

**APD – NELSON MANDELA BAY & CACADU DISTRICT SUBMISSION ON THE CHILDREN’S AMENDMENT BILL
CHAPTER 5 PARTIAL CARE**

CLAUSE	PROPOSED AMENDMENT	DISCUSSION
<p>Partial Care</p> <p>Clause 76</p>	<p>We agree with the definition, but wish to emphasize the need for Government to recognize (fund and regulate) the stimulation development programmes, physical rehabilitation programmes which are offered by NPO’s in the Disability Sector.</p>	<p>Children with disabilities and chronic illnesses :</p> <ul style="list-style-type: none"> • are extremely vulnerable • have basic human rights to : <ol style="list-style-type: none"> 1. education 2. health care and nutrition programmes 3. to needs – specific services such as the provision of assistive devices, access to facilities, amenities, communication and information <p>NPO’s in the Disability Sector generally do not have unlimited financial resources to adequately maintain the programmes mentioned. It is essential that the Department of Social Development will recognize it’s role in funding, regulating and empowering such programmes.</p>

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<p>Strategy to ensure provision of partial care</p> <p>Clause 77</p>	<p>Strategy concerning Partial Care</p> <p>77 (1) The Minister, after consultation with the minister of Health must include in the developmental strategy a comprehensive national strategy which aims to provide a properly resourced, co-ordinated and managed partial care system.</p> <p>(2) In order to give effect to section 2 (h) , 6 (d) , and 11, the Minister must include within the strategy, a plan for ensuring equal access and equal opportunities for children with disabilities and chronic illness.</p>	<p>We note that a strategy clause to provide for a partial care system is lacking in the Chapter on Partial Care.</p> <p>We believe it is essential that such a clause, which makes specific reference to the need to provide adequately for the child with a disability, be included.</p> <p>It is equally important that the need for skilled professionals to staff a partial care facility is recognized when funding for a disability – specific care center is considered.</p>

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<p style="text-align: center;">CLAUSE</p>	<p style="text-align: center;">PROPOSED AMENDMENT</p>	<p style="text-align: center;">DISCUSSION</p>
<p>Consideration of applications</p> <p>Clause 81</p>	<p>We recommend that Clause 81 (c) (i) be changed to read :</p> <p>a report by any social service professional, who is appropriately trained, and in the case of a disability specific care center, an expert in the Disability Sector.....</p>	<p>Social Work is regarded in the Eastern Cape as a scarce skill. Evaluating a disability specific center would need the expert rating of someone knowledgeable in the field. We are concerned that social workers may generally feel that an extra load had been placed on their already heavy load. Using an expert in the Disability Sector will ensure that an evaluation will be done based on the specific needs of children with disabilities.</p>
<p style="text-align: center;">CLAUSE</p> <p>Record and Inspection of and Provision of Partial Care Facilities</p> <p>Clause 87 (2)</p>	<p style="text-align: center;">PROPOSED AMENDMENT</p> <p>In order to give effect to section 2 (h), 6 (d) and 11 of this Act, provincial strategies must include measures to ensure equal access and equal opportunities for children with disabilities or chronic illness.</p>	<p style="text-align: center;">DISCUSSION</p> <p>Children with disabilities do not currently have access to partial care facilities. In order to promote equality, we recommend the insertion of an express obligation on the provincial departments to ensure equal access for children with disabilities.</p>

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 CHAPTER 6 EARLY CHILDHOOD DEVELOPMENT

<p style="text-align: center;">CLAUSE</p>	<p style="text-align: center;">PROPOSED AMENDMENT</p>	<p style="text-align: center;">DISCUSSION</p>
<p>Provision of Early Childhood Development Services</p> <p>Clause 93</p> <p>It is indicated that only an organof the state or a designated child protection organization will qualify for state funding if they comply with national norms and standards.</p>	<p>It is recommended that this clause be amended to include NGO's as providers of ECD services.</p> <p>It is also recommended that this clause refer to the consultation with the Department of Health.</p>	<p>Recognition, as well as support and training should be given to informal centres, run by parents, care-givers and volunteers, especially those who have worked and have been empowered by NPO's.</p> <p>In the case of disability-specific centres, the support given by NPO's in the Disability field forms part of their Community Development Programme as has as it's goal the empowerment of communities to take ownership of programmes which benefit their own children and to continue the service.</p>

