

FINANCIAL AND FISCAL COMMISSION: "THE PROVISION AND FUNDING OF CHILD WELFARE SERVICES IN SOUTH AFRICA 8 and 9 April 2013

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Purpose of the presentation

- To provide an overview of the implementation of the Children's Act
- To highlight financial processes and challenges in the provision of child welfare services
- To highlight implementation challenges under each focus group



Background

- The Children's Act places an obligation on the State to provide children with social services necessary to give effect to certain Constitutional Rights.
- The Act advances very important legal principles and universal rights entitled to children.
- Child welfare services refer to those services that aim to provide children with a necessary protection from social, economic, physical and development hardship, abuse and neglect.
- These services prescribed in legislation is referred to as child welfare services that the state is legally bound to deliver.

Funding of children's Services

According to the Children's Act services which **may be funded** which are non-statutory:

- Partial Care, Early Childhood Development and Drop-in Centres

Services which **must be funded**:

- Provision of designated child protection services (designated child protection services), Child and Youth Care Centres, child protection services including foster and cluster foster care, prevention and early intervention.
- The Act, regulations and an additional document provide for norms and standards to guide implementation of services and to ensure compliance.
- Compliance with norms and standards is one of the prerequisite for funding.

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High Court Judgments

- High Court Judgements were obtained on the **extension of foster care orders** by provinces instead of going back to the Children's Court.
- Judgement on Section 151 and 152 – “**judicial review** subsequent to the removal of the child”.
- Judgement on Section 150 (1) (a)- “**visible means of support**”.



Implementation Challenges

- The current budget highlights that government's existing obligations to deliver social welfare services to children is under funded.
- Inequalities between provinces in the provision of social welfare services as well as budget allocation.
- Lack of human resources, social workers, auxiliary social workers and child and youth workers.
- Completed Research of social service practitioners for children services
- No substantial movement towards prevention and early intervention services due to emphasis on protection services.
- Squeezing out of other child care and protection services due to emphasis on foster care and ecd.
- Compliance to norms and standards developed for children's Services has been difficult
- Training of Social Work personnel and improving their working conditions, resource allocations need to be prioritised

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Implementation challenges

- Difficulty in the Employment of social work graduates in provincial departments.
- NPO's closing down due to lack of financial and human resources
- There is a need to prioritise key services and phased-in implementation, to assist with this process provincial profiles are essential.
- Dept. of Justice and Constitutional Development and Social Development sectors need to strengthen a coordinated service delivery approach and to enhance uniformity in the implementation of the Act.
- Optimal use of the for-profit, non-profit and voluntary sectors in the welfare field and improve the funding

Plan of Action

- Second amendment to the Children's Act is in process and addressing High Court judgements and urgent technical amendments.
- Third amendment of the Act is more comprehensive and addresses various implementation challenges.



WELFARE SERVICES BUDGET

Building a Caring Society... Together.

Table Y.4: Welfare Services Policy Development and Implementation Support

Subprogramme	Expenditure outcome			Adjusted appropriation 2012/13	Medium-term expenditure estimate		
	2009/10	2010/11	2011/12		2013/14	2014/15	2015/16
R thousand							
Service Standards	17,393	19,838	21,248	20,381	24,351	25,701	26,883
Substance Abuse	7,667	12,152	14,937	13,993	11,794	12,458	13,031
Older Persons	10,446	8,046	11,387	15,016	10,640	11,235	11,752
People with Disabilities	8,877	7,670	8,272	8,631	9,652	10,209	10,679
Children	30,109	31,935	40,657	76,452	62,529	48,621	50,858
Families	6,250	5,852	6,938	7,757	8,095	8,556	8,950

