

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.

Please complete columns 1-4

Regulation number	Section title	Proposed amendment/addition	Reasons	Decision by DSD: Proposal accepted Y/N	Reasons
Annexure B	Part IV – National Norms and Standards for Prevention and Early Intervention Programmes				
1	Outreach services	<p>The section should distinguish between the mandatory aspects of all prevention and early intervention programmes, and the particular types of services that might be offered.</p> <p>Reformulation as follows: <u>Outreach services must</u> [group together and renumber the existing sub clauses a), b), d), f), n), o), as these refer to</p>	As the regulations currently read it suggests that all programmes should have the aims indicated, but in fact most programmes are targeted to specific areas, e.g. ECD, community safety, abuse and neglect.		

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		mandatory features of all prevention and early intervention programmes] and			
		Reformulation of clause 1 continues: outreach services <u>could include but are not limited to</u> [group together and renumber the existing sub clauses c); e); g) h), i) j) k), l), m), as these refer to particular types of services]	These refer to particular types of services.		
1(d)		<u>Enable</u> children and families to access documents, including birth certificates, <u>road to health cards</u> , to facilitate...	It is not necessarily within the power of a programme to “ensure” that something happens, as the services		

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			<p>referred to in d) and f) may be or are dependent on other stakeholders.</p> <p>Prevention and Early Intervention programmes can however be expected to take steps to enable the realisation of these objectives.</p> <p>The Road to Health Card is particularly important for young children.</p>		
1(f)		Enable children and their families to...	“Enable” rather than “ensure” as for d) above.		
1(g)		Where age-appropriate provide	Child participation is		

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		opportunities	important but governed by children's age and capacity. The nature of the opportunity should take this into account.		
1(i)		Promote the identification of children at <u>(remove "high")</u> risk...	Prevention and early intervention programmes and should not be limited to children at <i>high</i> risk only, as this would be contrary to the objectives of prevention and early intervention.		
1		<u>Add clause 1(p)</u> after 1(o): <u>p) make appropriate referrals in order to provide children with the necessary services to</u>	All programmes need to be aware of how and when to refer children to other services for additional needs, where		

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		<u>realise their full potential and well-being</u>	those need are beyond those for which the programme caters.		
2(b)	Education information and promotion programmes	Education, information and promotion programmes could include but not limited to: (b) Promoting the importance of the early years <u>and how to facilitate early childhood development</u>	It is necessary to expand the “promotion” of early years by specifying that early childhood development must be facilitated as part of this promotion. It is essential that any education, information and promotion programmes should give insight into such facilitation, even if it is to a relatively superficial extent.		

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2(e)		... providing information and support to families at <u>remove “high”</u> risk	Prevention and early intervention services should not be limited to families at high risk, and any formulation the act that might be interpreted in this way should be avoided.		
5(e)	Skills development programmes	...sensitive to the <u>literacy levels</u> , linguistic needs, religious and cultural norms and values of children and their families; and	The literacy levels of a target audience must always be considered where communication of important information is planned and executed. Poor literacy levels will necessitate a mode		

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			other than written information.		
5		<u>Add after 5(g)</u> after 5(f) <u>(g) age appropriate</u>	In the same way that literacy levels will inform the mode of communication with the target audience, any mode or material used must also be age appropriate.		
5		Skills development programmes <u>could include, but are not limited to,</u> —	It is clear that skills development programmes must aim for certain benchmarks in deliverables, however, service providers should not be limited as to what their		

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			programmes could include, and a single service provider should not be expected to over-extend their services. It is not realistic to expect all such programmes, for example, to have a component that aims directly to alleviate poverty.		
5(d)		...aimed at providing skills to enable them <u>(programme beneficiaries)</u>	It is not clear from the current formulation who “them” refers to, and “them” should either be replaced with “programme		

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			beneficiaries”, or expanded upon in parentheses.		
8(d) and (g)	Assessment of programmes	Change “capacity building” to <u>“capacity development”</u> in both the sub clauses.	The term “capacity building” implies that the assessment process does not recognise any prior skills or knowledge or experience, and “capacity development” is therefore preferred in this context.		
8(e)		<u>...be appropriate to the cultural context, strength based and holistic.</u>	The existing clause has an awkward sentence structure.		
8(i)		...monitor adherence to the	The inclusion makes		

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		national norms and standards made in terms of the Act and ensure that decisive, <u>timeous</u> and appropriate action is taken where violations of the norms and standards occur;	provision for time frames.		
8(j)		...be done with the participation of programme staff and children <u>where age appropriate</u>	"Age appropriate" should be included as a universal requirement throughout the Norms and Standards, wherever the text refers to children or programme beneficiaries.		
8(k)		...consider the following factors, <u>which must include but are not</u>	The list of factors that can be considered		

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		<u>limited to</u> -	should not be a closed list, although provision can be made for some minimum considerations.		
8(k)		Add on 8(k)(xi) after 8(k)(x): <u>(xi) impact of the capacity development on programme staff</u>	There is a need to consider the unintended outcomes of the capacity development for programme staff, in terms of future career pathing.		
8(l)		<u>include</u> participation of families and communities;	While such participation cannot always be ensured, it can be aimed for, and the reformulation places a more realistic obligation		

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			on assessors.		
8(p)		...ensure that programmes promote <u>generally accepted</u> positive social values	The term "positive social values" is too subjective when it stands alone, and the wording here should aim to be as inclusive as possible.		
8(q)		... may be conducted by a multi disciplinary panel <u>subject to availability and context</u>	Multi-disciplinary teams are not always available, especially in differencing contexts such as urban settings vs. rural settings, and a timeous assessment should not be delayed for this reason.		