

	<p align="center"><u>NATIONAL ALLIANCE FOR STREET CHILDREN</u></p> <p align="center">(An association formed not for gain) Registration Number 027 410 NPO Public Benefit Organization Registration Number 930 017 336 Section 21 Company Number 2007/035198/08</p>	<p align="right">CONTACT: P.O. Box 264642 Three Rivers, 1935 016 428 3121/084 526 4079 nasc@gasc.org.za www.streetchildren.org.za</p>
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Friday, 22 August 2008

NASC SUBMISSION ON DRAFT REGULATIONS

Please find the submission of the National Alliance for Street Children reflecting the comments and feelings of members of the organisation on the Draft Regulations, as drafted by the Department of Social Development. Due to the nature of our work, NASC has mainly concentrated on the Regulations pertaining Street Children.

The following submissions are as stated by member organisations of the National Alliance for Street Children with inputs from various Provinces.

NASC WOULD LIKE TO OFFER THE FOLLOWING RECOMMENDATIONS IN TERMS OF NOTICE 780 of 2008 Department of Social Development.

The following comments relate to the 5 year window period for existing organisations providing Shelter (residential care) to upgrade or until they are registered and funded as CYCC s (or as suggested to have “conditional registration with adequate funding to upgrade”)

Skills shortages and funding constraints

The Regulations do not appear to take into consideration the skills shortages in the sector or the funding constraints. Furthermore the aspect of the creative manner in which Homes ensure access to professional services for their children should be noted. Homes and Shelters have managed to keep costs down by providing best services as much as possible on their own through utilising the assistance and support of experienced Child and Youth Care workers and Social Workers in the field. In many cases they are better able to understand the needs of Street Children than many other professionals. Often we have found in working with problematic children that the average psychologist does not understand them nor have the correct assessment tools to assess the needs of Street Children and very often they rely on the Caregiver or Social Worker. Often it is not understood how severely trauma, neglect and abuse affect the child's functioning.

The same applies to **Regulation 84 (1)**. Children with disabilities and chronic illnesses can be cared for in Homes until the point that they need Hospice type care, without the need to transfer them to specialist organisations, with

training for the Care Workers and supported by clinics and doctors.

Different contexts of Child and Youth Care Centres

The different contexts in which Child and Youth Care Centres operate, and the fact that many develop out of a response to a need and are very under resourced, is definitely ignored in the Regulations. Even given a certain time frame to comply, without funding they will fall by the wayside. A solution might be to group them under the supervision (and protection) of more developed organisations.

Recently at a National meeting for the writing of the National Policy document on Street Children between Government departments and NGO's the Regulations were discussed. (Still bearing in mind the 5 year window for upgrading of existing Shelters or until such time as Shelters are registered as CYCCs and funded. It is suggested in the submission of Children's Institute that possible "conditional registration" we would like to add to this "with appropriate funding" to be allowed for – this would enable organisations working with Street Children to upgrade and provide better services with more ease). The following inputs were recommended:

Section 62 (1): Abandoned or orphaned Children

Members of NASC are of the opinion that the Department of Social Development should *be responsible for and cover* the costs of publishing such advertisements.

Section 83 (1): The rights of children in Child and Youth Care Centres

Recommend that the sub-clause 'access to community' be added.

83 (1) (a) "to be informed, promptly" be replaced with "upon admission"

83 (1) (e) remove the word "community"

83 (1) (g) add: "provided that it is not harmful to others"

84 (1) All Child and Youth Care Centres must have access to **free** health care services **and psychological services...**

85 (1) The manager **and staff...**

85 (2) (h) isolation **except for medical reasons..**

85 (2) (j) assignment of **inappropriate..**

85 (2) (l) ..gender, race, **religion...**

Section 86 Reportable incidents:

Section 86 (3) (i): Any dealing in drugs by children or service providers should also be a reportable incident.

Section 86 (3)(e): Absence of a child or young person from a Centre without permission - add 'to be reported to SAPS immediately, and absconders enquiry to be opened after 24 hours' (allowing for the child to return).

Section 88 (2) (e): Reception of children in Child and Youth Care Centre

This section to: “ensure that a Care Plan is compiled in respect of each child as soon as possible but not later than seven days after the child’s admission.” Some members of NASC are of the opinion that this requirement would be impractical for Street Children, as an investigation could and usually does take longer than seven days. It is necessary that organisations investigate and assess each case thoroughly before completing a Care Plan. Presently organisations usually compile the Care Plan when they finalise the Children’s Court Inquiry. Other members of NASC believe that a preliminary Care Plan can be compiled based on the initial information available within 7 days, such Care Plan to be developed further with an eventual IDP for each child. Practice in some Provinces presently is that a Social Worker who brings a child to a Shelter on temporary placement provides a Care Plan and Form 4. It must be clearly understood that the Care Plan drafted and submitted within 7 days would be incomplete and based on whatever information the Care Giver and Social Worker had been provided with. This is of particular importance in the case of children found on the streets as it takes a considerable amount of time to establish the family’s whereabouts and Street Children often conceal the truth, extending the investigation process considerably.

