

CHAPTER 9
OTHER PROTECTIVE MEASURES
(Section 137 of the Act)

Duties of supervising adult in relation to child-headed households

50. An adult designated in terms of section 137(2) of the Act to supervise a recognised child-headed household must, subject to the provisions of section 137(6) of the Act—

- (a) facilitate psychological, social and emotional support to all members of that household when required;
- (b) ensure that all members of that household who are by law required to attend school or who are required to attend an appropriate education programme, do so;
- (c) assist with the supervision of homework of members of that household;
- (d) educate the members of that household with regard to basic health and hygiene and, if possible, sexually transmitted infections depending on the age and maturity of the child;
- (e) assist with the health care requirements of any member of that household, including the supervision of the taking of medicine and assistance to members with disabilities and ensuring that the children access health care facilities and that their health needs are met;
- (f) assist the members of that household with legal documentation when required;
- (g) compile a roster indicating the responsibility of various members of that household in relation to domestic chores in consultation with the members of the household to prepare children for independent living;
- (h) in consultation with a social worker or a social service professional, attempt to reconnect the members of the household with their parents or relatives and supervise contact between the

- children and relatives or parents where it is deemed appropriate by the social worker or social service professional;
- (i) engage the members of that household in issues that affect the household;
 - (j) ensure proper provision of resources due to that household, if any, in terms of section 137(5)(a) of the Act for that household's basic needs;
 - (k) ensure, subject to paragraph (j), proper utilisation of available resources and adherence to a financial budget;
 - (l) keep record of all expenditure of that household;
 - (m) utilise available and applicable child protection services to ensure the safety and well-being of the members of that household if and when required;
 - (n) assist the member heading that household with his or her responsibilities;
 - (o) be available to a child when the child requires services after hours;
 - (p) report incidents of abuse to the relevant authority in a form identical to **Form 22**; and
 - (q) report any death within that household to a police official and to the provincial head of social development.

Accountability of supervising adult regarding administration of money

51.(1) An adult designated in terms of section 137(2) of the Act must, for purposes of accountability—

- (a) in consultation with the members of such household, bearing in mind the varying financial needs of different members of such household, develop a monthly expenditure plan reflecting available financial resources and payment;
- (b) ensure that the monthly expenditure plan is signed by the child at the head of such household; and
- (c) submit the monthly expenditure plan, duly signed as contemplated in paragraph (b), to an organ of state or a non-governmental

organisation, as the case may be, which designated the adult to supervise the child-headed household, together with the original documents, receipts, invoices and other documentation that may serve as proof of the expenditure incurred.

(2) The organ of state or a non-governmental organisation which designated the adult referred to in sub-regulation (1) may, upon the absence of a counter-signature as contemplated in that sub-regulation or, if there is reason to believe that there is a misappropriation or maladministration of money, cause the matter to be investigated and may take the steps that may be required by the circumstances, including the institution of criminal charges against that adult and the replacement of the adult by another supervising adult.

CHAPTER 10

PREVENTION AND EARLY INTERVENTION

(Sections 143 – 149 of the Act)

National norms and standards for prevention and early intervention programmes

52. The national norms and standards for prevention and early intervention programmes contemplated in section 147 of the Act are contained in **Part IV of Annexure B**.

CHAPTER 11

CHILDREN IN NEED OF CARE AND PROTECTION

(Sections 150 – 160 of the Act)

Removal of child to temporary safe care

53. (1) A person authorised by a court order, a designated social worker or a police official who removes a child and places such child in temporary safe care-

- (a) in terms of a children's court order contemplated in section 151(2) of the Act; or
- (b) without a court order in terms of section 152(1) of the Act,

must complete a form identical to **Form 36** and submit it to the temporary safe care as soon as is practicable.

- (2) The person or police official referred to in sub-regulation (1) must –
- (a) give the relevant parent, guardian, care-giver, next of kin, social worker, religious counsellor, medical practitioner, psychologist, psychiatrist, legal representative, child and youth care worker or any other person, approved by the designated social worker, access to the child at all reasonable times, subject to the terms of the court order and provided that such access is in the best interests of the child; and
 - (b) notify the designated social worker immediately of any difficulties with such placement and of any change in the child's residential address.

Bringing of child before children's court to decide whether child is in need of care and protection

54. (1) A child –

- (a) whose placement in temporary safe care has been confirmed by a presiding officer; or
- (b) who is not in temporary safe care but is the subject of an investigation as to whether he or she is in need of care and protection,
- (c) who is a victim of trafficking and has been returned to the Republic as contemplated in section 286(1) of the Act; or
- (d) who is a victim of trafficking and is found in the Republic as contemplated in section 289(1) of the Act,

must be brought or caused to be brought before the children's court of the district where the child resides, is found or happens to be, by a designated social worker or, in the case of a child referred to in paragraph (b), be brought by his or her parent, guardian or care-giver for a decision on whether the child is in need of care and protection by not later than 90 days after –

- (i) the removal of the child to temporary safe care, in the case of a child contemplated in paragraph (a);

- (ii) the commencement of the investigation, in the case of a child contemplated in paragraph (b);
- (iii) the date of return of the child to the Republic, in the case of a child contemplated in paragraph (c); or
- (iv) the date upon which the child was found in the Republic, in the case of a child contemplated in paragraph (d).

(2) The parent, guardian or care-giver of a child as contemplated in sub-regulation (1)(a), (b) or (c) must be notified by the clerk of the court to attend proceedings of the children's court where a decision will be made as to whether the child is in need of care and protection in a form identical to **Form 37**.

Report by designated social worker

55.(1) A report by a designated social worker compiled in terms of section 155(2) of the Act must be in a form identical to **Form 38** and must—

- (a) contain an introduction and personal details of the social worker;
- (b) reflect a history of and background to the matter to be decided by the children's court;
- (c) give reasons for the removal of the child, if applicable;
- (d) address any relevant factors referred to in section 150 of the Act;
- (e) contain details of previous interventions and family preservation services that have been considered or attempted;
- (f) contain an evaluation of the matter to be decided by the children's court;
- (g) indicate whether, after investigation, the child concerned is considered to be in need of care and protection;
- (h) contain a recommendation as to which order or orders in terms of section 156 of the Act, including an order in terms of section 46 of the Act, would be appropriate to the child;
- (i) list sources of information;
- (j) contain recommendations, where necessary, regarding measures to assist the child's parent, guardian or care-giver, including-
 - (i) counselling;
 - (ii) mediation;

- (iii) prevention and early intervention services;
- (iv) family reconstruction and rehabilitation;
- (v) behaviour modification;
- (vi) problem solving; and
- (vii) referral to another suitably qualified person or organisation;
- (k) contain an assessment of the therapeutic, educational, cultural, linguistic, developmental, socio-economical and spiritual needs of the child; and
- (l) address any written request by a presiding officer to the designated social worker concerned.

(2) A permanency plan must explore the following options, taking into account that the first option is the most desirable and the last option the least desirable:

- (a) If the child is to be removed from the care of his or her parent, guardian or care-giver, the possibility of placing the child in foster care with relatives or non-relatives as geographically close to the parent or care-giver as possible to encourage visiting by the parent or care-giver;
- (b) the possibility of adoption of the child by relatives;
- (c) the possibility of a relative or relatives obtaining guardianship of the child;
- (d) the possibility of adoption of the child by non-relatives, preferably of similar ethnic, cultural and religious backgrounds; or
- (e) the possibility of placing the child in foster care with relatives or non-relatives or with a cluster foster care scheme.

(3) A permanency plan approved by a children's court must, unless the children's court, in terms of section 157(1)(b)(v) of the Act, directs otherwise, be evaluated by the social worker concerned within six months of its implementation and thereafter at intervals of six months with a view to establishing, unless he or she had been adopted or placed in foster care, whether the child may be returned to the care of his or her parent or care-giver.

Abandoned or orphaned children

56.(1) If it appears to a designated social worker that a child has been abandoned or orphaned, whether for purposes of determining if such child is in need of care and protection or if such child can be made available for adoption, such social worker must cause an advertisement to be published in at least one local newspaper circulating in the area where the child has been found calling upon any person to claim responsibility for the child.

(2) In determining whether a child has been abandoned or orphaned for purposes of section 150(1)(a) of the Act, a presiding officer must-

- (a) be satisfied that the child has been abandoned or orphaned ;
- (b) be furnished with a copy of the advertisement contemplated in sub-regulation (1) and be satisfied that, for the purposes of-
 - (i) section 150(1)(a) of the Act, a period of at least one month has lapsed since the publication of the advertisement; or
 - (ii) section 157(3) of the Act, a period of at least three months has lapsed since the publication of the advertisement,and that no person has claimed responsibility for the child;
- (c) have regard, in the case of an orphaned child, to the death certificate or certificates of the child's parent or parents, guardian or care-giver, obtained by the social worker concerned, or, if such certificate cannot be obtained, to an affidavit by a person or persons who can testify to the death of the child's parent, guardian or care-giver; and
- (d) have regard, in the case of an abandoned child, to an affidavit, setting out the steps taken to trace the child's parent, guardian or care-giver, by the social worker concerned to the effect that the child's parent, guardian or care-giver cannot be traced and an affidavit by any other person, if any, who can testify to the fact that the child has had no contact with his or her parent, guardian or care-giver for a period of at least three months.

CHAPTER 12
ALTERNATIVE CARE
(Sections 167 – 179 of the Act)

Manner and criteria for approval of person, facility, place or premises for temporary safe care

57.(1) Subject to sub-regulation (2), approval to provide temporary safe care to a child must be in writing in a form identical to **Form 39** a copy of which must be handed to the relevant person, the head of the relevant place, facility or premises immediately upon approval.

