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To the Chairperson of the Portfolio Committee on Social Development,
Mrs TJ Tshivhase, MP

Submission on the Children's Amendment Bill [B19B of 2006] to the Portfolio Committee on Social Development

from:

**The National Alliance for Street Children representing networking
alliances in 9 Provinces**

Details of submitting organizations

**Western Cape Street Children's Forum is a network of 50 NGOs who work
with street children in the Western Cape.**

Eastern Cape Provincial Alliance for Street Children

Free State – representation only

Gauteng Alliance for Street Children

Limpopo – representation only

Kwa Zulu Natal Alliance for Street Children

Mpumalanga Provincial Alliance for Street Children

North West – representation only

Northern Cape – representation only

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Contents:

Descriptive Motivation for Changes to Amendment Bill - Part A

- Must provide money for drop-in centres - Section 215 (1)
- Municipal involvement in drop-in centres - Section 225
- Child and youth care centre programmes - Section 191(2)
- Existing registered shelter – Section 198
- Trained staff for child and youth care centres - Section 209(1)(a)

Summary of recommendations – Part B

Descriptive Motivation for Changes to Amendment Bill - Part A

Chapter 13

Section 191 (2) This provision states that a child and youth care centre must offer a therapeutic programme for the children in its care. We would like to see the words “developmental and/or therapeutic” in this clause. The word therapeutic implies that all children in care need therapy which is not necessarily the case, e.g. orphans may be in care only because they are orphans.

Section 198 which pertains to registration of existing child and youth care centres allows for existing registered children’s homes to be automatically registered as child and youth care centres when the Bill takes effect. An existing registered shelter is not automatically registered but is given 5 years to upgrade before registering. National Alliance for Street Children wants to see this 5 year period to meet the required standards shortened to 2 years. Our reasons for this are: 1) the field of street children and orphans is beset with unregistered “children’s homes and shelters” which exist primarily in order to provide for employment for staff and secondly to provide care for children. The children are used to gather funds. Five years is too long to allow this to continue. These projects differ from under resourced projects which have a genuine interest in the children. NASC notes that the Bill provides for help from authorities in order to upgrade for registration. Genuine service providers will demonstrate their genuineness within 2 years by engaging in a progressive process with provincial authorities.

Secondly, there are few registered shelters which would fall into this section. In Gauteng there are only about 17 registered shelters with 3 in Free State and 5 in Eastern Cape. In KwaZulu Natal there are 6 registered shelters with 6 in Mpumalanga and Northern Cape has 1. There may be two in Limpopo. North West has 4. In Western Cape 4 shelters are registered as children’s homes with 4 other registered shelters. Western Cape is the only Province where Shelters are registered as children’s homes and in Gauteng a portion of Kids Haven is registered as a children’s home.

(we speak above only of registered shelters- not drop-in centres as drop-in centres provide only day care – not overnight accommodation)

Section 209 (1) (a) refers to the appointment of “a person” as the manager of the centre and **(2) (b)** refers to a person who has the skills and training prescribed.

The employment of appropriately trained personnel is essential if child and youth care centres are to be run effectively. Raising children particularly those with traumatic experiences to be constructive citizens is highly skilled work. Not only do we need appropriately trained personnel in caring for the children but

also for good management and control in organisations working with children on the streets. By appropriately trained personnel we mean social workers and child and youth care workers, i.e. professionals who fall under the South African Council for Social Service Professions.

While NASC acknowledges and values the contribution of other skilled people and would not like to see these people excluded there must explicit provision in the Bill for social service professionals to be on the staff.

Drop-in centres: Chapter 14

Section 215 (1) states that the MEC for Social Development of a Province may provide money for drop-in centres from money appropriated by the relevant provincial legislature.

We submit that the word may be changed to the word must.

Rural Areas

A drop-in centre is a must for under resourced, usually rural, areas to prevent and address the street child's needs early. If this service is not a must there will frequently be no services for the poorest of the poor children whose last resort is to live on the streets. Many areas in South Africa do not have child and youth care centres for any children needing care, never mind those who live on the street. A drop-in centre, open only in the day, is usually the first service to open, easier and cheaper to run than a child and youth care centre. A drop-in centre requires only day staff and an activities room. To operate a child and youth care centre requires overnight accommodation and night staff. Under resourced areas are therefore more easily able to open drop-in centres. Under-resourced areas are also not easily able to raise funds themselves.

Often the drop-in centre will be able to help both potential and current street children in ways which solve the problem and make it unnecessary to build a more costly child and youth care centre. As the only possible practical and effective service available to street children in the absence of a child and youth care centre funding must therefore be provided.

Urban Areas

In more resourced areas where there is a child and youth care centre(s), drop-in centres are primarily a treatment method for enabling children living on the street to voluntarily enter a shelter. The treatment is essential as an interim phase to a change in lifestyle, which is often difficult for a child to make. A drop-in centre is an essential first step to them entering a shelter voluntarily. This voluntary entrance makes the child's adaptation to the different lifestyle easier and prevents him disrupting children, who have just attained a precarious balance in a new lifestyle, and returning to the street with the new child.

