



**Western Cape  
Government**

Social Development

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**Department of Social Development**

**POLICY GUIDELINE ON AFTER HOUR CHILD  
PROTECTION SERVICES**

**October 2015**

**Table of Contents**

FOREWORD..... 1

CHAPTER 1 ..... 3

1. Background and Reasons ..... 3

2. Guiding principles..... 4

3. Definitions ..... 4

4. Purpose of the Policy ..... 6

5. Policy Objectives ..... 6

CHAPTER 2 ..... 7

6. Management of after hour child protection service..... 7

6.1 Provision of after hour service between 16h00 pm and 07h30 am ..... 7

6.2 Duration of hours and the payment of a standby allowance and overtime ..... 8

6.3 Removal of a child to temporary safe care without a court order..... 9

6.3.1 What each Region must have in place for referrals ..... 10

6.4 Roles and Responsibilities of an After Hour Child Protection Coordinator ..... 11

6.4.1 Duty Roster ..... 11

6.4.2 Follow-up and Referral cases..... 12

6.4.3 Child Protection Register..... 12

6.5 Supervision and Support ..... 12

6.6 Budget and Payment..... 12

CHAPTER 3 ..... 14

7. Training requirements..... 14

8. Communication..... 14

9. Monitoring ..... 14

10. Amendments to the policy guidelines..... 14

11. Stakeholder participation..... 15

13. Legislative and policy frameworks influencing the policy guideline..... 15

14. List of Annexures ..... 15

15. Implementation ..... 16

16. Implementation Date..... 16

Annexures:

- Annexure A: Working Agreement
- Annexure B: Guideline on Standby Allowance
- Annexure C: Guideline on Overtime

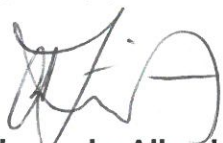
## FOREWORD

The After Hours Child Protection Protocol must be seen within the context of improving the ways in which we safeguard children in the Western Cape Province. It complements a range of existing measures which include but are not limited to parenting programmes aimed at transferring skills and changing behaviours; teaching children rights, responsibilities and resilience; expanding early childhood development and after school care interventions; supporting young people to be and become responsible, involved, productive citizens; engaging the broader community in the protection of children.

Notwithstanding these interventions, children regrettably still fall through the cracks because, as we now know, abuse occurs largely within the personal space and is perpetrated largely by people known to the child victim, the child's family and the community. Even as we work to change this, we must simultaneously have measures in place for dealing swiftly with abuse when it happens after normal working hours. The After Hours protocol addresses this.

It is a strong indicator about how seriously we take our responsibility to safeguard children even outside of normal working hours. It sends out a message about the priority with which we view the standard in the Children's Act, that the best interests of children are paramount. Equally important, it conveys a broader community message about the ethos of working for the Department of Social Development in the Western Cape Government, which unequivocally says that when it comes to protecting the rights of children, we will transcend the barriers of a normal working day.

It is my hope that all social workers in our employ will join me in championing children because when we do so and the broader community is witness to it, we will build a strong grassroots movement that will make it their business to safeguard children and create a future of hope, opportunities and possibilities for them.

A handwritten signature in black ink, appearing to read 'A. Fritz', written over a circular stamp or mark.

**Advocate Albert Fritz**

**MEC for Social Development**

**Date:** 28/09/2015

## CHAPTER 1

### 1. **Background and Reasons**

One of the objects of the Children's Act 38/2005 is to give effect to the constitutional rights of children, namely, family care or parental care or appropriate alternative care when removed from the family environment; social services; protection from maltreatment, neglect abuse or degradation and the best interests of a child as they are paramount in every matter concerning the child.

To promote and ensure protection of children, the department, as far back as 1998, introduced an after hour child protection protocol. The protocol aimed at ensuring that even after official working hours; there were social workers available to respond to child protection matters, thus rendering a 24 hour child protection service. However, since 1998, the after hour child protection protocol has never been reviewed. Resultantly, some Regional Offices introduced new policy options that had not been sanctioned by the department.