Section 91: Notice of movement of children

Members of NASC find that children are often unsettled for the first few weeks of their placement or voluntary self-admission, and that some continue to abscond and return to our care until they eventually settle down. It would therefore be impractical to expect our organisations to ***“Immediately notify the provincial head of social development”***. Such a Regulation would require immense paperwork as well as prove impractical and even detrimental to the settling down of children within our facilities. We acknowledge that from discussion at the Meeting held by National Department of Social Development and NGO’s for discussion on the draft Policy document for Street Children that it was agreed that it would be necessary for our organisations to comply with the requirement for ***an Enquiry to be opened within 24 hours***. However we would request that during the 5 year window period or registration and funding as a CYCC the method of reporting suggested below be considered. We are aware that the Regulations call for the Director General to “provide guidelines on which incidents must be reported to the provincial head of social development and the time frames for such reporting” and we would like to flag for the Director General that, in the case of a CYCC for the reception of Street Children, this absence should be reported to SAPS immediately as suggested under Section 86 above. We believe that there is a very important issue which we all need to take into consideration and that is the need to document in some form a process for organisations working with Street Children wherein they can document, record, track and report the movement of children from and to the street either via SAPS, Social Services, Outreach work by the organisation or any other NGOs (i.e. Child and Family Welfare). This should and can report on a daily basis a brief report to Provincial Department of Social Development of all INTAKES and RUN-AWAYS – a solution could be a simple email copied to all parties in an agreed format which would draw to the attention of the Department the movement of children from the streets. We understand that in the near future it is the intention of the Department to assess all children in

residential care at Shelters as to whether they are formally placed at that organisation or whether they are placed in what was previously referred to as a Children's Home, Foster Care or reintegrated into his or her own family. **This could possibly be a solution for the requirements of Section 91 in the short-term.**

95 (a) The meaning or intention of the use of the word 'statutory' registered Child and Youth Care worker is questioned. To be left out or replaced by 'professional'.

106 (3) (d) ..of the applicant to manage **and operate** ..

106 (4) (a) (1) the business hours **of operation**..

106 (4) (a) after the disciplinary policy and rules add a new point...**a constitution**

106 (4) (c) ..of the plans that have been submitted for approval, **or a lease agreement or rental plan**..

107 (4) ..form 59 by registered post, **or by hand delivery**,..

107 (5) (a) ..or a registration holder, **or an appellant**,..

108 (1) (b) ..or primary car-giver, **to be completed as best as possible with the information provided**.

Standard (a) (4) and (6) – ratio of staff

The ratio of 1 Social Worker or psychologist to 60 children is not possible for smaller organisations, or bigger ones. Until such time as Shelters are registered as CYCC's and are funded this will be too costly and therefore difficult to afford for many organisations. A part time psychologist who was committed to working with difficult children would be very useful. Organisations should have access to psychologists by perhaps sharing them. At this stage each residential care programme is likely to have its own optimal staff to child ratio.

Chapter 16 - Drop-in Centres

The Regulations indicate a far more formal process of registering Drop-in Centres than was previously envisaged in the case for Drop-in Centres for Street Children. Some flexibility to facilitate the child's gradual development of trust and attachment to a Centre is very important, particularly for Street Children. In many cases organisations working with Street Children have a Drop-in Centre programme running as part of the programmes of the organisation providing Shelter. The process followed is 1. Outreach work which includes regular street work (at this stage records are being kept by Care Givers doing street work) 2. Invitation to Drop-in Centre – possible voluntary consent to participation in programmes provided by Drop-in Centre; 3. Possible voluntary admission to Bridging Shelter (provides shelter and thorough assessment, further development of care plan and programmes (including counseling if necessary) for a period of up to 3 months) final placement in either existing Shelter (up to 6 months, 1 year, 2 years depending on different rulings of Provinces) or foster care, previously known Childrens Homes or family reunification. With regard to children absconding a solution could be that until such time as a child is placed in the Bridging Shelter programme that they would always fall under the Drop-in Shelter phase and reporting of movement would be on the suggested daily report of INTAKES and RUN AWAYS.

NASC FULLY SUPPORTS ALL SUBMISSIONS AND RECOMMENDATIONS AS MADE BY THE CHILDREN'S INSTITUTE, ESPECIALLY THE FOLLOWING RECOMMENDATIONS:

Chapter 15: Child and Youth Care Centres

Reg 83 (1) (e)

The inclusion of the words 'according to reasonable community standards'.

Reg 83 (1)

To have inserted: "(x) to have access to community activities and structures unless a court order or their care or development programme indicates otherwise".

