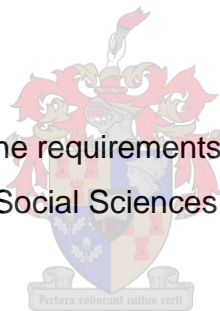


THE PERCEPTIONS OF SOCIAL WORKERS REGARDING THE RIGHTS OF CHILDREN TO CARE AND PROTECTION

by

MOREBLESSING MEMORY NDONGA

Thesis presented in fulfilment of the requirements for the degree of Master of Social
Work in the Faculty of Arts and Social Sciences at the University of Stellenbosch



SUPERVISOR: DR M STRYDOM

MARCH 2016

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DEDICATION

“To become a master at any skill, it takes the total effort of your: heart, mind, and soul working together in tandem.”

-Maurice Young

RECOGNITIONS AND ACKNOWLEDGEMENTS

I would like to express my gratitude and appreciation to the following persons:

- The **Department of Social Work (Stellenbosch University)**, thank you for your on-going support, faith and belief in me.
- To my supervisor, **Dr Marianne Strydom**, thank you for your unwavering support, encouragement, guidance and without you this study would have been nearly impossible.
- To **Mrs Jana Walters**, thank you for editing this thesis on such a tight schedule.
- To my **study participants**, thank you for sacrificing your time to take part in this research study.
- To **Starfish Greathearts Foundation team** (especially Mrs Emma Rutherford), thank you for your unconditional love and support throughout the two years of my study.
- To my husband, **Taurai Mukodza**, thank you for excelling in your role as my husband and friend, I am forever thankful for your support and love. You are a star!!!
- To my son, **Jeriel Mukodza**, thank you for your understanding and cooperation, when I needed to work, you didn't mind watching cartoons boy!!!
- To our family friend and brother, **Dr Tatenda Manomano**, thank you for your support and follow-up on my progress. Your enthusiasm motivated me and kept me interested in what I was researching for two years.
- To my parents, **Mr S and Mrs J Ndonga**, thank you for your support and prayers which kept me going in tough and good times.

Above all, I would like to thank the **Almighty God** for giving me strength and opportunity "mumwe mukanzve" to attain this qualification!

ABSTRACT

In accordance with the White Paper for Social Welfare (Ministry of Welfare and Population Development, 1997), the Integrated Service Delivery Model (Department of Social Development, 2006), and the Children's Act (Act 38 of 2005), social workers are required to focus first on rendering preventative services and then early intervention services to prevent the rendering of statutory services in the care and protection of children. This implies that in protecting the rights of children to care and protection, social workers should focus on preventing the unnecessary removal of children from their families through the delivery of preventative and early intervention services which could effectively enhance the family functioning.

The research study therefore investigated the perceptions of social workers regarding the rights of children to care and protection.

A qualitative research methodology was used to involve social workers employed at non-governmental and government organisations in the Buffalo City Metropolitan Municipality in the study that was based on both an explorative and descriptive research design. For the aim of the research study, the researcher used purposeful non-probability sampling. Twenty two social workers that met the inclusion criteria of the research study were selected according to their willingness to participate. A semi-structured interview schedule was used to collect the data during the empirical investigation and a pilot study was implemented to test the measuring instrument with three participants.

A literature study aimed at describing the rights of children to protection and care within the context of South African policy documents and legislation from a rights-based perspective, as well as the services rendered by social workers in protecting the rights of children to care and protection, and the challenges faced by social workers in executing these services, was completed. Thereafter an empirical investigation was done and the results were then purposefully processed and analysed. Through processing and analysing the results, the researcher was able to come up with certain conclusions and recommendations concerning social work practice with regards to the rights of children to care and protection from a rights-based perspective.

The most important conclusion resulting from the research study indicates that social workers in child and family welfare organisations strongly focus on the delivery of statutory services at the expense of preventative and early intervention services in the care and protection of children. These social workers seem to be denying the parents, who are struggling to care for and protect their children, the rights to intervention, as well as the rights of children to social services, which when rendered properly, should enable parents to care for and protect their children, thereby reducing the need for the removal of children from their families.

Certain challenges were identified in this research study as hampering the delivery of preventative and early intervention services by social workers in the care and protection of children. Therefore, the study recommends that community resources (facilities) and organisational resources (cars, computers, office space, funds and manpower) should be made available in communities as well as in child and family welfare organisations for utilisation by social workers. The resources are necessary to improve the delivery of social services to children in order to protect their rights to care and protection. In addition it is recommended that social workers should receive on-going in-service training with regards to the implementation of policies and legislation protecting the rights of children to care and protection and that the salaries of social workers be reviewed to ensure better job satisfaction. Furthermore it is recommended that social workers endeavour by all means to adhere to the requirements set out in the South African policy documents.

OPSOMMING

Kragtens die Witskrif vir Maatskaplike Welsyn (Departement van Welsyn en Bevolkingsontwikkeling, 1997), die Geïntegreerde Diensleweringmodel (Departement van Sosiale Ontwikkeling, 2006) en die Kinderwet (Wet 38 van 2005) word daar van maatskaplike werkers verwag om eerstens op die lewering van voorkomende dienste te fokus en dan op die lewering van vroeë intervensie dienste om sodoende die lewering van statutêre dienste te voorkom as deel van die sorg en beskerming van kinders. Dit impliseer dat maatskaplike werkers in die beskerming van die regte van kinders tot sorg en beskerming, daarop moet fokus om die onnodige verwydering van kinders vanuit hul gesinne te vermy deur voorkomende en vroeë intervensie dienste te verskaf, aangesien dit tot die doelmatige versterking van die funksionering van die gesin kan lei.

Die navorsingstudie het dus die insigte van maatskaplike werkers rakende die regte van kinders tot sorg en beskerming ondersoek.

'n Kwalitatiewe navorsingsmetodologie is toegepas om maatskaplike werkers wat by nie-regeringsorganisasies en regeringsorganisasies in die Buffalostad Metropolitaanse Munisipaliteit werksaam is, by die studie wat op beide 'n ondersoekende en beskrywende navorsingsontwerp gebaseer is, te betrek. Vir die doel van die navorsingstudie het die navorser van doelgerigte nie-waarskynlikheidssteekproefneming gebruik gemaak. Twee-en-twintig maatskaplike werkers wat aan die insluitingskriteria van die navorsingstudie voldoen het, is volgens hul bereidwilligheid om deel te neem, gekies. Tydens die empiriese ondersoek is 'n semi-gestruktureerde onderhoudskedule gebruik om die data in te samel en 'n loodsstudie is geïmplementeer om die meetinstrument met drie deelnemers te toets.

'n Literatuurstudie is voltooi waarin die regte van kinders tot beskerming en sorg binne die konteks van Suid-Afrikaanse beleidsdokumente en wetgewing vanuit 'n regsgebaseerde benadering, asook die dienste gelewer deur maatskaplike werkers in die beskerming van die regte van kinders tot sorg en beskerming, en die uitdagings waaraan maatskaplike werkers blootgestel word met die lewering van die dienste, beskryf word. Dit is gevolg deur 'n empiriese ondersoek waarvan die resultate doelbewus verwerk en ontleed is. Deur die verwerking en die ontleding van die resultate kon die navorser sekere gevolgtrekkings en aanbevelings maak ten opsigte van die maatskaplike werkspraktyk, wat betref die regte van kinders tot beskerming en sorg vanuit 'n regsgebaseerde perspektief.

