

STREET PEOPLE POLICY

[Approved by MayCo : MC 06/06/04]

STREET PEOPLE POLICY DOCUMENT

INDEX	Pages
GLOSSARY	3 - 6
1. INTRODUCTION	
1.1.1 Purpose and Objectives of the Policy	7
1.1.2 Purpose	7
1.2 Focus and Scope	7
1.2.1 Focus	7
1.2.2 Scope	7
2. VISION, MISSION AND GOALS	
2.1 Vision	8
2.2 Mission	8 – 9
2.3 Goals	9
3. LOCAL GOVERNMENT	
3.1 Role of Local Government	10
3.2 Internal Co-ordination	10
3.3 External Coordination	10
3.3.1 Provincial Government	10
3.3.2 Service Providers	11
3.3.3 Street people	11
3.3.4 National Agencies	11
3.3.5 Business	11
3.3.6 Media	11
4. GUIDING PRINCIPLE (or Basic Guidelines)	11 – 12
5. POLICY RECOMMENDATIONS	
5.1 To create and develop partnerships between NGOs, the Private Sector and the Public Sector	12
5.2 Developing an Integrated, Holistic Response	12 – 13
5.3 Enabling Street people to Take Responsibility for Themselves and their own development	13
5.4 Training Street people with Regard to Basic Skills	14
5.5 Creating and Maximising Current Job Opportunities for Street people	14
5.6 Actively Supporting and Facilitating the Training of Officials	15
5.7 Developing a Coherent Effective Funding Programme	15
5.8 Promoting Effective Policing, Prosecuting and Sentencing	16
5.9 Raising Awareness and Educating Communities about the Issues Affecting Street people	16
Annexure 1 : BACKGROUND	

GLOSSARY

Children's Home - Second stage residential facility for children referred from the shelters who are settled enough to return to formal schooling or training programmes (refer to Child Care Act 74/83 and Departmental requirements for definition) but not yet ready to return home due to adverse personal or home circumstances.

Community Based Home Schools - A home in the community or place on the street where trained community worker can, in an unconventional way, render educational, outcomes based services to street children.

Crises Overnight Facility - Caters for one or more children who are in need of immediate accommodation by means of official placement.

Database - Confidential records kept of street people itemising their personal details, what services they have already accessed and how frequently, what services they still need to access as well as their length of time living on the streets.

Drop in Centres / On Site Services - A non-residential facility which regularly provides basic services / programmes for children / youth / adults living on the street. These could include access to food, clothes, ablution facilities, basic health care training, formal / non-formal educational and recreational opportunities. The emphasis will be on family re-unification. Where this is not possible, alternative strategies will be explored.

Exit Homes and Programmes - For sex-workers, especially females, who live on the streets and want to establish an alternative lifestyle and way of generating an income.

Family - Individuals who either by contract or agreement choose to live together intimately and function as a unit in a social and economic system. The family is the primary social unit, which ideally provides care, nurturing and socialisation for its members. It seeks to provide them with physical, economic, emotional, social, cultural and spiritual maturity. The various family structures are acknowledged in this document.

Family Counselling Services - A service to families for mediation and support with a view to family reunification and preservation.

Halfway House - A structured residential environment in which children, youth and adults who have started work can access support and life-skills on a limited time basis in order to equip them for independent living.

HIV/STD & TB Counselling - A specialised service providing preventative and therapeutic programmes for those who have contracted these diseases.

Street adult - Any person who is 18 years and older who for any reason finds him/herself living on the streets. Street adults are further sub-divided as follows:

Adult: 18-55

Aged: 55 and over

(This needs to be flexible as the impact of living on the streets can age people prematurely. Based on the evaluation of a suitably trained individual.)

Street child - A child under the age of 12 who for any reason leaves his/her family and community either temporarily or permanently to live on the streets. Homeless children should be further sub-divided along the following lines:

Infants: 0-2 years old

Toddlers/Pre-schoolers: 2-7 years old

Children: 7-12 years old

Street people - People who for any reason use the outdoors as a place of abode for a lengthy period of time. Cognisance is taken of the fact that the definitions of 'child', 'youth' and 'adult' for legal purposes are contained within the Criminal Procedures Act and the justice system. The term "street" includes all areas e.g. open spaces, river banks etc.