Reg 92 and forms 53 and 54

NASC fully agrees with the Children's Institute's recommendation to allow for conditional registration for Child and Youth Care Centres and therefore we follow their recommendation, which goes as follows:

"Suggested amendment Reg 92:

(1) An application for the registration, conditional registration or renewal of registration of a Child and Youth Care Centre..."

"Suggested amendment form 53:

Application for the registration / conditional registration / renewal of registration of a Child and Youth Care Centre.

This is an application for:

- Registration in terms of s199
- Conditional registration in terms of s201
- Renewal of registration in terms of s...

"Suggested amendment form 54:

Certificate of registration / conditional registration / renewal of registration of a Child and Youth Care Centre.

It is hereby certified that:

The following Child and Youth Care Centre has been registered in terms of s200 of the Act.

The following Child and Youth Care Centre has been conditionally registered in terms of s201 of the Act"

Reg 94

The same amendment to be advised: to have the words conditional registration added.

Reg 95

NASC agrees with the Children's Institute that the Council currently does not provide for the registration of Child and Youth Care workers, therefore Child and Youth Care workers cannot meet Regulation 95. Further we agree that Regulation 95 should stipulate what qualification is needed for psychologists employed by Child and Youth Care Centres.

Reg 104

NASC fully supports the amendment of adding the words including through the provision of material and professional support (in (6) (d), after 'and to take decisive and appropriate action,')

Annexure A: Norms and Standards and Standard (a) (4)

It is agreed that most smaller Centres will not be able to employ Social Workers and psychologists due to financial constraints, unless these posts are separately funded by the Department of Social Development. We therefore agree with the advised amendment as set out by the Children's Institute:

“Every Child and Youth Care Centre must employ at least one Social Worker and the specified ratio is one Social Worker to 60 children, subject to the following exemptions:

(i) Centres accommodating less than 60 children may be exempted from having to employ a Social Worker if they furnish a motivation for the exemption and a plan detailing how they will ensure access to social work services for the children in their care.

(ii) Centres accommodating more than 60 children but less than 180 children may be exempted from having to employ more than one Social Worker if they furnish a motivation for the exemption and a plan detailing how they will ensure access to social work services for the children in their care.”

Standard (a) (6)

NASC experiences many problems in this area, therefore we support the following suggested amendment made by the Children's Institute:

“A Child and Youth Care Centre registered to provide a programme for children with behavioral, psychological or emotional difficulties, or for children placed under the Criminal Procedure Act, 1977 (Act No. 51 of 1977), must employ at least one psychologist or senior Child and Youth Care worker with experience and skills in providing assistance to this category of children, the specified ratio is one psychologist or senior Child and Youth Care worker with experience and skills in providing assistance to this category of children, to 60 children, subject to the following exemptions:

(i) Centres accommodation less than 60 children may be exempted from having to employ a psychologist if they furnish a motivation for the exemption and a plan detailing how they will ensure access to appropriate psychological support for the children in their care.

(ii) Centres accommodating more than 60 children but less than 180 children may be exempted from having to employ more than one psychologist if they furnish a motivation for the exemption and a plan detailing how they will ensure access to appropriate psychological support for the children in their care.”

NASC FULLY SUPPORTS THE SUBMISSIONS MADE BY RAPCAN, MORE PARTICULAR THE FOLLOWING:

Behavior management in Child and Youth Care Centres, Partial Care Facilities, Drop In Centres and Early Childhood Development Facilities

NASC supports RAPCAN’s position to ensure that the above mentioned facilities and their programmes must offer the same level of protection to children as was provided for in Regulations to previous legislation.

Further it supports their position that in no facility a child should be allowed to not only be subjected to physical punishment, but that it adds humiliating or degrading punishment, and that positive discipline should be the means of disciplining the child.

National Norms and Standards for Prevention and Early Intervention

NASC agrees that the word well being should be added under section (a) *Outreach Services* point 3.

NASC further agrees with RAPCAN’s position on the additions under section (a) *Outreach Services* point 9, point 11 and point 12, as well as their amendment (b) *Education, information and promotion programmes* point 7. Further it supports the addition of 17. be targeted at reducing risk factors for violence, abuse and neglect and increase the resilience of children, caregivers and other family members, to (c) *Therapeutic Programmes*.

NASC FULLY SUPPORTS THE FOLLOWING SUBMISSIONS OF CHIDLIN WITH REGARDS TO THEIR COMMENTS WHICH WILL AFFECT STREET CHILDREN:

3.1. Reporting of child in need of care and protection

NASC fully supports Childline’s recommendation: “However Childline or police official”.

6. Section 141 – Child Labour and Exploitation of Children

NASC fully supports the recommendation Childline makes regarding their addition of the word ‘begging’ under: “no person may:

(c) use, procure, offer or employ a child for illicit activities, including drug production, begging and trafficking;...”