

PROVINCIAL PLAN FOR THE MANAGEMENT OF FOSTER CARE:

01 APRIL 2016 – 31 MARCH 2019

1. INTRODUCTION

The Department of Social Development has the mandate to provide alternative care services to children who are in need of care and protection in terms of the Children's Act 38 of 2005.

Foster care is a traditional form of alternative care for placement of vulnerable children away from the care of their biological parents. It is a national programme that is legislated in the Children's Act 38 of 2005, which the provinces must implement within the communities.

2. PURPOSE

The purpose of this plan is to put an effective, efficient foster care management system in place to sustain the provision of foster care services in the Province according to legislative requirements. In so doing:

- All DSD Regions, inclusive of Designated Child Protection Organisations, will comply with the legislative requirements;
- The backlog of foster care orders will be eradicated; and
- Systems and Processes will be put in place to effectively manage the provision of foster care services in the Province.

3. WHO DOES THIS PLAN APPLY TO?

The successful implementation of foster care programme requires an integrated and comprehensive participation and response from all Social Service Professionals and key role players including, but not limited to, Government Departments such as, Department of Justice and Correctional Services, Department of Home Affairs, Department of Health, Department of Education, other programmes within the Department of Social Development and SASSA.

Furthermore, this plan applies to:

- Children who are in need of care and protection
- Foster / Safety parents
- Biological parents
- Cluster Foster Care Schemes
- Designated Social workers (DSD and DCPO's)
- Social auxiliary workers
- Child and youth care workers

4. GENERAL LEGISLATIVE MANDATE

The South African Constitution, 1996

In South Africa, the majority of rights as outlined in Chapter 2 of the Constitution applies to children, which include equality, privacy, social security, health, education, access to justice etc. Section 28 of the Constitution safeguards the rights of children in addition to all the other rights already contained in the *Bill of Rights (Chapter 2)*. The *Bill of Rights* is premised on the understanding that children's best interest are of paramount importance in every matter concerning the child. These constitutional rights as well as the rights outlined in the United Nations Convention on the Rights of the Child (UNCRC) form the basis of South African legislation and policies relating to children's issues.

Section 28 (1) of the Constitution, which deals particularly with the protection of children's rights states that, every child has the right:

- *To a name and nationality;*
- *To family or parental care or appropriate alternative care;*
- *To basic nutrition, shelter, basic health care and social services;*
- *To be protected from maltreatment, neglect, abuse and degradation;*
- *To be protected from exploitative labour practices and not to be required or permitted to perform work/services that are inappropriate to his/her age;*
- *Not to be detained except as a matter of last resort and the to be kept separately from adults;*
- *To be treated in a manner appropriate to his/her age;*
- *To have a legal practitioner assigned to him/her by the state;*
- *Not to be used directly in armed conflict and to be protected in times of armed conflict;*
- *Not to have his/her well-being; education, physical, mental, spiritual, moral or social development placed at risk.*

The Children's Act, 38 of 2005

The primary aim and objectives of the Act as outlined in Section 2, is to preserve and strengthen families and to give effect to the following constitutional rights of the child, namely:

- Family care or parental care or appropriate alternative care when removed from the family environment;
- Access to social services;
- Protection from maltreatment, neglect abuse and degradation; and
- Ensure that the best interests of the child are paramount in every matter concerning the child.

The Children's Act also seeks to entrench the principle that alternative care has a specific hierarchy of options, namely:

- That children as a first general principle preferably remain with their families (where and if possible the natural parents) and that every effort be made to resolve problematic situations;
- To allow time to resolve family problems, the child may be placed in alternative care for a short period;
- If a child is orphaned, the general principle is that the child be granted an opportunity to be adopted;
- If adoption is not an option, then placement in long term foster care be considered;
- In certain circumstances, older children may be placed in child headed households under the supervision of an adult person in terms of Section 137.