CLAUSE	PROPOSED AMENDMENT	DISCUSSION
<p data-bbox="277 363 763 427">Strategies concerning Early Childhood Development</p> <p data-bbox="277 472 409 499">Clause 92</p>	<p data-bbox="844 363 1319 427">We recommend the inclusion of the Minister of Health in this clause.</p>	<p data-bbox="1411 363 1957 571">The input of all 3 Departments is needed. If the approach is to be one of holistic development, the support for the physical well-being should be regarded as essential. The following should be taken into consideration :</p> <ul data-bbox="1462 619 1957 1305" style="list-style-type: none"> <li data-bbox="1462 619 1957 722">• Nutrition programmes - children with disabilities have specific nutritional requirements <li data-bbox="1462 730 1957 866">• The provision of assistive devices – <li data-bbox="1462 770 1957 866">• these are needed to correct postural defects and should be delivered on time. <li data-bbox="1462 874 1957 1161">• immunization programmes – the question here should be asked : Are children in the rural and far rural areas benefiting from this programme ? If so, why was it necessary to have emergency vaccinations against polio these past few weeks ? <li data-bbox="1462 1169 1957 1305">• identification and referral of children with chronic infections - Timely intervention would prevent permanent disability

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CLAUSE	PROPOSED AMENDMENT	DISCUSSION
<p>Minimum Norms and Standards</p> <p>Clause 94</p>	<p>Change Clause 94 (1) to :</p> <p>A partial Care Facility or child and youth care center providing services for any children up to school-going age, taking into consideration the child’s developmental stage, must provide ECD development services complying with minimum requirements prescribed by regulation.</p>	<p>The following provisions need to be considered:</p> <ol style="list-style-type: none"> 1. Norms and standards, inclusive of programmes that will ensure and enabling environment for children with disabilities. 2. Norms and standards that will ensure physical access for all children. 3. Norms and standards that will ensure a safe environment for all children . 4. Norms and standards on training which will include diversity training.

CLAUSE	PROPOSED AMENDMENT	DISCUSSION
<p>Definition of Early Childhood Development</p> <p>Clause 91 (1)</p>	<p>We recommend that the definition be changed to :</p> <p>ECD means the process of emotional, spiritual, mental, moral, physical and social development of children from birth to school going age, taking into consideration the child’s developmental stage.</p>	<p>Not all children with disabilities will progress to mainstream schooling. For those who will be excluded, ongoing stimulation opportunities, as well as support and development are needed.</p> <p>It is a sad reality that children with disabilities experience learning and development barriers. A lack of appropriate learning materials and inaccessibility to facilities leads to slower progress and later achievement of developmental milestones than considered appropriate for an able bodied child. A little extra time is mostly needed to prepare the child to cope with the pressures of mainstream schooling.</p> <p>The size of the child as well as the behaviour of children with certain types of disabilities also need to be considered.</p>

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CLAUSE	PROPOSED AMENDMENT	DISCUSSION
<p><u>Assistance</u></p> <p>Clause 100 states that a provincial head of social development may “give advice” to facilities or centers providing ECD particularly with regard to compliance with the minimum requirements</p>	<p>Such advice is welcomed, and is seen to include technical expertise, promotion of inclusive ECD programmes and linking with relevant resource persons/organizations.</p> <p>It is also recommended that much needed material assistance and financial support is given to ECD programmes</p>	<p>Such “advice” should include</p> <ul style="list-style-type: none"> • strategies to address discriminatory attitudes towards diversity among children and their families. • technical expertise, where necessary (design of low-cost playgrounds for all children, seating for children with disabilities • Consultation with NPO’s from the Disability sector on how to acquire necessary equipment and materials. <p>Such financial assistance is required in order to enable ECD practitioners to fulfil the conditions necessary for registration.</p>