In the intervening period the operating environment has also changed and increases in levels of violence, including assaults on and hijackings of own and NGO staff whilst doing duty after hours, has necessitated a different approach to this service whilst still making the best interests of children the driving principle.

This policy document seeks to review the current after hour child protection protocol to promote a safe and uniform approach to after hour child protection throughout the Regions in respect of working hours (after hours), resources; referral procedure; training and reporting.



## 2. Guiding principles

The general principles set out in Chapter 2 of the Children's Act guide the implementation of all legislation applicable to children and all proceedings, actions and decisions by any organ of state in any matter concerning a child or children in general. Thus, the after hour child protection service must be underpinned by the following principles and points of departure:

- The rights of children as set out in the Constitution, the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child are to be upheld at all times;
- The best interests of children, must be the primary concern;
- The child protection system must be child-centred and should recognize children as individuals and also as members of families and communities;
- Child protection is best advanced through the *prevention* of harm and *early intervention* in situations where children are placed at risk for harm;
- Opportunities must be provided for children to be consulted and heard in matters affecting them;
- Government and civil society should take joint responsibility for the safety, well-being and protection of children;

## 3. Definitions

- A child: means a person under the age of 18 years.
- Temporary safe care: means the care of a child in an approved child and youth centre, where the child can safely be accommodated pending a decision or court order concerning

the placement of the child and excludes the placement of the child in the care of an individual.

- Child and Youth Care Centre: is a facility for the provision of residential care to more than six children outside the child's family environment in accordance with a residential care programme suited for the children in the facility.
- Safety Parent: means a person over the age of 18 years who has been recruited, screened and trained to provide emergency care and protection within the community and within a family context to vulnerable children.
- DSD: means the Department of Social Development
- Designated child protection organisation: means an organisation designated in terms of section 107 of the Children's Act 38/2005 to perform designated child protection services
- Designated social worker: means a social worker in the service of :-
  - (a) The Department of Social Development, Western Cape Government
  - (b) A designated child protection organisation
- Overtime: means the work that is being performed by a person outside the normal working hours (8 Hours) for which the delegated authority has granted approval.
- Standby duty: means a written instruction to an employee (who can be relied on when needed) to be on standby, because of the possibility that there might be unplanned and unpredictable or emergency work to be undertaken outside normal working hours.

- SAPS: means South African Police Service
- FCS: means Family Violence, Child Protection and Sexual Offences Units

#### 4. **Purpose of the Policy**

The purpose of the policy is to guide implementation of after hour child protection services for all children at risk of being in need of care and protection, in a manner that promotes uniformity throughout the regions and service delivery areas.

#### 5. **Policy Objectives**

In order for the guidelines to achieve the intended outcome, it is important to highlight the following specifics that will contribute towards realising the overall intension of the policy guideline. The following provides a broad yet concise description of the objectives i.e.-:

- To provide for a cost effective, efficient child protection service that is available after normal working hours, including weekends and public holidays
- To give effect to statutory provisions and the guiding principles of the Children's Act and other related policy prescripts, whilst also protecting the safety of the staff that are called upon to render after hours services.
- To promote uniformity in the implementation of the after hour child protection service.
- To provide for a properly resourced, coordinated and managed after hour child protection service.



## CHAPTER 2

### 6. Management of after hour child protection service

#### 6.1 Provision of after hour service between 16h00 and 07h30

Social Workers in the employ of the Department of Social Development (DSD) will primarily provide the after hour child protection service. In order for the service to be cost effective, the social work manager, with the approval of the regional director can decide on the post level of the social workers to render the service.

The after hour child protection service should be managed by a co-ordinator who should preferably be a supervisor for child care and protection or a senior staff member approved by the relevant office. This will ensure a holistic service and allow a smooth and effective coordination of the function. Each Region shall determine the right for co-ordinators to perform the function on a rotational basis.

