

GOVERNMENT AND NON-PROFIT ORGANISATIONS: DYSFUNCTIONAL STRUCTURES AND RELATIONSHIPS AFFECTING CHILD PROTECTION SERVICES

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KEYWORDS: funding, child protection services, child protection protocols, child protection practice, non-profit sector, government

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This article is based on a qualitative descriptive study of the child protection system after 1994. Semi-structured interviews were conducted with senior social workers in management positions in the Department of Social Development and non-profit organisations in three provinces. The main focus of the article is on the structure, functioning and resourcing of child protection services in post-apartheid South Africa. Key findings of the study include the lack of an over-arching strategy for child protection services, the dysfunctional relationship between government and the non-profit sector, and inadequate resourcing.

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INTRODUCTION

The advent of democracy in South Africa encouraged many social workers working in child protection to believe that a new dawn had arrived. This was reinforced by the inclusion of section 28 in the Constitution (Republic of South Africa, 1996), which protects the rights of children, followed by the White Paper for Social Welfare (WPSW), (Department of Welfare, 1997), which focused on establishing developmental welfare services for children and families. Despite these early positive indicators and subsequent legislative and policy developments, changes in child protection practice have been slow. This article discusses the progress made and the challenges remaining in relation to the structure, functioning and resourcing of child protection services in post-apartheid South Africa. The research question addressed is whether the currently existing structure and resourcing are appropriate and adequate to enable the provision of developmental child protective services.

BRIEF LITERATURE REVIEW

The abuse and neglect of children, despite the legal and policy reforms relating to the rights and protection of children, remain serious challenges in South Africa. The Optimus Study (2016) reported that 35.4% of children in South Africa experienced some form of sexual abuse during childhood, and 42% of respondents experienced sexual, physical, emotional abuse and/or neglect during childhood. It was further noted that few children report abuse and neglect to the formal child protection system, and even when reported, cases “often fall out of the system or experience severe delays in justice, including child protection” (Optimus Study, 2016:69).

The scope of child protection services (CPS) is broadly defined in the Children’s Act 38 of 2005 (Republic of South Africa: section 105). It includes not only proceedings of children’s courts and implementation of court orders, but also prevention, early intervention and reunification services. Policy and law relating to the care and protection of children is developed and led at the national level by the Department of Social Development (DSD), but implementation and service delivery are provided through the nine provincial DSDs in partnership with non-profit organisations (NPOs) registered and subsidised to provide CPS (Skelton & Proudlock, 2013; Patel, 2015; Cornerstone Economic Research, 2018; Jamieson, Matthews & Rohrs, 2018). Subsidies from government to NPOs providing CPS do not cover the entire cost of providing these services on behalf of the government (Department of Social Development (DSD), 2008, 2011). NPOs therefore engage in fundraising activities in order to make up this shortfall. Social work salaries and benefits in the NPO sector are generally lower than in the DSD (Schmid, 2012; DSD, 2016).

Constructive interaction between the DSD and the NPO sector providing CPS is vital for effective service provision. More than two decades ago the WPSW recognised the crucial importance of the relationship between them for the provision of services to families and children (Department of

Welfare, 1997). Three other subsequent documents have also underlined the importance of the NPO/DSD relationship and the need for integration and coordination of their services. The Declaration of the NPO Summit (National Summit of South African Non-Profit Organisations, 2012:1) affirmed the significant contribution of NPOs in “mobilising, protecting and facilitating development in marginalised communities.” The National Development Plan 2030 (National Planning Commission, 2012) recommended a review of funding for NPOs, and a strengthening of coordination between government departments and the non-profit sectors. The third document, the Comprehensive Report on the Review of the WPSW (Department of Social Development (DSD), 2016), reiterated the importance of partnerships between government and the NPO sector and noted that the range of these partnerships presented both opportunities and challenges. The expertise, infrastructure and resources contained in the NPO sector were recognised as contributing significantly to the reconstruction and development of the welfare sector.

RESEARCH METHODOLOGY

The objectives of the research were to identify and analyse participants’ understanding and experiences of gaps and challenges in the provision of CPS and to develop recommendations for transformation and improvements. A qualitative descriptive research design was used. This enabled a focus on selected concepts in depth and allowed for “a thicker examination of phenomena and their deeper meanings” (Rubin & Babbie, 2013: 51). The qualitative research paradigm also enabled an “understanding of the meaning and experience” of participants in context (Fossey, Harvey, McDermott & Davidson, 2002: 717).

The theoretical framework for the study was social constructivism based on the theory that social and psychological phenomena do not have a pre-given reality, but are constructed by way of both individual and social factors in interaction with each other, through active as opposed to passive participation (Kim, 2010; Teater, 2010; Thomas, Menon, Boruff, Rodriguez & Ahmed, 2014). Since the process of developing this reality is influenced by historical and cultural factors and contexts, this theoretical framework was particularly suited to this research study.