Die belangrikste gevolgtrekking uit die navorsingstudie dui daarop dat maatskaplike werkers van kinder- en gesinswelsynsorganisasies eerder op die lewering van statutêre dienste fokus ten koste van die lewering van voorkomende en vroeë intervensie dienste in die sorg en beskerming van kinders. Dit blyk dat maatskaplike werkers, ouers wat reeds sukkel met die sorg en beskerming van hul kinders, van die reg tot intervensie ontnem, en ook dat kinders se reg tot maatskaplike dienste in die proses ontnem word, in omstandighede waar indien die dienste behoorlik toegepas sou word, dit ouers moontlik in staat sou stel om vir hul kinders te sorg en te beskerm, en wat sodoende die noodigheid vir die verwydering van kinders vanuit hul gesinne verminder.

Sekere uitdagings is in die navorsingstudie geïdentifiseer wat die lewering van voorkomende en vroeë intervensie dienste deur maatskaplike werkers in hul sorg en beskerming van kinders, belemmer. Die studie beveel aan dat gemeenskapshulpbronne (fasiliteite) en organisatoriese hulpbronne (voertuie, rekenaars, kantoorruimte, fondse en mannekrag) binne gemeenskappe sowel as in kinder- en gesinswelsynsorganisasies beskikbaar gestel word vir die gebruik van maatskaplike werkers. Dié hulpbronne is noodsaaklik ten einde die lewering van maatskaplike dienste aan kinders te bied in die beskerming van hul regte tot sorg en beskerming. Voorts word aanbeveel dat maatskaplike werkers deurlopende indiensopleiding ontvang ten opsigte van die toepassing van beleide en wetgewing wat die regte van kinders beskerm tot sorg en beskerming, en dat die vergoeding van maatskaplike werkers hersien word om sodoende by te dra tot hul werksbevrediging. Laastens word aanbeveel dat maatskaplike werkers daarna moet streef om aan alle voorskrifte uiteengesit in die Suid-Afrikaanse beleidsdokumente te voldoen.

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LIST OF ABBREVIATIONS

ACRWC:	African Charter on the Rights and Welfare of the Child
AU:	African Union
DOSD:	Department of Social Development
DSWs:	Designated social workers
DWCPD:	Department of Women, Children and People with Disabilities
HSRC:	Human Sciences Research Council
IICRD:	International Institute for Child Rights and Development
IPSCAN:	International Society for the Prevention of Child Abuse and Neglect
ISDM:	Integrated Service Delivery Model
SACE:	South African Council of Educators
SAHRC:	South African Human Rights Commission
UDHR:	Universal Declaration of Human Rights
UNCRC:	United Nations Convention on the Rights of Children
UNDP:	United Nations Developing Programme
UNHCHR:	United Nations Office of the High Commissioner for Human Rights
UNICEF:	United Nations International Children's Emergency Fund
WHO:	World Health Organisation

CHAPTER ONE

INTRODUCTION

1.1 PRELIMINARY STUDY AND RATIONALE

1.1.1 Introduction

Every child has a right to care and protection. These rights are realised in international, regional and domestic policies for the protection and promotion of children's rights. At an international level, the United Nations Convention on the Rights of Children (UNCRC) is the most widely known and ratified human rights treaty outlining the rights of all children less than 18 years of age. It was adopted by the United Nations in November 1989 and is considered to be the cornerstone of children's rights globally. South Africa ratified this Convention in 1995, thus the country is legally bound to implement it. The ratification of the UNCRC gives children's rights the force of international and domestic law. The UNCRC is premised on the basis that children are born with fundamental freedoms and the inborn rights of all human beings but with specific additional needs because of their vulnerability. Among other rights contained in the UNCRC and of specific interest in this study is that the UNCRC acknowledges the primary role of parents and family in the care and protection of children as well as the obligation of the state to help them carry out these duties.

Regionally, South Africa ratified the African Charter on the Rights and Welfare of the Child (ACRWC) in 2000. Articles 15, 16, 21, 25 and 26 are key provisions of the ACRWC relating to child protection (African Union Commission, 1999:7-12). These articles refer to the rights of the child to protection from labour, abuse and torture, harmful social and cultural practices and sexual abuse, and the right to special assistance if deprived of a family environment (Children's Institute Organisation, n.d).

In affirming these international and regional policies, the South African government adopted a national constitution in which the basis for child protection measures are enshrined in sections 28 (1) (a) to (h) of the South African Constitution (Act 108 of 1996:10-11). These sections guarantee the child's right to a name and a nationality from birth, to family care or parental care, or to appropriate alternative care when removed from their family environment, to basic nutrition, shelter, basic health care services and social services, be protected from abuse, neglect, premature or exploitative employment,

unnecessary detention and if detention is unavoidable, exposure to conditions which are unsuitable for children.

Among other domestic policies adapted to guide the protection and caring for children in South Africa, of particular interest in this study, is the Children's Act 38 of 2005. The Children's Act among other things is aimed at giving effect to the constitutional rights of children (family care or appropriate alternative care when removed from the family environment), protection from maltreatment, neglect and abuse or degradation. Moreover, the Act is also aimed at giving effect to the Republic's obligations concerning the well-being of children in line with international instruments binding on the Republic. In doing so, it seeks to strengthen and develop community structures which can assist in providing care and protection for children, protecting children from discrimination, exploitation and any other physical, emotional or moral harm. The Act further seeks to provide care and protection to children who are in need of care and protection and generally to promote the protection, development and well-being of children (Republic of South Africa, 2005:18-19).

Thus, the fundamental rights conferred on children in terms of the South African Constitution combined with the provisions in the Children's Act provide the children in South Africa theoretically speaking with a solid legislative framework which aims to ensure their care and protection. This means that the government has a responsibility to ensure that the rights of children to care and protection are protected and must assist families to protect these rights and create an environment where children can grow and reach their full potential. The protection of the rights of children to care and protection is seen as one of the best and most valuable long-term investments that any country can make (Reese, Chai & Anthony, 2012). This is because the abuse of these rights presents psychological and physical harm that have wide-reaching and sometimes irreversible effects on the survival and development of children (UNICEF, 2009). Thus affecting the future progress of the country in all spheres, as children are expected to contribute and act on the future positive socio-economic progress of the country.

The study acknowledges that much empirical work has been undertaken in the area of child care and protection, but most of these studies (Parkes, 2007; Njuho & Davids, 2012; Kulu, 2014; Van Huyssteen, 2015) have neglected to look at the perceptions of social workers regarding the rights of children to care and protection. Social workers are important role players in the protection and promotion of the rights of children to care and protection because the delivery of child protection services in South Africa requires

professional social workers to implement certain aspects of the legislation (Children's Act) and to some extent work with members of other professional groups in offering child protection services.