(2) Approval to provide temporary safe care to a child may not be granted to a person, facility, place or premises unless the relevant provincial head of social development or the person authorised to grant approval is satisfied that-

- (a) the child will be cared for in a healthy, hygienic and safe environment in line with the reasonable standards of the community where the temporary safe care is to be provided;
- (b) the child will be provided with adequate nutrition and sleeping facilities;
- (c) the person responsible for providing the child with temporary safe care has not been found to be unsuitable to work with children in terms of section 120 of the Act and is willing to provide such care;
- (d) the area in which the child is to be placed in temporary safe care will not be severely disruptive to the child's daily routine; and
- (e) care will be provided in accordance with the definition of "care" in section 1 of the Act.

Limitations and conditions for leave of absence of child from alternative care

58.(1) Leave of absence may, subject to sub-regulation (2), be granted to a child in alternative care in terms of section 168(1) of the Act at any time and for a period not exceeding six weeks at any given moment.

- (2) No leave of absence may be granted to a child in alternative care—
- (a) unless the leave will serve the best interests of the child;
 - (b) unless suitable arrangements for the accommodation, care and supervision of the child have been made by a social worker for the duration of the child's leave; and
 - (c) where such leave is based only on staff shortages or on an absence of developmental programmes at a child and youth care centre during the holiday period.

Fees payable on transfer or provisional transfer of child in alternative care

59.(1) For the purposes of section 171(1) of the Act, the monthly fees payable by a provincial department of social development in respect of a child in alternative care in that province, must, upon transfer of that child to a child and youth care centre, or a person in whose care or temporary safe care that child has been placed in that province, be paid by the provincial department of social development to a child and youth care centre, or a person in whose care or temporary safe care that child has been transferred and placed.

(2) The fees referred to in sub-regulation (1) are payable from the date of arrival of the child at the person or centre referred to in that sub-regulation.

(3) For the purposes of section 171(2) of the Act, the monthly fees payable by a provincial department of social development in respect of a child in alternative care in that province ("sending province"), must, upon transfer of that child to a child and youth care centre or to a person in another province ("receiving province"), be terminated by the sending province and must be paid, in accordance with the rates applicable in the receiving province.

(4) The fees referred to in sub-regulation (3) are payable from the date of arrival of the child in the receiving province, by the provincial department of social development in such other province until the child is transferred, removed or discharged from the child and youth care centre or from the care of a person in such other province.

Procedures before issue of notice of provisional transfer of child from alternative care

60.(1) The procedure for assessing the best interest of the child before the issue of a notice of provisional transfer of the child from alternative care as contemplated in section 174(1) of the Act comprises of an assessment-

- (a) which must be conducted by a designated social worker in consultation with —
 - (i) the parent, guardian or care-giver of the child or the person in whose custody the child had been prior to placement in alternative care, if available, and provided that their parental responsibilities and rights have not been terminated; or
 - (ii) the foster parent, the head of the child and youth care centre or the head of the facility, place or premises where the child had been placed in temporary safe care, as the case may be; and
 - (iii) the child himself or herself; and
- (b) which must take account of—
 - (i) the child's basic need for love, parental care and permanent family life;
 - (ii) the child's need for protection and security;
 - (iii) the child's physical and psychological well-being;
 - (iv) the ascertainable wishes and feelings of the child, considered in the light of his or her age and understanding;
 - (v) the likely effect on the child of any changes in his or her circumstances;
 - (vi) the child's age, sex, background and any individual characteristics;
 - (vii) the harm which the child has suffered; and
 - (viii) the capability of the child's immediate family or family members to meet the child's needs; and
- (c) the outcome of which must be contained in a report that addresses all factors referred to in paragraph (b).

(2) Before a child can be reunited with his or her immediate family or other family members and a notice of provisional transfer of the child from alternative care as contemplated in section 174(1) of the Act can be issued a designated social worker rendering family reunification services, must compile a report in consultation with-

- (a) the parent, guardian or care-giver of the child or the person in whose custody the child had been prior to placement in alternative care;
- (b) the foster parent, the head of the child and youth care centre or the head of the facility, place or premises where the child had been placed in temporary safe care, as the case may be; and
- (c) the child himself or herself; and

(3) A report contemplated in sub-regulation (2) must -

- (a) be based on the developmental assessment of the child and his or her ecological circumstances, and which report must reflect the existing and future individual developmental and permanency plans for the child to meet developmental and permanency goals as stipulated in the plans;
- (b) reflect the incidence of parental contact or contact by relatives with the child during the period of his or her placement in alternative care; and
- (c) include a fully motivated recommendation-
 - (i) on the possibility or desirability of reunifying the child with his or her immediate family or other family members; and
 - (ii) if family reunification is desirable, on the nature of activities which can be employed to promote an environment conducive to the development of the strengths and skills of the parent, guardian, care-giver, family members and the child.

(4) The reports contemplated in sub-regulations (1)(c) and (2) may be combined in a single report and must be submitted to the provincial head of social development as soon as possible.

Procedure before issue of notice of discharge of child from alternative care

61. The procedure for assessing the best interest of the child and for the reunification of the child with his or her immediate family or other family members as prescribed in

regulation 60 apply with the necessary changes required by the context in respect of the discharge of a child from alternative care.

Manner in which children in alternative care must be transferred or provisionally transferred, their residential care programmes changed, be removed or permanently discharged from alternative care

62.(1) A child in alternative care—

- (a) who is to be transferred from a child and youth care centre or person to another child and youth care centre or person in terms of section 171 of the Act;
- (b) whose residential care programme has been changed and is to be transferred to another child and youth care centre or person in terms of section 172 of the Act;
- (c) who is to be removed from current alternative care to a specified place of temporary safe care in terms of section 173 of the Act;
- (d) who is to be provisionally transferred to another form of care in terms of section 174 of the Act; or
- (e) who is to be discharged from alternative care in terms of section 175 of the Act,

must be accompanied by a social worker, social service professional or escort, who must, be employed by the provincial department of social development or by an designated child protection organisation.

(2) The travel arrangements for the child and the social worker, social service professional or escort for the purposes of sub-regulation (1) must be made by the child and youth care centre, or a person in whose care or temporary safe care the child is or the provincial department of social development.

(3) The costs related to the transport of a child in terms of this regulation, including the costs of an escort, must be paid for out of funds made available for this purpose by the provincial department of social development.

(4) A child who is being transported in terms of this regulation—

- (a) may not be transported in the back of a marked police vehicle;
- (b) must be allowed such reasonable breaks as may be required given the distance that is to be travelled;
- (c) must have access to water and food if the distance to be travelled exceeds 100 kilometres; and
- (d) must be given access to adequate overnight facilities, shelter and food in the event that the distance to be travelled requires staying over.

Manner in which applications for extension of alternative care beyond 18 years of age are to be made

63. An application for the extension of placement in alternative care as contemplated in section 176(2) of the Act must be made in terms of regulation 28(3)(d) of the Regulations relating to the application for and payment of social assistance and the requirements or conditions in respect of eligibility for social assistance made under the Social Assistance Act 2004 (Act No. 13 of 2004).

Serious injury, abuse or death of child in alternative care

64. Serious injury, abuse or death of any child in alternative care must be reported in terms of section 178(1) or (2) of the Act in a form identical to **Form 40**.

CHAPTER 13

FOSTER CARE

(Sections 180 – 190 of the Act)

PART I

FOSTER CARE

Responsibilities of foster parents

65.(1) A foster parent has the responsibility of providing for the day to day needs of a foster child placed in his or her care, in accordance with the definition of "care" in section 1 of the Act, which includes the responsibility to-

- (a) ensure that any social assistance or financial contribution from the child's biological parent or parents is used towards the upbringing of the child and in the child's best interests;
- (b) not obstruct contact between the foster child and his or her biological family members and other persons with an interest in the well-being and development of the child, including contact as provided for in any foster care plan or order of court assigning parental responsibilities and rights referred to in section 188(1)(d) or (e) of the Act, if such contact is in the best interests of the child and if those biological family members and other persons are available for the purposes of maintaining contact with the child;
- (c) ensure that if the child is of school-going age, he or she attends school on a regular basis;
- (d) co-operate with a designated child protection organisation or designated social worker towards the eventual re-unification of the child with his or her biological parents or family members, as the case may be, where this is indicated in the permanency plan;
- (e) co-operate with a designated child protection organisation or designated social worker in any review of the possible extension of the foster care order;
- (f) permit a designated child protection agency or designated social worker to have access to his or her home and to the child concerned, for the purposes of monitoring of the foster care placement, provision of reunification services, review of the foster care order or for any other matter relevant to the foster care placement;
- (g) respect the views of the child and generally promote his or her well-being, best interests and physical, emotional and social development, and, where applicable, participation in early childhood development programmes;
- (h) guide the behaviour of the child in a humane manner and not impose any form of physical violence or punishment, or humiliating or degrading forms of discipline;

- (i) where a foster care plan has been formulated in accordance with section 188(1)(e) of the Act, comply with the provisions of such plan;
- (j) ensure that where the child is from a different cultural, linguistic or religious background, the child is assisted to maintain links with his or her culture, language or religion; and
- (k) ensure that the child is treated in a manner substantially similar to other children living in the same household, except where the special needs of that child or any other child in the household require otherwise.

(2) A foster parent must notify the designated social worker or designated child protection organisation, as the case may be, of any change of address.

