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Realising the value of these programmes, government has launched a number of important strategies to strengthen the provision of early childhood development programmes. To strengthen its focus on ECD as an important sector, the government also announced its Expanded Public Works Programme (EPWP) to expand job opportunities for unemployed and low-income women in the ECD sector. In this regard, the government has increased its budget during the past two years significantly. However, the implementation is slow as the provinces require time to put their delivery mechanisms into place to act on this policy.

The new Act is expected to play a major role in the government's roll-out plan for the ECD sector. Specifically, it includes a duty on the relevant departments (social development, health and education) to develop an integrated ECD plan and regulate the registration, financing, service delivery and monitoring of ECD. Moreover, the Act promotes more equitable distribution and access of these facilities and programmes to poor children by assigning a role and functions for local municipalities.

The aim of provisions for prevention and early intervention, included in Chapter Eight of the Act, is to reach vulnerable children and their families before they have to receive statutory-level interventions.

The types and scope of the services will be described in a comprehensive national strategy on prevention and early intervention services. The new Act prescribes that the Minister of Social Development must develop such a strategy (Section 146). In practice this means that the government should detail the programmes and also fund them.

The Act describes prevention and early intervention programmes as services provided to families where there are children identified as being vulnerable to, or at risk of, harm or removal to alternative care. Prevention services are social development services provided to families with children with the aim to strengthen and build their capacity and self-reliance to address problems that may or are bound to occur in the family environment and which, if unchecked, may lead to statutory intervention (Children's Amendment Bill, 2007, Section 143(2b)). Both these definitions are broad and may be interpreted variously. However, by providing a detailed description of the purposes of early intervention programmes in Section 144, the Act strengthens the position of service providers and families by indicating a broad range of possible services to which families may have access. These services are aimed at:

- preserving a child's family structure;
- developing appropriate parenting skills and the capacity of parents and care-givers to safeguard the wellbeing and best interests of their children;
- establishing appropriate interpersonal relationships within the family;
- promoting the wellbeing of children and the realisation of their full potential;
- providing psychological, rehabilitation and therapeutic programmes for children;
- preventing the neglect, abuse or inadequate supervision of children and preventing other failures in the family environment to meet children's needs;
- preventing the recurrence of problems in the family environment that may harm children or adversely affect their development;

- diverting children away from the child and youth care system and the criminal justice system; and
- avoiding the removal of a child from the family environment.

A key feature of the way the Act defines these services is the requirement that they be delivered in ways which are participatory and empowering for families. It is intended for the services to be based on national norms and standards. Furthermore, the Act specifically intends for the services delivered by different government departments and other service providers to be integrated to facilitate access to a full basket of services when needed. The norms and standards clause (Section 147) provides for the Minister of Social Development to consult regarding these services with the Department of Health and Education. These provisions undoubtedly suggest that the repertoire of services available to children and families should be comprehensive, integrated and supported.

The inclusion of prevention and early intervention provisions in the Act therefore has the potential to promote and realise children's socio-economic rights. The emphasis is no longer on blaming families who may have difficulties. Rather, it seems to be on creating enabling environments for children. Child protection decisions must be based on the principle of "what is in the best interest of the child". This position accepts the government's responsibility to secure an enabling environment for the wellbeing of all children.

### **INCOME SUPPORT FOR VULNERABLE FAMILIES**

Child Support Grants (CSGs) payable to children under 14 years old has become a vital survival means for millions of children and their families. Presently, the government has seven types of social welfare grants, of which three target children. All the grants target individuals on a means-tested basis but none targets poor households specifically. With the increasing numbers of children orphaned as a result the HIV/Aids-related deaths of the parents, significant numbers of foster care parents are also benefiting from social welfare grants.