Through their practice and co-operation with members of other professional groups (nurses, psychologists, police officers, teachers, children's court personnel and medical doctors) in implementing the Children's Act, social workers have gained and developed insights and an understanding of the care and protection of children when rendering child protection services in different settings. Their perceptions and experience could contribute towards the body of knowledge pertaining to the care and protection of children. However, this makes the study which seeks to explore the perceptions of social workers regarding the rights of children to care and protection a crucial undertaking given that South Africa is a developing middle-income country that is characterised by high wealth and income inequalities, unemployment, poverty and a high HIV/AIDS prevalence which negatively affect child wellbeing (Mokantsho, Roberts & Ward, 2012:1).

Furthermore, this study will be among the first (if any) that are looking at the perceptions of social workers regarding the rights of children to care and protection in the Buffalo City Metropolitan Municipality of the Eastern Cape Province guided by the rights-based approach. The researcher proposes to gain an understanding about the perceptions of social workers with regards to the implementation of the rights of children to care and protection. Drawing on the perceptions of social workers who are involved in the implementation of the Children's Act, recommendations can be constructed pertinent to child protection to ensure that the rights of children to care and protection are realised.

1.2 PROBLEM STATEMENT AND FOCUS

The 2010/11 statistics that were obtained from the South African Police Service (SAPS), reveals that 50 000 crimes were committed against children in 2010/2011 (DOSD *et al.*, 2012:9). Shockingly, more than half (52%) of all these reported crimes against children were sexual in nature, indicating that the children's right to protection and care could be under severe threat and attack. In terms of the age of children involved, most reported cases were of those crimes that were perpetrated against children between the ages of 15 and 17 years (55% of murders, 60% of attempted murders, 71% of assault with grievous bodily harm, 63% of common assault and 40% of sexual offences). Furthermore, 61% of sexual offences against children occurred to children under the age of 15 years and over a quarter (29%) occurred to those who were between 0 and 10 years of age (DOSD *et al.*,

2012:9). Despite the fact that South Africa has the most enlightened child protection policies and legislation based on international and regional standards, the care and protection of the most vulnerable children are critical challenges and as statistics reveal these rights to care and protection are very often violated.

The severity of these abuses of children's rights to care and protection can be understood in terms of the negative impact it has on their survival and development. Many children experience death as a result of abuse, neglect and exploitation. Those that are able to escape death and survive into adulthood are at a significant disadvantage, with many experiencing developmental delays, stigma and discrimination, gaps in their schooling, diminished life chances, and mental and physical health problems due to their maltreatment (Delap, 2013:18). If left uncontrolled, the lack of respect for children's rights to care and protection could cause the continuance of inequalities, poverty, HIV/AIDS infection, unemployment and could more importantly exacerbate the cycle of abuse, neglect and exploitation in the future lives of these children as they in turn have a major impact on the formation of human capital.

As part of the professionals responsible for implementing the Children's Act, the study maintains that social workers are important role players in the care and protection of children because according to the Children's Act, they are the only professionals who are allowed to facilitate removals and investigations in respect of children in need of care and protection. They are also responsible for offering preventative services, early intervention services and statutory services in protecting the rights of children to care and protection within mainstream society. Other studies such as the utilisation of group work by social workers at NGOs in the implementation of family preservation services, (Van Huyssteen, 2015) and perspectives of social workers on social support needed by people living with HIV/AIDS (Kulu, 2014) were conducted in other parts of the country. However, no study could be found that was conducted on the perceptions of social workers regarding the rights of children to care and protection as well as the challenges faced by social workers in protecting the rights of children to care and protection especially in the Buffalo City Metropolitan Municipality.

1.3 THEORETICAL POINT OF DEPARTURE

The study goes from the premise that realising the rights of children to care and protection requires an approach that situates children's rights at the center of its processes and focuses attention on how the realisation of children's rights for all children at all times is

essential. Thus, the study is advocating for a rights-based perspective. Among other definitions of the rights-based perspective, a definition given by the United Nations Office of the High Commissioner for Human Rights (UNHCHR) (2006) and United Nations Developing Programme (UNDP) (2004) are discussed in this section to highlight this consensus.

The UNHCHR defined a rights-based perspective as a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress. It argues that mere charity is not enough to ensure human development. Thus, based on the rights-based perspective, the plans, policies and process of development are anchored in a system of rights and corresponding obligations established by international law. This helps to promote the sustainability of development work, empowering people (including children), especially the marginalised to participate in policy formulation and hold accountable those who have a duty to act (UNHCHR, 2006).

Furthermore, the UNDP (2004) argues that a rights-based perspective constitutes a holistic framework methodology with the potential to enrich operational strategies in key focus areas. It adds a missing element to present activities by enhancing the enabling environment for equitable development and by empowering people to make their own decisions. It brings in legal tools and institutions, laws, the judiciary and the rule of law principle as a means to secure freedom and human development.

It is important to note that despite some differences, the two definitions given by the UNHCHR (2006) and the UNDP (2004) share important commonalities that help to support the understanding of what a rights-based perspective implies. These include for instance, an express linkage to rights (or laws) as they are captured in the United Nations Charter, the Universal Declaration of Human Rights and subsequent legally binding human rights instruments such as the UNCRC. In this way the importance of the inalienable, universal, non-negotiable, indivisible and interdependent nature of human rights are emphasised. This distinguishes the rights-based perspective from other approaches.

More importantly, Ljungman (2004) argues that accountability on the part of states, policy makers and international actors whose actions affect the rights of people is another crucially important element that sets the rights-based perspective apart from other

approaches. Ljungman (2004:07) identifies three basic features that distinguish a rights-based perspective from other approaches namely the legal basis, the normative framework and the process of realising the overall goal in which the process is a goal in itself.

Relevant to the study, Strode and Grant (2011:2) state that the UNCRC serves to create a clear normative framework for state responsibilities to realise children's rights. The UNCRC (1989) bears with it an international understanding of children's positions in any given society as well as the role of the law in providing a framework for the realisation of children's rights. In this framework, the law should reflect the state's responsibility to realise children's right to freedom from discrimination, provide for their survival and development to the fullest degree possible, promote their best interests and allow for children's participation in all matters affecting their rights. State parties to the UNCRC are required to create national legal frameworks that are compatible with the UNCRC and that provide for the rights of the child. This requires the review and possible amendment of all national laws and policies impacting on aspects of children's lives and their relationships with others as well as measures to ensure the implementation of children's rights (such as the creation of relevant institutional structures, data collection, awareness raising and training, and the development of appropriate policies and programmes). Strode & Grant (2011:2) further state that regional human rights instruments and documents, for example, Article 1(1) of the African Charter on the Rights and Welfare of the Child (ACRWC), also urge states to take active measures to review and reform law to give effect to the rights of the child.

In applying a rights-based perspective that is tuned to the South African context, the important question to ask is whether the South African policies support such links like the UNCRC and, if so, how rights are ascribed to children through legal means (Dawes, Bray & Van der Merwe, 2007). In seeking to promote respect for the rights of the child, it is important first to identify the existing machinery for achieving this objective (Ncube, 1998). South Africa ratified the UNCRC in 1995 as well as the ACRWC in 2000. In line with these international and regional standards, section 28(1)(a) to (h) of the South African Constitution guarantees the child's right to a name and a nationality from birth, to family care or parental care, or to appropriate alternative care when removed from their family environment, to basic nutrition, shelter, basic health care services and social services, to be protected from abuse, neglect, premature or exploitative employment, unnecessary

detention and if detention is unavoidable, exposure to conditions which are unsuitable for children (Republic of South Africa, 1996).

