



NATIONAL WELFARE, SOCIAL SERVICE AND DEVELOPMENT FORUM

**Registration Number: 0004-653 NPO
Tel 011-403-1915**

USE OF THE STATUTORY FOSTER CARE SYSTEM TO SUPPORT LONG-TERM KINSHIP CARE: IMPACT ON THE SOCIAL WELFARE SYSTEM AND THE SOCIAL WORK PROFESSION

DISCUSSION PAPER

1. INTRODUCTION

Since the beginning of the current decade, the number of children on social work caseloads who are in statutory foster care has increased dramatically. The vast majority of these children are in the care of members of their extended family, often termed “kinship care”. The argument is increasingly being advanced by practitioners that what is reflected here is a situation of mass poverty combined with the impact of the HIV/AIDS pandemic, and that these huge problems cannot be effectively dealt with by the statutory child protection system, of which formal foster care is but one component. This system was already severely under-resourced and dysfunctional before the recent spiralling in the numbers of children in foster care. Child protection workers report that services are being further crippled by the massive new demands created by this influx. Appeals are being made for a creative approach to kinship care which would combine access to social security with accessible, community-based support programmes for vulnerable children and their caregivers. Such an approach would benefit the broad population of socio-economically deprived children and families, and would not be limited to those who qualify for statutory care. It would be in line with the principles of developmental social welfare, and the many policy documents that call for a renewed emphasis on prevention and early intervention in preference to statutory care.

A key aspect of the present problem is the acute national shortage of social workers, and the question of how the available members of this profession can best be deployed. Social work caseloads have been pushed up by the numbers of children in foster care to a point where meaningful professional services have become impossible. Those concerned are in effect performing a “rubber-stamping” function which gets children onto the Foster Care Grant rolls while ignoring the services which are required thereafter. Meanwhile, aggressive staff recruitment by government to address the backlog of children in the queue to get into foster care is resulting in wholesale depletion of staff from NPOs. These organisations have been delegated most of the government’s responsibility for developmental social welfare services to vulnerable persons, groups and communities in the country. The exodus of their staff is working against the constitutional rights of the vulnerable groups served by these organisations, including children in or awaiting foster care placement who simply happen to be on NPO caseloads rather than government caseloads. Government and civil society together face the challenge of working out how to develop a stable workforce in the sector, and how social workers can best be deployed so as to meet the demands of the entire developmental social welfare system. This requires strategic and holistic thinking.

THE NATIONAL WELFARE, SOCIAL SERVICE AND DEVELOPMENT FORUM STRONGLY SUPPORTS THE DRIVE LED BY THE MINISTER AND THE NATIONAL AND PROVINCIAL DEPARTMENTS OF SOCIAL DEVELOPMENT TO GIVE ORPHANS AND VULNERABLE CHILDREN ACCESS TO SOCIAL SECURITY AND SUPPORT SERVICES.

AT THE SAME TIME WE CALL FOR A CHANGE IN APPROACH BY THE STATE ON THE ISSUE OF KINSHIP CARE. WE CALL FOR A COLLABORATIVE APPROACH WHICH MEETS THE NEEDS OF THESE MARGINALIZED CHILDREN, ALLOWS THEM TO ACCESS AND ENJOY THEIR CONSTITUTIONAL RIGHTS, AND ALSO CATERS FOR THE OTHER URGENT RESPONSIBILITIES OF THE SOCIAL DEVELOPMENT SECTOR.

2. SOME RELEVANT STATISTICS AND THEIR IMPLICATIONS

- **Numbers of children in foster care.**

In April 2000 the number of children in statutory foster care stood at 49 843.¹ By October 2006 this figure had reached 375 647² – an increase of over 650% in six-and-a-half years. All the signs are that this number is still climbing daily. In January 2007, about 60 000 children were known to be awaiting placement.³ If we take into account that each of the children concerned requires a social work investigation and a children’s court enquiry, as well as continuing social work services and ongoing monitoring by the provincial Departments of Social Development (DoSDs), it would follow that there should have been a huge commensurate increase in the relevant staffing and infrastructure of the relevant systems. This has not taken place and is arguably not possible. The relevant systems have therefore been plunged into crisis.

