



SOCIAL DEVELOPMENT
Directorate: Early Childhood Development
Internal Route Form

Date received:
Forward To **29 April 2019**
Date Sent

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|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subject | SOP for the reporting and management of serious injury, abuse and death of children registered and unregistered partial care facilities in the western cape |
| Contact | Ms TH Hamdulay - |
| File Plan | |

| ATTENTION | TO: | MARK | DATE |
|--------------------------|------------------------------------------------|------|------|
| <input type="checkbox"/> | Charles Jordan : CHIEF DIRECTOR Social Welfare | | |
| <input type="checkbox"/> | Juan Smith : CFO | | |
| <input type="checkbox"/> | Robert Macdonald : HOD | | |
| <input type="checkbox"/> | Albert Fritz : MEC | | |

| ATTENTION | INSTRUCTIONS: | MARK | DATE |
|--------------------------|---------------|------|------|
| <input type="checkbox"/> | For Signature | | |

Comments:

For HOD Approval and signature

Supported. C. Jordan
 2/5/19

To: HOD for signature.



Ref: 13/2/1/P

STANDARD OPERATING PROCEDURE FOR THE REPORTING AND MANAGEMENT OF SERIOUS INJURY, ABUSE AND DEATH OF CHILDREN IN REGISTERED AND UNREGISTERED PARTIAL CARE FACILITIES IN THE WESTERN CAPE

1. PURPOSE

This Standard Operating Procedure (SOP) is part of a standardised system of managing Partial Care Facilities in the Western Cape, to ensure quality of care for the early childhood development and after school care sector. It outlines the procedures to be followed when any serious injury, abuse of a child occurs within a partial care setting. Partial care includes early childhood development facilities and after school care facilities.

2. INTRODUCTION

The Children's Act 38/2005 introduced the concept of partial care where the pervasive need for partial care facilities is driven by a number of factors namely, the number of children who are left without visible care during certain hours of the day, and the increased number of parents who have become economically active.

Therefore, the most important purpose of a partial care facility is to provide care and protection to children during the temporary absence of their parents. Should serious injuries or deaths occur, the Children's Act prescribes the following in Chapter 5 (89):

- i. If a child is seriously injured or abused while in partial care or following an occurrence at a partial care facility,
- ii. If a child dies while in partial care or following an occurrence at a partial care facility.

3. OBJECTIVES OF THE DOCUMENT

The objectives of this SOP are the following:

- i. To provide clear guidelines on the reporting of injury, abuse and death of a child at partial care facilities;

- ii. To educate all Partial Care Facilities, Organisations involved in the registration of Partial Care facilities and the Directorate: ECD & Partial Care employees on the reporting of serious injuries, abuse or the death of children in a Partial Care facility; and
- iii. To provide for effective incident and communication management.

4. POLICY ALIGNMENT

This SOP is aligned to the following Department of Social Development processes:

- i. Uniform Integrated Referral Pathway Protocol
- ii. Child Death Review Standard Operating Procedure

5. LEGISLATION

The following legislation regarding the serious injury, abuse or death of child in partial care facility is applicable:

Chapter 5 (Children's Act 2005)

Section 89 - Serious injury, abuse or death of child in partial care facility

- (1) If a child is seriously injured or abused while in partial care or following an occurrence at a partial care facility, the person operating the partial care facility or a person employed at the partial care facility must immediately report such injury or abuse to the provincial head of social development, who must cause an investigation to be conducted into the circumstances of the serious injury or abuse.
- (2) If a child dies while in partial care or following an occurrence at a partial care facility, the person operating the partial care facility or a person employed at the partial care facility must immediately after the child's death report such death to-
 - a. the parent, guardian or care-giver of the child;
 - b. a police official; and
 - c. the Provincial Head Of Social Development.
- (3) The police official must cause an investigation into the circumstances surrounding the death of the child to be conducted by the South African Police Service, unless the police official is satisfied that the child died of natural causes

Chapter 7 (Children's Act)

Section 110 - Reporting of abused or neglected child and child in need of care and protection

- (1) Any correctional official, dentist, homeopath, immigration official, labour inspector, legal practitioner, medical practitioner, midwife, minister of religion,



Ref: 13/2/1/P

nurse, occupational therapist, physiotherapist, psychologist, religious leader, social service professional, social worker, speech therapist, teacher, traditional health practitioner, traditional leader or member of staff or volunteer worker at a partial care facility, drop-in centre or child and youth care centre who on reasonable grounds concludes that a child has been abused in a manner causing physical injury, sexually abused or deliberately neglected, must report that conclusion in the prescribed form to a designated child protection organisation, the provincial department of social development or a police official.