In addition, the Children's Act brings South Africa's child care and protection law in line with the Bill of Rights and international law. It seeks to afford children the necessary care, protection and assistance so that they can develop to their full potential (Republic of South Africa, 2005). Therefore, this makes applying a rights-based perspective in the study of child care and protection in the Buffalo City Metropolitan Municipality an undertaking that should not be foreign. It is crucial in that a rights-based perspective identifies and addresses the underlying causes of rights abuses, addresses gaps in the realisation of children's rights and implements policy and practice changes.

1.4 GOALS AND OBJECTIVES

The goal of the study is to gain an understanding of the perceptions of social workers regarding the rights of children to care and protection. In order to achieve this goal, the following objectives have been formulated:

- To describe the rights of children to care and protection within the context of international, regional and South African policy documents and legislation from a rights-based perspective.
- To describe the services rendered by social workers in protecting the rights of children to care and protection as well as the challenges experienced in the execution of these services.
- To investigate the perceptions of social workers regarding the rights of children to care and protection in the Buffalo City Metropolitan Municipality.
- To make recommendations about social work practice with regards to the rights of children to care and protection from a rights-based perspective.

1.5 RESEARCH DESIGN AND METHODOLOGY

1.5.1 Literature Review

De Vos, Strydom, Fouché & Delport (2011) are of the view that the review of literature is important as it serves as a theoretical framework of the study, it helps to shed light on where the study fits into the broader debates as well as to justify the gap that the research is covering and its value within the broader research enterprise.

In giving a general review of the research topic, a comprehensive literature review was completed before the empirical study. The literature review highlighted the value and the appropriateness of the research within the broader research enterprise; it provided an understanding about the rights of children to care and protection within a South African context.

1.5.2 search Approach

The study made use of a qualitative approach that was especially useful in this study as the researcher sought to investigate the perceptions of social workers through tapping into their views on the rights of children to care and protection in the Buffalo City Metropolitan Municipality. Empirically studying this issue resulted in a more comprehensive understanding of the rights of children to protection and care. To this end, employing a quantitative approach was limited to be the best option or to be co-used with the qualitative approach because it assumes that natural events are predictable and that theories are composed of variables (De Vos, *et al.*, 2011) which can be measured by numbers whereas this study was concerned with describing and exploring the subject matter where the importance of the primary first-hand knowledge of the researcher could not be overemphasized. To add on, the qualitative approach also enhanced the ability of the researcher to get a deeper understanding on the subject matter.

1.5.3 search Design

Exploratory and descriptive research designs were employed in this study. According to De Vos *et al.*, (2011:95) exploratory research is conducted in cases where the researcher hopes to develop insight into a situation, phenomenon, community or individual. The need for such research could, for example, arise out of a lack of information on a certain topic or area of interest (De Vos *et al.*, 2011:95; Bless, Higson-Smith & Kagee, 2009:43). Therefore, this design fitted well within the goal of the study because little was known by the researcher concerning the perceptions of social workers regarding the rights of children to care and protection.

De Vos *et al.* (2011:96) argue that descriptive research presents a picture of the specific details of a situation, social setting or relationship and focuses on the how and why questions. They further state that descriptive research can have a basic or applied research goal and can be qualitative and quantitative in nature (De Vos *et al.*, 2011:96). Therefore, the use of this design in this study allowed for a more intensive examination of

phenomena under study and their deeper meaning thereby leading to a thicker description (De Vos *et al.*, 2011) of perceptions of social workers regarding the rights of children to care and protection. The use of this design together with the exploratory research has thus allowed for the development of knowledge with regards to the topic of research as well as a detailed description about the rights of children to care and protection and the social workers' responsibilities in the implementation of child protection services.

1.5.4 ampling

De Vos *et al.* (2011:223) define a sample as comprising elements or a subset of the population considered for actual inclusion in the study. They further argued that sampling is studied in an effort to understand the population from which it was drawn. Non- probability sampling methodology and specifically purposive sampling was utilised. Non- probability sampling is a technique which is utilised where the chances of selecting a particular individual are not known due to the fact that the researcher does not know the population size or the members of the population (De Vos *et al.*, 2011:231). In discussing purposive sampling De Vos *et al.* (2011:232) state that this type of sample is composed of elements that contain the most characteristics, representative or typical attributes of the population that serve the purpose of the study best. This sample type is normally used in qualitative research and it was therefore correlated with the selected research approach.

The criteria for inclusion in the sample for the study was the following: a social worker who was working for a designated Child Protection Organisation for a minimum of one year, a social worker who was knowledgeable of the Children's Act, a social worker who had previously rendered child protection services, and a social worker who was proficient in English as the researcher did not have access to a translator and was therefore unable to adequately interview social workers of other languages. The sample was made up of 22 social workers employed in the five Child Protection Organisations within the Buffalo City Metropolitan Municipality.

1.5.5 ment of data collection

The study made use of a semi-structured interview schedule during the one-on-one in-depth interviews with the social workers. According to De Vos *et al.*, (2011:342) an interview is a social relationship designed to exchange information between the participant and the researcher. An interview was therefore an appropriate instrument for data collection for this study. Semi-structured interviews are used in order to gain a

comprehensive picture of a participant's belief about, or perceptions or accounts of a particular topic (De Vos *et al.*, 2011:351). They further argued that semi-structured interviews are especially suitable when one is particularly interested in complexity, process, or when an issue is controversial or personal. The topic of the research was complex as participants were likely to give different views. This made the semi-structured interviews to be the most effective instrument to help in gaining an understanding of the perceptions of social workers regarding the rights of children to care and protection. All semi-structured interviews with the participants were audio recorded subject to the participant's consent and were transcribed after each interview. The interviews took place in a secure office at the organisations that were included in the study. The duration of an interview was between 45 minutes to one hour.

1.5.6 alidity and reliability

Validity and reliability are two of the most important ways of evaluating social research (Bryman, 2012:46; 168). Reliability seeks to answer the question of whether the results of a study can be repeated. The semi-structured interview schedule was used to collect data from participants (appendix) for utilisation by other researchers wanting to repeat the study. Additionally, Bryman (2012:390) states that the concept of „dependability“ is commonly employed as an alternative to reliability in qualitative research. Researchers are therefore encouraged to employ an auditing approach to ensure that all phases of the research process are kept. In this auditing process, peers would then be used as auditors. Therefore, the researcher transcribed all interviews with participants, which can be accessed upon request.

In terms of validity, Bryman (2012:168) states that validity “is concerned with the integrity of the conclusions that are generated from a piece of research”. Further, that another way of defining validity is “whether a measure of a concept really measures that concept.” In executing this study, the researcher focused on face validity; that is, “when the measure apparently reflects the content of the concept in question” (Bryman, 2012:170). This was done through conducting a pilot study to determine whether the measure was seemingly getting at the concept that was the focus of attention. The pilot study was conducted successfully and certain changes were made to the semi-structured interview schedule.