- **Nature of and reasons for foster care placement**

In a study commissioned by the national DoSD, it has emerged that 91% of children in foster care in 2005 were in the care of extended family members, usually their grandmothers or aunts.⁴ In 48% of cases, both parents were deceased, and in 80% at least one parent was deceased. Fully 70% of the children were living with their grandmothers following the death of their mothers. In only 6.3% of cases were children in foster care due to maltreatment or inadequate parenting, while in 9.7% of cases they had been abandoned. Hence the broad picture which emerges from this study is one of an overwhelming majority of children who are in permanent kinship care due to the death of one or both parents, rather than due to state intervention resulting from abuse or neglect. This does not imply that these families do not require services, but it has huge implications for the type of services that are indicated.

- **Availability of social workers and social auxiliary workers**

CATEGORY OF PERSONNEL	NEEDED TO IMPLEMENT CHILDREN’S BILL			
	Implementation Plan <i>Low Scenario</i>		Full Cost <i>High Scenario</i>	
Registered with SACSSP 2005	2005-6	2010-11	2005-6	2010-11
Social workers 11 372	8 656	16 504	47 305	66 329
Social auxiliary workers 1 849	7 682	14 648	34 158	48 660

Adapted from Barberton C (2006): *The Costing of the Children’s Bill*, page 94

As at April 2005, 11 372 social workers and 1 849 social auxiliary workers were registered with the SA Council for Social Service Professions.⁵ The report on the costing of the Children’s Bill shows that for the implementation of the Bill at the lowest of four possible levels of service delivery considered, 8 656 social workers and 7 682 social auxiliary workers would already have been needed for the relevant services as they stood in the year 2005-6. By the year 2010-11 the figures would be 16 504 and 14 648 respectively. At a more acceptable level of service delivery, and allowing for equity of service provision between the nine provinces (using quite modest standards of service as a basis), the figures would be 47 305 social workers and 34 158 social auxiliary workers as at 2005-6, and 66 329

¹ Department of Social Development: Annual Report, 2000-2001

² Department of Social Development: Presentation to workshop for national and provincial Portfolio Committees on Social Development on the Children’s Act , Children’s Amendment Bill and Children’s Bill Costing Report, 12-13 October 2006, Ekurhuleni.

³ Department of Social Development: Presentation on Child Care and Protection Services to Portfolio Committee on Social Development, 24 January 2007.

⁴ Datadesk, Stellenbosch University/ Geospace International (2006): *A Profile of Social Security Beneficiaries in South Africa*. 422 ff

⁵ Barberton C (2006): *The Cost of the Children’s Bill*. Cornerstone Economic Research, Cape Town.

social workers and 48 660 social auxiliary workers by 2010-11.⁶ The burgeoning numbers of children entering court-ordered foster care are a major component of these calculations.

Hence we already need at least 76% of the country's social workers just for the implementation of the incoming Children's Act at the lowest level, leaving a mere 24% for all other services needed to fulfil the nation's mandate to children dealt with under other legislation and other categories of vulnerable persons, families and communities. Given that the country's training institutions are at present producing only about 500 new social workers each year,⁷ and that the supply of social auxiliary workers is at this stage minimal, we are looking at a catastrophic scenario as regards the staffing of the developmental social welfare service system as a whole. The national DoSD's concerted effort to increase the numbers of social workers and social auxiliary workers who will enter the sector is of great importance to the sector, but it will not impact substantially on crisis described above unless there is a major change of direction with regard to the service model we use in addressing kinship care of orphaned and vulnerable children. If we bear in mind that the Children's Act is only one among a raft of new statutes and policies that are coming on stream for the sector, each of them with its own needs for a bigger and more highly developed cadre of staff, it becomes clear that we need to take urgent action to prevent disaster. Social service professionals in all existing categories will need to be deployed with great care in the positions in which they will be able to have the greatest impact, and jobs will have to be structured in such a way that these people are able to perform to the maximum of their potential. We need to think laterally about what type of service can most effectively be performed by what category of staff, and to strategise in new ways to ensure that appropriate and effective services are delivered to those who need them.

3. IMPACT OF THE CURRENT APPROACH ON THE CHILD PROTECTION SYSTEM

- **Unmanageable caseloads**

In 2003 many NPOs delivering child and family welfare services in Gauteng were already reporting that their caseloads were being swamped with applications for children to be placed in foster care with their relatives, and that this was detrimentally affecting their ability to respond to cases in which children needed protection from active physical and sexual abuse.⁸ It was not unusual for social workers to be carrying caseloads in excess of 500 families. Their function was increasingly becoming one of pursuing the bureaucratic processes involved in taking incoming children through children's court processes as quickly as possible, leaving no time for adequate investigation or follow-up services, or for services urgently needed by other children and families. At the time of the Gauteng study, practitioners in other provinces were reporting a similar pattern. This trend has been intensifying year by year. In the rural areas, services are further impeded by the vast distances which both caregivers and service providers have to travel in order to comply with the procedures involved, and by high levels of illiteracy which impair people's ability to engage with the relevant requirements.