(3) A foster parent may not designate the day to day care of a foster child to any other person for a continuous period of one week without agreeing thereto with the designated social worker or designated child protection organisation.

(4) A foster parent must notify the designated social worker or designated child protection organisation, as the case may be, within 14 days, of any material changes in his or her living circumstances, or his or her family's living circumstances, which are likely to have a material effect on the foster placement.

Rights of foster parents

66.(1) A foster parent has the right to take all day to day decisions necessary for the care, upbringing and development of the foster child in his or her care.

(2) A foster parent has the right to reasonable privacy of home life, and not to be subjected to threats, harassment and undue intrusions upon the exercise of his or her foster care responsibilities by biological parents or family members of the foster child.

(3) A foster parent has the right to be informed by the designated social worker or the designated child protection organisation, as the case may be, of any fact or

occurrence that may substantially affect the foster placement of the child in his or her care.

(4) A foster parent has the right to apply for the adoption of the child and has the right to be informed of any application to adopt the foster child in his or her care.

(5) A foster parent may give notice that he or she has been informed of a pending application for the adoption of a foster child in his or her care, and that he or she does not wish or is unable to adopt the child or to submit an application for the adoption of the foster child, in a form identical to **Form 41**.

(6) A foster parent has the right to ongoing training and support from a social worker in order to enable such foster parent to deal effectively with a foster child and the child's biological parents.

(7) A foster parent has the right to be informed about any investigation or assessment of his or her psycho-social background.

(8) A foster parent has the right to be informed about the foster child's educational history, assessments and achievements to ensure the foster child's optimal educational needs.

PART II CLUSTER FOSTER CARE

Requirements for approval of organisation to manage and provide cluster foster care

67. No organisation shall manage any cluster foster care scheme unless such organisation –

- (a) is registered as a non-profit organisation in terms of the Non-profit Organisations Act, 1997 (Act No. 71 of 1997); and
- (b) has been approved by the provincial head of social development to provide cluster foster care.

Requirements for registration as cluster foster care scheme

68. (1) Any organisation contemplated in section 183(1)(a) of the Act that wants to operate or manage a cluster foster care scheme must apply for that scheme to be registered with the provincial department of social development in a form identical to **Form 42**.

(2) Upon granting an application contemplated in sub-regulation (1) the provincial head of social development must issue to the applicant a certificate of registration in a form identical to **Form 43** and may impose such conditions as he or she deems necessary or expedient.

(3) In rejecting an application for registration of a cluster foster care scheme, the provincial head of social development must duly inform the applicant of the rejection in a form identical to **Form 44** by registered post and must furnish written reasons for such rejection.

(4) Where a non-profit organisation seeks registration for more than one cluster foster care scheme such organisation must complete a form in respect of each scheme.

(5) A head of a provincial department of social development may deregister a registered cluster foster care scheme if such scheme has failed to comply with any condition of registration or if such a scheme has failed to comply with any requirement for registration, provided that 90 days notice is given to the cluster foster care scheme in a form identical to **Form 45** of the intention to deregister such scheme.

(6) A cluster foster care scheme which has received a notice contemplated in sub-regulation (5) may make representations to the head of the department of social development of that province in a form identical to **Form 46** within the 90 days notice contemplated in sub-regulation (5).

(7) If a cluster foster care scheme is deregistered as contemplated in sub-regulation (5) after consideration of the representations contemplated in sub-regulation (6), the

scheme must be notified thereof, together with the reasons for such decision, in a form identical to **Form 47**.

Functioning and management of cluster foster care scheme

69.(1) A non-profit organisation managing or operating a registered cluster foster care scheme must, in respect of schemes under its management or operation -

- (a) keep proper financial records of all social assistance and other monies received for the provision of social services for the support of the foster children placed in such scheme by a children's court; and
 - (b) operate or be managed according to a written plan or agreement containing details-
 - (i) of the financial management, the programmes and services to be delivered in terms of that plan or agreement.
 - (ii) about the system of assessment of children placed in cluster foster care and their placement with active members of the scheme who are to be assigned responsibility for them;
 - (iii) on how disputes concerning the management, operation or day to day functioning of the scheme are to be resolved, and how decisions are to be taken regarding transfer of children between, or placement with, foster parents who are active members of the scheme assigned responsibility for foster children;
 - (iv) on the management of the behaviour of children in cluster foster care, and must include a prohibition of physical punishment, humiliating or degrading forms of discipline of such children; and
 - (v) relating to mechanism by which foster children in a cluster foster care scheme can record any complaint regarding abuse or exploitation.
- (2) An organisation contemplated in sub-regulation (1) must submit to the provincial head of social development an annual report containing-
- (a) an annual financial report of income received and expenditure incurred;
 - (b) a report on the number of children and duration of each child placed in cluster foster care over the annual period;

- (c) a report on the number of children allocated per active member of an organisation contemplated in section 183(1)(a) of the Act;
 - (d) a report on the number of active members of the organisation providing foster care to whom responsibility for the foster care of the children in the scheme have been assigned;
 - (e) the number of active members per physical address and details concerning any transfer of children between active members;
 - (f) details of child protection services rendered and in respect of which children in the cluster foster care scheme these services have been rendered;
 - (g) details concerning the delivery of programmes or support to children in cluster foster care or to active members of the organisation providing foster care to whom responsibility for the foster care of the children in the scheme have been assigned;
 - (h) any detail concerning the provision of services to meet the needs of children with special needs;
 - (i) the extent to which the rights of children in cluster foster care have been met; and
 - (j) achievements and challenges.
- (3) An organisation contemplated in sub-regulation (1) must ensure that clearance certificates, to the effect that the names of any active members providing foster care to children in the scheme do not appear in Part B of the Register or the National Register for Sex Offenders, issued by the Director-General and the Director-General of Justice and Constitutional Development, respectively.
- (4) An organisation contemplated in sub-regulation (1) must have-
- (a) in its employ at least one person registered as a social worker with the Council for Social Services Professions for every 50 children served by the cluster foster care scheme or schemes that it manages or operates; or
 - (b) entered into a formal agreement with a designated child protection organisation to provide the required social work services.

(5) An organisation contemplated in sub-regulation (1) must ensure that the transfer of children between foster parents who are active members of that organisation is carried out in accordance with the procedure determined in section 171 of the Act.

Contents of written plan or agreement

70. A written plan or agreement contemplated in regulation 69(1)(b) may include details in respect of—

- (a) visits by the manager or his or her designated subordinate from an organisation contemplated in section 183(1)(a) of the Act to the household of an active member of such organisation to whom responsibility for foster care of the child has been assigned;
- (b) the roles and responsibilities of active members of the organisation to whom responsibility for foster care of a child has been assigned; and
- (c) cost saving mechanisms to be adopted to the benefit of the children in the cluster foster care scheme.

Provision of services by cluster foster care scheme

71. A cluster foster care scheme must promote the best interests of the children in cluster foster care by providing services which—

- (a) provide support, mentoring, supervision and advice to active members of an organisation to whom responsibility for foster care of a child or children in the cluster foster care scheme has been assigned;
- (b) require the active members of an organisation to whom responsibility for foster care of children has been assigned to:
 - (i) ensure that the children in cluster foster care benefit from educational and health services, including early childhood development services;
 - (ii) fulfil the special needs of any child in cluster foster care, including chronic illness or a disability, by providing

- psychological, rehabilitation and therapeutic programmes for children with such needs;
- (iii) ensure that the rights of children in cluster foster care are respected, protected, promoted and fulfilled; and
 - (iv) fulfil the social, cultural and religious needs of any child in cluster foster care.
- (c) assist the active members of an organisation to whom responsibility for foster care of children has been assigned to obtain the basic necessities of life themselves, including by providing access to income-generation projects and skills development programmes as appropriate;
 - (d) ensure that a foster care plan as contemplated in section 188(1)(e) of the Act is compiled in respect of each child in cluster foster care, as soon as possible, but not later than 21 days after the child's placement in the cluster foster care scheme;
 - (e) develop appropriate parenting skills and the capacity of active members of an organisation to safeguard the well-being of the children, including the promotion of positive, non-violent forms of discipline;
 - (f) prevent the neglect, exploitation, abuse, inadequate supervision of children or other failures to meet children's needs on the part of active members of an organisation;
 - (g) assist a young person with the transition when leaving cluster foster care after reaching the age of 18; and
 - (h) involve active members of an organisation, as well as the children in cluster foster care, in identifying and seeking solutions to their problems.

CHAPTER 14
CHILD AND YOUTH CARE CENTRES
(Sections 191 – 212 of the Act)

National norms and standards for child and youth care centres

72. The national norms and standards for child and youth care centres contemplated in section 194 of the Act are contained in **Part V of Annexure B**.