1.5.7 pilot study

A pilot study was conducted successfully before the main study was implemented. Necessary changes were made to the semi-structured interview schedule. Three respondents qualifying for inclusion in the study formed part of the pilot study. De Vos *et al.* (2011:237) acknowledge that the most encompassing definition of a pilot study is that given by Bless, Higson-Smith & Kagee (2006:184) who defined it as a “small study conducted prior to a larger piece of research to determine whether the methodology, sampling instruments and analysis are adequate and appropriate.”

1.6 DATA PROCESSING PROCEDURE

This section gives an explanation of the procedures that were used for processing and interpreting the qualitative data obtained through the empirical investigations.

1.6.1 Qualitative Data analysis and Interpretation

Since a qualitative approach was adopted in this study the analysis was also done qualitatively. This study utilised content thematic analysis and the data was presented using narratives. The analysis included reducing large volumes of raw information, sifting significance from trivia, identifying significant patterns and constructing a framework for communicating the essence of what the data revealed (De Vos *et al.*, 2011:397). Qualitative data were organised into themes, sub-themes and categories and were illustrated by narratives of the participants.

1.7 CLARIFICATION OF KEY CONCEPTS

The following section is a discussion on key concepts and includes concepts such as human rights, child rights, child, child protection organisation, social worker and care and protection.

1.7.1 Human rights

In defining human rights, Nowak, Boltzmann, Klok & Schwarz (2005:1) argue that human rights are rights that every human being has by virtue of his or her human dignity. They further argued that human rights define relationships between individuals and power structures especially the State. Kelsey & Peterson (2003:4) argue that the term „human rights“ refers to a set of rights that each human is equally entitled to. They further state that

human rights affirm that, as human beings, we are all entitled to equal treatment and opportunities, despite our origin, gender, economic situation, ethnicity, and so on.

1.7.2 ts

Child rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to all people everywhere (UNCRC, 1989).

1.7.3 1.7.3 Child

The Children's Act (Republic of South Africa, 2005) as well as the Constitution of South Africa (Republic of South Africa, 1996) defines a child as any person under the age of 18. This is in line with the UNCRC (1989) and the ACRWC (1990) which also defines the child as any person who has not reached the age of 18 unless a different age of maturity is specified in any country's law.

1.7.4 ection Organization

The Children's Act defines a designated child protection Organisation as an Organisation designated in terms of section 107 to perform designated child protection services (Republic of South Africa, 2005).

1.7.5 cial Worker

A Social Worker means a person who is registered or deemed to be registered as a Social Worker in terms of the Social Services Professions Act, 1978 (Act 110 of 1978) (Republic of South Africa, 2005:17).

1.7.6 and protection

According to the Children's Act, the concept of care and protection in relation to a child, includes, where appropriate (a) within available means, providing the child with: a suitable place to live, living conditions that are conducive to the child's health, well-being and development and the necessary financial support; (b) Safeguarding and promoting the well-being of the child; (c) protecting the child from maltreatment, abuse, neglect, degradation, discrimination, exploitation and any other physical, emotional or moral harm or hazards; (d) respecting, protecting, promoting and securing the fulfilment of, and guarding against any infringement of, the child's rights set out in the Bill of Rights and the

principles set out in Chapter 2 of the Children's Act ; (e) guiding, directing and securing the child's education and upbringing in a manner appropriate to the child's age, maturity and stage of development; (f) guiding, advising and assisting the child in decisions to be taken by the child in a manner appropriate to the child's age, maturity and stage of development; (g) guiding the behaviour of the child in a humane manner; (h) maintaining a sound relationship with the child; (i) accommodating any special needs that the child may have; and (j) generally, ensuring that the best interest of the child is the paramount concern in all matters affecting the child (Republic of South Africa, 2005:11).

1.8 TIME SCHEDULE

The study was executed from the 3rd of March 2014 to the 9th of November 2015. The first draft of the proposal was concluded by the end of August 2014. Literature study chapters were completed thereafter and finalised by mid-August 2015. Data collection was done from mid-August to end of August 2015. The information is presented by means of an empirical study which was completed by October 2015 after which the conclusions and recommendations were submitted. The final research report was submitted on the 9th November 2015.

1.9 RESEARCH AREA

Information for the empirical study was collected during personal interviews with social workers working for child protection organisations in the Buffalo City Metropolitan Municipality. Organisational permission was obtained in order for the researcher to gain access to the study participants.

1.10 ETHICAL CONSIDERATIONS

1.10.1 Ethical clearance

The research was conducted under guidance and supervision from the Social Work department at the University of Stellenbosch. Ethical clearances from the institutions where participants are employed were drawn as well as that from the University of Stellenbosch was sought before the research was conducted with participants. The proposal was submitted to the Departmental Ethics Screening Committee (DESC) of the University of Stellenbosch for approval as low risk research and it was approved (REC- 050411-032). In addition, the researcher followed the rules and procedures as indicated in the proposal in terms of assuring confidentiality for the information that was gathered.

1.10.2 Ethical Issues

1.10.2.1 Avoidance of harm

The researcher protected the participants in all ways from any form of physical discomfort that could have resulted from the research project. The researcher did this by thoroughly informing participants before they participated in the research of any possible risk involved in the research. De Vos *et al.* (2011:115) argue that “such information offers the respondents the opportunity to withdraw from the investigation if they so wish.”

1.10.2.2 tary participation

De Vos *et al.* (2011:116) are of the view that participation should always be voluntary and no one should be forced to participate in a project. To ensure this, the researcher informed all participants, before the study began, that it was entirely based on their choice in taking part in the research study and that they could at any stage choose to discontinue their participation.

1.10.2.3 formed Consent

De Vos *et al.* (2011:117) draw attention to the fact that, in obtaining informed consent, all possible or adequate information on the goal of the investigation, the expected duration of the participant’s involvement, procedures to be followed during the investigation, possible advantages and disadvantages and dangers to which participants may be exposed, as well as the credibility of the researcher must be rendered to the potential subjects. At the onset, the researcher explained in detail the topic of the interview. A full non-technical and clear explanation was given of the role and tasks expected of the participants so that they could make an informed choice to participate in the research voluntarily. After all explanations were completed the researcher requested the participants to complete consent forms that would contain the same information that was expatiated on.

1.10.2.4 fidentiality

Confidentiality means that only the researcher and possibly a few members of his or her staff should be aware of the identity of the participants and that the staff should also have a commitment towards confidentiality (Babbie, as quoted in De Vos *et al.*, 2011:120). In the context of this study, only the researcher is aware of the names of participants and the interviews were and will not be linked to the specific participants since no personal identifying information was requested. The information gathered is stored in a safe place in

a locked cabinet accessible to the researcher only where participants' identities will not be revealed. The information is only accessible to the researcher.

1.10.2.5 ation

No compensation in any form was given to the participants.

1.11 LIMITATIONS OF STUDY

Certain limitations of this study need to be acknowledged. Firstly, the external validity is limited to generalisations within the Buffalo-city Metropolitan Municipality in the Eastern Cape Province, as social workers in child and family welfare organisations offering child protection services interviewed in this study worked exclusively in this area. Similar studies would therefore need to be carried out in the eight other provinces of South Africa in order to obtain comprehensive insights into the care and protection of children in South Africa.

1.12 PRESENTATION

Chapter 1-The research proposal

Chapter 2- Objective 1- To describe the rights of children to care and protection within the context of international, regional and South African policy documents and legislation from a rights-based perspective.