Non-probability purposive and snowball sampling were used to select participants for the study. The purposive selection criteria stipulated that participants should be qualified social workers with management experience and with at least 20 years’ experience in the child protection field. Participants were drawn from both the DSD and NPOs. Snowball sampling was used to locate NPOs in the selected provinces. Some NPOs declined the invitation to participate or did not respond to the invitation. One NPO cited their concern about participation affecting their funding from DSD.

The total sample size of participants was 24 and included participants at national and provincial levels. At the national level, in addition to two DSD participants, three NPOs were selected on the basis of their history of at least 25 years in the child protection field and their presence in all nine provinces and their willingness to participate. In addition, an independent participant was included because of her extensive experience in national government as well as the NPO and academic sectors.

At provincial level participants were drawn from three provinces, namely the Eastern Cape, Gauteng and KwaZulu-Natal. These provinces were selected because of their different socio-economic contexts. The final breakdown of the sample was as follows:

TABLE 1
SAMPLE DISTRIBUTION

Context	Number of participants
National DSD	2
National NPO	3
National Independent (IND)	1
Eastern Cape DSD	2
Gauteng DSD	2
KwaZulu-Natal DSD	3
Eastern Cape NPO	3
Gauteng NPO	3
KwaZulu-Natal NPO	5
Total	24

The research objectives and the sample requirements were discussed with employers in both the DSD and NPO sectors to obtain their assistance with the selection of participants. Senior management staff in DSD and the NPOs identified the actual research participants, often, but not always, in consultation with the first author.

Whilst the sampling process worked well in the NPO sector, some employers in DSD did not adhere to the selection criteria. Given the long period of negotiation (this process took a year) with provincial government offices for permission to include their social work staff, it was decided that if the DSD participant had a reasonable period of experience in child protection, had been authorised by their employer for participation in the study, and was enthusiastic about participating, then they would be included in the study.

Of the total sample of 24 participants, 21 met the sampling criteria. Another two participants had less than 20 but more than 10 years' experience in CPS and one participant was a child and youth care worker with more than 20 years' experience in child protection. Although the latter three participants did not meet the purposive selection criteria for the sample, they were included as they had been selected by their respective employers and were keen to participate. Their inclusion added value to the study.

A semi-structured interview schedule was iteratively developed to enable data collection. This facilitated the collection of rich descriptions of participant experiences of CPS after apartheid. Interviews were either face to face, telephonic or via skype. All interviews were recorded and transcribed, enabling frequent revisiting of the raw data and additional contact with participants to clarify their data, when needed. Interviews were in-depth and unrushed. The methods of data analysis included both thematic and discourse analysis. As the data were rich in content, they were read and re-read to identify themes and discourses, using the objectives of the study to assist this process.

Ethical clearance for the study was provided by the Ethics Committee of the University of KwaZulu-Natal. Permission to conduct the study was first obtained from DSD and NPO employers, and then from the participants themselves. Organisations and participants were assured of confidentiality to enable free participation and they are not identified by name.

DISCUSSION OF THE FINDINGS

Theme 1: National, provincial and local government organisation of child protection services

National, provincial and local governments partner with the NPO sector in the provision of CPS. Each level of government has a different role (Constitution of South Africa, sections 40-41; Schedule 4). At national government level, law and policy relating to child protection are determined by the DSD, in consultation with other national government departments, and with input from the provincial and local

levels of government and NPOs. Provincial DSDs are responsible for budgeting and implementation of CPS, which are provided at provincial and district levels (see Department of Social Development (DSD), 2011; Skelton & Proudlock, 2013; Cornerstone Economic Research, 2018). Local governments (municipalities) also provide CPS, especially in relation to prevention, as their responsibilities include provision of well-baby clinics, safe places for recreation and play, inspections of partial care facilities, and contributing to a safe local environment. Some municipalities employ social workers.

The DSD at a national level has a number of directorates within its overall structure, and a specific directorate for children. Other DSD directorates whose role and functions directly relate to CPS are the Directorates for Families, Victim Empowerment, HIV and AIDS, Early Childhood Development, and Crime Prevention. All these directorates are duplicated at provincial level. Participants expressed concerns about the lack of integration and coordination of CPS across the different directorates within the DSD, between levels of government (national, provincial, district and local government) and across government sectors.

“... the planning is not integrated, implementation is not integrated, resources are not integrated ... we have a unit responsible for integrated services for families, a directorate of child care and protection, a directorate of social crime prevention, a directorate of victim empowerment. You would then think all these services should be integrated under that directorate responsible for families because these are all actually dealing with children who are in the families.” (Participant 4, DSD)

“But within the department itself you find there is no integration, you see ... they have all been allocated their own budget so they all work in silos.” (Participant 2, DSD)

Participant 7 commented on the lack of integration in CPS between national, provincial and district offices and the differences in the organisation of services at each level:

“You will find at the national office in child protection, somebody runs only with child protection and another one only runs with the assessment tools – it is split in bits and pieces. Then you get to the province where you find that sub-directorate – people are specialising, then when you go to the regional office, one person is responsible for all life stages ... and it is difficult to focus on child protection, because you are responsible for all the life stages and for all of the programmes.” (Participant 7, DSD)

The mandate for all levels and sectors of government involved in CPS to integrate and coordinate activities is contained in law (Children’s Act 2005: section 4) and policy (DSD National Policy Framework, 2009: para 3.4). The National Policy Framework affirms the need for integration and coordination of CPS at every level of government in its guiding principles. Participants were of the opinion that this was not occurring in practice, and motivated for improvement through joint planning and budgeting.