Designated child protection organisations may only be considered in areas where it is not feasible for DSD to provide the service, only after negotiations and agreements have been reached between the relevant Region and the designated child protection organisation. Where the service is outsourced to a designated child protection organisation, the organisation should request funding for this service by submitting a costed proposal to the departmental Child Protection Sub-Programme at the Provincial Head Office in Cape Town. Funding will thereof be considered in accordance with the stipulations of the Western Cape Funding Policy.

## 6.2 Duration of hours and the payment of a standby allowance and overtime

This section should be read in conjunction with the Guidelines on Standby Duty and Overtime (Annexures B & C) attached, outlining the conditions required for an individual to make him/her eligible to be paid a standby allowance as well as overtime.

For purposes of clarifying the duration of hours, it will be required of a social worker who will be on call / standby to commence standby duty immediately after the individual's working hours e.g. 07:30 – 16:00 (8 hours) ends. This is regarded as official working hours. Consequently the individual's standby duty will commence at 16:01pm until 07:29am the following day (16 hours). In essence this would imply that a person may be called out at any given time during the 16 hour period. Standby duty also includes weekends and public holidays.

Social Workers, who have to perform standby duty, would in terms of the legislative framework need to avail themselves for the full duration of the 16 hours outside official working hours in order to qualify and claim the standby allowance payable to staff.

It should also be noted that a standby allowance will be payable in addition to the individual also claiming for overtime. Overtime can be claimed when the social worker leaves her/his residential address, and ends when arriving back at the same address.

Coupled to performing a standby duty the Department shall only pay a standby allowance should the person be available under the following circumstances:

- a) At a place other than the employee's normal place of work,
- b) For a period of at least 16 hours during a 24 hour period,

- c) From the normal closing time of the employee's place of work, and or
- d) On a day on which the employee would not normally work.

### 6.3 Removal of a child to temporary safe care without a court order

A designated social worker or a police official may remove a child and place him/her in temporary safe care if there are reasonable grounds for believing that the child;

- 6.3.1 is in need of care and protection and needs immediate emergency protection.
- 6.3.2 that the delay in obtaining a court order for the removal of the child and placing the child in temporary safe care may jeopardise the child's safety and well being
- 6.3.3 that the removal of the child from his or her home environment is the best way to secure that child's safety and well being

The temporary safe care referred to above may either be a screened and trained safety parent or a Child and Youth Care Centre registered with the Department of Social Development.

At all times, when a child is removed, a Form 36 **must** be completed and submitted to a temporary safe care where a child is placed.

Depending on the Region's working agreement with the applicable SAPS, the police official, must, **by no later than 08h30** of the next working day, after such removal, refer the matter to the department of social development in the relevant Region.

Alternatively, the co-ordinator or a social worker delegated to do so must also contact the police station **by no later than 08h30** in the



morning, to determine if any children had been removed to temporary safe care in order to provide a follow up intervention service and ensure that the removal is placed before the Children's Court for review before the expiry of the next court day after the referral.

The child protection coordinator must act as the liaison with SAPS, and should represent DSD at meetings where child protection matters are discussed, including providing regular feedback to stakeholders as well as the regional management

### **6.3.1 What each Region must have in place for referrals**

- Have a working agreement with the relevant SAPS on the referral procedures (Refer to Annexure A)
- Have a list of screened and trained safety parents and Child and Youth Care Centres within the boundary of the applicable Service Delivery Area, readily available to SAPS and the social worker on call.
- Have names and contact details of Emergency Kit Allocators (who is one of the approved safety parents) within the boundary of the applicable Service Delivery Area readily available to SAPS and the social worker on call so that in the event of a child requiring emergency placement with a safety parent, the necessary material assistance / emergency kit may be sought from the Emergency Kit Allocator. Once the Allocator is in receipt of a completed Form 36, the social worker / police official can access the emergency kit / material assistance.
- Provide screened and trained safety parents with a copy of Form 39 as written evidence of approval to provide temporary safe care to the child (Regulation 57 (i) of the Children's Act 38/2005).



