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**Submission on the Children's Amendment Bill (B19B of 2006) to the
Portfolio Committee on Social Development**

From:

**The Western Cape Street Children's Forum representing a network of 50
organisations working with street children in the province**

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Chapter 14: Drop-in Centres:

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 for the reasons outlined below.

Rural Areas

A Drop In Centre is a must for under resourced, usually rural, areas to address the needs of street children at an early stage. If this service is not a must there will often 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, is usually the first service to open, because it is easier and cheaper to run than a Child and Youth Centre. A Drop-In Centre is only open in the daytime, and needs only day staff, an activities room, cooking area and ablutions. Whereas a Child and Youth Care Centre requires overnight accommodation, dining facilities, ablution blocks, access to education and day and night staff. Under-resourced areas are not easily able to raise funds, and are thus only likely to be able to afford to open a Drop In Centre. 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. Return to relatives can be facilitated from the Drop-In 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 be provided, or the children will not receive any help.

Case Examples

Drop-In Centres and outreach programmes to coax street children to attend these centres have started in George, Knysna, Paarl and many other smaller towns in the province. Without these centres, street children in these towns have no services available. They have proved successful in reunifying many children. In both George and Knysna, now that the concept of helping street children has become understood by the community, funding is soon to be made available for setting up specialised Child and Youth Care Centres for those children who cannot easily be reunified with relatives.

Urban Areas

In more resourced areas where there are Child and Youth Care Centres, Drop-In Centres are primarily a treatment method for children who are not yet willing to leave the streets. It takes a long time for these children to begin to trust adults, as a result of their very negative experiences with adults in the past. Street children have to move at their own pace and make their own decisions about moving off the street, because they have been living independently for some time. The Drop-In Centre provides a safe place to talk about other ways the child can live his life, whilst at the same time providing for his health, hygiene and dietary needs.

Starting with a Drop-In Centre for reluctant children generally leads to two outcomes, although this may take some time. Either we are able to return the child to his relatives (after home visits and counselling), or the child voluntarily enters a specialised Child and Youth Care Centre for street children (previously called a Shelter). This first step off the street is essential as an interim phase to help the child to change his/her lifestyle, and to facilitate entry to a Child and Youth Care Centre. The Drop-In Centre helps the child to adapt to a different lifestyle. His readiness to accept rules and structure prevents him from disrupting other children in the Child and Youth Care Centre, most of whom have just attained a precarious balance in a new lifestyle. The danger otherwise is that the new child persuades others out of the centre and more children return to the street.

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.

Case Examples

Bonani, an 11 year old boy, has been on the street for 3 years. He was severely physically abused at home by a stepfather, and later beaten and hung up by his feet by some community members for stealing a CD. He attended the Drop In Centre for 8 months and his story gradually came out. He cannot return to his community as he is too afraid. He moved into a Shelter for a few days, but found the rules too restrictive. Despite his young age, Bonani is a born leader, and he took five other boys back to the street with him! Until Bonani is able to accept the help offered to him, the Drop-In Centre provides the one safe place he can relax, be a child again and begin to trust that some adults will not hurt him.

Charles, age 14, left his aunt's house, where he lived after his mother died, because she had two pre-school children and treated him like a small child, making very strict rules that were not appropriate for an adolescent. Drop-In Centre staff were able to visit the aunt and do some parenting skills training and counselling so that she is better able to understand his needs. He is now back home with his aunt, and the relationship has improved.

Municipal Responsibility

Section 225: Assignment of functions to municipalities.

Under this section the Bill makes provision for a provincial head to assign responsibilities to municipalities which will be governed by the same provisions in the Bill applying to the provincial MEC for Social Development. The Bill attempts to ensure that the powers of municipalities are subject to checks and balances in that the municipality concerned must have the capacity to perform the functions concerned. Despite this, we feel that Section 225 should be deleted because it has unintended consequences which will defeat the good intentions of the Bill.

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 children.