“If treasury says to us – for us to get the money to do it in an integrated manner, we would be forced to do it.” (Participant 1, DSD)

Participant 3 shared an example in which joint budgeting worked well:

“We went [to a meeting of Ministers] and we went with different plans. And they said they will not listen to us – we must go and do our homework and come back with one plan. And then we went away and came back with one plan. And you know it worked. Because we had one plan and we had one budget.” (Participant 3, IND)

Another area of concern expressed by participants was the need to engage more with local government with regard to CPS.

“...we are very weak at implementation level... this is where people are living – if we follow the ward-based model, that is where things would work better.... Municipalities have to be strengthened and build capacity.” (Participant 1, DSD)

“If this [CPS] was present in every community and there is an engagement with the community all the time, people will know exactly where to go and how to deal with this problem.” (Participant 3, IND)..

“I think the engagement of local leaders and local people are much more appropriate and to see that you get the engagement of more of the CBOs and FBOs engaging in work with families and taking responsibility.” (Participant 11, NPO, National)

Concerns were also expressed about the lack of services in rural areas and the need to consider local schools, clinics and municipalities as service points. Several promising developments relating to coordination of CPS at ward and municipal level were described by participants. Participant 10 (DSD) mentioned the Operation Sukuma Sakhe Project in KwaZulu-Natal (see Office of the Premier KwaZulu-Natal, 2017) implemented at ward level, as contributing to greater accessibility of services. The success of the project, however, appears uncertain – with NGOs apparently reluctant to attend meetings and even government participants expressing a lack of enthusiasm.

“NGOs don’t want to go to war rooms [“integrated service delivery structure comprised of government, municipality, community-based organisations, private businesses and other stakeholders at ward level” (Department of Human Settlements, KwaZulu-Natal, 2013:6)] – some of them – I shouldn’t be generalising. We, at social development, are forced, if I may put it that way, because we have to carry everything that gets to that war room because we are deployed in that manner.” (Participant 10, DSD)

A ward-level committee in the Eastern Cape was described by Participant 16 (NPO) as working well, when it was led by a UNICEF-funded employee. The committee launched a local plan of action for children and included the ward councillor, traditional leader, parental leader, nurse, teacher, community development leader and NPO providing CPS services. Unfortunately, changes in the leadership of the committee and local government elections subsequently reduced the effectiveness of the committee and the communication channel to provincial levels broke down.

The Children’s Act (2005, sections 4, 5 and 104) provides for the basic structure of CPS in South Africa. However, these sections are vastly reduced from the chapter contained in the SA Law Reform Commission Children’s Bill (2002), which “fleshed out” the details of an inter-sectoral mechanism to coordinate and fund a functional CPS. The removal of the detailed provisions has contributed to the lack of an overarching strategy and gaps in CPS (see also South African Alternate Report Coalition, 2015; Theron, 2016; Department Of Social Development (DSD), 2016).

Theme 2: The relationship between DSD and the NPO sector

Relationships between NPOs and DSD were discussed by participants in the study, often with passion, from both sides of the NPO/DSD divide. Distinct differences emerged between the sectors. Participants from NPOs felt more aggrieved than those from DSD, with most NPO participants seeing the relationship as characterised by considerable tension, related to NPO funding of CPS, a lack of respect for NPO service providers, discrepancies between salaries and service benefits across DSD and the NPO sector, and lack of consultation between the sectors.

“There is a lot of distrust between NGOs and government ... When they do talk about partnerships in most cases it is usually government telling NGOs what to do and how to do things because they provide financial support – so they dictate what things and how things must go ... [But] obviously we do need each other.” (Participant 12, NPO)

“I think the attitude is the big stick, but that’s not partnership, you know. I think at some stage it had a spark, but it’s now gone downhill.” (Participant 18, NPO)

“The state has the money and the control, so it becomes a power issue and it’s not about the kids, that’s the sad part.” (Participant 21, NPO)

Participant 24 was frank in her view about the relationship between the NPO where she was director and government. She pointed to two opposite corners of the room and said “government is there” – and we (the NPOs) are here.”

“We are supposed to be partners yes? As equals? Their attitude is like ‘we pay your salaries so you toe the line or you don’t get the money.’” (Participant 24, NPO)

NPO participants gave further examples, such as top-down communication and short time-lines for organising meetings.