With regards to the placement of orphaned and abandoned children in foster care, and foreign children, the Act makes the following provisions:

- It first makes provision for these children to be found to be in need of care in terms of Section 150(1) (a).
- Secondly, it makes provision for the placement of these children in alternative care with a court order that may be issued by the children's court in terms of section 156.
- Lastly, it legally recognizes these children in foster care with family members in terms of Section 180(3) (b). For purposes of this Act, a family member's description includes a child's grandparent and siblings.

The Children's Act provides that designated social workers provide statutory services. They

have the responsibility to render supervision and family re-unification services to foster families.

The Act also stipulates that social service professionals, e.g. Social auxiliary workers, may assist social workers in rendering foster care services (eg. monitoring foster care placements in terms of section 186(3)).

All foster care orders are to be extended by the DoJCS at the children's court two years from the date the order was made in terms of Section 159 (1) (a).

Children can remain in alternative care until they turn 18, upon which an application for extension till the age of 21 may be brought in terms of Section 176 (1) and (2). It must be for purposes of further education and training; and parental permission is not required.

The Social Assistance Act No. 13 of 2004 as amended

The Social Assistance Act provides for non-contributory social grants to adults and children, funded as part of the national comprehensive social security system, which includes, but not limited to Child Support Grant, Care Dependency Grant and Foster Child Grant.

The South African Schools Act, 1996

The Act makes school attendance compulsory for learners between the ages of 7 and 15 years and provides for learners to be exempted from the payment of school fees under certain conditions.

The *Regulations on the exemption of caregivers from payment of school fees in Public Schools (2006)* grant automatic exemptions to:

- Children in foster care, child and youth care centres;
- Children who receive social grants; and
- Children living in child-headed households.

The National Health Act, 2003

The National Health Act, 2003 makes provision for children who are not beneficiaries of medical aid schemes, to have access to free primary health care services. According to the *National Uniform Patient Fee Schedule*, the categories of people who have access to free services include children who have been placed in the care of foster parents, in a child and youth care centre with a court order.

Additional Legislation that Impacts on children

- Norms, Standards and Practice Guidelines for the Children's Act, DSD, 2010.

- Western Cape Department of Social Development Child Protection Strategy 2016 - 2021
- C and Others v Department of Health and Social Development, Gauteng and others 2012 (2) SA 208 (CC)
- NDSD Project plan for the Management of Foster Care, 2011.

5. FOSTER CARE PROCESS

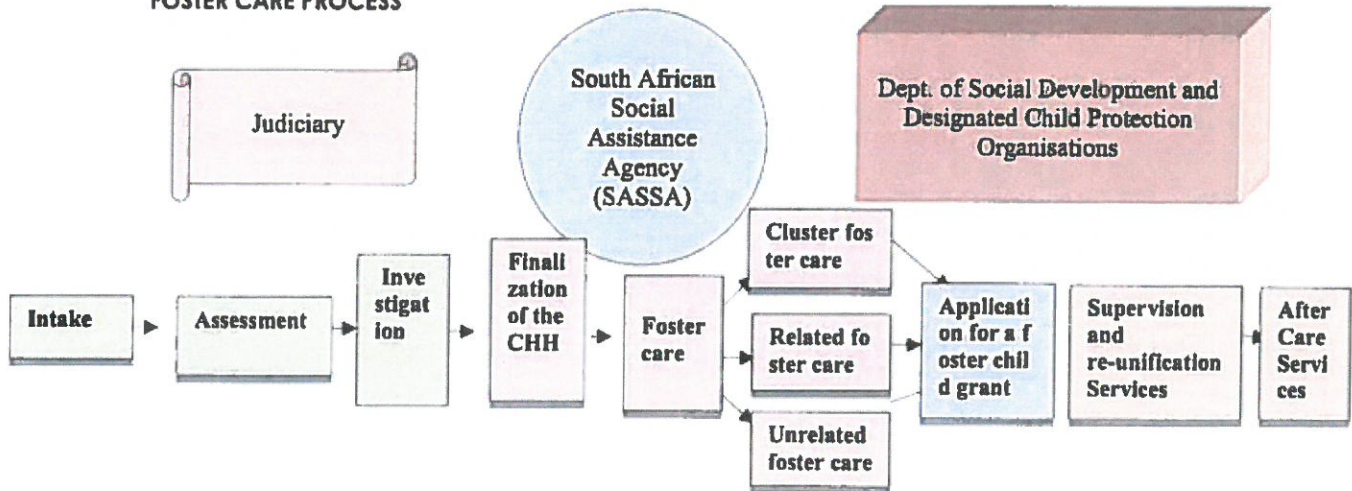
A child is placed in foster care after being found in need of care and protection by a children's court. The final court report must contain a *permanency plan* when a child is removed from parental care to be placed in alternative care. A *care plan* must also accompany the final court report. Where applicable, supervision services must be rendered and a supervision report must be submitted every six months.