Street youth - A person over the age of 12 years and under the age of 18 years who for any reason finds him/herself living on the streets.

Job-seekers - These are unemployed people who come on to the streets during the day for the purpose of earning an income and/or finding some means of employment and go back to their communities at night.

Legal Aid Clinic - A recognised facility providing professional legal advice and support.

Life-Skills Training - Training in skills that enhance social, emotional, psychological and spiritual functioning, e.g. assertiveness training, stress management.

Non-formal Education Programmes - Provide alternative educational programmes for children not yet ready for formal schooling. Appropriate programmes would include academic assessment, emotional and social support as well as building motivation for continued education. Vocational training is provided for older children. Also adult basic education programmes will be run with youth and adults.

Outreach - The process of contacting, befriending and counselling to promote self-empowerment with the aim of giving access to appropriate facilities and resources to street people. To interface in an intelligent, empathetic and consultative manner.

Prevention Programmes - Developmental and preventative programmes identifying children, youth and adults at risk in order to provide services and skills-building opportunities at schools, to families and communities.

Registration - This is the process whereby a residential facility (Shelter and Children's Home) complies with legal requirements as stipulated in the Child Care Act, Section 30.

Secure Care - A residential facility which ensures the appropriate physical behaviour and emotional containment of young people who are charged with serious crimes and who are awaiting trial or are sentenced, while at the same time ensuring the protection of communities.

Shelter - A residential facility providing temporary accommodation, care, social work services and opportunities for education and training to self-referred people living on the streets. Shelters primarily make provision for a process of social reintegration of people living on the street and their informal management outside the formal legal system.

Street or Community Worker - A person - usually trained in child and youth care work, often with specific relation to street children - who works with children on the street or in the community with children at risk of becoming street children. The worker forms part of a community process to provide solutions and services.

Street Work - The work of providing contact, relationship building, monitoring and advocacy to people on the streets, including the important function of disseminating information on available programmes and resources as well as assessing and referring.

Subsidy - A process whereby a residential facility and/or a project is funded by the Department of Social Services on the basis of a written programme / project proposal.

Substance Abuse Counselling - A specialised service providing preventative and therapeutic programmes for addicts as well as the family affected.

SPECIAL NOTE: Recognition is taken of the fact that within categories special provision must be made for variations in care based on disability (both physical and mental), chronic illness and gender.

1. INTRODUCTION

1.1 Purpose and Objectives of the Policy

1.1.1 Purpose

The principle aim of this policy document is to develop an integrated and holistic policy approach to effectively deal with the question of Street people in the Unicity.

1.2 Focus and Scope

1.2.1 Focus

The central focus of this policy document is to examine ways in which local government can play a *meaningful* role in addressing the challenges of people living on the streets in the City of Cape Town.

1.2.2 Scope

The scope of this policy document is guided by the terms of the national legislation:

Constitution of the Republic of South Africa:

- (i) Section 28 on the rights of the child;
- (ii) Section 152 sets out the objectives of local government, i.e. "to promote social and economic development";
- (iii) Section 153 states that a municipality must structure and manage its administration and budgeting and planning processes to give priority to basic needs of the community.

Reconstructive and Development Programme (RDP):

The RDP policy document emphasises the developmental role of local government.

White Paper on Local Government:

- (i) The White Paper provides a detailed framework for the introduction of new policies aimed at the establishment of "a new developmental local government system".

Social Welfare White Paper:

- (ii) Chapter 8(4) states "the focus must be on the poor, those who are vulnerable and those who have special needs"; and
- (iii) Section 56 (a-h) specifically refers to street children as a priority.

This policy is furthermore guided by international conventions of which South Africa is a signatory:

The United Nations Convention on the Rights of the Child (1989):

- (i) The signing of this Convention covers homeless children, children of war, children living in abject poverty, children with disabilities as well as child prostitutes and sexually abused children;
- (ii) Article 27 of the Convention places the onus on the state to provide adequate shelter for children.