- Have **ONE** cell number that will be utilised by a social worker on call and provide the cell number to the relevant SAPS within the boundary of the Service Delivery Area.
- Each Region must budget for the necessary expenditure associated with e.g. telephone; vehicles, overtime, cell phones etc.

## **6.4 Roles and Responsibilities of an After Hour Child Protection Coordinator**

### **6.4.1 Duty Roster**

- Establish a network or a pool of social workers that will provide after hour child protection service.
- Compile a duty roster that covers a minimum period of two to three months.
- Ensure that the contact numbers of the relevant social workers and co-ordinators are on the duty roster.
- To accommodate last minute or unforeseen changes to the duty roster; it is not necessary to have the name of the social worker on the duty roster that is publicly disseminated, however, the contact number must be listed.
- Ensure that duty hours are spread evenly amongst the available social workers and those social workers, preferably, who are on duty for at least three (3) consecutive days, but up to a period of seven (7) days, if this will facilitate continuity, planning and management of the service in the region. If it can be avoided the co-ordinator should not be on the duty roster.
- Swop or rearrange the duty roster if social workers are not available for duty in order to ensure continuity of the service.
- Have the duty roster approved by the Regional Director or a delegated official

- Ensure that a copy of the duty roster is provided to all relevant SAPS and health care centres and that it is prominently displayed in the Regional Offices, Local Offices and Service Delivery Areas (SDA's)

#### **6.4.2 Follow-up and Referral cases**

- Ensure that all cases reported and attended to the previous night are allocated or referred to the relevant units or child protection organisations by the next working day, but no later than 48 hours.

#### **6.4.3 Child Protection Register**

- Ensure that Form 22 is **comprehensively** completed for each child that is reported to have been abused or neglected (Refer to Section 110 of the Children's Act 38/2005). (SW 04 form must be completed – process notes).
- Ensure that if the child resides outside DSD's area of operation, a completed Form 22 is referred to the relevant child protection organisation.
- Ensure that each of the above is followed up by the completion of a Form 23, where appropriate.

#### **6.5 Supervision and Support**

Supervision and support must be provided to social workers, more particularly newly qualified social workers who are likely to be inexperienced.

#### **6.6 Budget and Payment**

- The Regional Director should annually budget for the overall cost of the after-hour child protection service.
- The average time per assessment, under normal circumstances, should be between 45 - 60 minutes per child. In the event that the time is exceeded, a short motivation has to be provided.

- The above times exclude travel time to and from the designated social worker's home, although travelling time shall be claimed for.
- The cost of rendering after hour child protection services will be based on the approved departmental rate for such services.
- The claims for the after-hour service should be dealt with in terms of the Guideline on Overtime (Annexures B & C), to be compiled and signed by the employee, supervisor/coordinator and manager before the relevant senior manager approves the claim.
- When submitting claims, the claimant must ensure that sufficient supporting documents are attached (Refer to Guideline on Overtime).
- Where the service is outsourced to a designated child protection organisation, the organisation should request funding for this service by submitting a costed proposal to the departmental Child Protection Sub-Programme at the Provincial Head Office in Cape Town. Funding will be considered in accordance with stipulations in the Western Cape Funding Policy.



## CHAPTER 3

### 7. **Training requirements**

Continuous training of SAPS officials, inclusive of FCS units and victim support volunteers, on the completion of Form 36 and Form 22 will be the responsibility of the respective Regions. The Region will advise the Provincial Office (Children and Families Programme) where a need for other training is identified.

### 8. **Communication**

The Department of Social Development will take primary responsibility for communicating the final policy guidelines, and for its public dissemination. This will include ensuring that staff in the department are aware of and understand the policy guidelines' contents and purpose, and commit to complying with it.

### 9. **Monitoring**

The co-coordinator should continuously monitor the service to ensure efficacy, quality and compliance with legislative and policy prescripts. Where a non-governmental organisation is the service provider, the monitoring procedures of the department, specifically the Transfer Payment Agreement (TPA), will apply.