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CHAPTER 7 PROTECTION OF CHILDREN

CLAUSE	PROPOSED AMENDMENT	DISCUSSION
Strategies concerning Child Protection Clause 104	We recommend the following insertion under the Strategies section : “ In order to give effect to Clauses 6 (2) (d) (f), 7 (i) (j) the Minister must include in his strategy a plan to ensure equal access of children with disability or chronic illness to protection services “	This need to include sensitization programmes for all personnel dealing with children with disabilities.

CLAUSE	PROPOSED AMENDMENT	DISCUSSION
<p>Provision of designated child Protection services</p> <p>Clause 106 (2)</p>	<p>These need to include the following :</p> <ul style="list-style-type: none"> • norms and standards for programmes that are inclusive of children with disabilities or chronic illnesses • norms and standards that ensure physical access for all children • norms and standards on training for child protection personnel which include catering for diversity of children 	<p>Children with disability are particularly vulnerable to abuse of all kinds, including sexual abuse. The options for placement need to be accessible and suitable to provide the necessary support to children with disabilities and chronic illnesses. This includes foster care and temporary safe care facilities. Programmes that are disability sensitive need to be developed in order to ensure the appropriate training of personnel working in the child protection system, so that they are able to deal effectively with disabled children who have been abused.</p> <p>The norms and standards should be based on the best interests of the child and not driven by budgets.</p>
<p>Designated Child Protection Services include services to relating to</p> <p>Clause 106 (4) (b)</p>	<p>We recommend the following wording :</p> <p>Clause 106 (4) (b) (i) early intervention services ordered by the court should include curative and rehabilitative services for children with disabilities, who are in need of care and protection.</p>	<p>Currently the provision of the Bill relate to the location of the child in terms of arrangements for care. However, there is no provision for services that aim to assist the child in adapting to the environment</p>

	<p>Clause 106 (4) (b) (iv) the placement of children in alternative care, with special precaution taken in the case of a child with disability or chronic illness.</p>	<p>and / or dealing with the trauma that they have experienced.</p>
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CASE ILLUSTRATIONS

1. Unathi is a foster child with a speech impairment. He also uses a wheelchair because of a suspected stroke (at the age of 3years)

He lives with his foster mother in Kwazakhele, a sprawling township in the northeastern areas of Nelson Mandela Bay. This year Unathi turned 5 and the process to prepare him for school readiness is overcome with obstacles. Although there are over 8 creches in the street where he lives (These are all informal facilities, run by community members from their own premises (In Kwazakhele alone, it is estimated that there are over 100 such crèches or day care centres, none of these are equipped to admit Unathi to their facility. In the whole township there are also 3 very good, recognized Educare Centres, but none of them are physically equipped or their staff adequately trained to deal with the special needs that Unathi has.

The question I ask : How does the Bill in its present form protect the rights of this young boy ?

2. In a small town in the rural areas, is a young girl,(now 15years old) who spends her days in a dimly lit room, unable to walk, talk, indicate her needs and certainly not the focus of attention of any particular person in the systems governed by the Children’s Act. This young girl, has since birth been unable to defend herself. She was removed from her mother’s custody and placed in the care of her grandmother, who works on a farm. In a drunken state, a neighbour brutally raped the child (in broad daylight) and though he was charged with this horrendous crime, nothing was done to assist the little girl to deal with the trauma. The reason : She was unable to understand, and could therefore not be communicated with. The result : This young girl is wasting her life, lying on the bed all day. No effort is made by any of the professionals to assist here.

The question I ask : How does the Bill in its present form protect her ?