“I was told at 8 o’clock the regional office finance unit is coming to do an audit ... what is wrong with saying in good time ‘Please prepare these and these documents, we are coming to do an audit’? Why can’t we just communicate?” (Participant 24, NPO)

“A partnership can’t really come to a full delivery partnership if you receive an email this morning that you have to be in East London (200 kms away) this afternoon, one o’clock for a critical meeting.” (Participant 14, NPO)

Participant 11 spoke at length and passionately about her perceptions of this relationship and strongly motivated for an improved partnership:

“Could we please treat each other as equals and could there be mutual respect, because some of these junior social workers from DSD are so rude – just because they are working for DSD they think they can say anything, any way, any how. [We need] processes that promote collaboration and more cooperation and understanding, which can be forums that promote healing of everybody that is hurt. Let me tell you that everybody has histories that are painful and people are struggling with those histories and in positions that make them behave the way they do.” (Participant 11, NPO)

The loss of traditional mechanisms and structures creating opportunities for government and NPOs to communicate and resolve issues was perceived as compromising NPO/DSD relationships in all three provinces.

“I think what is even worse ... making me more disillusioned than three or five years ago, is that we met with the local district and provincial representatives of the DSD and as NPOs we were then tasked with organising ourselves into sectors, into forums and then from those forums, elect an NPO committee and then start engaging with DSD. Now to get to this point we had to do away with typical existing structures like the Welfare Forum, and NGO Coalition. So it feels to me that in terms of consultation we are really doing a lip-service thing with each other as partners.” (Participant 14, NPO).

“We are struggling and it falls on deaf ears, you write letters to government, you deliver them and you get no response.” (Participant 21, NPO)

DSD participants were more positive about DSD/NPO relationships. Participant 3 discussed work jointly shared across the NPO/government sectors in the development of the Children’s Act, when DSD and NPO representatives argued passionately about their different perspectives on transformation in the child protection field, but agreed to differ. Differences were not seen as personal, but as different perspectives on the same challenges. Participant 7 also had a more positive view and stated that when government is evaluating NPOs and their services:

“We sit around the table with NGOs and give feedback about the service rendering we have experienced and make recommendations in this regard.” (Participant 7, DSD)

Participant 16 was the only NPO participant who commented positively on cooperative relationships between the NPOs and DSD:

“I think we have got good relationships and if we want to close for the day because we are having a team-building day, we can call on the DSD or if they cannot do it, we call on one of the other NGOs to do intake for us.” (Participant 16, NPO)

Recognising the importance of the independence of the NPO sector, and considering some solutions to improving the relationship between the NPO sector and government, Participant 3 stated that there was need for more formalised consultation. This participant acknowledged that the fault was not all on the side of the NPO sector:

“Because at an official level, officials tend to be very defensive and it becomes a very abrasive relationship and adversarial in nature.” (Participant 3, IND)

Participant 10 (DSD) saw NPOs as resisting accountability for funding. She emphasised that in demanding accountability from NPOs, DSD had to account to treasury for distributing these funds.

Despite the challenges, both NPO and DSD participants spoke of ways of facilitating good relationships through offering practical assistance, communication, commitment, formal letters or memoranda that define working together, training that is shared across NPO and government sectors, mutual respect and recognition of the importance of the different roles of government and the NPO Sector:

“So there are small pockets where it works. I think it is recognising that we need each other and respecting each other’s roles.” (Participant 12, NPO)

“There must be more meetings and trainings in which we are together – when we are doing something as a department – they must be part of it.” (Participant 8, DSD)

The findings of this study correlate with the report on the Review of the WPSW 1997 Department of Social Development (DSD), 2016: 336), which states that “the majority of comments on the relationship were negative ... overall NPOs experienced the relationship as a top-down one in which government imposed its views.” The Review also found that NPOs and DSD did not plan together and this undermined service delivery.

A factor associated with tensions between the DSD and the NPO sector is the Department’s perceptions of a lack of transformation in NPOs, particularly in agency management and boards of management. This is discussed as a sub-theme below.

Sub-Theme 2.1: Transformation of leadership in NPOs

Discourses relating to race, and the intersection between race and transformation, emerged several times in relation to transformation challenges. Participants from both the NPO sector and DSD acknowledged this challenge, but had different views on the matter, influenced by their own contexts and experiences. Participant 3 noted that transformation of management in the NPO sector was slow:

“There are very few NGOs run by black people ... but because government does not fund 100%, government cannot force change from the NGO sector.” (Participant 3, IND)

A participant from the DSD stated that transformation of NPO management boards was slow and where representation occurred, often the new members were:

“not vocal – they are just there to honour the meetings.” (Participant 4, DSD)

Participant 7 (DSD) was frank about using subsidies to effect change in leadership and board composition. However, Participant 6 (DSD) recognised challenges that NPOs have with the selection of board members, citing an example of an NPO delivering CPS where, because of problems with board members’ expectations of payment for attendance, the NPO closed after a committee member threatened the NPO manager with a gun. Participant 6 acknowledged that

“proper management is a big challenge I would say – to get people with integrity and that can act in the best interests of the organisation. It is really a difficult thing.” (Participant 6, DSD)