Foster care is generally considered to be a temporary placement, and reunification services with the child's family should be carried out, with a view to return the child to his or her immediate family. Long term foster care is possible where a child is orphaned or abandoned (Section 186 of the Children's Act 38/2005).

Foster care is supported by the foster child grant, which is payable in terms of the Social Assistance Act. This grant is used by the foster parent to care for the child.

Below is the process that is followed

FOSTER CARE PROCESS



6. DEFINITIONS

- **Alternative care**

A child is in alternative care *inter alia* if a child has been placed in foster care.

- **Cluster foster care**

In the interpretations of the Children's Act 38/2005, cluster foster care means: "the reception of children in foster care in accordance with a cluster foster care scheme registered by the provincial head of social development". Sections 183, DSD Regulations 67 – 71, Form 43 and Practice Note 2 are relevant.

- **Cluster foster care scheme**

A scheme providing for the reception of children in foster care managed by a non-profit

Organisation and registered by the provincial head of social development for the purpose of providing foster care for up to six children in a home environment (Norms, Standards and Practice Guidelines for the Children's Act, 2010).

- **Foster care**

Section 180(1) of the Children's Act 38/2005 defines foster care as follows:

" A child is in foster care if the child has been placed in the care of a person who is not the parent or guardian of the child as a result of (a) an order of a children's court, (b) a written notice of transfer in terms of Section 171.

However, for the purposes of this plan, the term foster care is used broadly to include the process followed even before the child is placed with a suitable foster parent (preparatory phase), which is the process of recruitment of prospective foster parents, screening, selection and introductory training to those found to be suitable.

- **Foster child**

A child placed as a result of either an order of the children's court, a transfer from a CYCC or temporary safe care.

- **Foster parent**

This refers to a person who accepts responsibility for a child who has officially been placed with him/her by an order of the children's court or an administrative transfer.

7. ISSUES RELATED TO THE PLAN FOR THE MANAGEMENT OF FOSTER CARE

A recent study conducted in April 2015 identified child maltreatment in the Western Cape as a major concern. Income poverty and children growing up in poor households, put children at risk. The Western Cape has 34 188 children in foster care with 28 093 foster parents to whom on-going supportive and supervision services must be provided: Cape Winelands

7 716; Eden Karoo 2 764; Metro East 6 735; Metro North 5 682 and Metro South 5 410 (02-03-2016, Standing Committee for Community Development).

Children in foster care are falling through the system due to non-compliance with norms and standards of foster care management (SDIP, 2016:23). This is evidenced by:

- increased incidence of reports of disputes over placement of children as a result of informal arrangements where legally binding arrangements should be in place;
- social workers not providing therapeutic services to children placed in foster care;
- lapsing of foster care orders;
- excessive social workers' caseloads;
- foster care placements breaking down because of a lack of proper recruitment and selection of foster parents;
- foster care backlog;
- lack of reconstruction / reintegration services; and
- no standardised Provincial database of existing foster parents.

The Department has a statutory mandate but is increasingly challenged by the demand for services, budget cuts and issues related to service delivery. As a result, there is a view that the quality of services rendered to foster children has declined. In addition, there is concern that foster child grants seem to have replaced the fundamental purpose of foster care, which is, the care and protection of vulnerable children.

