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Pretoria

SUBMISSIONS REGARDING THE REGULATIONS TO THE CHILDREN'S ACT

This submission focuses on the issue of registration of services and facilities. I noticed that there is inconsistency in the approach of the regulations, with different time frames set for how long registration should last.

Let me say at the outset is that the aim of my submissions is to try to reduce the enormous administrative load that will rest on the Department regarding registration. At the same time, I will demonstrate that setting longer periods for which registration can last will not place children in the system at risk.

Also, the system that I am going to propose is one that will allow the Department to differentiate between the way that it registers its long term partners with which it has a long and trust-based partnership on the one hand, and the way that it deals with the registration of new applications from service providers that may not yet have an established record.

I wish to draw attention firstly to section 94(2) which provides that the application from registration of a child and youth care centre can be granted for a period not exceeding ten years. This may sound like a long time, but it should be kept in mind that this is a maximum period, and the period could be for any shorter time: the stipulated time is set out in the certificate of registration. Furthermore, the Minister has the power to cancel the registration at any time, so if there is any complaint then the problem is solved, if necessary through cancellation. It should also be remembered that the child and youth care centres will be subjected to DQA every 4 years, so that is also a good way of making sure that things are going well with the Centre.

The advantage of allowing the time period for registration to go up to 10 years is to prevent the Department and the service providers from not being tied up in registration procedures and re-registration procedures all the time. It also means that if the service provider has a

proven track record, they can be given a longer period, whereas a new service provider can be given a shorter one.

Section 94 reads as follows:

94. Consideration of application

(1) On granting an application referred to in regulation 92(1) the provincial head of social development must issue to the applicant a certificate of registration or renewal of registration in a form that substantially corresponds with **Form 54**.

(2) The provincial head of social development may grant an application referred to in regulation 92(1) for a period not exceeding ten years.

By contrast, the following sections all provide for 5 year registration periods.

S 24(2), relating to partial care

S31(2) relating to ECD

S 36(4) relating to Child Protection Organisations

S 107(2) relating to drop in centres.

S 76/77 relating to cluster foster care schemes does not appear to set any time period for registration of service providers.

It is my view that all of the above should be reframed along the lines of section 94(2).

Sincerely

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