

**Mamelani Projects Submission to the Portfolio
Committee on Social Development on the Children's
Second Amendment Bill (B14 - 2015)
NCOP**



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1. Background

This submission focuses on the issue of ensuring that children who have been placed in child and youth care centres receive adequate support as they make their transition to adulthood. Mamelani Projects has been working for over a decade with this target group. Based on our experience of the challenges these young people face, we would like to propose two amendments to Section 176.

Chapter 11 – Alternative Care

Comment in relation to the Bill

We fully support the proposed amendment in the Bill to Clause 5 section 176 (2)(b) that permits the extension of an alternative care placement to enable a young person to complete their grade 12, higher education or further education and training. We support the inclusion of vocational training as suggested in the Bill, but would like to propose the insertions of the words internships and learnerships to follow the words vocational training – as given the educational needs of young people who have been placed in alternative care, these possibilities are sometimes more appropriate than further education in terms of preparing them for adult life, especially as they transition out of care.

New recommendation

We would also like to propose the addition of a new sub-section 176(4) that proposes that a prior to leaving care a young person should participate in a transitional support programme that prepares and assists him or her with the transition from alternative care. In addition, aftercare services should be provided that continue for at least 6 months after the young person has disengaged from that alternative care.

We are aware that Section 191(3)(e) states that

A child and youth care centre may in addition to its residential care programmes, offer—

(e) a programme to assist a person with the transition when leaving a child and youth care centre after reaching the age of 18.

The word 'may' makes provision for the possibility of care-leaving or transitional services, but it does not require that the child and youth care centre provide such services. It also does not speak of facilitating interventions that prepare the young person for the transition – which research has shown is essential for improving outcomes.

Given that this provision is encouraged, **but not required**, the number of Child and Youth Care Centres that currently provide this support is very limited; the nature and extent of these services are unclear; and because provision is insufficient, the resulting long-term outcomes for this particular group are particularly poor.

The Department of Social Development policy documents acknowledge that youth who have grown up in alternative care, and particularly, in residential care, are more likely than other young people to be at higher risk of dropping out of school, of being affected by low educational achievement, learning disabilities, limited social skills and additional emotional and behavioural challenges. All this makes the transition from a highly structured and supported environment to the challenging outside world all the more difficult. After having been cared for within an institutional setting, where all of their basic needs are met, returning to an under-resourced community where they suddenly need to meet their own needs can be extremely challenging for these young people.

Research done in 2012 on the experiences of young people disengaging from care in the province highlighted that there was a high level of concern for this group and a strong need to close this gap in services. Although placement at a residential facility is meant to be for up to 2 years, many young people found themselves in care until the age of 18. This was usually the case when the family issues that brought them into care in the first place had not been able to be resolved. The research pointed to the severity of some of the family issues, and the high caseload of designated social workers as contributing factors. Ultimately, what this meant for youth transitioning out of care is that most young people do not have families who can support them and they do not feel prepared to leave care. Without support, the transition from the care setting to the reality of life beyond care is wrought with challenges including lack of access to employment, to stable accommodation, to resources and to opportunities which would allow them to gain skills and further their education. Additionally, these individuals have poor networks of social support and on-going family problems.

Given that the policy is not strong enough in that it does not require centres to provide transitional support, many young people are left ill prepared for this transition. Sadly, after years of stability at the Centre, they find themselves facing the same challenges that forced them into care in the first place – substance abuse, poverty, unemployment; lack of access to resources and limited networks of support. It is all too common that young people who have been identified as children in need of care by the state, are not adequately supported in their transition to adulthood – and in many cases, then have children who are placed in alternative care as they do not have the means to support them. In other cases, these young people turn to crime to survive, and enter the criminal justice system. It is the state's responsibility to ensure that the resources that have been invested to care for and develop children who have been identified as children in need of care, are directed towards interventions that ensure that they are equipped and prepared, emotionally and practically to cope with life beyond care. It would be essential for minimum standards to be developed for these sorts of interventions that would guide Centres regarding what they need to put in place, along with the necessary skills and resources to be made available for these interventions to be successful.

Recommendation:

We would like propose the insertions of the words learnerships and internships to Clause 5 section 176 (2)(b). These kinds of opportunities afford the young person the possibility of generating an income, while they are gaining essential skills and experience for future employment – which is essential for the young person to be able to make a smooth transition from care.

We would also like to propose the addition of a new sub-section 176(4) that proposes that a young person should be permitted to stay in alternative care until he or she has completed a transitional support programme that prepares and assists him or her with the transition from alternative care. This includes the provision of aftercare services that continues for at least 6 months once the young person has disengaged from that alternative care.

The inclusions we are suggesting have been highlighted in red below.

Amendment of section 176 of Act 38 of 2005, as inserted by section 10 of Act 41 of 2007

5. Section 176 of the principal Act is hereby amended—

(a) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“A provincial head of social development may on application by a person placed in alternative care as a child, or by a person acting on his or her behalf, allow that person to remain in **[that] alternative care** until the end of the year in which that person reaches the age of 21 years if—”;

(b) by the substitution in subsection (2) for paragraph (b) of the following paragraph:

‘(b) the continued stay in that care is necessary to enable that person to complete his or her grade 12, higher education, further education **[or] and training or vocational training.**’; **as well as learnerships and internships.**

(c) by the addition of the following subsection:

“(3) An application contemplated in subsection (2) must be submitted before the end of the year in which the relevant child reaches the age of 18 years, but a late application may be condoned, upon good cause shown, if such application is submitted within three months after such date.”

(d) by the addition of the following subsection:

(4) **prior to leaving care a young person should participate in a transitional support programme that prepares and assists him or her with the transition from alternative care. In addition, aftercare services should be provided that continue for at least 6 months after the young person has disengaged from that alternative care.**

6. Conclusion

Thank you for this opportunity to contribute to this important debate. As it currently stands the Bill does not adequately provide for the needs of young people who have been placed in child and youth care centres in a way that enables them to make a positive transition to life beyond care. We trust that you will take these concerns into account to ensure protecting the needs of this particular group of children in South Africa.

This submission has been endorsed by:

The Children’s Institute
The National Association of Child Care Workers
Prof. Adrian Van Breda, HOD Department of Social Work, University of Johannesburg
Heatherdale Children’s Home
Lawrence House
SA Children’s Home
St George’s Home for Girls
The Homestead, Projects for Street Children