Rights of children in child and youth care centres

73. Every child who is cared for in a child and youth care centre has the right to-
- (a) be informed promptly, in a language which he or she understands, of the reason for his or her admission or detention, as the case may be;
 - (b) have his or her parent, guardian, next of kin or significant other person informed, within 48 hours of admission, of the place to which he or she has been admitted or in which he or she is being detained, as the case may be, and of the reason for his or her admission or detention, as the case may be;
 - (c) regular communicate with and be visited by his or her parent or parents, guardian, next of kin, social worker, probation officer, case manager, religious counsellor, health care professional, psychologist, legal representative, child and youth care worker, unless a court order or his or her care or development programme indicates otherwise or unless he or she chooses otherwise.
 - (d) adequate nutrition, clothing, nurturing and to be given the same quality of care as other children in the child and youth care centre;
 - (e) be consulted and to express his or her views, according to his or her abilities, about significant decisions affecting him or her;
 - (f) reasonable privacy, possession and protection of his or her personal belongings;
 - (g) be informed that prohibited items in his or her possession may be removed and withheld;

- (h) be informed of the behaviour that is expected of him or her by service providers, the consequences of his or her failure to meet the expectations of service providers, and assistance that he or she can expect from the service providers regarding the attaining of such behavioural expectations;
- (i) care and intervention which respects, protects and promotes his or her cultural, religious, linguistic heritage and the right to learn about and maintain this heritage;
- (j) positive discipline appropriate to the his or her level of development;
- (k) education or training appropriate to his or her level of maturity, aptitude and ability;
- (l) respect and protection from exploitation and neglect;
- (m) opportunities of learning and developing his or her capacity to demonstrate respect and care for others;
- (n) the necessary support and to an interpreter if language or disability is a barrier to consulting with them on decisions affecting his or her custody or care and development;
- (o) privacy during discussions with people referred to in paragraph (c) unless a court order or his or her care or development programme indicates otherwise or unless he or she chooses otherwise; and
- (p) have access to community activities and structures unless a court order or his or her care or development programme indicates otherwise.

Complaints procedure in child and youth care centre

74. (1) Each child and youth care centre must have a written complaints procedure, approved by the centre's management board, which must –

- (a) be appropriate to the age and stage of development of the children residing at the centre;
- (b) allow for children to complain about particular incidents or staff members;
- (c) be accessible to the children;
- (d) be structured in such a manner that it does not cause conflict;
- (e) encourage restorative justice interventions, where appropriate; and

- (f) allow for fair procedures for those who have allegations made against them.
- (2) A child must, upon admission to the centre, be informed of the complaints procedure.

Core components and implementation of programmes relating to the developmental, therapeutic and recreational needs of children.

75. (1) The core components of programmes to meet the developmental, therapeutic and recreational needs of children at a child and youth care centre are-

- (a) with regard to developmental programmes –
 - (i) life skills;
 - (ii) independent living for children disengaging from the residential care programme;
 - (iii) victim empowerment;
 - (iv) family preservation;
 - (v) after care;
 - (vi) promotion of the rights of children; and
 - (vii) income generating activities.

- (b) with regard to therapeutic programmes –
 - (i) developmental assessment;
 - (ii) psycho-social support;
 - (iii) individual counselling;
 - (iv) group counselling;
 - (v) trauma counselling;
 - (vi) grieve counselling;
 - (vii) play therapy;
 - (viii) family therapy including parenting plans, stress management, conflict resolution, positive communication, positive discipline and behaviour change; and
 - (ix) counselling to children in child labour, commercial sexual

exploitation and child trafficking.

(c) with regard to recreational programmes –

- (i) sport;
- (ii) art;
- (iii) drama;
- (iv) dancing;
- (v) singing; and
- (vi) board games

(2) In order to implement the programmes referred to in sub-regulation (1) the following must be done -

- (a) a strategy for implementation must exist;
- (b) the programmes must be approved by the provincial head of social development;
- (c) quality assurance of the programmes must be undertaken;
- (d) impact assessment of programmes must be undertaken;
- (e) programmes must be evaluated and reviewed; and
- (f) awareness of the availability of programmes must be raised.

Behaviour management in child and youth care centres

76.(1) The manager and staff of a child and youth care centre must promote approaches to positive discipline by—

- (a) ensuring that children are provided with the skills and support which enable constructive and effective social behaviour;
- (b) demonstrating the expected behaviour by modelling this in their attitudes and interactions with the children;
- (c) ensuring that children feel respected, and physically, emotionally and socially safe when service providers provide positive discipline; and

- (d) ensuring, through programmes and effective role modelling, that children are given opportunity and encouragement to demonstrate and practise positive behaviour.
- (2) The following behaviour management actions are expressly prohibited:
- (a) Group punishment for individual behaviour;
 - (b) threats of removal, or removal from a programme;
 - (c) humiliation or ridicule;
 - (d) physical punishment;
 - (e) deprivation of basic rights and needs such as food and clothing;
 - (f) deprivation of access to family members or significant other persons;
 - (g) denial, outside of the child's specific development plan, of visits, telephone calls or correspondence with family members and significant other persons;
 - (h) isolation, except for medical reasons, from service providers or other children admitted to the place of care, other than for the immediate safety of those children or those service providers only after all other possibilities have been exhausted and then under strict adherence to policy, procedure, monitoring and documentation;
 - (i) restraint, other than for the immediate safety of the children or service providers and as an extreme measure, which measure must be governed by specific policy and procedures compliant with sub-regulations (3), (4) and (5), may be undertaken only by service providers trained in such measure, and must be thoroughly documented and effectively monitored;
 - (j) assignment of exercise or inappropriate chores;
 - (k) undue influence by service providers regarding their religious or personal beliefs including sexual orientation or cross-gendered identity;
 - (l) measures which demonstrate discrimination on the basis of cultural or linguistic heritage, gender, race, religion, sexual orientation or cross-gendered identity;

- (m) verbal, emotional or physical harm;
- (n) punishment by another child; and
- (o) behaviour modification such as punishment or reward systems or privilege systems, other than as a treatment or development technique within a documented individual treatment or development programme which is developed by a team including the child and monitored by an appropriately trained multi-disciplinary team.

(3) A child may be isolated from other children, only if he or she cannot be managed and is deemed to be a danger to himself, herself or others, for a period of no longer than two hours, for the purposes of providing support and giving him or her time to regain control and dignity.

(4) (a) Any child isolated from other children must be under the constant observation of a social worker, child and youth care worker or psychologist, and must be provided with physical care, emotional support, and counselling which assists in re-integration into the group as soon as possible.

(b) No child may be isolated or locked up as a form of discipline or punishment.

(c) The room where a child is isolated may not be a bathroom or toilet, a windowless room, a basement room, vault or store-room.

(5) A register must be maintained which details the reasons for and the period of a child's isolation, together with a report on the support and counselling provided and the response of the child during the period of isolation.

Reporting responsibilities of staff

77. The following incidents must be reported by staff members to the manager of the child and youth care centre within an hour of the discovery or reporting of the incident:

- (a) Removal or any attempted removal of a child from the child and youth care centre or programme by anyone who is not permitted to do so;

- (b) any situation in which restraint, isolation, or prohibited behaviour management measures are used;
- (c) accident or illness requiring medical attention or hospitalisation;
- (d) allegations of physical, psychological, emotional, sexual or verbal abuse;
- (e) absence of a child or young person from the centre without permission, or as otherwise agreed within the individual development plan;
- (f) interventions by security personnel or the South African Police Service;
- (g) the death or injury of a child;
- (h) any criminal charge or conviction of a service provider, volunteer or other adult involved with the centre;
- (i) any substance abuse by a service provider while on duty or when he or she arrives on duty under the influence of alcohol or drugs or he or she deals in drugs;
- (j) any strike by workers at the centre; or
- (k) any other unusual circumstances that are likely to affect the safety or well-being of any child at the centre.

Application for registration of child and youth care centre

78.(1) An application for the registration, conditional registration of a child and youth care centre by an organisation referred to in section 197 of the Act or renewal of such registration must be lodged with the provincial head of social development of the province in which the facility is situated in a form identical to **Form 48**.

(2) An application contemplated in sub-regulation (1) must contain the following particulars:

- (a) The particulars of the applicant;
- (b) the physical and postal address of the child and youth care centre;
- (c) the constitution of the applicant;
- (d) the committees functioning under the management board of the applicant, if any, and the nature of their functions;

- (e) the staff composition employed at a child and youth care centre, including staff for the care of children with special needs or disabilities;
- (f) the extent of the premises, buildings and playgrounds;
- (g) particulars on rooms and amenities for use by children;
- (j) particulars of the children that will be or are being cared for at the child and youth care centre;
- (k) access to the building by children with disabilities; and
- (l) a business plan containing-
 - (i) a vision;
 - (ii) a mission;
 - (iii) a child protection plan;
 - (iv) short, medium and long term goals
 - (v) action plans indicating the measures in terms of which those goals referred in sub-paragraph (iv) are to be achieved;
 - (vi) a detailed description of the programme or programmes to be offered in terms of section 191(2) of the Act; and
 - (vii) a certificate issued by the relevant authority to the effect that the child and youth care centre complies with national and local building regulations.
- (m) the financial statements of the child and youth care centre including an exposition of the funds available to operate the child and youth care centre;
- (n) a daily menu and a daily programme of the child and youth care centre;
- (o) an emergency plan; and
- (p) clearance certificates issued by the Director-General and the Director-General of Justice and Constitutional Development, respectively to the effect that the names of any member of the management board appointed in terms of regulation 84 and that of any employee do not appear in Part B of the National Child Protection Register or the National Register for Sex Offenders, respectively.

(3) A provincial head of social development may allocate a designated social worker or social service professional to render assistance to an applicant in the preparation of an application for registration.

Notice and objection to application

79. The provincial head of social development who has received an application for the registration of a child and youth care centre must:

- (a) publish a notice that such an application has been received by him or her, in a local newspaper circulating in the area where the child and youth care centre is or will be situated in at least three official languages within 14 days of the receipt of such an application; and
- (b) indicate in the notice referred to in paragraph (a) that the application is available for scrutiny, comment and objection for a period of 21 days after publication of the notice.

Consideration of application

80.(1) The provincial head of social development must after receipt of the application as contemplated in regulation 78 consider the application in terms of section 200 of the Act.