There are, however, complex issues and questions surrounding the provision of these grants in ways which promote the best interests of children. Firstly, the government's escalating budget on social welfare grants is a matter of concern for some social welfare policy analysts, who argue that the need of families is not so much for social welfare grants as for jobs, which the economy is not creating at the pace that is critically needed (May, 2000; Bond, 2002; September, 2007b). Secondly, access to the social welfare grants through the means test is often seen as dependent on the wits of applicants in "beating" the system. This means that millions more poor families who may be eligible for grants are not accessing them and remain excluded from the benefits these provide for their children. Thirdly, in response to a gap identified in the ages to which the grant applies, there is currently a major campaign to have the grant extended to include children beyond the present threshold of 14 years, at least until 18, or 21 if the children are still in school or studying. Related to these issues is the fact that the Act includes a progressive realisation clause. This means it only has obligations within its means. Section 4(2) of the Act states that, while recognising that competing social and economic needs exist, it requires that the different tiers of government "take reasonable measures to the maximum extent of their available resources to achieve the realization of the objects of this Act".

While the principles of the Act establish the ethical grounds for holistic services in support of children's own families, the ethical intent must be followed through with the political will and improvements on the institutional capacity level as well as the appropriation of adequate resources.

## SUMMARY AND RECOMMENDATIONS

While South Africa continues to make remarkable progress in many areas, we must also be brave and self-critical enough to recognise that our sustained growth and development is dependent on ongoing monitoring and evaluation of the policies and programmes that we design and implement. This new Act provides an opportunity to build in such checks and balances on various levels. Parliamentary institutions such as the portfolio committees must enhance their oversight role in terms of the performance expected from government departments as well as civil society through their constituency work. The Office on the Rights of the Child (ORC), located in the President's office with its provincial and local municipality-level counterparts, is also mandated to monitor the realisation of children's rights and wellbeing. The positive outcomes envisioned for children and families through this Act must be backed up by the development and implementation of a Strategic Implementation Plan for the Act (SIPA). These institutions, among others, could play a significant role in monitoring and evaluating the impact of the Act.

### A STRATEGIC IMPLEMENTATION PLAN FOR THE NEW ACT

***Leadership and coordination.*** The Minister of Social Development is the custodian of the Act and will therefore be the champion that will lead the implementation strategy. It will, however, be crucial to engage the other relevant ministers and government departments in the development of a SIPA to ensure a uniform approach and to agree on operational corporation, fiscal requirements and mechanisms for its appropriation.

***An effective communication strategy.*** It will be imperative for the department of social development to design and role out a multimedia communication strategy. Central to this would be key messages to the general public on the intent of the Act.

***Research-based demonstration projects.*** SIPA should include a call for evidence-based demonstration projects aimed at improving the quality of lives of families who are beneficiaries of government grants and social protection programmes. These would contribute to meeting the dire need for indigenous best practices (grounded theory) on successful interventions aimed at integrated and holistic provisioning of services to poor families, provided in ways that are empowering.

***Investing in an effective child protection system.*** Every country that is serious about its children must be very serious about intervening in instances of child abuse and exploitation. The new Act sets the tone and prescribes statutory provisions for a potentially effective child protection system. The scope and formalisation of the child protection system as provided for in the new Act implies extensive resources, both human and infrastructural. If the government's intention is to continue to use non-governmental designated child protection agencies, then the funding formula and agreements with these important role players must be based on the premise that the government is the primary duty bearer. In this capacity the government must then take full responsibility for child protection services and must provide the full extent of the costs for such services if it chooses to involve non-government service providers.

***Taking care of the carers (capacity building of the workforce).*** It is evident that the successful implementation of the new Act will be fully dependent on a competent workforce. The new Act introduces a new approach and substantively new services. The SIPA will have to include a comprehensive strategy for training and ongoing staff development. Presently, most child protection social workers are only equipped with the baseline undergraduate training programmes. This situation is extremely dangerous for employers, but particularly for every

child and family who enters the child protection system. The government must therefore urgently make key decisions about the continued professional development of its staff. Many countries have invested in in-house training divisions, while others contract via conditional grants with external service providers. The Act provides a window of opportunity for government to consider its options and to ensure that this major gap is filled.

## CONCLUSION

Melton and Limber (1992) observed that *power* is a dimension salient to both children and adults. A rights-based approach provides a way to ensure that power is used to build up constructively rather than to oppress. The new Children's Act presents a comprehensive expression of what South Africans want for their children. It has the potential to socialise South Africans toward building a nation that demands the fulfilment of children's rights. But, hopefully, also a nation that understands and accepts that these rights impose on it the duty to protect the vulnerable and the powerless.

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