- (2) Any person who on reasonable grounds believes that a child is in need of care and protection may report that belief to the provincial Department Of Social Development, a designated child protection organisation or a police official.
- (3) A person referred to in subsection (1) or (2)-
 - (a) must substantiate that conclusion or belief to the provincial Department Of Social Development, a designated child protection organisation or police official; and
 - (b) who makes a report in good faith is not liable to civil action on the basis of the report.
- (4) A police official to whom a report has been made in terms of subsection (1) or (2) or who becomes aware of a child in need of care and protection must-
 - (a) ensure the safety and well-being of the child concerned if the child's safety or well-being is at risk; and
 - (b) within 24 hours notify the provincial Department Of Social Development or a designated child protection organisation of the report and any steps that have been taken with regard to the child.
- (5) The provincial Department Of Social Development or designated child protection organisation to whom a report has been made in terms of subsection (1), (2) or (4), must-
 - (a) ensure the safety and well-being of the child concerned, if the child's safety or well being is at risk;
 - (b) make an initial assessment of the report;
 - (c) unless the report is frivolous or obviously unfounded, investigate the truthfulness of the report or cause it to be investigated;
 - (d) if the report is substantiated by such investigation, without delay initiate proceedings in terms of this Act for the protection of the child; and

- (e) submit such particulars as may be prescribed to the Director-General for inclusion in Part A of the National Child Protection Register
- (6) (a) A designated child protection organisation to whom a report has been made in terms subsection (1), (2) or (4) must report the matter to the relevant provincial department of social development.
- (b) The provincial Head Of Social Development must monitor the progress of all matters reported to it in terms of paragraph (a).
- (7) The provincial Department Of Social Development or designated child protection organisation which has conducted an investigation as contemplated in subsection (5) may-
 - (a) take measures to assist the child, including counselling, mediation, prevention and early intervention services, family reconstruction and rehabilitation, behaviour modification, problem solving and referral to another suitably qualified person or organisation;
 - (b) if he or she is satisfied that it is in the best interest of the child not to be removed from his or her home or place where he or she resides, but that the removal of the alleged offender from such home or place would secure the safety and well-being of the child, request a police official in the prescribed manner to take the steps referred to in section 153; or
 - (c) deal with the child in the manner contemplated in sections 151, 152 or 155.
- (8) The provincial Department Of Social Development or designated child protection organisation which has conducted an investigation as contemplated in subsection (5) must report the possible commission of an offence to a police official.

6. PROCEDURE

This document aims to provide guidance to ECD and Partial Care Facilities, as well as Department of Social Development officials as to what procedures they should follow in the event of a serious injury, abuse or death at the partial care facility.

7. PROCESSES TO FOLLOW AT THE FACILITY FROM THE MOMEMENT THAT AN INCIDENT OCCURRED

- i. When a child is in a partial care or following an occurrence at a partial care facility, the principal or senior practitioner at the facility must immediately report to the local/ regional or provincial office of the Department of Social Development (DSD).
- ii. A form 22 and a risk assessment must be completed at the local/ regional offices at the DSD.
- iii. The local office of the DSD must conduct an investigation into the circumstances of serious injury, abuse or death within 24 hours.

Ref: 13/2/1/P

- iv. The circumstances surrounding the incident must be investigated by a child protection social worker and a report will be provided to the Head of the DSD within 5 working days via the regional office in the region where the facility is situated.
- v. The local office must immediately report the incident to the Regional Director and cc the ECD Director.
- vi. The ECD Director informs the Chief Director: Social Welfare, HOD, MEC, social work policy manager and social work policy developer (SWPD).
- vii. The SWPD has to double check the registration status of the facility.
- viii. The SWPD informs the Social Service Organisation (SSO) of the incident to conduct an investigation into the Norms and standards at the facility. An M&E investigation may also be requested by the Director: ECD or social work policy manager if other children at the facility is considered to be at risk.
- ix. Both social workers report and SSO report must be completed within 5 days and forwarded to Head Office: Directorate ECD and Partial Care.
- x. Head Office must monitor whether due process was followed.
- xi. The report must be forwarded to the Chief Director: Social Welfare, HOD and MEC. In the event of a death, the report must also be forwarded to the Deputy Director in the Investigations Unit, Directorate: Operational Support who deals with the Child Death Review panel.
- xii. File report for record keeping and kept available for media enquiries.
- xiii. Register the death on the database at the Provincial office.

Name: Dr Robert Macdonald
Position: Head of Department

Signature:

Date:

2019-05-02



FORM TO BE COMPLETE WHERE A CHILD HAS DIED IN A PARTIAL CARE FACILITY

To: The Provincial Head of Social Development/Police official/Social Worker/Parent or guardian of child

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Pursuant to section 178 of the Children's Act 38 of 2005, you are hereby informed that a child in has died in a partial care facility.

| Details of child | |
|-----------------------------------------------------------|--|
| Name: | |
| Surname: | |
| Birth Certificate Number: | |
| Date of birth: | |
| Gender: | |
| Age: | |
| Date and place of death: | |
| Brief explanation of incident leading to death of a child | |
| | |
| Brief explanation of medical intervention | |
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| I declare that the information set out above is a true and correct to the best of my knowledge | |
| Name and surname of person: | |
| Date: | |
| Name of organisation/person reporting: | |