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WELFARE SERVICES BUDGET

Building a Caring Society Together

Table Y.4: Welfare Services Policy Development and

Implementation Support

			Adjusted appropriation 2012/13	Medium-term expenditure estimate		
	2010/11	2011/12		2013/14	2014/15	2015/16
R thousand						
Social Crime Prevention and Victim Empowerment	14,649	21,428	38,459	39,338	41,993	43,925
Youth	4,631	5,597	9,314	6,567	6,930	7,249
HIV and AIDS	60,943	66,856	70,864	76,451	80,996	84,722
Social Workers Scholarships	226,000	244,000	256,000	270,000	286,200	299,365
Programme Management	7,435	7,746	8,181	9,786	10,391	10,869
Total	399,151	449,066	525,048	529,203	543,290	568,281

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Financing of Children Services

- The Policy on Financial Awards to Service Providers and the PFMA serve as key guiding policies to the funding of the NPO sector
- The Policy on Financial Awards to Service Providers which has been reviewed to address the gaps identified during its implementation period (2005-2010)
- was approved for implementation by DSD HSD and MINMEC on the 31 March 2011.
- Key radical changes
 - The thrust of the reviewed Policy hinges on the approach that DSD takes charge in its relationship with the NPO sector and also takes lead in mobilizing and transforming the sector
 - It seeks to position the DSD to assume its leadership position towards effective management of financing services delivered by the NPOs within the social development sector
 - Movement from subsidy to programme funding.

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GAPS IDENTIFIED IN THE POLICY

Gaps identified through a Desktop Analysis and consultative sessions with the NPOs and Provinces:

- The national and provincial roles and responsibilities in relation to NPO financing are not clearly defined
- There is lack of uniformity in the implementation of the policy across provinces
- The policy is not aligned to the newly approved departmental pieces of legislation
- Different procurement approaches that are used for the financing of NPOs within the social services sector
- Inadequate financing of statutory services



GAPS IDENTIFIED IN THE POLICY

Gaps identified through a Desktop Analysis and consultative sessions with the NPOs and Provinces:

- Lack of disclosure of sources of financing by non-profit organisations
- Multiple dipping by NPOs across various government departments for the same services
- Alignment to service delivery norms and standards and costing models
- Lack of capacity within the NPO sector
- Delays in the transfer of funds to NPOs
- Non-Compliance of NPOs to the NPO Act and other pieces of legislation

GAPS IDENTIFIED IN THE POLICY, Cont...

Building a Better Society. Together.

The Free State High Court Judgement also identified some gaps in the Policy

- ❑ The following main challenges were identified:
 - Subsidisation which does not cover the financing of services adequately
 - Effective implementation of the new pieces of legislation
 - Lack of uniformity in the implementation of the policy
 - Disparities in the financing of NPOs
 - Delays in the transfer of payments to NPOs
 - Disparities amongst the NPOs with regard to areas of service delivery

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Financial policy

- Nawango took the FSDSD to court challenging their Policy on Financial Awards to Non Profit Organisations, in particular paragraph 11.6 which in part reads “ The determination of the financial award is the prerogative of the department and applicants have the opportunity to accept or reject the award”;
- The Court said the policy is flawed because it doesn't recognise that, by providing social services, NPO's fulfil the Department's constitutional and statutory obligations;
- This has impacted on the provision of funding to NPO's.

Proposed funding model.

The Approach to the Costing Model is based on the following principles of the Model

- Activity-based costing
- Zero-based costing
- Minimum costing
- One model versus many models
- Norms and Standards

A Funding Model was also developed in conjunction with KPMG

- Prioritisation: Programmes and necessity levels.
- Categories: Necessity, Partial Necessity and Non-necessity
- Needed:
- List of all services ranked in priority order from “Must” services to the “May” services.
- The funding model is presently part of the court processes

Services to Children



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Adoption and ISS

- Adoption is the legal act of permanently placing a child with a parent(s) other than the birth (or “biological”) mother or father. An adoption order has the effect of ceasing the parental responsibilities and rights of the biological parent(s) and transferring those responsibilities and rights to the adoptive parent(s).
- After the finalization of an adoption, the adopted child must for all purposes be regarded as the child of the adoptive parents.



