not to act in relation to unregistered centres. The discretion should be only with regards to the type of action that should be taken. The precedent set in the Noupoot judgement makes it clear that it is a violation of the Promotion of Administrative Justice Act (PAJA) for the Department not to make an administrative decision as a “non-decision” leaves the centre in legal limbo with no recourse.</p> <p>He/she should be obliged to act, either by registering the centre, closing the centre or assisting the centre to transform.</p> <p>The option of transforming should be provided instead of only the “black and white” options of register or close.</p>
<b>Consideration of application</b>		
201(4)	<p>(4) The provincial head of social development must consider a report of a designated <b>social service professional worker</b> before deciding an application for registration or renewal of registration.</p>	<p>We recommend rather the use of the words “designated social service professional” in order to enable child and youth care workers (professionals who are specifically trained on child and youth care centres and child and youth care work) to write such reports.</p> <p>When such designations are made, we recommend that only professionals with the necessary training and experience in</p>

		child and youth care centres should be designated.
<b>Conditional Registration</b>		
202 (1)	The registration or renewal of the registration of a child and youth care centre may be granted on such conditions as the provincial head of social development may determine; including conditions – <ul style="list-style-type: none"> <li>i. Specifying the type of residential care programme or programmes that may or must be provided in terms of the registration;</li> <li>ii. Stating the period for registration will remain valid, <b>subject to the centre meeting the prescribed norms and standards contemplated in section 194 and such other requirements as may be prescribed for full registration and</b></li> <li>iii. <b>providing for any other matters that may be prescribed by regulation</b></li> </ul>	The ‘must’ in 202 (1) is necessary otherwise the conditional registration requirements may not be drawn up undermining the whole clause. These changes are to ensure that local initiatives from poor and under resourced areas are not disadvantaged in the process of registration but given appropriate support to transform.
202 (2)	<b>The MEC for social development of a province must assist persons or organisations operating a conditionally registered child and youth care centre to meet the prescribed norms and standards contemplated in section 194 and such other requirements as may be prescribed for full registration</b>	
<b>Management Boards</b>		
208(1)	We welcome and support this section	We support the proposal in sub-section (1) that all child and youth care centres should have management boards, including government run centres. At the moment government run child and youth care centres do not have boards. We recommend that they should have boards to promote

		accountability, ensure diversity and transparency.
209 (1) (b)	The number of staff auxiliary and <b>professional child and youth care workers</b> appointed or designated must be in accordance with any <b>staff child and youth care workers</b> -to-child ratios that may be -	Child and youth care workers are those professionals trained to work in the lifespan of children, youth and their families, who are key workers in residential programs. It is thus advised that the Bill reflects this fact rather than referring to the generic phrase 'staff' which includes a wide range of other workers.
212- (o), (q) and (r).	<p>The Minister <del>must</del> <b>may</b>, where appropriate after consultation with the Ministers of Education and of Health, in terms of section 306 make regulations prescribing –</p> <p>(l) the powers and duties of the management boards of child and youth care centres;</p> <p>(m) the composition of management boards, including –</p> <p>(i) appointment procedures;</p> <p>(ii) qualifications for membership;</p> <p>(iii) term of office;</p> <p>(iv) filling of vacancies; and</p> <p>(v) suspension or termination of membership;</p> <p>(o) matters relating to the functioning of management boards, including –</p> <p>(i) designation and functions of presiding members;</p> <p>(ii) the convening and conduct of meetings;</p> <p>(iii) quorums; and</p> <p>(iv) the appointment and functioning of committees of a board;</p> <p>(q) matters relating to the responsibilities of and</p>	<p>These subsections provide that the Minister may make regulations prescribing matters relating to members of management boards. We support all these sub-sections because they promote accountability and helps Boards function within the child care legislative framework. They ensure that Boards know that their core business is child care and not anything else.</p> <p>However, we recommend that the word “may” should be replaced with “must” to ensure that such regulations are issued as without this legal framework, management boards would remain unregulated.</p> <p>A further problem we would like to raise in the area of these regulations is the problem of ensuring that Board members are accountable and that they actively provide the necessary support to the centre. When the Centre is registered as a s21 not for profit company, the Board members are financially and legally accountable for the affairs of the Centre. This accountability mechanism helps ensure that the Board members are actively involved in supporting the centre. However, those centre’s whose Board members are not accountable through a s21 governance system, often struggle</p>

	<p>interaction between the management board and the staff and residents of a child and youth care centre;  (r) the reporting responsibilities of management boards and staff to the department, person or organisation operating the child and youth care centre;  (x) <b>the appropriate training of members of Boards of Management</b></p>	<p>to ensure that their management boards provide the necessary governance support to the centre.</p> <p>Please consider this problem when designing the regulations for Management Boards to ensure that sufficient accountability mechanisms are created for Board members.</p> <p>It is important that members of Management Boards receive the necessary training on child and youth care work and centre management. However the Bill does not refer to the need for training. We recommend that this should also be listed as a matter to be prescribed in regulations.</p>
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## Additional information to support this submission

### 1. Inter-departmental integration issues

#### Education

- (1) Many centres report that schools are insisting that the centres pay schools fees. In other instances, the schools are excluding children access using the excuse that they are full to capacity. However the centres say that this is an excuse being used because they know the children from the centre will not be paying fees. This is happening despite the new school funding regulations which exempt child and youth care facilities from having to pay school fees. It does not make sense for one government department (Social Development) to be funding the centre, only for that centre having to use that funding to pay another government department (Education).
- (2) Children on the streets have often been out of school for long periods of time. They need bridging courses and additional assistance in order to re-join the mainstream schooling system. In one centre in KZN, teachers from the local school come to the street children shelter in the afternoon and teach a bridging course for street children in the centre. This approach needs to be encouraged.