The core responsibilities of municipalities are not the treatment of children in need of care. The core responsibilities are to ensure basic regulation and services to all citizens, such as water, electricity, housing etc. Social Development services tend to be tagged on and can get lost. Street children become a political football when business, interested only in tourism, puts 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.

The provision in the Bill for responsibilities to be delegated to a Social Worker in the municipality does not answer the concerns. The prevailing ethos around that Social Worker is not geared to uphold social work ethics above business and political ethics.

The hard-won rights in our Constitution for children promote uniformity and equality of services for all children. Yet Drop-In Centres and Early Childhood Development services are the only services in the Bill which may be assigned to municipalities. While we support the involvement of municipalities with regard to Early Childhood Development Services, we do not support the involvement of municipalities with drop-in centres. Early Childhood Development Services 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 persuaded to use the services available to help them. This is the reason why some Child and Youth Care Centres provide a service dedicated to street children. Therefore, unlike ECD's, 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.

Furthermore, 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 reunify them, (the main goal of all services), more difficult. Street children vote with their feet.

In conclusion, 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.

Case Examples

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, where services at that stage only catered for boys. As projects catering for girls emerged in these towns the number of girls from these centres in Cape Town has diminished to a trickle.

Similarly, new services in Knysna and George have reduced the number of children coming to Cape Town. However, if the new services are not good enough the children will continue to migrate to where they hear there are better services.

The City of Cape Town has a Department of Social Development headed by a Social Worker. Despite the fact that there is a Social Worker, the municipality has wasted millions of Rands in the past establishing “new” projects designed to get children off the streets quicker. Business and politicians do not understand the slow processes involved in working with street children, and put pressure on the municipality to try out new methods. All of these attempts have failed. Expertise in this specialised field is truly necessary if the children are to be helped.

Chapter 13

Section 191 (2)

This provision states that a Child and Youth Care Centre must offer a therapeutic program for its residents. We would like to see the words “**developmental 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

The registration of existing Child and Youth Care Centres allows for existing registered Children’s Homes to be registered automatically as Child and Youth Care Centres when the Bill takes effect. An existing Shelter will not be automatically registered, but is given 5 years to upgrade before registering. We want to see this 5 year period shortened to 2 years to meet the required standards.

Our reasons for this are:

- 1) The field of street children and orphans is beset with unregistered “children’s homes” which exist primarily in order to provide for employment for staff and only secondarily 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.

We note 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 the provincial Department of Social Development.

- 2) In our province, there are very few registered Shelters. Most street children’s projects are already registered Children’s Homes. Those Shelters which do exist already comply with the requirements for registration as Child and Youth Care Centres, and we see no reason why they should wait for 5 years to register, when they are ready to do so now.

Waiting for registration is to the detriment of the street children currently served by registered Shelters. NPOs running Shelters are

hard pressed to raise sufficient funds to provide adequate staffing levels, because the subsidy for Shelters is half that of Children's Homes in our province. This means that often there will only be one Child Care Worker on duty instead of two or three. The consequences of waiting 5 years for registration can be very serious for the quality of care that the children receive. Sub-standard subsidies for Shelters lead to sub-standard services for street children.

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 is highly skilled work. Appropriately trained personnel are Social Workers and Child and Youth Care Workers i.e. professionals who fall under the South African Council for Social Service Professions.

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

Summary and Conclusion

In conclusion, the provisions of the Bill are basically sound in providing care for street children now that Shelters have been classified as specialised Child and Youth Care Centres. However, there are a few concerns:

1. Drop-In Centres are needed wherever there are street children – or else they will fall through the cracks of the Bill's protection for children.
2. Allowing municipalities to be responsible for services to street children could wreak havoc in a field requiring 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.
3. Child and Youth Care Centres should provide developmental programmes as well as therapeutic programmes – not all children need therapy.
4. Existing Shelters should be given two years to upgrade before being registered as Child and Youth Care Centres to stop the exploitation of children as fast as possible. Those that are ready for registration now should be given the same timeframe as existing Children's Homes so that children receive sufficient care by an adequate number of staff.