- **Paralysis of protective services, secondary abuse and children trapped in the "system"**

The Department of Social Development in its Integrated Service Delivery Model (2005) provides a generic norm, for a mixed social work caseload, of 60 per social worker. Experience shows that even this allows for intensive work only with a small number of families, plus occasional supportive services to the remainder. A person attending to acute cases of child abuse on a full-time basis cannot manage more than about 20 such cases at a time. This amounts to an average of about one day's work per family per month including report-writing, supervision, court time, travel, training and agency meetings as well as actual time spent with a child and family. If this work is done properly, children are given the benefit of effective protection and services which should make a genuine

⁶ The costing of the Children's Bill was carried out in terms of four possible scenarios. "Implementation Plan" refers to the projected demand for services calculated largely on the basis of the provincial DoSDs' levels of service delivery at the time of the costing exercise. This, as pointed out by the costing team, incorporated substantial inequalities in service provision between the provinces. "Full cost" is based on what would be required if equity between the provinces were provided for. The "high" scenario in each of these two categories is based on norms and standards as recommended in the initial consultation process carried out with provincial DoSDs and NPOs for purposes of costing. The "low" scenario is based on a subsequent exercise at which a committee of representatives from the same bodies was asked to find ways of reducing the norms and standards in order to reduce the projected costs. The table above reflects, for the sake of simplicity, only the lowest and the highest scenarios for the years 2005-6 and 2010-11 for the numbers of personnel required to implement the new legislation.

⁷ Department of Social Development: Presentation to workshop for national and provincial Portfolio Committees on Social Development on the Children's Act, Children's Amendment Bill and Children's Bill Costing Report, 12-13 October 2006, Ekurhuleni.

⁸ HSRC (ed Dawes A) (2003): *The State of Children in Gauteng*. Study commissioned by the Office of the Premier.

positive impact on their future. They are enabled in due course to leave the system and make way for others. If they are simply dragged mechanically through “protective” procedures they may receive no protection at all, or may end up drifting in the statutory care system for their entire childhood. They may in the course of their encounter with child protection services experience many forms of systemic abuse and neglect which may leave them worse off than when they were initially referred for help. The constitutional right of children to effective protection against maltreatment is, under these circumstances, being ignored. The situation is made all the worse by the crippling turnover of social work staff which is occurring in the context of the current financing dispensation for NPOs, to which the Department delegates most of its developmental social welfare service mandate.

In the context of excessive caseloads, meaningful investigation and support even of routine family foster care cases becomes impossible. The only service being delivered in such a context is that of making a grant available for the support of the child concerned – a vital service indeed, but one which does not in essence need the attention of the country’s scarce children’s court and social work resources.

An overloaded child protection system is a system that is ineffective for some children and dangerous for others. The Department of Social Development has since 1995 been seeking to upgrade the formal child protection system – i.e. the network of services aimed at preventing child abuse, neglect and exploitation, and managing reported cases. A National Policy Framework and Strategic Plan for the Prevention and Management of Child Abuse, Neglect and Exploitation is to be submitted for Cabinet approval once costing processes have been completed. But there is no chance of this strategy being implemented as long as most of the resources of the child protection system are being consumed by the process of moving hundreds of thousands of children in permanent kinship care into court-ordered foster care.

- **Loss of vital elements in foster care services**

Foster care programmes are essential to the functioning of the child care and protection system. They are normally designed to provide alternative family care to children who are unable, for some period of time, to live with their biological families due to abuse, severe neglect or abandonment. Social workers delivering this type of service are normally expected to perform a range of tasks including the following:

- *Recruitment, assessment and preparation of new foster families.*
- *Preparation of the child and his or her family for foster care placement.* Removal of children is normally a traumatic process regardless of their circumstances, and careful preparation is required. This is also a crucial time for engaging with the biological family and securing their co-operation with the process where possible.
- *Permanency planning and the implementation and review of permanency plans.* This has to do with ensuring that children do not drift in uncertain care arrangements for long periods, but have the benefit of a plan whereby they will either return to their original families after appropriate services have been delivered, or permanently settled elsewhere, preferably in an alternative family, which may turn out to be the foster family. Successful permanency planning requires very intensive services to all concerned including the child, the biological family and the foster family.
- *Monitoring the wellbeing of the child and helping him or her deal with previous traumatic experiences, feelings about being in alternative care, and feelings about his or her original family.*
- *Helping the foster family to understand and deal with the behaviour of the child in care.* Typically a child in foster care at some stage displays very difficult behaviour which reflects lags in development, acting out of past traumatic experiences, a need to test how much the new family can tolerate without rejecting him or her, or even just a need to find out what limits apply in the new household. If the foster family do

not understand such behaviour and respond appropriately, it may cause the collapse of the placement, the retraumatisation of the child, and disruption of relationships within the foster family.