The Habitat Agenda – the Global Action Plan of Action (Habitat II, the Second United Nations Conference on Human Settlements), 1996:

- (i) Commitment to the full realisation of human rights, especially the right to adequate housing as set forth in international instruments.

2. VISION, MISSION AND GOALS

2.1 VISION

The City of Cape Town will seek to significantly reduce and manage adequately the number of adults and children on the streets with special emphasis on ensuring that, over the long term, no children are living on the street.

- *Facilitating an holistic, developmental, integrated and realistic approach to working with street people; and*

2.2 MISSION

WE, LOCAL GOVERNMENT IN THE CITY OF CAPE TOWN BELIEVE:

It is the right of all people to live their lives with dignity and, with the assistance of all concerned, be granted an opportunity to develop to their full potential and that this applies also to street people.

It is the right of people to live and work in their communities without being subjected to harassment or criminal activity.

We will, within the confines of the laws which regulate local authorities, and as an integral part of the implementation of our core business:

- foster the social upliftment, health and well-being of street people;
- ensure the sensitive handling of street people by our law enforcement agencies.
- promote collective networking and responsibilities between role-players and stakeholders involved in work with street people;

- facilitate and make, where possible, local government resources available for the rehabilitation of street people and their integration into society, with a view to reducing recurrent problems or habitual anti-social behaviour;
- prevent or minimise the potential for those at risk to become street people;
- ensure that street people are consulted and, where necessary, empowered to play a role within this collective challenge

2.3 GOALS

Many attempts at dealing with the street people challenges had limited successes. Previous strategies and policies were fragmented therefore, this policy proposes a number of goals which are aimed specifically at the street people population, at institutions such as local government, and at the community and society at large.

Street people:

- To empower and create an enabling environment for street people to take responsibility for themselves and their own development;
- To raise awareness of street people on the needs of a community as well as training street people with regard to life skills;
- To address street people who exhibit habitually anti-social behaviour, particularly at municipal police level through the municipal police force and other law enforcement services.

Institutions:

- To reduce poverty through facilitate job creation (as part of the CMC and MLC economic development strategies);
- To develop partnerships between NGOs, the private sector and the public sector and Local Government;
- To actively support and facilitate training and education of all relevant officials;
- To facilitate the development of a coherent, effective funding programme;
- To promote effective policing, particularly at local government level.

The Community and Society:

- To raise awareness and promote education in the communities about the issues affecting street people.

3 LOCAL GOVERNMENT

3.1 Role of Local Government

Local government's role is broadly defined as one of facilitating and co-ordinating programmes and services catering to street people as an integral part of the implementation of its core business. It does this through:

- Facilitating job creation;
- Facilitating access to basic needs;
- Ensuring that all by-laws are consistent with the Constitution and the realisation of socio-economic and human rights;
- Developing, implementing and monitoring local street people policies and strategies;
- Creating awareness of the issue;
- Reducing the negative socio-economic influence which the presence (of large numbers) of street people have on all communities in the City;
- Supporting and building links and working relationships with local service providers and other spheres of government;
- Facilitating access to finance and other resources for programme implementation.

3.2 Internal Co-ordination

The following strategic goals must be met in order to fulfill the roles defined above:

- Establishment of an inter-departmental and portfolio task team;
- Development of an internal communications strategy by engaging all relevant departments;

Engage with other departments regarding availability of resources and the Unicity's responsibility in this regard (e.g. HIV/ AIDS, family planning, vacant land, etc.)

- Education of all relevant officials and councillors on adopted policy;
- Constant evaluation and identification of service gaps.

3.3 External Co-ordination

3.3.1 Provincial Government

- Development of a Memorandum of Understanding
- Agreement of responsibility of Province regarding street children (especially concerns regarding AIDS orphans)
- Establishment of a jointly agreed funding process and plan
- Encourage inter-portfolio and inter-departmental co-operation
- A formal agreement be drawn up between the City of Cape Town and the Provincial Government –Memorandum of Agreement

3.3.2 Service Providers

Facilitating the development of service provider networking structures (on area basis).

3.3.3 Street people

Facilitate consultation with street people through the sector forums

3.3.4 Faith Based Organisations

Acknowledging the role that Faith Based Organisations play in the rehabilitation of street people.