- (3) Children on the street often do not have birth certificates and identity documents. Some schools require these documents before agreeing to admit the children. This requirement results in children of the street being denied access to education.
- (4) Schools in child and youth care centres need to be monitored. At present, such schools are not be monitored by the Department of Education.
- (5) Children who have been abused or neglected often have behaviour and emotional challenges that require a specific understanding and a continuity of care. While they receive this care while in the child and youth care centre at night and on week-ends, during the day they go to school and they are likely to receive the necessary understanding while at school. One suggestion for ensuring that they do receive continuity of care is for child and youth care workers to be employed within the schools to ensure that children with behavioral and emotional challenges are provided with the necessary support and teachers are trained on how to respond appropriately. Teachers bear heavy burdens of over full classes and many children with challenges that they cannot address. Having child and youth care workers employed at schools could alleviate this burden on teachers and ensure that children in need are supported while in school.

## **Health**

- (1) When street children need medical treatment (for instance for injuries sustained in fights on the street or for sexually transmitted diseases), they sometimes face barriers when they approach the clinics on their own. There have been reports of nurses pushing them aside, shouting at them and generally treating them with disrespect. Their health conditions are often not kept confidential. The Children's Bill [B70D – 2003] provides that children over the age of 12 years can access medical treatment on their own (current law is 14 years), and the National Health Act prescribes that the child has a right to confidentiality. Health care practitioners appear to be unaware of these provisions in relation to street children and need to be trained to ensure that street children's rights to health care services are not denied.

## **Police**

- (1) Street children and the police often come into contact on the streets. The policy will need training on the new Bill especially with respect to how they should respond to and assist street children.

## **Dept Labour and Public Service**



- (1) Children's homes are designated as an essential service (as of December 2004), which means that they cannot strike. However, there are other labour laws and agreements which impact on the ability of centres to provide the best care to the children. One problem currently being experienced in government run centres is that government child and youth care workers work on a shift system that interferes with the need for continuity for care for the children in the centres. Could the Department of Labour and the Department of Public Service be asked to look into this problem and find an appropriate solution in the best interests of the children in the centres? In relation to future decisions that affect staff on child and youth care centres, can a mechanism be put in place to ensure that agreements reached between government and unions in bargaining councils also take into account the specialised staffing needs of child and youth care centres.
- (2) The staff in government run child and youth care centres tend to receive higher salaries than the staff in NGO run child and youth care centres. In recognition that all centres need to comply with the same norms and standards, there is no justification for this difference in salary. Government staff salaries are governed under the public service, while NGOs salaries are dependent on the funding received from the NGO from government.
- (3) Programmes provided in government run centres also tend to receive more funding than programmes provided in NGO run centres. Again – parity should be introduced as both centres are bound by the same norms and standards.
- (4) Child and youth care workers need access to funding to enable them to develop their skills, for instance to acquire a diploma in child and youth care work. Access to bursaries is currently difficult.
- (5) The Public Service rank promotions system sometimes results in unqualified staff being promoted automatically to higher positions in government run centres.

## **2. Unregistered children's homes**

There are currently many unregistered residential children's homes operating in South Africa. (As an example: In one informal settlement in Cape Town, there are approximately 10 unregistered centres).

The centres have arisen for a number of reasons. Some have been established in response to a genuine need in the community. Some have been established by individuals trying to create employment for themselves. Some have been established by well

meaning individuals and organisations who do not have the knowledge and skills needed to rather start primary prevention and early intervention services. The cause and extent of unregistered children's homes has not been properly researched, however information from child and youth care workers on the ground indicate that such centres are on the increase and that government social workers are placing children in these unregistered centres.

As government social workers are placing children in these centres, it is clear that the provincial departments are aware of the existence and location of these centres. There have been some media reports of some of these centres being closed down, however the majority continue to exist without pro-active assistance from the provincial departments to either register and fund them, close them or transform them into alternative projects such as drop in centres or primary prevention projects.

Inserting the appropriate clauses into the Bill, to place a clear duty on the MEC's to conduct a needs assessment for each area and then to make decisions in relation to registering, closing or transforming these centres within specified timeframes, would help ensure the issue is prioritised.

We support sections 206 and 171 which will help ensure that the transfer of children from unregistered centres into registered centres is done in a way which protects the child's rights.

### **3. Creating enabling environments for children with disabilities**

Currently, children with disabilities are not adequately provided for within child and youth care centres. Many children with disabilities end up being sent back to abusive situations at home due to centres not being able or willing to admit them. Others are housed in hospitals instead of in child and youth care centres. Children with mental disabilities often end up in mental health institutions/psychiatric hospitals on heavy drug treatments.

NACCW recommends that all centres should be obliged to progressively move towards creating enabling environments to ensure that children with disabilities can be provided with equal access and opportunity. In order for this to become a reality, centres will need:

- training for all staff,
- extra funding in recognition that children with disabilities tend to stay longer in residential care, and

- extra funding to enable the centres to make their buildings physically accessible.