The available human and capital resource are not geared up to respond to the demands of foster care. Currently (2016/17 financial year) there are 601 social workers employed by the Western Cape Department of Social Development in the 6 Regions. There are 388 social work funded DCPO posts across the Province. These social workers are not only rendering social work services, but perform generic social work activities. Foster Care is a demanding programme that needs a dedicated work force.

The current foster care system can thus be described as inadequate and a serious infringement on the rights, protection and well-being of children. It is at risk and failing children who most need it. Also noticeable is the lack of a bigger picture in terms of the full spectrum of foster care management. There is a dire need to overhaul / improve the foster care management system and to realise a full spectrum of services, from recruitment, screening, selection and training.

Service delivery improvement areas were identified and on 31-07-2015, MANCO approved a SDIP on *Foster Care Management 01-04-2016 – 31-03-2019*. The target is to have a draft Foster Care Management Plan that complies with the Children's Act, completed and consulted by March 2017 and is being implemented by 2019 (2015/16 is the baseline). Actions will be

monitored and reported on a quarterly basis to the Executive management as well as the performance quarterly monitoring mechanisms.

This plan therefore seeks to transform foster care and improve service delivery by aligning processes to the Children's Act 38 of 2005 by 31 March 2019.

8. OBJECTIVES

The objectives are to:

- improve the management of foster care through the development and implementation of a foster care management plan;
- develop a database of all children in foster care in the Western Cape;
- eradicate the backlog and manage foster care orders;
- institutionalise recruitment, screening, vetting, selection procedures for foster parents and training;
- design and monitor the implementation of a range of support services to foster parents and foster children;
- manage the implementation of standardised foster care processes;
- coordinate and monitor all cluster foster care schemes in the Province;
- manage and participate in engagements with stakeholders;
- manage policy education and training;
- monitor, report and review the plan.

FOSTER CARE IMPLEMENTATION FRAMEWORK 01 APRIL 2016 – 31 MARCH 2019

Objective	Outputs/ Deliverables	Activities	Time frames	Responsibility
1) Improvement in the management of foster care through the development and implementation of a foster care management plan.	Foster care Management Plan is in draft form	<ul style="list-style-type: none"> • Draft foster care management plan completed and consulted • Draft foster care management plan approved and operational guidelines developed • Identified aspects of the plan piloted in two sites • Implementation and monitoring of plan and guidelines • Quarterly reports 	<p>March 2017</p> <p>March 2018</p> <p>March 2018</p> <p>March 2019</p> <p>July 2017</p> <p>October 2017</p> <p>January 2018</p> <p>April 2018</p> <p>July 2018</p> <p>October 2018</p> <p>January 2019</p> <p>April 2019</p>	<p>Director: Children and Families</p> <p>Manager SW Policy</p> <p>6 Regional Directors</p> <p>NGOs</p> <p>M & E</p> <p>Finance</p>

2) Develop a database of all children in foster care in the Western Cape.	A Provincial Foster Care database is available	<ul style="list-style-type: none"> Finalise Socpen viewing rights for all Regional Foster Care Co-Ordinators Align SASSA and DSD database Facilitate that in all regions a database exists for all children in foster care and they are captured into the SOCPEN 	<p>31 March 2017</p> <p>31 March 2018</p> <p>31 March 2019</p>	<p>Director: Children and Families</p> <p>Manager SW Policy</p> <p>Social Worker – Child Protection</p> <p>6 Regional Directors</p> <p>Knowledge Management / IT</p> <p>SASSA</p> <p>Designated child protection organisation</p>
3) Eradicate the backlog and manage foster care orders.	Foster care children legally placed	<ul style="list-style-type: none"> Verify and reconcile foster children in DSD against SASSAs database Joint reporting on progress in monthly Executive foster care project meeting (SASSA & DSD) Disaggregate lapsed foster care orders according to: <ul style="list-style-type: none"> Expired 2015 and earlier Expiring 2016 Enhance efforts by the Regions to ensure that, orders of all cases stemming from 2015, are updated 	<p>Monthly</p> <p>April 2016</p> <p>March 2017</p>	<p>Manager Social work Policy</p> <p>Social Worker – Child Protection</p> <p>SASSA</p> <p>HOD</p> <p>6 Regions</p> <p>NGOs</p> <p>Designated social workers</p> <p>Children's courts</p> <p>Canalisation officers</p>