Chapter 3- Objective 2- To describe the services rendered by social workers in protecting the rights of children to care and protection as well as the challenges experienced in the execution of these services.

Chapter 4- Objective 3- To investigate the perceptions of social workers regarding the rights of children to care and protection in the Buffalo City Metropolitan Municipality.

Chapter 5- Objective 4- Conclusion and recommendations about social work practice with regards to the rights of children to care and protection in the context of a rights-based perspective.

CHAPTER TWO

THE RIGHTS OF CHILDREN TO CARE AND PROTECTION IN THE CONTEXT OF INTERNATIONAL, REGIONAL AND SOUTH AFRICAN POLICY DOCUMENTS AND LEGISLATION: A RIGHTS-BASED PERSPECTIVE

2.1 INTRODUCTION

The rights of children to care and protection are clearly laid out in the International (UNCRC, 1989), Regional (ACRWC, 1990) and South African policy documents and legislation. The Constitution of South Africa (Act 108 of 1996) and the Children's Act (Act 38 of 2005) are seen as relevant frameworks in the study of the rights of children to care and protection in South Africa. The development of the South African policy documents and legislation had their roots in the international and regional policy documents reflecting the application of a rights-based perspective. For instance, on an international level, South Africa ratified the UNCRC in 1995 and on a regional level South Africa ratified the ACRWC in 2000. The international, regional and domestic policies as mentioned above provide a prominent place for children within the human rights landscape.

The purpose of this chapter is to describe the rights of children to care and protection within the context of international, regional and South African policy documents and legislation from a rights-based perspective to achieve the first objective of the study. In seeking to accomplish this purpose, the chapter starts with a discussion of the conceptual issues in relation to the rights of children to care and protection. This is followed by a discussion on a rights-based perspective and its application in the context of children's rights. The international (UNCRC) and regional (ACRWC) policy provisions regarding the rights of children to care and protection are also described while reflecting on their influence in the development of South Africa's policy documents and legislation from a rights-based perspective. The chapter ends with a discussion of the South African Constitution and the Children's Act in line with the rights of children to care and protection.

2.2 CONCEPTUALISING HUMAN RIGHTS

Rodger (2009:4) argues that the definition of human rights is constantly evolving. As a result, various authors have defined the concept of human rights differently. However, there are common elements in their attempts to define human rights which are relevant to this study. Rodger states that human rights include the right to life, freedom and equality,

among others. Furthermore, these rights and many others should not be denied to a person based on their race, religion, gender, abilities, political opinion or age.

Ishay (2008:3) argues that human rights are universal in content and are shared equally by everyone regardless of sex, race, nationality and economic background. Lister (2010:211) attempts to give a clear and comprehensive account of the theories and concepts of contemporary social policy by highlighting that human rights belong to every human being, irrespective of their circumstances. Furthermore, by acting as a set of minimum legal standards that states must respect in how they treat people, human rights serve to make real and meaningful core values such as human dignity and worth, equality, respect, freedom and democracy. Orend (2002:33) states that a human right is a high-priority claim, or authoritative entitlement, justified by sufficient reasons, to a set of objects that are owed to each human person as a matter of minimally decent treatment.

Donnelly (2003) explains that human rights are literally the rights that one has simply because one is a human being. He argues that human rights are inalienable by the mere fact that one cannot stop being human, and that they are universal rights in the sense that today all members of the species of *Homo sapiens* are considered human beings and thus holders of human rights. In taking the matter further, Decker, McInerney-Lankford & Sage (2001:3) point out that human rights belong to all human beings and protect individuals and/or groups from actions and omissions of the state and some non-state actors that affect fundamental human dignity. In their view human rights are based on a theory that assumes respect of the human dignity of individuals and their entitlement to have basic autonomy and freedoms, as well as satisfaction for their basic needs as its starting point. While such rights are founded on moral principles and conceived of in terms of inherence, universality and indivisibility, they are, at core, (legal) guarantees against actions and omissions. From the above discussions, it is clear that human rights are those basic rights and freedoms to which all humans are considered to be entitled to. The rights of children, in the context of this study, fits quite comfortably within Decker *et al.* (2001:3) view which allows for human rights to protect individuals or groups from both omissions of state and some non-state actors that affect fundamental human dignity. The UNCRC defines child rights as minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability.

2.4 DEFINING A CHILD

A child is primarily defined by age, with most common agreement being 18 years (Fintel & Zoch, 2015:1; Skinner, Tsheko, Mtero-Mnyati, Segwabe, Chibatamoto, Mfecane, Chandiwana, Tlou & Chitiyo, 2004:8). Article 1 of the UNCRC (1989) defines a child as any person under the age of 18, unless the national law applicable to the child provides otherwise. Article 2 of the ACRWC (1990:3) defines a child as every human being up to the age of 18 years.

In line with the UNCRC and the ACRWC, section one of the Children's Act (Republic of South Africa, 2005) as well as section 28(3) of the Constitution of South Africa (Republic of South Africa, 1996) defines a child as any person under the age of 18. According to Spijker (2013) the importance of defining the concept of a child speaks for itself since it determines to which specific rights a person up to 18 years is entitled to.

2.5 CARE AND PROTECTION OF CHILDREN IN THE CONTEXT OF SOUTH AFRICA

The care and protection of children in the South African context entails safeguarding and promoting the well-being of the child, protecting the child from maltreatment, abuse, neglect, degradation, discrimination, exploitation and any other physical, emotional or moral harm or hazards. In addition, care and protection requires respecting, protecting, promoting and securing the fulfilment of, and guarding against any infringement of, the child's rights as set out in section 28 of the South African Constitution (Republic of South Africa, 1996:8). In section 28(1) (a) to (h) of the South African Constitution (Republic of South Africa, 1996:10) guarantees are given for children's rights to a name and a nationality from birth, to family care or parental care, or to appropriate alternative care when removed from their family environment. It further guarantees children the rights to basic nutrition, shelter, basic health care services and social services. In terms of the same section, children have the right to be protected from abuse, neglect, premature or exploitative employment, unnecessary detention and if detention is unavoidable, exposure to conditions which are unsuitable for children.

The care and protection of children is clearly laid out in section 1 of the Children's Act (Republic of South Africa, 2005:11). According to this section, the concept of care in relation to a child entails that, where appropriate and within available means, the child must be provided with a suitable place to live with living conditions being conducive to the child's health, well-being and development as well as the necessary financial support.

Moreover, the concept of care necessitates guiding, directing and securing the child's education and upbringing in a manner appropriate to the child's age, maturity and stage of development. In addition, the concept of care is also explained as guiding, advising and assisting the child in decisions to be taken by the child in a manner appropriate to the child's age, maturity and stage of development, guiding the behaviour of the child in a humane manner, maintaining a sound relationship with the child as well as accommodating any special needs that the child may have. Lastly, the concept of care requires that the best interest of the child be ensured as the paramount concern in all matters affecting the child.

2.6 A RIGHTS-BASED PERSPECTIVE TO CARE AND PROTECTION OF CHILDREN

This study departs from a rights-based perspective to the care and protection of children informed by the UNCRC. UNHCHR (2006:15) defines a rights-based perspective as a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.