NPO participants were sometimes critical of their own efforts to achieve board transformation. Participant 12 shared experiences of trying to ensure board members were drawn from the communities served by one of their provincial offices:

“But it failed dismally. We have to ask the reason why? We want to achieve different results but we are using the same old formula that we use with our [national] board. So it failed there because people who attend board meetings have to come to a central place ... And we expected them to just be there and get there on their own initiatives because we don’t pay [allowances and travel] and board members are volunteers so they have to have means ... we did not create a conducive environment for that to happen because we are asking community members and some of them are not employed but had the passion and interest to be part of this.” (Participant 12, NPO)

Participant 13 (NPO) suggested:

“I think we need to just go back and see how we need to recruit. Because we have very productive and influential people in our communities and in our profession and bring them back to our board.”

A further important point made by this participant was that one of the *“big gaps in the NPO sector is that the basic foundation documents, constitutions and stuff like that have stayed very much the same”*

Participant 23 (NPO) discussed transformation at NPO director level, experiencing it as a painful and difficult process. She noted that:

“if existing directors sat there and never changed their own mind-set, then obviously at that level you are going to have resistance [to transformation] until they go out.”

This comment was echoed by Participant 18 (NPO), who talked about boards which maintain the same membership over many years through ensuring that their constitutions support self-nomination and nomination by existing board members. Similarly, Participant 21 (NPO) noted board resistance to change continued particularly in the rural towns. Participant 16 (NPO) shared her struggles with board transformation:

“I am on a constant recruitment campaign ... but because we are in an organisation that has been in existence a long time, the behaviour patterns and the way of thinking are all sometimes stuck in that old way.” (Participant 16, NPO)

The struggle for balance between representation and capacity was experienced by some NPO participants.

“I am supportive of board representivity but like to have capacity as well. You are wanting diversified boards, representative of the people you are serving, but also people who are trained, orientated and have the capacity to effect the roles that they play on these boards.” (Participant 11, NPO)

Participant 20 flagged the necessity of having reasonable requirements for board membership, but also to look at other measures of transformation such as service delivery to children and staff profiles. Participant 12 experienced the need for support for board members:

“I look at Black African community members who become board members, the expectations and how they interact and you can see that there is a lot of support and work that needs to be done.” (Participant 12, NPO)

Not all participants struggled with board representation. Participant 14 (NPO) noted that in her organisation, management board representation had changed and was “*almost representative*” of the communities served. Participant 15 (NPO) noted that the Children’s Act had a positive impact on her organisation’s constitution and therefore organisational management. She stated:

“We have also incorporated into our constitution changes that really spoke the language of the new Children’s Act.” (Participant 15, NPO).

Reflecting on discourses of transformation in management structures and in analysing participant narratives on this, there was little discussion by participants on transformation of senior management within organisations – the focus was mainly on the transformation of boards. On reflection, this could have been explored further and could usefully be the subject of future research. One NPO participant described her experience as a black woman promoted to lead a large national organisation:

“... as a black person you have to try exceptionally hard and (are) put in very difficult circumstances or situations to prove what you can do.” (Participant 12, NPO)

This comment is of concern. Do black colleagues who move up in management find that they have to work harder to prove themselves as competent? Does latent and unexpressed racism in board members or colleagues convey this message? This merits further research.

It is clear from the discussion of the themes above that participants were of the opinion that CPS structures are not working optimally. In the theme below the need for a more coordinated structure is discussed.

Theme 3: The need for an over-arching strategy for CPS

To enable transformation of the child protection system there must be a workable overall strategy and framework. Removal of detailed provisions in the Children’s Bill (SA Law Reform Commission, 2002) from the Children’s Act, as mentioned above, limited development of a clear structure and strategy for a functional CPS. Reflecting on this, Participant 2 discussed the need to develop a clear structure for the CPS and disagreed with the conclusion of the Review of the WPSW 1997 (Department of Social Development (DSD), 2016:153), which stated that “the Children’s Act sets out a comprehensive and progressive framework in respect of child protection” stating that: “*I would love to see a little more structure.*” (Participant 2, DSD)

The lack of an overarching strategy and lack of inter-sectoral protocols to facilitate coordination of CPS was viewed with concern by both DSD and NPO participants across all provinces and nationally:

“As long as we do not have a core mandate for integration we are still going to have a problem. I would say we still have challenges – intra-departmental – and then it becomes worse when you actually go out to integrate with other state departments and child protection organisations” (Participant 4, DSD).