		<ul style="list-style-type: none"> • Inform canalisation officers / regional foster care co-ordinators every month of cases to expire 3 months ahead as a reminder • All section 159 extensions are done by the children's court 	March 2018	Children's Courts
<p>4) An institutionalised recruitment, screening and selection procedure for foster parents.</p>	<p>A Standard Operating Procedure (SOP) for Recruitment, Screening, and Selection of Foster Parents, is developed, consulted and finalised by March 2018</p> <p>A Regional database of screened, selected and trained foster parents is available.</p>	<ul style="list-style-type: none"> • Develop and consult a SOP for Recruitment, screening and selection of foster parents • Recruitment, screening (vetting) and selection criteria approved and signed off • Train the 6 DSD Regions on the SOP • Each Region has a documented Recruitment and Selection Strategy in place, aligned to the SOP • Training of selected foster parents in accordance with each Region's planned targets • Facilitate the training of prospective and existing foster parents to ensure age and culturally appropriate placements of children • Monitor the Regional updated database of trained foster parents (Norms 133, 146, 	<p>April 2017</p> <p>June 2017</p> <p>March 2018</p> <p>March 2018</p> <p>Annually until March 2019</p> <p>Annually until March 2019</p>	<p>Director: Children and Families</p> <p>Manager Social Work Policy</p> <p>Social Worker – Child Protection</p> <p>Service Provider</p> <p>NGOs</p> <p>6 Regional Directors</p> <p>Foster parents</p> <p>Social workers</p> <p>Disability programme</p> <p>Department of Health</p>

5) Design and monitor the implementation of a range of support services to foster parents and foster children. (Norm 152)	A range of support services are available to foster parents and foster children in all Regions Supervision of children in foster care is efficiently managed and monitored	156)	<ul style="list-style-type: none"> Negotiate with 3 of the 7 registered Cluster Foster Care Schemes (CFCs's) to provide placement for children with special needs Negotiate with the Disability programme and Department of health to capacitate the CFCs's providing placement for children with special needs Facilitate the implementation of Independent living programmes (Transitional support programmes) for children about to exit foster care, in all Regions Monitor the support groups for foster parents that are held quarterly in Region (Norm 150) Review the status of supervision of foster care children Develop and implement a foster care supervision improvement plan (Norm 152) 	April 2017-March 2019	Director: Children and Families Manager Social work Policy Social Worker – Child Protection Service Provider Funding Foster parents Foster children CFCs's Designated social workers Social service professionals Disability Programme Department of Health
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<p>6) Manage the implementation of standardised foster care processes.</p>	<p>The foster care SOP's are developed, consulted and finalised The role of canalisation officers in each Region is standardised and clarified</p>	<ul style="list-style-type: none"> • Inform the regions of the developed foster care SOPs • Monitor the implementation of foster care SOP • Monitor the review of foster care orders • Norms 144 & 145) • Implement the foster care plan (Norm 152, 153) • Responsibilities and Rights Charter (Norm 155) • Manage the transfer of children in foster care to other provinces • Inform the Regions of the developed canalisation guide document • Attend to Sec 169 requests • Report on all child deaths in foster care • Communicate the format for the permanency plan with the Regions (Norms 113, 131, 148) • Monitor the overall legal placement of children in the Province • Customise the process for extension of alternative care up to the age of 21 years (Norm 157) 	<p>March 2018 April 2017 – March 2019</p>	<p>Director: Children and Families Manager Social Work Policy Social Worker – Child Protection 6 Regional Directors Funded DCPOs Social workers Children's Courts</p>
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7) Coordinate and monitor all cluster foster care schemes in the Province.	All cluster foster care schemes comply with legislation (NS 161; 162; 163; Sec 182)	<ul style="list-style-type: none"> • Ensure that all reports are canalised in all the Regions • Reunification Norm 158 • Develop provincial strategy for cluster foster care (Reg 69(1)) Norm 159 and 160 • Customise the registration, de-registration and appeal process • Register each scheme with certificate • Each person in the scheme must have a clearance certificate (Norm 162) • Partnership agreement between the provincial department and NPO on the management of the scheme (Norm 161) • Communicate the strategy with stakeholders 	<p>March 2018</p> <p>March 2018</p> <p>March 2017</p> <p>June 2017</p> <p>March 2018</p> <p>June 2018</p> <p>March 2018</p>	<p>HOD</p> <p>Director: Children and Families</p> <p>Manager Social Work Policy</p> <p>SASSA</p> <p>NGOs</p> <p>Canalisation officers</p> <p>6 Regional Directors</p> <p>M & E</p> <p>Social Worker – Child Protection</p>
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8) Manage and participate in engagements with stakeholders	Inter-sectoral collaboration is strengthened	<ul style="list-style-type: none"> • Develop criteria for acceptance, transfer and discharge of children from and within the scheme • Develop a project plan to ensure alignment to each scheme to the strategy • SASSA finalise criteria and process for foster care grant (Norm 164) • Develop annual report framework for cluster foster care (Reg 69(2)) Norm 165 • Monitor the submission of annual reports, inclusive of Audited Financial Statements by the CFCS's • Audit registered schemes once a year • Ensure that every child in the scheme has a foster care plan (Norm 163) 	<p>March 2018</p> <p>March 2019</p> <p>April 2018</p> <p>Annually until March 2019</p> <p>March 2018</p> <p>March 2018</p>	Director: Children and Families Manager Social Worker Policy
		<ul style="list-style-type: none"> • Facilitate monthly meetings between DSD Provincial office and SASSA Beneficiary Management Unit (BMU) • Facilitate monthly executive foster care 	<p>April 2017- March 2019</p>	