UNICEF (2011) states that a rights-based perspective mainly aims at advancing the realisation of human rights as laid down in the Universal Declaration of Human Rights and other major human rights instruments. Boesek & Martin (2007:11) argue that one of the most important dynamics of a rights-based perspective is that every human being is a rights-holder and that every human right has a corresponding duty bearer. They further maintain that the right holder is entitled to claim rights, hold the duty bearer accountable and has a responsibility to respect the rights of others. According to the Goonesekere (n.d), a rights-based perspective integrates norms, standards and principles of the international human rights system into plans, policies and processes of development. These are the norms and standards that are contained in the international treaties and declarations on human rights.

In addition to the different human rights frameworks that already existed, such as the Universal Declaration of Human Rights (UDHR) of 1948, the United Nations adopted the UNCRC in 1989 so as to provide a framework for pursuing the respect for, and guaranteeing the rights of children. The UNCRC is an international policy that provides a specific framework for a rights-based perspective to care and protection of all children. The UNCRC allows for children to be viewed as bearers of human rights taking into account the obligations of duty-bearers (Blokland, 2011:10). In Article 4 of the UNCRC, it is stated

that governments shall undertake all appropriate legislative, administrative and other measures for the implementation of child rights (UNCRC, 1989).

2.6.1 neral principles of a rights-based perspective

There are seven principles which guide the application of a rights-based perspective. These principles include; universality and inalienability, indivisibility, interdependence and interrelatedness, equality and non-discrimination, participation, empowerment, as well as accountability and rule of law. The application of these human rights principles to the development process forms the fundamental basis of a rights-based perspective which will be discussed (UNICEF, 2007).

2.6.1.1 Universality and Inalienability

In terms of the first principle of a rights-based perspective human rights are universal and inalienable, meaning that all people everywhere in the world are entitled to human rights. Automatically, an individual cannot voluntarily give them up nor can others take them away. According to UNICEF (2007:10) Article 1 of the Universal Declaration of Human Rights states that all human beings are born free and equal in dignity and rights. In the context of children, this means that all rights as contained in the UNCRC are of equal importance and must therefore be equally applied to all children irrespective of their ethnic origin, beliefs and practices, geographic location, gender, economic and social status. However, it is important to give priority to those children who are most disadvantaged in order to support their rights because all children should be able to realise their rights.

2.6.1.2 Indivisibility

According to the second principle of a rights-based perspective, human rights are indivisible; that is to say, whether civil, cultural, economic, political or social, human rights are all inherent to the dignity of every person. Consequently, they all have equal status as rights and cannot be ranked in a hierarchy (UNICEF, 2007). For children, the principle of indivisibility implies ensuring that the rights of the whole child are met through attending to their physical, developmental, psycho-social and spiritual needs. Thus, the provisions contained within the different articles of the UNCRC are deeply connected to each other, to the extent that recognising and fulfilling one and neglecting the other would result in a distortion of implementation of that particular policy. For example, denying a child the right to birth registration as contained in Article 7 of the UNCRC could affect the child's right to education as set out in Articles 28 and 29 of the UNCRC (UNCRC, 1989).

2.6.1.3 Interdependence and interrelatedness

The third principle rests on the interdependence and interrelatedness nature of human rights. The realisation of one right often depends, wholly or in part, on the realisation of others. For example, realisation of the rights of children to protection from neglect, abuse and exploitation may depend on the realisation of the right to social services (UNICEF, 2007).

2.6.1.4 Equality and Non-discrimination

The fourth principle is equality and non-discrimination which states that all individuals are equal as human beings, and that by virtue of the inherent dignity of each person, they are entitled to their rights without discrimination of any kind. Accordingly, a rights-based perspective requires a particular focus on addressing discrimination and inequality.

In Article 2, the UNCRC (1989) states that governments shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Article 2 is important when applying a rights-based perspective to the care and protection of children, because it stresses the importance of applying all rights equally to all children irrespective of their backgrounds.

In the case of children, discrimination may take the form of malnutrition, inadequate care and attention, restricted opportunities for play, learning and education; or inhibition of free expression of feelings and views. Discrimination may also be expressed through harsh treatment of children and unreasonable expectations which may be exploitative and abusive (Boezaart, 2009:317). For example, in cases where children live with a sick and bedridden parent, the older child especially a girl child takes on adult responsibility of looking after the younger siblings as well as taking care of the bedridden parent. These conditions suggest that this child is deprived of parental care and protection as well as restricted opportunities for play.

2.6.1.5 Participation

The principle of participation rests upon the view that every person and all people are entitled to active, free and meaningful participation in contribution to, and enjoyment of,

civil, economic, social, cultural and political development, through which human rights and fundamental freedoms can be enjoyed (UNICEF, 2007). In relation to children, this principle sees a child as a person, who is a subject of his or her own rights and an active participant in his or her development (Hodgkin & Newell, 1998:147). In stressing the principle of participation, the UNCRC carries with it the belief that the child has the potential for his or her own development, while the family and the community play the eventual role of maintaining a protective, caring and stimulating environment in which to foster that development. Thus, the UNCRC provides for the child's role to participate in such a way that is specifically linked to the child's evolving capacities and best interests, as there is a balance between protection and care and freedom (Collins, Pearson & Delany, 2002:3).

2.6.1.6 Empowerment

The sixth principle stresses the importance of empowerment. Empowerment is the process by which people's capabilities to demand and use their human rights, grows. In the context of this principle, people are empowered to claim their rights rather than simply wait for policies, legislation or the provision of services. Thus, initiatives should be focused on building the capacities of individuals and communities to hold those responsible to account. The goal is to give people the power and capabilities to change their own lives, improve their own communities and influence their own destinies (UNICEF, 2007).

Moreover, people (including children) should be empowered to make decisions concerning their own lives, and special attention should be paid to the most marginalised and excluded people in society so that they may also realise their rights (Collins, *et al.*, 2002:5; Kapoor, 2010:11). Until very recently, children's rights were not fully recognised. Instead, the language of compassion and charity was used, and to some extent of protection and possession. However, without a rights-based perspective, the language of compassion and charity can diminish children's capacities rather than uplift them (Collins, *et al.*, 2002:3). Under the provisions of the UNCRC, children are not viewed as objects of compassion or pity, but as the subjects of human rights in terms of international law (International Institute for Child Rights and Development (IICRD), 2007:3).

2.6.1.7 Accountability and rule of law

The seventh principle is based on accountability and respect for the rule of law. The principle of accountability defines a fundamental purpose of a rights-based perspective. A

rights-based perspective identifies the duties and obligations of those (government and others) against whom claims can be made and who can be held accountable when rights are not being met (Collins *et al.*, 2002; McInerney-Lankford, 2010:34).

A rights-based perspective places a moral and legal obligation on states to make sure that everyone's rights are being respected and to determine and remedy those cases where this is not happening. By ratifying human rights treaties, states accept the responsibility of implementing the rights enshrined therein whereby states become legally accountable (UNICEF, 2003; Invernizzi & Williams, 2013). States parties to the UNCRC are required to realise the rights of every child under their jurisdiction and to act in the best interests of the child with their total available resources. Thus, respect for children's rights to care and protection is not an option, but an obligation. Reporting to the Committee on the rights of the Child is one method by which states can be held accountable for their UNCRC obligations (Collins *et al.*, 2002:4; Invernizzi & Williams, 2013). The government of South Africa has to report to the Committee on the rights of the Child on the country's implementation of the UNCRC. This reporting assists in the vital monitoring function by the Committee and for South Africa to measure its gaps and successes in realising the rights of children.