### 10. **Amendments to the policy guidelines**

No amendments or alterations can be made to the guidelines without the prior knowledge and consent of the Head of Department and the Chief Director responsible for Child Protection Services. Recommendations for a review of and changes to the policy guidelines must be made in writing and submitted the Office of the Director Children and Families at head office with whom the responsibility for child protection services resorts.



### **11. Stakeholder participation**

The content of the policy guideline has been consulted with the following stakeholders:

- 6 DSD Regions
- Funded Child Protection Organisations

### **13. Legislative and policy frameworks influencing the policy guideline**

- The Children's Act, Act 38 of 2005
  - Norms and Standards and Practice Guidelines for the Children's Act
  - National Policy Framework and Strategic Plan for the Prevention and Management of child Abuse, Neglect and Exploitation.
  - Comprehensive National Strategy Aimed at Securing the Provision of Prevention and Early Intervention Programmes to Families, Parents, Care-givers and Children across the Republic of South Africa (National Strategic Plan 2013/14 – 2018/19 – Draft)
  - DSD Norms and Standards for Social Welfare Services
  - Supervision Framework for Social Service Practitioners
  - Social Service Professions Act 110/1978
  - Quality Assurance Framework
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### **14. List of Annexures**

- Working Agreement between the Department of Social Development and South African Police Service (Annexure A)
- Guideline on Standby Allowance (Annexure B)
- Guideline on Overtime (Annexure C)

**15. Implementation**

The policy guideline will be implemented in the following manner:

- The Regions will lead the coordination and manage implementation of this policy in collaboration with stakeholders such as SAPS, designated child protection organisations and other relevant entities.

**16. Implementation Date**

This policy guideline shall be known as the "Policy Guideline on After Hour Child Protection Services" and will be implemented with effect from **1<sup>st</sup> October 2015**.

This Policy Guideline on After Hour Child Protection is also endorsed by the Chief Director: Social Welfare and Head of Department.

**Approved / ~~Not Approved~~ / Comments**

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**Adv Albert Fritz**

**Minister for Social Development**

**Date:** 01/10/2015

**WORKING AGREEMENT BETWEEN:****THE DEPARTMENT OF SOCIAL DEVELOPMENT – (.....insert Region)****(.....Insert SDA)****AND****SOUTH AFRICAN POLICE SERVICE – (INSERT NAME OF POLICE STATION)**

It is hereby agreed by both parties that the roles and responsibilities for the implementation of the After Hour Child Protection Services shall be as follows:

**The Department of Social Development (DSD)**

- Will provide an updated duty roster to the South African Police Service (SAPS)
- Social Worker will be on duty from 16h00 pm - 07h30 am week days
- Social Worker will be on duty weekends and public holidays
- Social Worker will finalise all active cases prior to handover to SAPS
- Social Worker will ensure that relevant SAPS's station telephone number is known to the community they serve
- After Hour Child Protection Services Co-ordinator (Co-ordinator) will contact the relevant SAPS's Station by no later than 08h30 the following morning to determine if there are no children that had been removed to a temporary safe care in order to provide a follow up intervention service.
- Will provide SAPS with a detailed list of safety parents

- Will provide SAPS with the contact details of the Emergency Kits allocator
- Will complete Form 22's

**The South African Police Service (SAPS)**

- Will respond to child protection cases during weekdays, inclusive of weekends and public holidays
- Will finalize all active cases before handover to DSD at 08h30
- Will provide a copy / copies of Form 36 to the Emergency Kits allocator to collect emergency kit(s)
- Will hand over all completed Form 36's and notes of any incidents to the DSD Co-ordinator

**SIGNED BY:**

**DSD:**

**PORTFOLIO:** ..... **NAME:** ..... **SIGNATURE:** ..... **DATE:** .....

**SAPS:**

**PORTFOLIO:** ..... **NAME:** ..... **SIGNATURE:** ..... **DATE:** .....