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NATIONAL ASSOCIATION OF CHILD CARE WORKERS

National Association of Child Care Workers (NACCW) submission on the Children's Amendment Bill [B13 – 2015] & the Children's Second Amendment Bill [B14 – 2015]

For Attention:

Mrs Rosmary Nokuzola Capa, MP
Chairperson of the Portfolio Committee on Social Development

Send by email to Ms Lindiwe Ntsabo, the Committee Secretary lnsabo@parliament.gov.za

The NACCW would hereby like to make written submissions on both the Children's Amendment Bill and the Children's Second Amendment Bill and request the opportunity, if it pleases the chair, to make oral submission to the Parliamentary Portfolio Committee on Social Development on both these bills during the public hearings being held on the 2 & 4 September and the 23 & 25 September 2015 respectively.

Organisational Background:

The National Association of Child Care Workers (NACCW), has been operational in the area of children's rights and child protection for the past four decades. The organisation has a national membership of 4000 child and youth care workers with membership chapters operating in all provinces. The NACCW has played a key role in having the field of child and youth care becoming a recognised and regulated profession.

Driving the recognition and professionalization of child and youth care workers in South Africa, we have also gained a positive reputation for translating the requirements of the Children's Act into affordable indigenous programs and models that works to meet the needs of orphaned and vulnerable children and youth in South Africa.

The Isibindi model, developed by NACCW, is a community-based response to orphans and vulnerable children (OVCs). This model addresses the holistic care of OVCs whilst simultaneously addressing the social service workforce gap. Steeped in the Children's Act no. 38 of 2005, this model trains community-based child and youth care workers to supervise, and provide care and support to vulnerable children and youth. Services are provided at prevention, early intervention and child protection levels.

The National Association of Child Care Workers is an independent, non-profit organisation which provides the professional training and infrastructure to promote healthy child and youth development and to improve standards of care and treatment for troubled children and youth at risk in family, community and residential group care settings

The core of this model is to provide care for vulnerable children and their families through lifespace (home) and safe space (community) interventions. Lifespace interventions include home visits, teaching life skills and social skills, memory box work, homework supervision, family work, supervision of morning and evening routines, lifespace counselling, play and recreation. The Safe Park provides safe spaces for children and youth to engage in free play and structured activities in their communities under the supervision of CYCWs.

The basic model of care is enhanced by specialized programs addressing various physical, social and emotional needs of children and youth. These additional programs include amongst others; Young Woman and Young Man Empowerment programs, an Integrated Youth Development program, non-centre based Early Childhood Development (ECD) program, grief work, a short-term residential Child Protection program and a disability program. Through the array of child and youth friendly programs; advocacy, care and protection of children's rights are realized.

The National Department of Social Development (NDSD) has recognized Isibindi as a best practice community care model. The adoption of the model resulted in the National Treasury approving a proposal for the scale up of Isibindi projects from 67 to 400 nationally. Over a 5 year roll out process, 1.4 million children are expected to access services through this model. In addition, the rollout will create jobs for 10 000 people from these rural communities. NACCW is providing technical support to the Department of Social Development in the scale-up process.

This presentation from the NACCW is representative of a National and extremely diverse audience. Our membership consists of more than 4000 people nationally, who work are professional child and youth care workers or who are included in the field of child and youth care. Through our Isibindi program, we currently have 310 projects representative of all 9 provinces, with a workforce of more than 4500 child and youth care workers providing services to the more than 200 000 children and youth we serve.

The NACCW's support and comments on the proposed Amendments to both the Children's Amendment Bill [B13 – 2015] & the Children's Second Amendment Bill [B14 – 2015] are presented in the rest of this document, under separate headings.

Our submission, will not cover all the changes proposed but rather focus on the sections of the Children's Amendment bill to which our experience speaks most.

Submission for the Children's Amendment Bill [B13 – 2015]

Submission by National Association of Child Care Workers (NACCW)

National Child Protection Register - Section 120 of the Children's Amendment Bill [B13- 2015]

The NACCW supports the proposed amendments to **Section 120(4)** including the additions to the list of offences listed in **Section 120(4)(a)** as listed in the gazetted draft bill. We would however like to propose that this section of the Bill should be aligned to the final version of the Sexual Offences and Related Matters Act as amended. Therefore, amongst the other proposed additions to the list such as pornography which we support, we would like to see it explicitly stated that all sexual crimes against children as listed in the Sexual Offences and Related Matters Act as amended be included.

Furthermore, the NACCW supports in part the amendments to **Section 120(5)**. While the automatic inclusion of offenders is something that is in the best interest of our children, the wording of this subsection makes no exception for offenders who were children at the time of the offence. The NACCW was part of the public hearings for the Criminal Law (Sexual Offences and related matters) Amendment act and we believe for the Children's Amendment Bill as we did for the aforementioned legislation, that child's names should not be added to the register without substantial and compelling circumstances that would warrant the inclusion of their names onto the NCPR. Although the NCPR is aimed at protecting children from abuse we feel that this retrospective action should only be implemented for offenders who were adults at the time of the offence. The obligation to include a child's name on the register infringes on the rights of the child and even though this child might now be an adult the offence was committed while they were still a minor and therefore should be given the same consideration as the law currently gives offenders who are children at the time of the offence.