3.3.5 National Agencies

Develop co-operative strategies to address the challenges of street people.

3.3.6 Business

Encourage business to assist in development strategies, establish funding partnerships around strategic interventions.

3.3.7 Media

Encourage assistance in education and awareness strategies of communities;
Facilitate the promotion of initiatives, strategies and interventions for street people.

4. GUIDING PRINCIPLE (or BASIC GUIDELINE):

It is accepted by this policy as a guiding principle that Council's strategies and activities are governed by a duty to all the people of Cape Town, including both street people as well as non-street people (residents living in communities affected by the presence of street people) and that Council commits itself to delivering demonstrable results to all parties concerned and that Council will implement such measures and interventions as achieves these results.

In addressing the challenges of street people, the City of Cape Town bases its intervention on the following principles:

1. Services should be accessible, inter-sectoral, multi-faceted, co-ordinated and delivered by a multi-disciplinary team wherever possible.
2. Services should prioritise the need for street people to remain within their families or communities (as defined by the street person) by promoting intervention, prevention and developmental programmes.
3. Street people, their families and communities should be encouraged to be involved in all the stages of the intervention process.

4. The resourcefulness of street people and their families should be promoted by providing opportunities for legal entrepreneurial activities, options, choices, positive rewards, a sense of responsibility and an opportunity to turn talents into economically productive activities after an appropriate assessment.

5. All citizens are subject to the laws of the land and the by-laws of the municipality. However, in applying these laws, this should be done in a manner that is consistent with upholding human rights and the Constitution of South Africa.

6. Need to sensitized to Gender issues when dealing with street people

5. POLICY RECOMMENDATIONS

5.1. TO CREATE AND DEVELOP PARTNERSHIPS BETWEEN NGOs, THE PRIVATE SECTOR AND THE PUBLIC SECTOR

Local government does not have the resources, either financial or human to adequately deal with the problem of street people. It has therefore been suggested that only through building partnerships with NGOs and businesses can the street people problem be effectively addressed.

RECOMMENDATIONS

- Supporting NGOs and other service providers already doing work with street people (or those who want to work with street people) to improve and expand their services.
- Partnerships that are engaged in must be real, contractual, measurable, cost effective and sustainable.
- Council should endeavour to have a representative present on all existing networks that deal with street people issues.
- Funding partnerships must be established to ensure the continued provision of services to street people.
- Registration of service providers received in terms of partnership funding from Council

5.2. DEVELOPING AN INTEGRATED, HOLISTIC RESPONSE

To achieve this goal, Council must:

- Establish a clear, consistent strategy that is integrated into the Integrated Development Planning process.
- Involve all stakeholders (street people, civil society, business and government) with the view to create sustainable partnerships.

- Funding should be reoriented towards accredited organisations which will stop fly-by-night and exploitative strategies, in accordance with which, NGO's and other organisations should only receive funding from Council for managing projects that accord with the vision and programme of action determined by Council and that have been put out to tender by Council.
- Developing and coordinating an accessible database, which includes a register of street people, services provided as well as relevant research and information.

RECOMMENDATIONS

An integrated set of strategies which includes:

- *Prevention services and programmes* such as early childhood development, after-school centres, youth and community development programmes, life-skills and leadership training, education and training, economic empowerment, etc.
- *Early intervention services and programmes* such as Drop-in centres, street work, diversion programmes, family support services, school-based services, after-school care, youth development, etc.
- *Statutory services* which refer to assessment, referral, trial and sentencing, diversion programmes, etc.
- *Post statutory/alternative services* such as residential care, alternative care, quality services through a range of programmes, parental skills training, etc.

5.3. ENABLING STREET PEOPLE TO TAKE RESPONSIBILITY FOR THEMSELVES AND THEIR OWN DEVELOPMENT

Due to street peoples life experiences they often have a poor self image and there is a need for them to be affirmed and a sense of self-worth developed. This involves building street people's capacity to help and develop themselves.