(2) Upon granting an application contemplated in regulation 78(1) the provincial head of social development must issue the certificate contemplated in section 200(1)(b) of the Act in a form identical to **Form 49** and impose such conditions as he or she may consider necessary.

(3) The provincial head of social development may grant the application referred to in sub-regulation (2) for a period not exceeding five years.

(4) In refusing an application for registration or the renewal of registration of a child and youth care centre, the provincial head of social development must duly inform the applicant of the refusal in a form identical to **Form 50** by registered post and must furnish reasons for such refusal.

Amendment of registration

81. If there is a deviation from the conditions and requirements for registration, in terms of the Act, on which the initial application for registration was granted, the holder of a registration of a child and youth care centre must, within 30 days of becoming aware of such deviation, apply to the provincial head of social development in the relevant province for an amendment of the registration.

Required skills of staff of child and youth care centres

82. The persons contemplated in section 209(1) must have some of the training and skills referred to in regulation 75 (1): Provided that where any such person is a professional whose profession requires registration, such person must be registered with the relevant professional body.

Interviewing process for manager and staff at child and youth care centre

83.(1) In addition to any requirements contained in any other law relating to the appointment of staff, the following requirements must be adhered to:

- (a) The position must be advertised by a person or organisation (registration holder) referred to in section 209(1) of the Act, in at least one local newspaper circulating in the area where the child and youth care centre is located;
- (b) the names and *curricula vitarum* submitted must be screened by the interviewing panel that will interview the candidate;
- (c) the shortlist of candidates must be subjected to thorough reference checking; and
- (d) in the case of support staff referred to in regulation 82(e), the person or organisation (registration holder) referred to in section 209(1) of the Act can decide whether or not that position must be advertised and if so how.

(2) An interviewing panel must be appointed by a person or organisation (registration holder) referred to in section 209(1) of the Act and must include-

- (a) at least two members of the management board where members of the management board have already been appointed;
 - (b) at least one person who has a qualification in child and youth care; and
 - (c) a community representative from the community where the child and youth care centre is situated.
- (3) When selecting a suitable candidate to be appointed as the manager of a child and youth care centre, the interviewing panel must consider whether the candidate-
- (a) is a registered professional from an appropriate discipline;
 - (b) has specialised knowledge of child and youth care work,
 - (c) has proven leadership ability;
 - (d) is able to demonstrate management and administration skills; and
 - (e) has knowledge and experience of the particular programme or programmes that the child and youth care centre is registered to provide.
- (4) In the case of support staff referred to in regulation 82(e) a person or organisation (registration holder) referred to in section 209(1) of the Act, can decide how the interview panel is to be constituted.

Appointment of management board

84.(1) If a child and youth care centre is established and operated by a department, a provincial department of social development, or municipality in terms of section 197 of the Act, the management board must be appointed according to the following procedure:

- (a) a call for nominations for members of the board must be advertised by the Minister, MEC or the Mayor in a local newspaper in the area where the child and youth care centre is situated, and must be published in at least three official languages;
- (b) any person may be nominated, provided that the nomination is made in writing and is accompanied by a *curriculum vitae* of the nominee, as well as a letter indicating that he or she agrees to the nomination;

- (c) Upon receipt of the nominations a short list of candidates of not more than 15 candidates must be submitted to the Minister, MEC or the Mayor;
- (d) the Minister, MEC or the Mayor must, from the list referred to in paragraph (c), and subject to sub-regulation (4) and paragraphs (e) to (g), appoint the following:
 - (i) not more than two from the public service;
 - (ii) not more than three from the community in which child and youth care centre is situated;
 - (iii) one member from the health profession;
 - (iv) one member of staff;
 - (v) one member who is a representative of residents of the child and youth care centre; and
 - (vi) the manager of the child and youth care centre;
- (e) no person with a conflict of interests, or a potential conflict of interests may be appointed to a management board;
- (f) subject to paragraph (g), a board is appointed for a period of five years; and
- (g) in order to allow for effective leadership transition, the Minister, MEC or the Mayor may extend the period of membership of any four members appointed by him or her, for a second five year period.

(2) If a child and youth care centre is a privately operated child and youth care centre, the management board must be appointed by the registration holder in terms of the same procedure as contemplated in sub-regulation (1) and subject to the provisions of sub-regulations (3) and (4).

(3) The registration holder may, instead of persons referred to in sub-regulation (1)(d)(i), appoint any other person that he or she deems appropriate.

(4) No person who has not submitted a clearance certificate, to the effect that his or her name does not appear in Part B of the National Child Protection Register or the National Register for Sex Offenders, issued by the Director-General and the Director-General of

Justice and Constitutional Development, respectively, may be appointed to a management board.

(5) Any vacancy on a management board must be filled in the same manner in which the member who vacates that office was appointed, provided that any member so appointed shall hold office for the unexpired portion of the period for which the member whose office became vacant was appointed.

(6) A member of a management board must vacate office if –

- (a) at any stage, he or she ceases to comply with the provisions of sub-regulation (1)(d), (3) or (4);
- (b) he or she resigns after giving at least 30 days notice in writing to the chairperson, Minister, MEC Mayor or registration holder referred to in 208(2)(b) of the Act, whichever is appropriate; or
- (c) in the case of a chairperson, he or she resigns by way of a letter to the Minister, MEC or Mayor in respect of a board constituted in terms of 208(2)(a) of the Act or to the registration holder, in respect of a board constituted in terms of section 208(2)(b) of the Act;

Functioning of management board

85. A management board appointed in terms of regulation 84 must function according to the following procedures:

- (a) A management board must meet at least four times a year;
- (b) a chairperson must be elected at the first meeting of the board;
- (c) the quorum for a meeting of the management board is constituted by a simple majority of its members;
- (d) the decisions of the board must as far as possible be made by consensus, but where the matter is put to the vote, a simple majority prevails, and where the votes are split equally the chairperson has the casting vote;
- (e) the board may request the attendance of or a report by any member of staff, and may be addressed by any child who is

- resident at the centre, either at the request of the child or at the board's own request;
- (f) minutes must be taken at all meetings, which must include a summary of the discussions and a record of all decisions taken;
 - (g) the minutes of the previous meeting must be circulated together with an agenda at least two weeks prior to the following meeting, provided that if the meeting is called urgently, this rule may be dispensed with by the chairperson; and
 - (h) the board may decide on its own procedures regarding matters on which these regulations are silent, provided that there is consensus regarding such procedures, failing which the procedure set out in paragraph (d) must be followed.

Responsibilities of management board

86.(1) The management board must ensure that-

- (a) its members are trained in the legal framework in terms of which child and youth care centres operate; and
- (b) its members perform their duties in good faith and in a manner they reasonably believe to be in the best interests of the children residing in the child and youth care centre.

(2) A management board must-

- (a) provide support and advice to the manager;
- (b) evaluate the performance of the manager;
- (c) review and approve the annual budget for the child and youth care centre;
- (d) monitor, review and approve the business plan of the centre; and
- (e) ensure that assets of the centre are maintained and protected.

(3) A management board must ensure that it receives regular written reports from the manager.

Management system

- 87.(1)** The manager of a child and youth care centre is responsible for the day to day operation of the child and youth care centre.
- (2) The manager and the management board must strive for a co-operative relationship characterised by openness and trust.
- (3) The management board is responsible for the approval of policy.

Constitution or founding document of child and youth care centre

- 88.(1)** Every child and youth care centre must operate according to a constitution or founding document.
- (2) A constitution or founding document must, include the following particulars:
- (a) the name of the organisation operating the child and youth care centre;
 - (b) the name of the child and youth care centre;
 - (c) the objectives of the child and youth care centre;
 - (d) principles of the child and youth care centre, if any;
 - (e) the structure of the child and youth care centre, including the management board and the appointment of members;
 - (f) financial matters;
 - (g) general administration;
 - (h) procedure for amendment of the constitution or founding document; and
 - (i) dispute resolution procedures.

Quality assurance process

- 89.(1)** Every child and youth care centre must undergo a quality assurance process, as required by section 211(1) of the Act and in terms of section 211(2) of the Act, within two years of registration of such centre.

- (2) The quality assurance process must be repeated periodically, at intervals of not more than three years from the date on which the previous quality assurance process was finalised.
- (3) Notwithstanding the provisions of sub-regulations (1) and (2) and subject to section 211(2) of the Act, the provincial head of social development may order a quality assurance process at any time, where she or he has reason to believe that such centre has failed to comply with any provision of the Act and any regulations made in terms of the Act.
- (4) An independent quality assurance team contemplated in section 211(2)(b) of the Act must be appointed by the provincial head of social development.
- (5) A team contemplated in sub-regulation (4) must-
- (a) include members from the government and the non-government sector;
 - (b) include at least one individual who has specific knowledge, skill and practical experience in the provision of designated child protection services;
 - (c) have a team leader appointed by the provincial head of social development; and
 - (d) include any person the provincial head of social development may deem appropriate.

Appeal against certain decisions

90. An applicant or a registration holder aggrieved by a decision of a provincial head of social development may appeal against such decision to the MEC for social development of that province in a form identical to **Form 51** within 90 days of the receipt of such decision.

CHAPTER 15
DROP-IN CENTRES
(Sections 213 – 227 of the Act)

National norms and standards for drop-in centres

91. The national norms and standards for drop-in centres contemplated in section 216 of the Act are contained in **Part VI of Annexure B**.

Application for registration of drop-in centre

92.(1) Subject to the provisions of sub-regulation (2), an application for the registration, conditional registration or renewal of registration of a drop-in centre must be lodged with the provincial head of social development of the province where the facility is situated in a form identical to **Form 52**.