9) Policy education and training	All designated social workers are trained on norms and standards and Practice Guidelines for Foster Care / Cluster Foster Care by March 2019	<p>status meetings / updates between DSD and SASSA</p> <ul style="list-style-type: none"> Participate in quarterly Provincial Children and Families Forum meetings Attend National Meetings on Foster Care Attend Director's bi-annual Stakeholder engagements in the 6 Regions 		<p>SASSA 6 Regions SASSA District offices HOD DoJCS Home Affairs NGOs Designated social workers Social Worker – Child Protection</p>
		<p>Facilitate and conduct training sessions to DSD Regions and DCPO's on the following:</p> <ul style="list-style-type: none"> Foster care process SOP Process for application of S169 Permanency plans Foster care supervision improvement plan Canalisation guide Responsibilities and Rights Charter Reunification services Extension of orders Cluster Foster Care Strategy Reporting the death of a child in alternative care 	March 2019	<p>Director: Children and Families Manager Social work Policy Finance 6 Regions NGOs Canalisation officers</p>

10) Monitoring, Reporting and Reviewing the Plan	Foster Care Plan is monitored and reviewed	<ul style="list-style-type: none"> • Norms, Standards and practise guidelines for Foster Care / Cluster Foster • Foster care plan • Consolidate, analyse and submit monthly reports to NDSD • Update the plan in March 2019 and annually thereafter • Quarterly reports to MANCOM on progress with the SDIP 	<p>Monthly</p> <p>March 2019</p> <p>Quarterly</p>		Director: Children and Families Manager social work Policy Social worker Child Protection
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I Support / Do not support the Provincial Plan for the Management Foster Care

Comments:

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L. Corrie

DIRECTOR: CHILDREN AND FAMILIES
DR LESLEY CORRIE

29-03-2017

DATE

I Support / Do not support the Provincial Plan for the Management Foster Care

Comments:

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Charles Jordan

CHIEF DIRECTOR: SOCIAL WELFARE
MR CHARLES JORDAN

30/3/17

DATE

~~I approve / I do not support the Provincial Plan for the Management Foster Care~~

Comments:

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Robert Macdonald

HEAD OF THE DEPARTMENT
DR ROBERT MACDONALD

~~..... 2017-03-31~~

DATE