“I think there is still a big problem because the efforts made largely by the NPO sector to try and integrate and get all sectors working together ... there is still power issues and control with who runs with the process.” (Participant 21, NPO)

“The TCCs [Thuthuzela Care Centres] are supposed to be that one-stop ... I’m sad to see that the relationships between the various departments, the government structures, are not enhancing the service capacity.” (Participant 14, NPO)

“There were a lot of committees set up originally and they fell by the wayside... when DSD took over it fell apart.” (Participant 23, NPO)

“So your laws and your procedures and your protocols are not implemented – it’s a fact.” (Participant 11, NPO)

Participant 19 articulated the failure of sectors to work together to protect children with disabilities:

“The current situation is how best to pass the parcel and how best to decide how not to render services to people with disabilities.” (Participant 19, NPO)

Other government departments, such as Health, Education, Safety and Security (policing) and Justice contribute to the implementation of CPS at every level of service provision. Child Protection Committees at national, provincial and local levels were established during the late 1990s to provide for coordination and planning of CPS (September, 2006). The national and provincial meetings were convened and coordinated by DSD representatives and NPOs involved in delivering CPS. However, September (2006) concluded that the multidisciplinary relationships at district and local levels were poor as a result of, among other things, lack of compliance with protocols. In Nala 2018, stated that, whilst the National Forum on Child Care and Protection continues to meet regularly, its committee structures are no longer functional in all nine provinces. Jamieson, Sambu and Matthews (2017) note that the failure to update, renew and comply with protocols continues to impact on the safety and wellbeing of children as they interact with the CPS, and that the protocols have fallen into misuse and, if revived, will need updating as law, policy and structures have changed.

To ensure the success of protocols, participants in this study noted that:

“It has to work both ways; from the top from senior people in different departments and from the bottom where individuals that are working at grassroots have to see the need of working together.” (Participant 12, NPO)

“... ensure that what is in the protocols is in the annual performance plan of each and every government [department] that is signed into that protocol.” (Participant 15, NPO)

Participant 2 concurred with the above views and discussed the need for an ombudsman for children to ensure children’s rights were not compromised with regard to the allocation of resources:

“I think there is a need for such an integrated structure that operates above the individual government departments for children. We all know the longstanding discussions on the ombudsman for children, which I strongly believe in ... or maybe a unit within the Human Rights Commission – but something is necessary.” (Participant 2, DSD)

Submissions to Parliamentary hearings on the Children’s Bill strongly motivated for an ombudsman for children in South Africa (Childline South Africa, 2003) and continued motivations have been sustained by Molo Songololo (Solomon, 2016).

Theme 4: Resources for a functional structure and system of child protection services

A structure for a functional CPS requires the allocation of adequate resources. According to S104(2) of the Children’s Act (2005), Provincial MECs are responsible for ensuring this funding. Various analyses have concluded that child welfare services are underfunded and that the seriousness of the financial shortfalls varies from province to province (Financial and Fiscal Commission, 2013; Budlender, 2016; DSD, 2016).

The impact of these financial shortfalls was discussed by NPO and DSD participants as illustrated below:

“Resources are getting more scarce ... it is a very very real and pressing issue.” (Participant 13, NPO)

“The money is deficient, the resources are deficient.” (Participant 15, NPO)

“Equal access to services is compromised by lack of resources.” (Participant 16, NPO).

Some NPO participants expressed frustration about late payment of subsidies which led to subsequent pressure to spend a year’s allocation of funding within a short period of time and often salaries were not paid on time.

“In many cases you have money transferred within a contractual period too late for it to be spent. So you [DSD] transfer money in October, November, to organisations and you have a contract to spend that money within a year – you have to spend it by March.” (Participant 11, NPO)

Participants also noted that subsidies remain linked mainly to foster care services, thus contributing to NPOs’ inability to deliver prevention and early intervention services to achieve a fully developmental CPS.

“The demand is now on foster care and it supersedes all other services like prevention.” (Participant 7 DSD)

“The Department has prioritised foster care, so most of the time is spent on foster care.” (Participant 24, NPO)

“In a child welfare organisation like ours, if you haven’t got money, the first thing that goes is your prevention services because you have to run the statutory.” (Participant 21, NPO)

Mismanagement of scarce resources and the need to manage resources optimally also emerged:

“We are faced with serious challenges of resource management – the little that we have is not properly managed and we still have a gap in the resource allocation itself ... the planning is not integrated.” (Participant 4, DSD)

“There is still that issue of protecting my space ... rather than doing the best that we can achieve from the limited resources.” (Participant 5, DSD)

“You find the budget is allocated but when they get to the province, if they are not entrenched, then they are used for things that they were never meant for initially.” (Participant 3, Independent)

“I think that across NGOs or between NGOs there is cooperation and working together, BUT you find everybody’s in the same boat – there is no funding or there is very little funding, which makes sharing very difficult.” (Participant 18, NPO)

In 2010 the National Association of Welfare Organisations and Non-Government Organisations (NAWONGO) challenged the model for the funding of welfare organisations in the Free State High Court. Four judgements were delivered in the NAWONGO case between 2010 and 2014 (National Association of Welfare Organisations and Non-Governmental Organisations and Others v Member of the Executive Council for Social Development, Free State and Others, 2014). In the first judgement the Free State DSD was required to align its Finance Policy with the Constitution and other legislative mandates. In each of the subsequent judgements DSD’s revised drafts of the Financing Policy were reviewed and finally accepted (Cornerstone Economic Research, 2018:34). Four years after the final judgement Cornerstone Economic Research (2018: v) noted that NAWONGO announced its intention in February 2018 “to return to court, alleging that the Free State government has not acted to align its NPO funding policy to the requirements laid down in the judgements.”