Adoptions

Period	National adoptions	Inter-country adoptions	Total number of children adopted
1 April 2010 31 March 2011	2236	200	2436
1 April 2011 – 31 March 2012	1619	198	1817
1 April 2012 – 31 December 2012	1237	138	1375

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Progress

- Register on adoptable children and prospective adoptive parents (RACAP) has been operational since June 2010.
- 73 service providers have been accredited to provide adoption services.
- Community Dialogues have been held to promote adoption services

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Progress

- A research to solicit attitudes, views and opinions of South Africans regarding adoptions have been conducted
- Adoption promotion materials were developed and distributed.
- Adoption Policy Framework and Strategy have been developed, approved and printed to popularise adoption services.
- Capacity building of social workers on national and inter-country adoptions was conducted and finalised in all provinces

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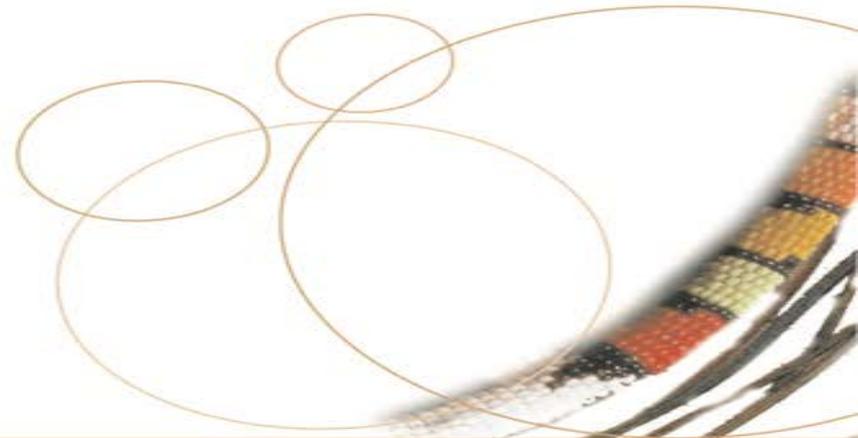
Adoption challenges

- The omission of including social workers in the employ of government in rendering adoption services.
- Slow down on the number of adoption cases finalised.
- Entering of working agreements with other Central Authorities in facilitating inter-country adoptions.



Child protection services

- **Definition:**
- Child Protection services aimed towards the safety of children and to ensure care and protection services.



Statistics on the CPR

- 29 305 of child abuse and deliberate neglect cases reported.
- 220 of all convictions and findings of the children's court involving cases of abuse or deliberate neglect of a child
- 305 reported cases on Part B of the Child Protection Register (Section 120) which refers to findings of persons unsuitable to work with children.
- Section 126 provides for establishment of information by both individuals and employers in Part B of the Register. There are 41 304 persons that have inquired.

Progress

- Development of a child protection skills development programme for supervisors and community care givers (Thogomelo).
- Development of a conceptual framework for capacity building of social work professionals and occupations in child protection.
- Development of a South African Safety and Risk Assessment Tool for child Abuse, Neglect and Exploitation.

GAPS/CHALLENGES:

- Designated child protection social workers are not equipped to deal with child abuse cases.
- Child Protection Services is suffering due to the high service demand on foster care and child headed households.
- Provincial organograms not align to national staff establishment (generalist social work)



Child protection- progress

- Development of a National Policy Framework and Strategic Plan for the prevention and Management of Child Abuse, Neglect and Exploitation which was translated into a Child Protection Strategy with a national costed model and provincial implementation plans.
- Development of a Child Exploitation Strategy and Prevention and Early Intervention Strategy.
- Development and implementation of child protection norms and standards.
- Enhancements of the electronic national Child Protection Register: Part A and the Development and Implementation of Part B of the CPR.



Child protection

Development of the following guidelines:

- The Principles and core elements for the design and development of prevention and early intervention programmes.
- The Prevention of and Response to Child Exploitation.
- Notifications on the reporting of Child Abuse, Neglect and Exploitation.
- Research done on Prevention and Early intervention programmes, development of a conceptual framework of benchmarking good practice prevention and early intervention programmes and recommendations on the scaling up of these prevention and early intervention programmes (PEIP)
- National rapid Appraisal on PEIP.
- Commemoration of annual Child Protection Week and the launch of the Green Ribbon which advocates for the protection of children.