- *Supporting the children of the foster parents in adjusting to the newcomer.*
- *Arranging and providing support in relation to contacts between the child and the biological family.* Children in foster care typically come from families with multiple problems. Often the parents are disturbed individuals who may be prone to substance abuse and/or violent or volatile behaviour. Sometimes close monitoring of contact with the child will be necessary; in other cases the foster family will manage them successfully with help when necessary. Debriefing of all concerned may be necessary following contacts, at least in the early stages of the placement.
- *Where applicable, providing needed services to the biological family to enable them to ultimately resume care of the child.*
- *Linking the child, the foster family and the biological family with appropriate services in the community.*
- *Support for all concerned when the child leaves the foster home, whether this is due to an inability to continue the placement, a planned move back to the child's own family, or other reasons.*

Many of the above ingredients are not applicable to the child who is in permanent kinship care. Others are applicable to varying degrees. But the current emphasis on rapid processing of hundreds of thousands of children into court-ordered foster care as if on a conveyor belt often renders these tasks impossible for service providers, with serious consequences for those children who do need them and for the child protection system as a whole.

IMPACT OF THE CURRENT APPROACH ON THE BROADER DEVELOPMENTAL SOCIAL WELFARE SYSTEM

• Removal of resources from other areas of need

The impact on the rest of the child protection system of the deluge of cases of children in kinship care coming into statutory foster care has been discussed above. However, it is increasingly not only these services which are affected. In a context where there is intense pressure on provincial DoSDs to fill posts to address the foster care backlog at all costs, agencies engaged in every other type of work are also suffering the effects. It is crucial, when planning services to address the needs and constitutional rights of children needing social security, that we bear in mind the needs and rights of all other vulnerable groups, including children who are being actively maltreated, older persons, those with disabilities, those in need of developmental services to address poverty, those affected by crime and violence; those with mental illnesses, and so forth. Otherwise we continually destabilise the system and render it increasingly ineffective.

• Continuous loss of trained staff and weakening of the service ethic

Due to pressure on every provincial DoSD to address its backlog of cases of families awaiting processing through the children's court and onto the social security rolls, these departments are engaging in aggressive recruitment campaigns, and are targeting NPO staff in these efforts. Because salaries and benefits offered by government are far in excess of those which these organisations can afford, there is a continual exodus of staff from them to the DoSD. Some leave with 24 hours' notice. It is not unusual for staff to leave to take up offers from the DoSD after only a few weeks or months of service in an NPO. Many of these practitioners have had no time to consolidate what they are learning in the agencies in question. Social workers who stay long enough to become grounded in practice, develop the skills they need to serve the community effectively, and gain the trust of those they serve seem to be becoming an increasingly rare commodity. An attitude which enables professionals to walk off the job without consideration for the impact that this will have on their clients has become widespread. There are signs that

a cynical, self-serving attitude is developing among staff which can be expected to have dire consequences for the entire sector if it persists. This is being actively promoted by current recruitment drives.

- **Damage to the service infrastructure**

The loss of professionals from the NPOs is having a highly damaging effect on the service infrastructure on which the whole sector depends. The NPOs in many provinces serve as government's delivery arm. The harm to their functioning is severely undermining the sector's ability to deliver on its mandate. Among the many consequences is a severe erosion of those structures which nurture the various specialisations in social work. In the national Department's Recruitment and Retention Strategy for Social Workers, strong emphasis is laid on specialisation as a key means for promoting the recruitment and retention of staff.

4. POSSIBLE WAYS OF MEETING THE CHALLENGE

The NWSSDF believes that the problems described above urgently need to be addressed on a number of levels. The following measures are proposed:

- *Government and civil society together must strategise for the effective human resourcing of the developmental social welfare system as a whole.*

The National DoSD's Recruitment and Retention Strategy for Social Workers is a sound basis from which to address part of the problem for part of the system – i.e. government's own need to recruit and retain social workers. It needs to be supplemented by measures to address all the social service professions and other categories of personnel in the sector, on the basis of the personnel needs of the NPOs along with those of the state. The practice of planned poaching of NPO staff needs to end – we further damage the system if we try to plug up one hole in the service system by creating a host of others. The financing of NPO services in such a manner as to enable them to retain staff is of course a key issue.