(2) If the performance of the functions contemplated in sections 217 and 218 of the Act has been assigned to a municipal manager or delegated to a social service professional in the employ of the municipality, an application contemplated in sub-regulation (1) must be lodged with the municipal manager of that municipality.

(3) An application contemplated in sub-regulation (1) must, in addition to **Form 52**, be accompanied by the following:

- (a) A business plan containing the-
 - (i) business hours of the drop-in centre;
 - (ii) staff composition;
 - (iii) supporting documents of the skills and training of staff members as required by regulation 95;
 - (iv) disciplinary policy and rules; and
 - (v) organisational structure.

- (b) clearance certificates to the effect that the name of the applicant and the name of any employee do not appear in Part B of the National Child Protection Register or the National Register for Sex Offenders issued by

the Director-General and the Director-General of Justice and Constitutional Development, respectively.

Granting or rejection of application for registration

93.(1) Upon granting an application referred to in regulation 92(1), the provincial head of social development or, where the function has been assigned to a municipal manager in terms of section 225 of the Act, the municipal manager or social service professional concerned, must issue to the applicant a certificate of registration, conditional registration or renewal of registration in a form identical to **Form 53**.

(2) The registration contemplated in sub-regulation (1) may be for a period not exceeding five years.

(3) In rejecting an application for registration of a drop-in centre, the provincial head of social development or, where the function has been assigned to a municipality in terms of section 225 of the Act, the municipal manager or social service professional concerned, must duly inform the applicant of the refusal in a form identical to **Form 54** by registered post or by hand delivery.

Management of drop-in centre

94.(1) A register or registers must be kept by a drop-in centre in which the following particulars must be entered:

- (a) The full name, gender, date of birth and identity number of each child;
- (b) the names, addresses and contact particulars of a child's parent, primary care-giver or family member;
- (c) the date of a child's admission to the drop-in centre and date of termination of attendance of the drop-in centre or, in the case of irregular attendance, the dates attended; and
- (d) any disability, chronic medical condition or dietary requirement and any other critical information for the care and development of a child.

(2) A drop-in centre must keep a separate file in respect of each child in which the following information must be filed:

- (a) All documents relating to the child, received at the time of admission;
- (b) any document or correspondence relating to the child;
- (c) reports and notes by the provider of a programme within the drop-in centre on the development of the child with particular reference to any irregular behavioural pattern or possible deviations from the normal development of the child having regard to his or her age; and
- (d) reports and notes on any injury to or bruises on the child observed during the child's admission at the drop-in centre including any observations which may relate to the possible abuse of the child.

(3) A file must be kept of each staff member employed at, or volunteer providing services at, a drop-in centre.

(4) A disciplinary register must be kept in which the name of the child, the nature of the behaviour and the disciplinary measure imposed.

(5) Any register or file kept in terms of this regulation must be kept for a period of at least three years after the date of termination of attendance by a child at a drop-in centre.

(6) Any irregular or dysfunctional behaviour of a child in a drop-in centre must be brought to the attention of the parent or the care-giver of the child, where their whereabouts are known.

(7) Quarterly progress reports must be furnished to the parent or the caregiver of each child in a drop-in centre, where their whereabouts are known.

Skills and training of persons employed at or engaged in drop-in centre

95.(1) Any person rendering services to children at a drop-in centre, excluding persons who do not work directly with such children, must possess the following skills:

- (a) The ability to implement a development programme in a drop-in centre;
- (b) report-writing skills;
- (c) skills or training on the identification of irregular and dysfunctional behaviour in a child;
- (d) basic numeracy skills; and
- (e) skills or training on child development.

(2) Any person employed at or engaged at a drop-in centre after registration of the centre in terms of these Regulations must provide his or her employer with-

- (a) a certified copy of his or her identity document; and
- (b) proof of his or her skills or training.

(3) Any person rendering services to children at a drop-in centre and who works directly with a child in such centre must be able to communicate with the child in a language, including sign language, which such child understands.

(4) If a drop-in centre renders services to children with special developmental and behavioural needs, one or more persons with specialised skills in dealing with such children must be employed or available to provide such specialised services.

Assignment of functions to municipalities

96.(1) Before assigning all or part of the functions contemplated in section 225 of the Act, a provincial head of social development must be satisfied that the municipality concerned has-

- (a) adequate staff, including social service professionals, who are suitably qualified and skilled;
- (b) the ability to render assistance to build capacity to ensure compliance with the relevant norms and standards; and

- (c) the capacity to manage the functions to be assigned.
- (2) An agreement between a provincial head of social development and a municipality contemplated in section 225(2) of the Act must be in a form identical to **Form 55**

Appeal against certain decisions

- 97.**(1) An appeal by an applicant or a registration holder aggrieved by a decision of a provincial head of social development must be in a form identical to **Form 56**.
- (2) An appeal by an applicant or a registration holder aggrieved by a decision of an official in the employ of a municipality must be in a form identical to **Form 57**.

CHAPTER 16

ADOPTION

(Sections 228 – 253 of the Act)

Register on Adoptable Children and Prospective Adoptive Parents

- 98.**(1) An adoption social worker who is satisfied that a prospective adoptive parent has met the requirements of sections 231(2) of the Act and section 123(1)(c) of the Act must apply for such a person's name to be registered in the Register on Adoptable Children and Prospective Adoptive Parents referred to in section 232 of the Act.
- (2) An application as contemplated in sub-regulation (1) must be in a form identical to **Form 58**.
- (3) An adoption social worker who is satisfied that a child is adoptable as contemplated in section 230(3) of the Act must apply for such a child's name to be registered in the Register on Adoptable Children and Prospective Adoptive Parents referred to in section 232 of the Act.

(4) An application as contemplated in sub-regulation (3) must be in a form identical to **Form 59**.

(5) An application as contemplated in this regulation must be lodged with the Director-General.

(6) The Director-General must inform a prospective adoptive parent and the adoption social worker who applied for registration or the renewal of such registration of his or her decision and provide the relevant registration number.

Applications for and consent to adoption of children

99.(1) An application for the adoption of a child may be lodged by any person contemplated in section 231(1) of the Act.

(2) An application contemplated in sub-regulation (1) must be in a form identical to **Form 60** and must be lodged with the clerk of the court in the district where the child is resident.

(3) An application contemplated in sub-regulation (1) must:

(a) in the case of the adoption of a foster child, be accompanied by a written statement of the child's foster parent, in a form identical to **Form 41**,

(b) subject to section 236(1) to (3) of the Act, be accompanied by a written consent of each parent regardless of whether they are married or not, in a form identical to **Form 61**, and of the child, where such child is a child referred to in section 233(1)(c) of the Act, in a form identical to **Form 62**, as required by section 233(1)(a) or section 233(1)(c) of the Act, as the case may be. Provided that if the parent is a child that parent is assisted by his or her guardian; or

(c) subject to section 236(1) to (3) of the Act, in the case of any other person who holds guardianship in respect of the child, be accompanied by a

written consent of that guardian, as required by section 233(1)(b) of the Act in a form identical to **Form 63**; and

- (d) be accompanied by a report from an adoption social worker that the applicant is a prospective adoptive parent.

(4) The consent forms referred to in sub-regulation (3)(b) and (c) must be signed in the presence of a presiding officer of the children's court as contemplated in section 233(6)(a) of the Act or in the case of consent given outside the Republic by a person referred to in regulation 100 as contemplated in section 233(6)(b) of the Act.

Consent outside the Republic

100. If consent to adoption is given outside the Republic, it must be signed in the presence of an officer in the service of a South African diplomatic or consular mission, or by a judge, magistrate, justice of the peace or public officer of the country concerned.

Verification of consent

101.(1) Before a presiding officer verifies the consent referred to in regulations 99 and 100 in terms of section 233(6) of the Act, he or she must inform the person giving the consent-

- (a) of the effect of an adoption order; and
- (b) of the right to withdraw the consent in terms of regulation 102

(2) The presiding officer, in the case of consent given inside the Republic, or the persons referred to in regulation 100, in the case of consent given outside the Republic, must verify the identity of the person giving such consent against a valid identity document or a valid passport.

Withdrawal of consent

102.(1) A parent or guardian who wishes to withdraw the consent must do so in writing, in a form identical to **Form 64**, in the presence of any presiding officer within 60 days of such consent

(2) A child who wishes to withdraw the consent must do so in writing, in a form identical to **Form 65**, in the presence of any presiding officer within 60 days of such consent.

Format for post adoption agreements

103.(1) A post adoption agreement contemplated in section 234 of the Act must be in a form identical to **Form 66**.

(2) A party to a post adoption agreement must inform all other parties to such an agreement of any change to any of the particulars referred to in sub-regulation (1) within seven days of such change.

Steps to establish details of person who consents to adoption

104.(1) In order to establish the name and address of each person whose consent for an adoption is required in terms of section 233 of the Act, the clerk of the children's court must request the relevant accredited child protection organisation or the relevant adoption social worker to provide him or her with the name and address of such persons.

(2) If the name or address of the person whose consent for adoption is required is not known, the relevant accredited child protection organisation or the relevant adoption social worker may employ a tracing agency or may place an advert in a newspaper in order to obtain the required details.

Manner of recording information in the adoptions register

105.(1) The clerk of the children's court must submit the original of the following documents to the Adoption Registrar designated as such in terms of section 247 of the Act:

- (a) the application for adoption;
- (b) every consent to the adoption as may be required;
- (c) the order of adoption and two copies thereof; and
- (d) the child's identity document or birth certificate or where these are not available, a sworn statement to that effect by an adoption social worker.