Training:

- Constant training is provided to the provinces on the following issues:
- Child Protection Register, Children's Court, child protection system

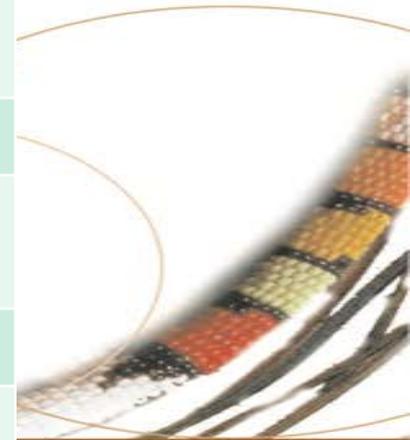


- **Action Plan:**
 - Dedicated child protection units
 - Ratchet up of child protection training and the roll out of the Safety and Risk Assessment Tool for child abuse, neglect and exploitation
 - Improving utilization and implementation of the Child Protection Register



Children living and working on the streets

Provinces	Shelters for Children living and working on the street	Number of Children
Eastern Cape	12	487
Free State	3	113
Gauteng	16	624
KwaZulu Natal	11	243



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Progress

- The Strategy and Guidelines for Children Living and Working on the Streets was developed to give guidance on the services and programmes to be rendered to children living and working on the streets.
- A Transformation Plan for shelters for children living and working on the streets has been developed
- The implementation of Children's Act expects existing shelters for street children registered under the previous Child Care Act (1983) to transform into Child and Youth Care Centres.
- The shelters are assisted to comply with national norms and standards, registration procedures and management systems.

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Progress

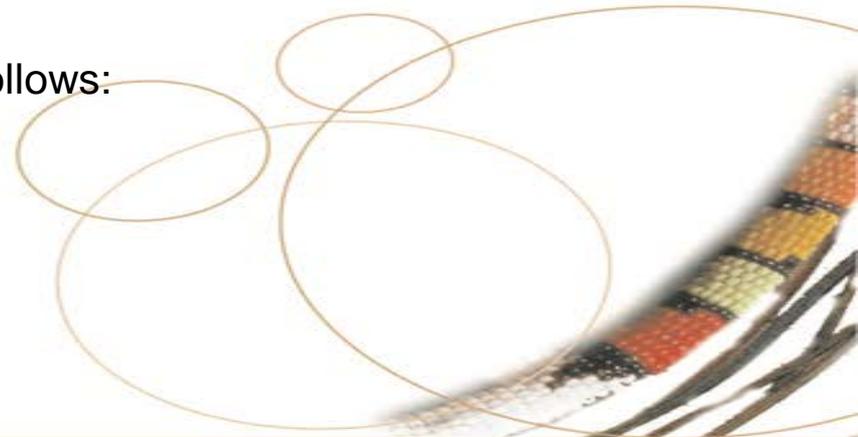
- Developed the Guidelines and Checklist for registration of Child and Youth Care Centres. The said document provides guidelines to Government and civil society service providers to meet the requirements of the Children's Act, norms and standards and the regulations pertaining to the registration.
- An Audit on the Infra-structure of the Shelters of children living and working on the streets was conducted in 8 provinces (KZN, Limpopo, Western Cape, Northern Cape, Gauteng, Mpumalanga, Free State and North West Province). To ascertain the conditions of the shelter and to assist the facilities to comply on national norms and standard

Progress

- The conditions of the shelters for Children Living and Working on the Streets are poor, there is a need to upgrade the facilities to ensure that they comply to the requirements of Municipality-by laws and national norms and standards.
- 80% of the facilities are not owned by the service providers but are leased.
- Security measures is a concern as 80% of the facilities has no security measures in place.
- It is difficult to transform the shelters into Child and Youth Care Centres because is difficult to place children legally as there are many challenges in facilities and they do not meet the basic norms and standards for facilities thus they are not registered.