Overall, we feel that the proposed changes to Section 120, will help us as an organisation and a country in taking great strides to protect our children. Organisations working with children, such as ours, have come to depend on the National Child Protection Register to some degree to assess and filter for employment, those adults able and suitable to work with children. Those of us working in the field of child and youth care and other such professions, have the profound privilege and responsibility of nurturing a relationship of trust in which we are able to heal, develop and mould the children and youth we work with. Most rapes where the children's were victims were perpetrated by people known to them and almost a quarter of high schools report children being the victims of sexual or physical violence perpetrated by an educator (DSD, DWCPD & UNICEF, 2012)¹. The more extensive the NCPR, more easily we will be able to prevent adults who have a history of violence and abuse towards children from having access and gaining the trust of children and youth.

¹ DSD, DWCPD and UNICEF. 2012. Violence Against Children in South Africa. Pretoria: Department of Social Development/Department of Women, Children and People with Disabilities/UNICEF

Foster Care - Section 150(1)(a) of the Children's Amendment Bill [B13- 2015]

The NACCW understands and supports the need for **Section 150 (1)(a)** to be changed but we feel that the proposed changes to the wording still leaves the implementation of this very vague and therefore up to the interpretation of the magistrate. Moreover, it further entrenches the use of the Foster Care Grant (FCG) as a choice for orphans being cared for by their extended family. The NACCW is also in the opinion that an Extended Child Support Grant for relatives caring for orphans, would decrease the pressure on the foster care system while availing the necessary support to the children and their families who are currently not being able to access the needed social assistance due to the fact that the need is exceeding the capacity of the social workers and the courts who need to process this.

The NACCW further proposes that child and youth care workers can be utilised more concretely within the already overburdened and under resourced foster care system as an alternative professional to social workers for the monitoring of foster care placements. Child and youth care worker is regulated and is recognised as a profession by the South African Council of Social Service Professionals (SACSSP). Legislation of the child and youth care involvement in the foster care system and tapping into their specialised skills in home and family intervention and observation could address and prevent the backlog experienced in this area. The SACSSP reported more than 7000 child and youth care workers who had registered by July 2015 and this number is growing. Already accepted as a valuable workforce in the execution of the Children's Act, child and youth care workers should be included in the amendments of the act as social service professionals who are able to support the foster care system.

Children's Second Amendment Bill [B14 – 2015]

Submission by the National Association of Child Care Workers (NACCW)

Application to stay in alternative care beyond 18 years - Section 176(2) of the Children's Second Amendment Bill [B14- 2015]

The NACCW supports the proposed amendments to Section **176(2)(a)** and support the underlying intent of sections 176(2)(b) and 176(3) to expand the support provided to youth aged 18 to 21 within alternative care.

With regards to section **176(2)(b)** we however would like to see the inclusion of the words learnerships and internships, to ensure that these are explicitly included in the concepts of training and vocational training. We would also like to recommend that though be given to the fact that in many rural communities the only options for further study, is for children to stay in residence of that tertiary institutes which at times if far away from their alternative placement. If this is the case, how will these alternative placements such as child and youth care centres, secure care centres, etc manage the logistics of these placements? Will they be expected to keep the bed open for the youth when the tertiary residence is closed and everyone else goes home during the vacations? And in the cases of foster care placements would the youth still be eligible for a foster care grant if they are not staying in the same abode as their care giver? If youth received partial or full bursaries for their studies, would they still be able to receive the foster care grant they were already receiving before their studies, if they are still under the age of 21?

With regards to section **176(3)**, the NACCW supports the addition of the subsection but would like to enquire whether the three month submission restriction is necessary and should not rather read "...if such application is submitted within a reasonable time" as this would allow the provincial head of Social Development to be able to take into account extenuating circumstances.

It is our belief that the intention of the proposed amendments to Section 176(2) and the addition of Section 176(3) are essential to increase the support given to youth within this very difficult transitional phase of life, between the ages of 18 to 21 years.

In our experiences through our Isibindi Program, there is immense burden on families, guardians and youth in the year that they are in Grade 12. Not only are their dreams to further their education curbed by financial constraints instead of lack of ability but for many youth they have to choose between being able to continue their studies beyond grade 12 or contributing to their families. Many youth are placed into the position of needing to go work because even without the cost of their enrolment, registration and tuition there are added expenses which they their family is not able to carry such as transport, daily expenses and educational materials. It is our belief that with the added social assistance provided through this extension that the availability of further education would be more viable.

Conclusion

In conclusion we would like to thank the honourable Chairperson and the members of the Portfolio Committee on Social Development, for the opportunity to contribute to this discussion and the legislation that will follow. We are proud to be able to be a voice for the child and youth care field and for the thousands of children and youth who participate in our programs.