(2) Upon receipt of the documents contemplated in sub-regulation (1) the Adoption Registrar must register such information in the adoption register.

(3) After completion of the registration contemplated in sub-regulation (2) the Adoption Registrar must enter the date of registration and the registration number on each order of adoption and must forward-

- (a) a copy of the order of adoption referred to in sub-regulation(1)(c) and the original identity document or birth certificate to the adoptive parents; and
- (b) the remaining copy of the adoption order to the relevant clerk of the children's court.

Rescission of an order of adoption

106.(1) If the High Court concerned rescinds an order of adoption in terms of section 243 of the Act, the Registrar of that Court must submit a copy of the court order to the clerk of the relevant children's court.

(2) The clerk of the relevant children's court must, upon receipt of the court order, notify the Director-General of Home Affairs in terms of the Births, Marriages and Deaths Registration Act, 1992 (Act No. 51 of 1992), of that order.

(3) The clerk of the court referred to in sub-regulation (2) must submit one copy of the court order to the Adoption Registrar who must deregister the adoption.

Fees payable to accredited child protection organisations

107. The following fees, which must be reviewed annually, must be paid to an accredited child protection organisation in respect of an inter-country adoption:

SERVICE	MAXIMUM AMOUNT
(a) Group orientation	R250, 00 per session;
(b) Interview/counselling	R250, 00 per hour;
(c) Home visits	R400, 00 per hour;
(d) Home study report	R500, 00 per report;
(e) Court processes	R500, 00 per day;
(f) Birth registration	R170, 00 per hour;
(g) Administration costs	R170, 00 per hour;
(h) After-care services	R500, 00 once-off payment; and
(i) Origin enquiry/tracing	R200, 00 per hour.

Accreditation to provide adoption services

108. Any adoption social worker who has registered a speciality in adoption services in terms of the Social Service Professions Act, 1978 (Act no. 110 of 1978) and any organisation designated as a child protection organisation in terms of section 107 of the Act may apply for accreditation in terms of section 251(1) of the Act.

Advertisements

109. A child protection organisation accredited to provide adoption services may, for purposes of recruitment, publish advertisements in one national newspaper and one local newspaper circulating in the area where such organisation has its business premises.

CHAPTER 17**INTER-COUNTRY ADOPTION****(Sections 254 – 273 of the Act)****Accreditation to provide inter-country adoption services**

110. Any organisation designated as a child protection organisation in terms of section 107 of the Act may apply to the Central Authority for accreditation in terms of section 259(1) of the Act.

Report on person in convention or non- convention country applying to adopt child from Republic

111.(1) In addition to the requirements set out in article 15 of the Hague Convention on Inter-country Adoption, the report on an applicant required by section 261(2) or 262(2) of the Act must include-

- (a) identifying information with certified copies of supporting documents;
- (b) a medical report of the applicant's health status;
- (c) a police clearance certificate;
- (d) proof of citizenship and permanent residence;
- (e) the applicant's ethnic, religious and cultural background;
- (f) a detailed assessment by an adoption social worker;
- (g) information regarding the applicant's own childhood;
- (h) information regarding other significant family members of the applicant;
- (i) information about the character of the applicant;
- (j) details of the attitude of other family members towards the adoption;
- (k) plans for integration with siblings, where applicable;
- (l) plans for relocation of the child from the Republic to the place where the applicant resides;

- (m) a description of the adoption counselling that has been received by the applicant;
- (n) the applicant's ability to undertake inter-country adoption; and
- (o) the reasons why the applicant wishes to adopt a child.

(2) In the event of more than one applicant applying jointly for the adoption of a child, the information set out in sub-regulation (1) must be provided in respect of each applicant.

Report on child in the Republic to be adopted by person from convention or non-convention country

112.(1) In addition to the requirements set out in article 16 of the Hague Convention on Inter-country Adoption, the report on a child required by section 261(3) or 262(3) of the Act must be a comprehensive child study report compiled by an adoption social worker employed by a designated child protection organisation.

- (2) The report contemplated in sub-regulation (1) must include-
- (a) identifying information of the child with an original birth certificate or identity document, or where these are not available, a sworn statement from the social worker to supplement the lack of documentary information;
 - (b) detail regarding the child's language, culture, race and religion;
 - (c) a medical report confirming the health status of the child, and where applicable, a description of any special needs of the child;
 - (d) information about the child's natural parents, where such information is known, including-
 - (i) a description of the counselling they have received;
 - (ii) whether they have consented to the adoption; and
 - (iii) if their consent is not required, the reasons for such non-requirement;
 - (e) information regarding the sibling or siblings of the child, where applicable;

- (f) comprehensive information regarding the efforts that have been made to provide suitable alternative care within the Republic;
- (g) the views of the child concerning the adoption, where the child is capable of forming his or her own view; and
- (h) the child's consent, if he or she is ten years of age or older, which must be annexed to the report.

Order for adoption of child from Republic by person from convention country or non-convention country

113. The order for adoption granted in terms of section 261(5) or 262(5) of the Act must be issued by the children's court in a form identical to **Form 67**.

Return of child following withdrawal of consent by Central Authority to adoption by person in convention or non-convention country

114.(1) Where the Central Authority of the Republic withdraws its consent to an inter-country adoption given to a convention country pursuant to section 261(6) or 262(6) of the Act, the Central Authority of the Republic must forward a letter setting out the withdrawal of consent to the Central Authority in the convention country with whom the agreement was made, requesting co-operation for the return of the child to the Republic.

(2) The letter contemplated in sub-regulation (1) must be forwarded electronically or through a postal service.

(3) The request for co-operation contemplated in sub-regulation (1) must be stipulated in specific terms, including the time when and the place where the child has to be handed over to an identified representative of the Central Authority of the Republic.

(4) The Central Authority of the Republic must appoint an escort to accompany a child on his or her return to the Republic, who must be a suitably qualified or experienced person employed by the Department or by a designated child protection organisation.

(5) The costs related to the return of the child, including the costs of the person appointed to escort the child, must be paid for out of funds made available for this purpose by the Central Authority of the Republic.

(6) The Central Authority of the Republic must, within seven days of the child's arrival in the Republic, effect an appropriate amendment to the adoption register established in terms of section 247 of the Act and notify the Director-General of the Department of Home Affairs of the child's return.

Short Title

115. These Regulations are called the General Regulations Regarding Children, 2010

ANNEXURE B
NATIONAL NORMS AND STANDARDS
(Sections 79; 94; 106; 147; 194 and 216 of the Act)

PART I
NATIONAL NORMS AND STANDARDS FOR PARTIAL CARE

For the purposes of section 79(2) of the Act, the following are national norms and standards for partial care:

1. A safe environment for children

- (a) Children must experience safety and feel cared for whilst at the partial care facility.
- (b) Premises inside and outside must be safe, clean and well-maintained.
- (c) Equipment used must be safe, clean and well-maintained.
- (d) There must be adult supervision at all times.
- (e) The structure must be safe and weatherproof.
- (f) Floors must be covered in washable and easy to clean material that is suitable for children to play and sleep on and walls must be safe and easy to clean.
- (g) All reasonable precautions must be taken to protect children and staff from the risk of fire, accidents or other hazards.
- (h) Safety measures must be undertaken when transporting children. Such safety measures include ensuring that—
 - (i) transport operators transporting children are registered, suitably trained, screened against Part B of the Child Protection Register and possess the necessary licences and permits as prescribed by the National Land Transport Transition Act, 2000 (Act No. 22 of 2000), and other relevant national transport policies and regulations determined by the Department of Transport;
 - (ii) the requirements published by the Minister of Transport periodically in terms of the National Land Transport Transition Act, 2000 are adhered to;

- (iii) transport is appropriate to the ages of children transported and that it is accessible and suitable to children with disabilities and other special needs;
- (iv) transport providers comply with safety measures regulated by the Department of Transport, including adherence to speed limits, and that all passengers are seated regardless of the transport mode used;
- (v) vehicles used to transport children are safe and have the necessary safety characteristics, such as windows and doors opening instructions, safety equipment and appropriate speed devices;
- (vi) children are not transported in open vehicles;
- (vii) there is an adult supervisor in a vehicle transporting children under the age of nine years; and
- (viii) there is no overloading of children in vehicles.

2. Proper care for sick children or children who become ill

- (a) Staff must have the ability to identify children who are ill and be able to refer them for appropriate health services.
- (b) Policies and procedures relating to the health care of children whilst at the partial care facility must be in place. Such policies and procedures must cover the following:
 - (i) Criteria for identifying ill children;
 - (ii) safe keeping of all medication at a partial care facility;
 - (iii) procedures for dealing with children who are ill; and
 - (iv) guidelines for preventing the spread of diseases at the partial care facility.
- (c) The following procedure regarding children who are ill must be adhered to:
 - (i) After identifying children who are ill, the illness or problem must be reported to the parent(s), care-giver or family as soon as possible;
 - (ii) the child must be removed from other children to a safe place or room designed to care for ill children;
 - (iii) any child assessed to have an infectious disease (measles, chickenpox, etc) must be immediately isolated from other children and referred to the nearest hospital or clinic for further assessment and treatment;
 - (iv) if a child is already on prescribed medication, that child must receive the medication as prescribed and as advised by the parents; and

- (v) in cases of emergency, the child must be taken to the nearest hospital or clinic for treatment and appropriate referral.
- (d) The following medical records must be kept:
 - (i) up-to date records of each child's medical history;
 - (ii) records of each child's immunisation programme and Vitamin A schedule; and
 - (iii) records of health incidents and accidents occurring at the facility.
- (e) Every partial care facility must have a first-aid kit.