CHILD AND YOUTH CARE CENTRES

- A Child and Youth Care Centre is a facility for the provision of residential care to more than 6 children outside the child's family environment in accordance with a residential care programme suited for the children in the facility.
- There are currently 299 Child and Youth Care Centres (Temporary Safe Care and Children's Homes Programmes providing alternative care services to 16 209 children in these facilities.
- The breakdown for these programmes are as follows:



PROGRAMMES FOR CHILDREN IN NEED OF CARE AND PROTECTION

PROVINCE	TEMPORARY SAFE CARE	CHILDREN'S HOMES	TOTAL	NUMBER OF CHILDREN IN TSC	NUMBER OF CHILDREN IN CHILDREN'S HOMES	TOTAL
Eastern Cape	3	24	27	200	1688	1888
Free State	14	36	50	409	1065	1474
Gauteng	7	74	81	620	4030	4650
KwaZulu-Natal	6	52	58	491	2573	3064
Limpopo	2	13	15	208	669	877
Mpumalanga	7	9	16	168	720	888
Northern Cape	1	8	9	65	582	647
North West	0	4	4	0	567	567
Western Cape	3	36	39	61	2093	2154
TOTAL	43	256	299	2222	13987	16209



PROCESSES COMPLETED AND CHALLENGES TO ASSIST WITH THE IMPLEMENTATION OF THE CHILDREN'S ACT

PROCESSES COMPLETED

- Audit of the registered Child and Youth Care Centres
- Audit of the unregistered Children's Facilities and Situational Analysis of Temporary Safe Care
- Workshops on the Transformation of Child and Youth Care Centres
- Continuous capacity building of social workers and social service professionals with the understanding and interpretation of the Children's Act.

CHALLENGES

- Transformation of Child and Youth Care Centres (Assessment, placement and programmes)
- Regulations of Child and Youth Care Centres in line with the National Norms and Standards of the Children's Act, 2005



PLAN OF ACTION

- Developing a tool for the assessment of children in alternative care and training of master trainers to implement the tool
- Continuous training and capacity building in the management and operations of Child and Youth Care Centres
- Designing of programmes to address the gaps in programmes as prescribed by the Children's Act
- The costing of the implementation of the transformation plan.



Foster Care

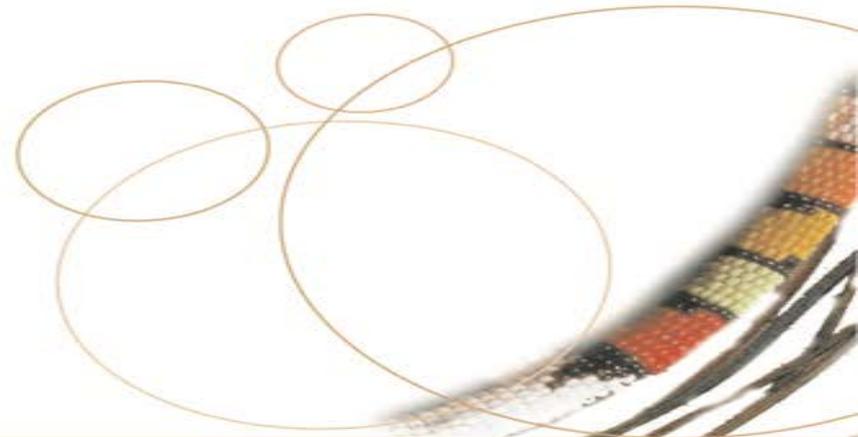
- The Department of Social Development has the mandate to provide alternative care services to children who are in need of care and protection as prescribed in the Children's Act 38 of 2005.
- The provinces' mandate requires that they compile reports to be submitted to the Children's Court with recommendations to be considered by presiding officers whether children should be placed in foster care or not.
- Provinces have to ensure that the foster care orders issued are managed effectively ensuring that the orders are extended on time which will ensure that the foster care placements are legalized and the children continue receiving foster child grants. There was an accumulation of the foster care backlogs in provinces. It indicated that there are foster care orders that lapsed of which SASSA continues to pay unqualified foster child grants.
- The implementation of the Children's Act compounded the accumulation of backlog as it brought about numerous implementation challenges i.e. interpretation of the visible means of support in Section 150 of the Children's Act 38, 2005.
- The provinces have been engaged in activities aimed towards eradicating the backlog.