RECOMMENDATIONS

- Street people to be consulted about issues that affect their lives.
- Those street people who have been successfully rehabilitated must be mobilised to actively participate in these consultative processes.
- Hold street people accountable for both their positive and negative influences through sector forums.
- Promote a hand-up approach to dealing with street people because it instills confidence, a sense of purpose and a feeling of ownership.

5.4. TRAINING STREET PEOPLE WITH REGARD TO BASIC SKILLS

It is virtually impossible for street people to get off the street if they do not have gainful employment. This means that effective training programmes need to be developed.

RECOMMENDATIONS

- ! Training should be related to what the market needs with certificates of competency issued to candidates who have successfully completed courses.
- ! Incentives must be offered to complete the training and in this way reduce the drop-out rate.
- ! The street people who participate in the training must be held accountable through an evaluation process throughout the courses.
- ! Obtaining community involvement in the training programme may help to develop a sense of ownership and adds value to the process.
- ! After the provision of basic skills training there should be a follow-up process which provides street people who have completed the programme with the opportunity to use their newly acquired skills.

- ! Educating street people on HIV/ AIDS and its impact on those living on the streets

5.5. CREATING AND MAXIMISING CURRENT JOB OPPORTUNITIES FOR STREET PEOPLE

Street people are valuable contributors to the City of Cape Town economy (for instance, half of the survival means of street adults are derived from legitimate employment). These legitimate employment activities are eg:

- recycling;
- car parking;
- crime prevention;
- casual labour; and
- domestic labour.
- Formalising the employment activities that street people engaged in could release funds, which could be ploughed back into the development of street people.
- Street people need to be included from the outset in job creation and development programmes to ensure a sense of responsibility and ownership.

5.6. ACTIVELY SUPPORTING AND FACILITATING THE TRAINING OF OFFICIALS

In various degrees, officials lack the necessary skills to deal sensitively and empathetically with street people.

RECOMMENDATIONS

- A formal training programme should be developed for all officials interacting with street people with special emphasis on the impact of HIV/AIDS on those living on the street.
- This should be done at all the appropriate levels of the organisation.
- This will allow officials to gain a clear understanding of their roles, responsibility and functions.
- A procedure be developed in consultation with representatives of street people and /or organisations working with street people, which will effectively deal with any complaint or mistreatment or human rights abuse by a City official.

5.7. DEVELOPING A COHERENT EFFECTIVE FUNDING PROGRAMME

As the City provides a service to street people, it relies heavily on the support of organizations to deliver services to street people.

Process:

- Advertisements in all major and community newspapers
- Submission of applications
- Site visits and follow-ups of applications
- Short-listing of candidates
- Appointment of service providers
- Drafting and signing of Service Level Agreements and Memorandum of Understanding
- Allocation of Grant-In-Aid monies
- Monitoring through the assessment of quarterly and monthly reports
- Final report Submission
- Evaluation

RECOMMENDATIONS

- Council should prioritise funding for developmental projects associated with street people.
- Criteria for allocation of funding to organisations must be equitable and serve the City objectives.

5.8 PROMOTING EFFECTIVE POLICING, PROSECUTING AND SENTENCING

Homelessness is not a crime, the human rights of all people need to be protected, especially those who are the most vulnerable in society, such as street people. The security of street people are often severely compromised, namely because they are seen to exist on the periphery of our society. Street People are often unwitting accomplices to criminal activity such as drug trafficking, sexual exploitation and prostitution. In addition to this public aggression and at times police harassment affects the security of street people.

RECOMMENDATIONS

- Recognising that this problem of harassing the street people population exists.
- Developing adequate protection mechanisms and putting them in place.
- Effective policing means uncovering crime syndicates, the real perpetrators on the street and those hiding amongst street people to escape the police as well as the criminal element within the street people community.
- Commercial and other vested interests that encourage deviant behaviour from street people needs to be identified and dealt with effectively.

5.9 RAISING AWARENESS AND EDUCATING COMMUNITIES ABOUT THE ISSUES AFFECTING STREET PEOPLE

While there is a growing awareness of street people, their needs and how they live, a lack of education and information often creates negative attitudes towards them. It is important that the public and others understand the reality of life on the street. Only through understanding can support and participation be expected from the public and others.