The Review of the WPSW (Department of Social Development (DSD), 2016) found that funding of CPS has become increasingly inadequate and has not kept pace with the inflation of running costs and that donor funding has become more difficult to access and become focused on the HIV and AIDS pandemic. The Cornerstone Economic Research study (2018:i) estimates that “R12.9 billion would be needed by provincial DSDs to pay the core costs of services provided by NPOs to which they currently allocate R3.7 billion. Implementing the NAWONGO judgement for all services currently provided, in other words, would necessitate an additional R9.2 billion in funding for NPOs to fill an estimated 71 per cent funding gap.”

The intended transformative shift in the provision of welfare services as elucidated in the WPSW, and specifically in the child protection field, is therefore constrained by economic policies, economic realities

and business principles that are neoliberal in their content. Strydom, Spolander, Engelbrecht and Martin (2017:149) note that welfare organisations are “expected to meet increased demand from within their existing budgets” and describe the impact of neoliberalism as shifting focus from people-centred practice to managerialism (see also Lai, 2016; Dlamini & Sewpaul, 2017). Furthermore, Strydom *et al.* (2017) expressed concern that the focus of social workers in children’s services is on outputs, measured in numbers rather than the process and quality of service provision to clients. They noted that “the use of a contracting culture, marketisation and private sector management techniques has resulted in a range of intended as well as unintended changes in the structure and management of welfare.”

The DSD and donor focus on numerical targets rather than the quality of work, excessive time spent collecting different data sets for different funders, and lack of feedback on data collected were frustrations experienced and expressed by participants in this study:

“Because we are focusing more on numbers and not the quality of work that we are rendering ... the department just wants numbers ... you have to run to make the numbers.” (Participant 8, DSD)

“You know it’s the numbers game.” (Participant 23, NPO)

“With transformation, people have been more interested in numbers.” (Participant 1, DSD)

“We need to focus more on the quality of services.” (Participant 17, NPO)

Reporting requirements on the use of international donor funds by, for example, PEPFAR and the Global Fund focus on the numbers of children served after experiences of abuse and exploitation, and not on the quality of services rendered. At two meetings at which DSD social workers were attending training sessions on work with children who reported sexual abuse funded by USAID during 2015 (Bloemfontein, 2 July and Durban, 8 and 9 July, 2015), social workers were instructed to keep statistics of the numbers of abused children served through this fund. There was no space in the monitoring and evaluation of services to report on quality, client satisfaction, work with other family or community members or with other members of the child protection team such as police and justice officials, or any prevention work that was not undertaken with an individual child. This focus on numbers of children in the accountability process discourages social workers from adopting a developmental approach, as this work is not acknowledged by the donor, or DSD. Strydom *et al.* (2017:155) express the concern that “accountability to the DSD could be driving service delivery and not necessarily the needs of families and children living in communities characterised by huge structural inequalities.” This was certainly evident in this study.

CONCLUSIONS AND RECOMMENDATIONS

Contrary to the principles of equity and integrated service provision contained in the WPSW, it is clear from participant narratives that there are many gaps in the coordination and integration of services that contribute to inequalities in service delivery to children, families and communities. The child protection system lacks a clear overarching structure of implementation and integration between directorates within the DSD, levels of government, and sectors involved in the provision of CPS. A lack of inter-sectoral protocols defining the roles of each sector further compromises CPS.

A clear over-arching strategy and structure for the child protection system must be developed. This must take into account specific needs and constraints in South Africa, and contain elements enabling a continuum of care and developmental CPS provision inclusive of prevention, early intervention, response and reintegration services. Although helpful provisions for such a mechanism exists in the Children’s Act (sections 104-105), these sections are not as comprehensive as the proposed National Policy Framework chapter in the South African law commission draft Children’s Bill (SALC, 2002). It is recommended that this 2002 Framework be revisited and integrated into the Children’s Act as an Amendment. The fifth proposal contained in the Review of the WPSW 1997 (Department of Social

Development (DSD), 2016: 358-359) to “[s]trengthen national planning and standardise service offerings across provinces” is in line with this recommendation.

Insufficient attention has been given to the role of local government in CPS (see Matthias, 2005; Couzens, 2011) even though it is legislatively bound to coordinate with other levels of government (Children’s Act 2005, section 4). In addition, the definition of “designated social worker” in section 1 of the Children’s Act, includes social workers employed at municipal level, which paves the way for the provision of CPS at local government level. The appointment of designated social workers at municipal levels should, however, be approached cautiously and be supplemental rather than replacing provincial services, given the fact that many municipalities are not functioning optimally. The proposed overarching strategy, referred to above, must give attention to strengthening and building the capacity of local government in providing CPS. It should also facilitate documentation and dissemination of indigenous and local practices that promote care and protection of children and can contribute to the decolonisation of child protection practices.