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Progress

- The provision of the North Gauteng High Court Order regularised the validity of the foster care orders of all the foster children affected and SASSA continued to pay the foster child grants as requested by the Director General and the Minister.
- The provincial departments have the responsibility to issue the administrative foster care orders to ensure that they are submitted to SASSA for record keeping.



Statistics

- No. of children in Foster care- 550 000 children
- No. of new foster care cases- 61 589
- No. of foster care orders issued 297 769- 96,1 % - backlog of 1309



Challenges

- Foster care orders submitted by DSD are not processed for capturing on the SOCPEN by SASSA.
- Other foster care orders are not captured because the foster parents are not presenting themselves to SASSA offices.
- Interpretation of the High Court Order by the presiding officers impacts negatively on the extension of foster care orders.
- Different interpretation of magistrates on a child found in need of care and protection and is without any visible means of support.
- Additional expense in publishing names of parents in media prior to placement of children.
- **ACTION Plan**
- Reviewing the foster care policy
- Amendment to the Children's Act on critical sections where there has been court Judgements
- Continuing the Action Plan to prevent further backlogs on the reviewing of court orders.

Early childhood development

- **Partial Care Definition:** Partial care is provided when a person, whether for or without reward, takes care of more than six children by an agreement between the parents or care-givers and the provider of service, but excludes the care of a child-
 - (a) by a school as a part of tuition, training and other activities provided by the school
 - (b) as a boarder in a school hostel or other residential facility managed as part of a school
 - © by a hospital or other medical facility as part of medical treatment provided to the child (section 76).
- **ECD Definition:** Early childhood development means the process of emotional, cognitive, sensory, spiritual, moral, physical, social and communication development of children from birth to school-going age (section 91).

ECD Statistics

- Current registered ECD Centres: 19 971
- Number of children benefitting from ECD subsidies in ECD centres: 484 529
- Number of children receiving ECD services: 984 524
- ECD Subsidy amount for provinces for 2012/13:
 - R1 119 884 000.00
- ECD Subsidy amount for provinces for 2013/14:
 - R1 696 200 000.00

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ECD- progress

- ECD enjoys priority programme status within the DSD
- DSD's focus has been on improving accessibility of ECD services to all children including children with disabilities;
- DSD also conduct regular monitoring of ECD centres to ensure compliance with the norms and standards as required by the Act
- DSD hosted an ECD Conference held in 2012 which highlighted a lack of ECD services and subsidies to rural children
- .
- Three national parallel initiatives have taken place since September 2011 pertaining to ECD, viz; the ECD Diagnostic Review, the Review of the National Integrated Plan for ECD (NIPEDC) and the ECD Conference Action Plan.

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ECD- progress

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- Recommendations from it culminated into a zero draft “An Integrated ECD Programme of Action-Moving Ahead” which is now in process to be costed and finalised.
- ECD audit underway – auditing ECD centres - identifying details, human resources, curriculum, immunisation, nutrition, infrastructure, norms and standards compliance, occupation and health compliance.
- EPWP programme for training of ECD practitioners at grade 4 level



ECD challenges

Challenges:

- Inadequate manpower in DSD, DBE and DoH on all levels to take the ECD Programme forward.
- Inadequate finances for execution of programmatic objectives.
- Action plan



Orphaned and vulnerable children

DEFINITION as per the Children's Act (Act 38 of 2005)

CHILD-HEADED HOUSEHOLDS:

- According to Section 137 :This section defines the children who can be regarded as child-headed households, makes provision for appointing an adult for supervising a child-headed household, and allows the children in child-headed households to access social grants and other material assistance. This Section also outlines a range of statutory processes to be undertaken in relation to child-headed households. It seeks to protect children, including children living in child-headed households from abuse, neglect, maltreatment, trafficking and commercial sexual exploitation.