- *In addition to growing the supply of social service personnel, we must work out how to effectively deploy those we have.*

We have a very limited supply of social workers in relation to the needs of the country. We cannot afford to be using a large percentage of these professionals in what has been reduced to a mechanical, rubber-stamping role. This also results in a situation where practitioners will not have the opportunity to develop as professionals, and will be unable to make the contribution that will be needed from them towards the support and training of those coming on stream further down the line. Every social service professional must be able to function in a job that is structured so that it is practically possible for him or her to carry out the duties associated with that job. This is a central ethical responsibility of employer bodies, and of government as the key entity which delivers or outsources the relevant services.

- *An alternative strategy must be developed to link orphans and vulnerable children and their extended families with social security provision and psycho-social support.*

The country has no prospect of having sufficient social workers or children's courts in the foreseeable future to manage the massive numbers of orphans and vulnerable children who are in permanent kinship care, via court-ordered foster care. Attempts to do so are causing a collapse of the child protection system as well as serious gaps in the broader service network. This pattern is set to intensify rapidly, as the number of children in this form of care continues to grow at more than 50 000 per year, while the number of social workers emerging from the training institutions, even if substantially increased through present efforts by government, cannot possibly keep up. The approach initially proposed by the SA Law Reform Commission in its Review of the Child Care Act provided for families offering long-term kinship care to have access to social security and other forms of support which were not specifically dependent on the courts or social workers. Models based on this idea have been put forward by organisations making submissions for changes to the Children's Amendment Bill. Appendix A provides a summary of the suggestions which have been made. It is proposed that the SALRC's approach be revised and the more recent recommendations be examined as a matter of urgency. In addition to the relevant changes to the Bill, there is a need for an urgent interim strategy to rapidly link orphans and vulnerable children to appropriate support and services while avoiding further damage to the broader service infrastructure.

5. CONCLUSION

The national tragedy created by the death and incapacitation on a massive scale of parents of South Africa's children is making unprecedented demands on our social welfare system. As currently managed, it has the potential to bring about the collapse of many essential services, including those directed to the children themselves. At the same time it poses a challenge which, if we rise to it through creative and holistic thinking, solid partnerships and determination, could bring us into a new era for the development and the realisation of the human rights of our population.

A POSSIBLE APPROACH TO LONG-TERM KINSHIP CARE FOR ORPHANS AND VULNERABLE CHILDREN

Elements of an alternative approach to kinship care that have been identified by several NPOs in submissions to the relevant Committees in Parliament, the National Council of Provinces and the Provincial Legislatures, in relation to the Child Care Act and the Children's Amendment Bill, are as follows:

1. *There should be a return to the model for substitute family care initially proposed by the SA Law Reform Commission, in terms of which long-term care of children by relatives is viewed separately from formal foster care when these relatives have taken on this role of their own accord, due to the death, disappearance or incapacity of the biological parents, and where there is no need for formal state intervention to protect the child from maltreatment. This is in keeping with the approach in a number of other African countries. As is the case elsewhere, the rights and responsibilities of relatives undertaking this responsibility would be spelled out in the law. A simple administrative process to recognise the status of the relationship could be undertaken if necessary.*
2. *The age ceiling to the Child Support Grant should be removed and the gap between this and the Foster Care Grant should be reduced, and the means test relaxed.*
3. *An Informal Kinship Care Grant could be made available to such families, as recommended by the SALRC. This grant could be means-tested and could be equal to or different from the Foster Care Grant, as deemed appropriate.*
4. *Alternatively, the Child Support Grant could be paid at a different level to caregivers who are not the biological parents of the child.*
5. *There should be a national roll-out of community-based support programmes to address issues relating to income generation, life skills, child care and parenting, dealing with bereavement and other forms of trauma, and support for older caregivers. These could involve the full range of social service professionals, assisted by personnel in other categories and volunteers. This roll-out should give priority to the poorest communities and those with the highest rates of orphanhood. It could incorporate the existing process of developing Child Care Forums for orphans and vulnerable children. The emerging corps of community development workers could play an extensive role here, and these activities could be built into the Integrated Development Plans of local authorities. Provision for such activities should be incorporated in the Children's Amendment Bill as part of the chapter on Prevention and Early Intervention.*
6. *The concept of schools as nodes of care and support should be made a reality and every school should link up with the local resource system and serve as a site for prevention and early intervention.*