Along with the need for an over-arching strategy for CPS, there is an urgent need for the re-development, updating and implementation of inter-sectoral protocols. The failure to use and update child protection protocols as part of an overarching strategy has created gaps through which children and families may fall. The possibility of secondary traumatisation (further trauma to the child and family resulting from poor and/or inappropriate responses by the CP system) arises when child protection role-players from the various sectors do not work in a coordinated way. Inter-sectoral protocols are required to clearly define the roles of different sectors and must have the support of sector leadership at the highest level. Training on and oversight of protocols are essential for effective implementation at all levels of CPS provision. Inter-sectoral structures at national, provincial and local government levels coordinating CPS are essential to ensure compliance with protocols.

It is recommended that DSD must lead the recommended reforms in consultation with all sectors involved. Monitoring compliance and mutual accountability is advocated, as well as joint planning and budgeting. The implementation of protocols or contracts of agreement between sectors should be a responsibility for both senior management in sectors and service providers at the level of implementation.

Analysis of participant narratives and discourses on the tensions which exist between DSD and the NPO sector indicates that their relationship requires remedial attention. As has been shown, the relationship is coloured by the financial dependence of the NPO sector, which opens the sector up to exploitation by government as services provided by the NPO sector are subsidised at a lower rate than it costs government to provide. NPO staff also do not have access to the same salary and benefits as government employees. NPO participants in this study did not experience the relationship with DSD as a partnership. Rather, it tended to be viewed as unequal, and even in some instances as dictatorial and autocratic, with few opportunities for meaningful cooperation and consultation. DSD representatives were generally regarded not only as unresponsive to efforts to communicate, but as inconsiderate of NPO “partners.” Clear, functional communication channels must therefore be developed between DSD and the NPO sector to enhance mutual respect, shared quality assurance processes, joint planning and budgeting, and the sharing of scarce resources.

Transformation of leadership in the NPO sector at both board and management level remains a work in progress. Some participants in the NPO sector acknowledged the failure to reform sufficiently and cited reasons such as financial constraints, the challenge of extending services that are already stretched almost to breaking point to new populations and difficulties in attracting management board members who are racially representative of the communities served. Board members’ expectations of payment also presented problems. It is recommended that leadership in NPOs examine the transformation imperative and work towards ensuring board-level management is competent and reflective of communities.

Participant narratives further indicate that there was frequently not a common understanding of indicators of transformation in CPS between the government and NPO role-players. This causes frustration and uncertainty for NPOs, and creates tensions among and between service providers. The

NPO understanding, expectations and responses to the need for transformation do not always correlate with those of DSD, whose perceived focus is on racial representation instead of actually transforming services to ensure equal access of children to quality protection services. Racial representation should not be the only measure of transformation. A quality-based approach to transformation is also essential. If the partnership between government and the NPO sector is actively targeted and improved, there could be further and more open discussion on the factors that inhibit racial transformation of leadership, including transformation of management boards. When money or subsidies are used to manipulate transformation, it is the client population that suffers, along with job losses at NPOs. Repairing and restoring relationships between government and the NPO sector might to some extent occur if there was joint work on developing a much needed overarching strategy for child protection.

Child protection services provided by NPOs are underfunded by government. In addition, resources that are available for CPS are not used optimally because of a lack of joint planning and budgeting, as well as mismanagement. Some participants believed that if there is a pooling and sharing of resources and joint budgeting with the Directorate for Children, which manages CPS, more could be achieved. The scarcity of resources, and neoliberal practices relating to the management of those resources that do exist, compromise the developmental ethos of the WPSW (1997) and particularly the provision of preventive CPS. Child protection services are underfunded and the funding model is not working. A review of the existing system of financial “awards” to NPOs providing CP services (Department of social development (DSD) 2008; DSD 2011) is urgently required to facilitate adequate funding of CPS.

As stated in the NAWONGO judgements, funding allocations must reflect the real needs of the child protection system. In addition, the recommendation of the Review of the WPSW (DSD, 2016:336) stressing the need for stronger guidance from the national DSD to “put in place realistic and achievable standardised norms, standards, priorities and transfer payment amounts” and to “ensure that the new provisions are implemented across all nine provinces” is supported. However, standardisation of CPS should not be so rigid that it fails to enable adjustments for specific and emerging provincial and local child protection needs. CPS services should not be subjected to austerity measures despite the depressed economy. An investment in the protection of children, encompassing both preventive and responsive services, will result in improved mental health and use of educational opportunities, and thus reflect an investment in the well-being and productivity of South African citizens.

The influence of international donor funding on transformation of CPS requires further research. Future research should investigate the current practice of recording numbers of children in order to evaluate funded services without a focus on the quality of CP services. There is also a need for a champion for children to motivate for further resources for CPS and an oversight mechanism to monitor implementation of services. The development of an ombudsman’s office for children is recommended to provide such oversight.

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