DROP IN CENTRES:

- According to Section 213: A drop in centre is a facility providing basic services aimed at meeting the emotional, physical and social development needs of vulnerable children.



Progress

- The development of a child headed households register because the Act requires that children in child headed households be registered
- A National guidelines for the Statutory services to children in headed households were developed.
- The purpose of these guidelines is to ensure that children living in child-headed households are legally recognised and assigned to an adult supervisor. Furthermore, to ensure that these children access social grants and are linked to other services and resources in their communities.
- The development of a Strategy on services for Vulnerable Children in Drop in Centres has been completed.
- **Drop in Centres:**
- Most of the Drop in centres that offer services children fall under the Chief Directorate HIV and AIDS.
- Drop in centres needs to be registered according to the Children Act, However some provinces have started the process of assisting in the registration. process. A Total number of 75412 children were reached through services in drop in centres.

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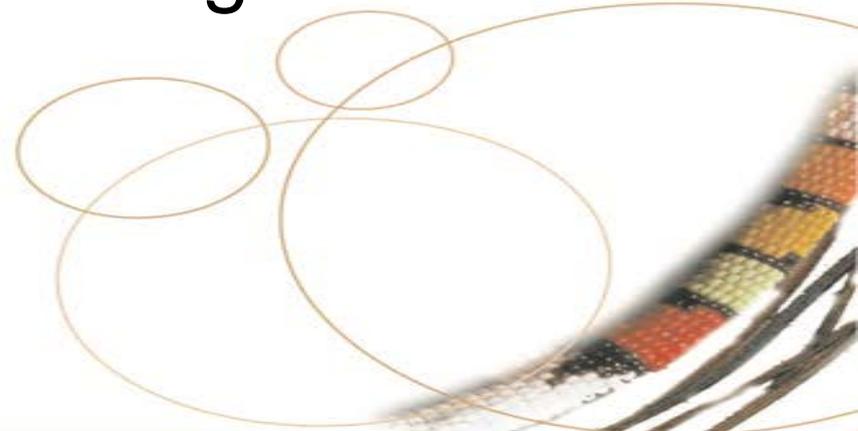
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Isibindi model

- The Department has identified a community based model, namely Isibindi Model which has been developed and tested by the National Association of Child and Youth Care Workers (NACCW) for the rollout in all communities in South Africa.
- The Isibindi model deploys trained community-based child and youth care workers in communities in an innovative team outreach program providing developmental support to vulnerable children and families.
- The model has been identified and proven as a mechanism that successfully addresses the needs of orphans and vulnerable children through the appointment of child and youth care workers who provide direct support to children in their homes, at community level through safe parks and life skills programmes.
- It is seen as a cost-effective model operating accountably at prevention and early intervention levels of the child and youth care system in partnership with a range of inter-sectoral role players.
- In order, to reach more children the model will be up-scaled through the training and employment of 10 000 child and youth care workers and the increase of sites where services will be rendered.
- The rollout will be phased in over a period of 3-5 years.

Conclusion

- There is notable progress made by the DSD, however there are challenges that are faced which clearly have implications for the social welfare services sector broadly in effectively delivering services to children



Recommendations

It is recommended that the Commission takes note of the following:

- The importance of the review of budget allocation for the provision of services to children in line with the costing of the Children's Act
- The proposed amendments to the Children's Act
- That post the review of the Policy on Financial Award to Service Providers, the department is at an advanced stage of finalizing the costing of services and the related funding models

Recommendations

- It is recommended that the Commission takes note of the progress made by the DSD and the challenges that are faced which notably have implications for the social welfare services sector broadly