A drop-in centre is able to do its work more efficiently because it can refer children to Shelter accommodation thus getting them off the street quicker. As a practical and effective service in enticing often hardened, urban street children into a child and youth care centre funding must therefore be provided.

Municipal Responsibility

Section 225: Assignment of functions to municipalities.

Under this section the Bill makes provision for a provincial head of social development to assign certain functions to the municipal manager if the municipality has the capacity to perform the functions concerned, and there is a written agreement the form of which is to be prescribed by regulation. We feel strongly that no functions should be assigned to municipalities, because too often the agenda of municipalities is driven by business interests and not the interests of the children.

Furthermore, the core responsibilities of municipalities are not the treatment of children in need of care. The core responsibilities of municipalities are to ensure basic regulation and services to all citizens, such as water, electricity, housing etc. Social services will be tagged on as a responsibility and can get lost in this system. Street children become a political football when business, interested only in tourism, put pressure on the City to remove them.

Decisions about street children should be taken by professionals who have no vested interest other than that of the child and his family. The Department of Social Development, staffed by professional social workers, is the appropriate body to carry out functions related to the protection of children who deserve a department dedicated to them and their families.

The provision in the Bill for responsibilities to be delegated to a Social Worker in the municipality does not answer the concerns. Firstly, the prevailing ethos around that Social Worker is not geared to uphold social work ethics above business and political ethics. The social work service is on the periphery and at risk of being ignored.

The hard-won rights in our Constitution for children promote uniformity and equality of services for all children. Currently, drop-in centres, partial care and early childhood development programmes are the only services for which the Bill is prepared to assign power to municipalities. For early childhood development and partial care these powers are restricted to registration process and notices of enforcement. Section 225 provides for the delegation of the functions contained in the section 215 – the provisioning function. This means that it would be possible for municipalities to decide which drop-in centres to fund and where.

While we support the involvement of municipalities with regard to early childhood development programmes and partial care facilities we do not support the involvement of municipalities with drop-in centres. Early childhood development programmes are intended to help all children. Drop-in centres are specifically designed as a treatment method for children whose life experiences have left them unable to live normally in communities and who need expert help to be able to use even those services available to them. This is the reason why some child and youth care centres provide a service dedicated to street children. Therefore, unlike early childhood development programmes, drop-in centres should be under the expertise at the Department of Social Development. To leave drop-in centres as the only treatment based service in

the Bill under municipalities reinforces the perception that South Africa views street children as a political problem to be controlled more than as children needing help.

If services are provided by municipalities they will differ from municipality to municipality. Municipalities as smaller entities than provinces are subject to change more often. An unintended consequence of municipal involvement is that street children will migrate to the municipalities which provide the best service. This makes working with them and their families to re-unify them, which is the main goal of all services, more difficult. We have seen from experience that as services improve in their areas children no longer need to migrate to previously attended services. Street children vote with their feet, e.g. new services in Knysna and George have reduced number of children coming to Cape Town. However if the new services are not good enough the children will migrate.

For example: Ons Plek Projects for female street children as the first such service for girls in the country used to find girls on Cape Town's streets from Kimberley, Beaufort West, Johannesburg and Durban because there were no services in their home towns. As projects catering for girls emerged in these towns the number of girls from these centres in Cape Town has diminished to a trickle.

The Constitution places a duty on municipalities to take children into consideration when providing all their services, however, the duty to provide specialist treatment for children with problems belongs to Social Development, a Department set up specifically to do that by South African Government.

We feel that section 225 should be deleted because it has unintended consequences which will defeat the good intentions of the Bill.

In conclusion, the provisions of the Bill are basically sound in providing care for street children. The Bills provision for municipalities to be responsible for services could wreak havoc in a field regaining specialist knowledge and undo the good base provided by the Bill. The Department of Social Services is the correct home for ensuring that the Bill's provisions are implemented.

Part B - Summary of recommendations

Words underlined with a solid line indicate insertions

Words in **[bold]** indicate deletions

191. (2) A child and youth care centre must offer a developmental and/ or therapeutic programme designed for the residential care of children outside of the family environment.

198. (3) An existing shelter registered in terms of the Child Care Act must register as a child and youth care centre within a period of two **[five]** years from the date on which this section takes effect.

209. (1) The person or organisation operating a child and youth care centre must appoint or designate-

(a) a person as the manager of the centre; and

(b) a sufficient number of social service professionals as staff and other appropriate persons to assist in operating the centre.

209 (1)

(b)

The number of staff auxiliary and **professional child and youth care workers** appointed or designated must be in accordance with any ~~staff child and youth care workers~~-to-child ratios that may be -

215. (1) The MEC for social development of a province must **[may]**, from money appropriated by the relevant provincial legislature, provide and fund drop-in centres for that province.

CLAUSE 225 Clause rejected.