

Amendments to the
regulations to the
Children's Act 38 of
2005 and the Children's
Amendment Act 41 of
2007

July 25

This document is a summary of proposed amendments to the regulations to the Children's Act 38 of 2005 and the Children's Amendment Act 41 of 2007 to be submitted by 25 July 2011.

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Regulation number	Title	Proposed amendment/addition	Reasons	Decision by DSD: Proposal accepted Y/N	Reasons
Chapter 5	Early Childhood Development				
27(a)(ii)	Qualification, skills and training required for early childhood development programmes	... <u>any other</u> appropriate early childhood development qualification <u>delivered by an accredited training service provider</u>	It is in the interest of children that practitioners are qualified in an accredited manner.		
27(a)(iii)		...a minimum of three years experience <u>implementing an early childhood development programme in line with national norms & standards</u>	It is not sufficient that a person may have delivered services and programmes in the past – there should be evidence that a person has delivered quality services and programmes, and proof		

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			of adherence to national norms and standards allows for some measurement of quality.		
28(2)	Assessment and compulsory monitoring of early childhood development programmes	The assessment and monitoring contemplated in sub-regulation (1) must, subject to sub-regulation (3), be executed by a person with <u>experience in early childhood development</u> designated by the provincial head of social development.	Assessments of ECD programmes and services should never be conducted by a person that does not have experience of ECD, since ECD services and programmes are specialised. Assessment therefore calls for an individual with some prior knowledge of the specialised nature of ECD. Such a person will		

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			not necessarily have to be a social service professional.		
28(3)		The assessment and monitoring contemplated in sub-regulation (1) must, where the power or function has been delegated to the municipal manager, be executed by such municipal manager or by a social service professional <u>with experience in early childhood development</u> where the municipal manager has delegated his or her power or function to such social service professional.	Municipal managers, or social service professionals, cannot be responsible for assessment and monitoring of ECD services and programmes merely by virtue of their positions within a municipality.		
29(3)	Assignment of functions to municipalities	An agreement between a provincial head of social	A monitoring and evaluation plan will give		

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		development and a municipality contemplated in section 102(1) of the Act must be in writing and signed by both parties in the presence of two witnesses, <u>and include a monitoring and evaluation plan with regards to early childhood development programmes and services.</u>	a municipality a clear framework of its targets with regards to ECD services and programmes, and also allows for better reporting, which leads to better planning and budgeting.		
29(4)		Add 29(4)(e): An agreement between a provincial head of social development and a municipality contemplated in section 102(1) of the Act must contain the following particulars:	It is not acceptable to delegate responsibility for CD services and programmes to a municipality that is not capable of performing such responsibility. In deciding whether any given municipality is		

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		<u>(e) that the municipality has sufficient human resources and financial resources to fund ECD programmes.</u>	capable of performing such responsibility, it is critical to consider the municipality's human resources and financial resources.		
Annexure B	Part IV – National Norms and Standards for Early Childhood Development Programmes				
1(e)	The provision of appropriate developmental opportunities	...be organised in a way that each day offers a variety <u>of stimulating and</u> creative activities.	The change is recommended for the sake of clarity and completeness.		
2(a)	Programmes aimed at helping children to realise their full	receive love, <u>care,</u> support, <u>protection and</u> security	The change is recommended for the sake of completeness		

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	potential		and in keeping with the spirit and purport of the Children's Act.		
2(c)		self discovery, <u>self awareness and self confidence</u>	The change is recommended for the sake of completeness and in keeping with the spirit and purport of the Children's Act.		
2(e)		motor, <u>cognitive,</u> communication and sensory abilities <u>embedded in the child's holistic development.</u>	The change is recommended for the sake of completeness.		
2(f)		independence, <u>inter-dependence as well as development-appropriate responsibilities.</u>			

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2(g)		...amongst children, <u>enhancing good social skills.</u>	The change is recommended for the sake of completeness.		
3(b)	Caring for children in a constructive manner and providing support and security	<u>Sites must adhere to requirements for partial care facilities,</u> and programmes must adhere to the following conditions...	It is important to clarify that the requirements for sites are to be found in the chapter on partial care, whereas the requirements for programmes and services are to be found on the chapter on ECD programmes and services. This aspect of the Act and regulations has been a source of great confusion to practitioners and officials alike, and		

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			complicates the registration process in practice.		
3(b)(v)		there must be a place for the washing of children	The change is recommended for the reason that “bathing” seemed unnecessarily formal.		
3(c)		<u>Delete 3 c (iv) and (v).</u>	Note that the guidelines for ECD services do not require an assistant for every staff member and this is simply not affordable. It may be necessary in specialised partial care programmes and the rewording of (v) suggested above makes		

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			provision for this.		
5(b)	Respect for and nurturing of the culture, spirit, dignity, individuality, language and development of each child	Delete 5(b) and replace with the following: <u>Practitioners must as far as possible utilise the home language of the children as the medium of communication and instruction in the programme.</u>	<p>The word educator usually refers to a trained teacher and there are a range of practitioners working in ECD programmes.</p> <p>Use of a single medium of instruction in the class is not in the spirit of the other provisions in this section and is in contradiction to national language policy which promotes additive multilingualism. It is developmentally</p>		

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			important to use mother tongue as much as possible, it is also very important for the comfort and well being of young children. A strong statement in the norms and standards will help counter prevailing trends to use English as a sole medium of instruction from early on.		
Form 21		The proposed changes to Form 21 are contained in a separate document and is attached hereto, marked "F21".			