3. Adequate space and ventilation

- (a) The partial care facility must have adequate ventilation and sufficient light.
- (b) Space for different activities and functions must be clearly demarcated.
- (c) Where applicable, new buildings and alterations to buildings must comply with the building standards as set out by the National Building Regulations and Building Standard Act, 1997 (Act No.103 of 1997).

4. Safe drinking water

- (a) Safe and clean drinking water must always be available.
- (b) Where water is not from a piped source, it must be treated and made safe using approved national health guidelines for the treatment of water by adding one teaspoon of bleach to 25 litres of water.
- (c) All water containers must be covered at all times.

5. Hygienic and adequate toilet facilities

- (a) Partial care facilities catering for toddlers must have potties, toilets and washbasins.
- (b) Toilet and hand washing facilities must be reachable for children over the age of three years.
- (c) For children up to the age of three years—
 - (i) there must be appropriate toilets;
 - (ii) where there are no sewerage or ablution facilities, potties must be made available;

- (iii) every child under the age of three years must have his or her own potty;
 - (iv) waste from potties must be disposed of hygienically;
 - (v) potties must be cleaned after use and disinfected in a properly demarcated area; and
 - (vi) there must be a clearly demarcated nappy changing area with a surface that can be easily cleaned. This area must be situated away from the food preparation area.
- (d) For children between the ages of three and six years—
- (i) where sewerage systems are available, there must be one toilet and one hand washing basin for every 20 children;
 - (ii) where no sewerage facilities are available, an appropriate toilet must be available at the partial care facility or immediately adjacent to the partial care facility;
 - (iii) where no running water is available, there must be a minimum of 25 litres of drinkable water supplied on a daily basis;
 - (iv) where no washbasins are available, one suitable container for every 20 children must be made available, provided that such container is cleaned and changed regularly and closed; and
 - (v) all toilets must be safe and hygienic.
- (e) For children of six years and older, there must be—
- (i) hygienic and safe toilets; and
 - (ii) one toilet and one hand washing basin for every 20 children.
- (f) There must be adult supervision at all times when children use the toilet.
- (g) Where applicable the local authority regulations and by-laws in respect of physical characteristics of building and health requirements must be adhered to.

6. Safe storage of anything that may be harmful to children

- (a) Medicine, cleaning substances and any dangerous substances must be kept out of reach of children.
- (b) Medicine and dangerous substances must be kept in separate locked or childproof cupboards.
- (c) Dangerous objects, materials, sharp instruments and utensils must be kept out of reach of children.

- (d) Dangerous substances may not be used in the vicinity of children.
- (e) Electrical plugs must be covered.
- (f) Paraffin, gas and other electric appliances must be kept out of reach of children.
- (g) Cleaning agents must be kept in clearly marked containers and out of reach of children.

7. Access to refuse disposal services or other adequate means of disposal of refuse generated at the partial care facility

- (a) Where possible, refuse must be disposed of according to municipality regulations.
- (b) Waste disposal methods must be safe and covered.
- (c) Waste must be kept out of reach of children.
- (d) Waste disposal areas must be disinfected regularly.

8. A hygienic area for the preparation of food for children

- (a) There must be a separate, clean and safe area for the preparation of food as well as for cleaning up after food preparation.
- (b) There must be a separate clean and safe area for serving food to the children.
- (c) There must be cooling facilities for storage of perishable food.
- (d) The food preparation area must be clearly marked and out of reach of children.
- (e) There must be a sufficient supply of clean water as well as cleaning agents.
- (f) There must be sealed containers to store all prepared food before serving such food.

9. Measures for the separation of children of different age groups

- (a) Where possible, children must be separated into the following age categories in separate rooms or places to ensure their development:
 - (i) Children under the age of 18 months;
 - (ii) children between the ages of 18 and 36 months;
 - (iii) children between the ages of three and four years; and
 - (iv) children between the ages of four and six years.

- (b) Where a partial care facility provides after care facilities to children of school going age, these children must be kept separate from the the children in the abovementioned age groups in order to ensure that they are able to rest and complete their homework upon their return from school.
- (c) Where more than 50 children are enrolled for a full day at a partial care facility, there must be a separate room or place to be used as an office and as a sickbay.

10. The drawing up of action plans for emergencies

- (a) Reasonable precautions to protect children from risk of fire, accidents and other hazards must be taken.
- (b) Policies and procedures for dealing with structural and environmental emergencies and disasters must be in place.
- (c) Emergency procedures with relevant contact details must be visibly displayed.
- (d) Emergency plans must include evacuation procedures.
- (e) Emergency plans must be up-to-date, regularly tested and reviewed.
- (f) Staff must be trained in dealing with emergencies.
- (g) Children must be made aware of emergency procedures.

11. The drawing up of policies and procedures regarding health care at the partial care facility

Policies must—

- (a) include procedures to deal with infectious diseases at the partial care facility;
- (b) include procedures for dealing with the medical needs of sick children and of children with chronic illnesses;
- (c) ensure that there are standards relating to cleanliness and hygiene at the partial care facility;
- (d) ensure that there is an adequate supply of cleaning agents and towels at the partial care facility;
- (e) provide for the training of staff in first aid;
- (f) include record keeping and registers pertaining to storage and use of medicines at the partial care facility;
- (g) promote confidentiality when dealing with health related information;

- (h) encourage staff to take care of their health, undergo regular medical check-ups, and must include procedures to deal with contagious diseases contracted by staff in order to prevent transmission to children; and
- (i) promote ongoing staff training and development on keeping a healthy environment, identifying illnesses, preventing the spread of diseases and infectious diseases as well as promoting universal health precaution.

PART II
NATIONAL NORMS AND STANDARDS FOR EARLY CHILDHOOD DEVELOPMENT
PROGRAMMES

For the purposes of section 94(2) of the Act, the following are national norms and standards for early childhood development programmes:

1. The provision of appropriate developmental opportunities

Programmes must—

- (a) be delivered by members of staff who have the knowledge and training to deliver developmental programmes;
- (b) be appropriate to the developmental stages of children;
- (c) respect and nurture the culture, spirit, dignity, individuality, language and development of each child;
- (d) provide opportunities for children to explore their world; and
- (e) be organised in a way that each day offers variety and creative activities.

2. Programmes aimed at helping children to realise their full potential

- (a) Children must receive care, support and security.
- (b) Programmes must promote children's rights to rest, leisure and play through the provision of a stimulating environment.
- (c) Programmes must promote self discovery.
- (d) Programmes must be evaluated and monitored.
- (e) Programmes must promote and support the development of motor, communication and sensory abilities in children.

- (f) Programmes must promote self control, independence and developmentally appropriate responsibility.
- (g) Activities must promote free communication and interaction amongst children.
- (h) Programmes must respect and nurture the culture, spirit, dignity, individuality, language and development of each child.

3. Caring for children in a constructive manner and providing support and security

- (a) Creative play and exploratory learning opportunities must be provided to children.
- (b) Programmes must adhere to the following conditions:
 - (i) Toilet facilities must be safe and clean for children;
 - (ii) where there are no sewerage facilities, sufficiently covered potties must be available;
 - (iii) every child under the age of three years must have his or her own potty;
 - (iv) for ages three to six years, one toilet and one hand washing basin must be provided for every twenty children;
 - (v) there must be a place for the bathing of children;
 - (vi) discipline must be effected in a humane way and promote integrity with due regard to the child's developmental stage and evolving capacities. Children may not be punished physically by hitting, smacking, slapping, kicking or pinching;
 - (vii) programmes must adhere to policies, procedures and guidelines related to health, safety and nutrition practices. These must relate to—
 - (aa) practices aimed at preventing the spread of contagious diseases;
 - (bb) at least one meal per day must be provided;
 - (cc) all meals and snacks should meet the nutritional requirements of children; and
 - (dd) where children are bottle-fed, a suitable facility must exist for cleaning the bottles; and
 - (ee) children must be supervised by an adult at all times.
- (c) Programmes must meet the following requirements in relation to staff:
 - (i) Staff must be trained in implementing early childhood development programmes;

- (ii) staff must be equipped with basic information, knowledge and skills to recognise children's serious illnesses and how to deal with those;
- (iii) staff must be trained in first aid;
- (iv) the staff-to-child ratio must—
 - (aa) for children between the ages one month and 18 months be, 1:6;
 - (bb) for children between the ages 18 months and three years be 1:12;
 - (cc) for children between the ages three and four years be 1:20; and
 - (dd) for children between the ages five and six years, 1:30; and
- (v) for every staff member stipulated above, there must be an assistant.

4. Ensuring development of positive social behaviour

- (a) Programmes must promote understanding of and respect for diversity in gender, language, religion and culture.
- (b) Activities must include parents and care-givers in the development of positive social behaviour in children.
- (c) Programmes must promote the development of positive social values.
- (d) Programmes must be conducted in a non-discriminatory manner.
- (e) Staff must demonstrate behaviour that promotes positive behaviour by modelling attitudes and interactions with children.

5. Respect for and nurturing of the culture, spirit, dignity, individuality, language and development of each child

- (a) Programmes must promote appreciation and understanding for children's culture and language.
- (b) Educators must utilize one medium of instruction in class.
- (c) Children must be allowed to communicate in the language of their choice and preference outside class.
- (d) Cultural diversity must be encouraged and respected by educators and children alike.
- (e) Programmes may, where appropriate, facilitate late birth registration.
- (f) Programmes must contribute to the development of a sense of identity in children.