In conclusion, the principles of a rights-based perspective are the ones that guide the implementation and enjoyment of human rights in South Africa. Consequently based upon these principles citizens as holders of human rights are able to check whether their rights are either being respected or being violated, thus ensuring that the actions of duty bearers (government or the state) are in tandem with those principles.

2.6.2 cs in the application of a rights-based perspective

There are various critics in the application of a rights-based perspective as will be discussed in this section. Ferguson (2011:5) argues that a rights-based perspective is underwritten by what is described as legal positivism, whereby human rights are said to exist only because of the various legal institutions that have been put in place which apply human rights and make claims based on legal rather than moral grounds. Ferguson (2011:6) citing Langlois (2009) states that in countries that lack strong legal or political institutions it is often the case the most important cause to fight for is that of human rights, even though it may be difficult to do so if the institutions required to uphold human rights are not effective.

The coherence critique to a rights-based perspective argues that human rights are entitlements that require correlated duties. This means that we cannot talk about rights without specifying whose duty it is to guarantee the fulfilment of such rights. Thus, rights can be sensibly formulated only in combination with correlated duties. In line with this argument, Sen (2001:230) states that a person's right to something must be coupled with another agent's duty to provide that something to the right holder. In the context of children's rights, children depend on adults to fulfil their rights to care and protection. Thus, a rights-based perspective tends to be limited in situations where children live in abusive households where they are rendered vulnerable, powerless and depend on the abuser or others to articulate and protect their rights (Makoe, Richter & Jubber, 2012). For instance, in many cases, mothers are likely to be the main perpetrators of neglect while male relatives and acquaintances are accountable for the majority of sexual offences against children (Makoe, 2014).

The cultural critique views human rights as being in the domain of social ethics. The cultural critique argues that human rights demand universality where there are no such universal values (Sen, 2001:228). In line with this argument, Ferguson (2011:5) states that current conceptions of human rights largely took root in the Western world. Critics thus claim that since the rights advocated for are perceived as universal in nature, the system

risks perpetuating cultural relativism. It also encourages a lack of respect for non-Western traditions. He argues that human rights can thus be associated with forms of imperialism. According to Sen (2001:231), this line of critique is perhaps more engaging, and has certainly received more attention. In the context of children, Woodhead (2005:9) states that generalisations found in the UNCRC are criticised for overlooking diversities in childhoods and children's experiences, including differences in the ways children learn, play and communicate, develop personal identities and social understanding. However, it is pertinent to note that despite all these criticisms levelled against the human rights approach, the right to care and protection of children is not based on legal positivism or based on social ethics, it has been promoted instrumentally through legislation, programmes as well as by other social service professions like social workers whose work involves ensuring that the right to care and protection is upheld.

2.6.3 the application of a rights-based perspective

There are more strengths than weaknesses in applying a rights-based perspective in the care and protection of children and these will be discussed in this section. A rights-based

perspective is of great importance to the care and protection of children because within a rights-based perspective, care and protection is not provided to children as an act of adult benevolence as care and protection must be provided to all children without discrimination and on conditions that are beneficial to children's well-being (Bessell & Gal, 2009:287). This is significant in terms of challenging the situations and use of power for instance by adults against children. From this perspective and in the context of children's rights, a rights-based perspective serves as a powerful social instrument.

A rights-based perspective further identifies and addresses the underlying causes of rights violations, addresses gaps in realising children's rights, implements policy and practices changes. This is achieved through strengthening the capacity of duty-bearing institutions and individuals and by increasing their accountability for the achievement of children's rights (Save the children, 2014:1; UNICEF, 2007:13). A rights-based perspective also strengthens the capacity of rights holders, in this case children, to take action in order to achieve their rights and to hold duty bearers accountable; the aim being to make sustained improvements to the lives of individuals, particularly the most marginalised.

In addition, where other perspectives, for instance the needs-based perspective, tends to address symptomatic problems of children through welfare provision, a rights-based perspective addresses the root causes of children's rights violations and support children and young people to participate in achieving their legal entitlements (Save the children, 2014:1; Connolly & Ward, 2008:146). Their participation can be through action in their own lives and through claiming their rights from those who have been identified as responsible duty bearers.

A children's rights-based perspective recognises that children are capable human beings and that they have particular needs, and rather than starting with generalised assumptions of needs, what has been called a deficit model of childhood, a children's rights-based perspective starts with agreed declarations of enforceable rights and a commitment to children and young people's participation in achieving these (Save the Children, 2014:1). This means that, in applying this perspective, children who are capable of making decisions are given an opportunity to express their views concerning their lives rather than having adults assuming what the needs of the children are. Goonesekere & Alwis (2005:3) state that a rights-based perspective is effective because it involves the community and when using a participatory approach together with a rights-based perspective it can help reduce resistance to change and create a sense of ownership.

According to Sen (2001:227) the concept of human rights is still very important and that it has acquired something of an official status in international discourse. Sen continues that weighty committees meet regularly to talk about the fulfilment and violation of human rights in different countries in the world. The topic of human rights has also become an important part of the literature on development. According to Olowu (2009:16) there is consensus that a rights-based perspective and the full realisation of human rights should be a vital goal of development efforts. Therefore, it is clear that despite its critics, a rights-based perspective is very important when working with children. Bessell & Gal (2009:287) argues that, with this perspective the rights of children to care and protection can be respected and be provided to all children without discrimination and on conditions that are beneficial to children's well-being and not just seen as an act or a result of adult compassion.

2.7 INTERNATIONAL POLICY FOR THE RIGHTS OF CHILDREN

At an international level, the UNCRC is the most widely known and ratified human rights treaty outlining the rights of all children less than 18 years of age. It was adopted by the United Nations in November 1989 and is considered to be the cornerstone of children's rights globally. As a basic international policy, the UNCRC guides the application of a rights-based perspective in the context of children. South Africa ratified this Convention in 1995, and is thus legally bound to implement it. The ratification of the UNCRC gives children's rights the force of international and domestic law. The UNCRC is premised on the basis that children are born with fundamental freedoms and the inborn rights of all human beings, but with specific additional needs because of their vulnerability.

2.7.1 CRC and the principles of a rights-based perspective

The UNCRC incorporates the general principles of a rights-based perspective. Based on the fact that the child is the focus in this convention, the following four general principles of the UNCRC are the main basis for the realisation of children's rights: non-discrimination, best interest of the child, survival and development and participation (UNICEF, 2009; UNCRC, 1989). These guiding principles are crucial to understanding how the UNCRC can be fully implemented and have a bearing on the care and protection of children. The principles of the UNCRC provide the means by which the substantive articles are interpreted and achieved (Save the Children, 2014). The application of these human rights principles to the care and protection of children forms the fundamental basis of a rights-based perspective. The following section discusses these human rights principles.

2.7.1.1 Non-discrimination

The principle of non-discrimination is reflected in Article 2 of the UNCRC (1989) that reads that signatories “shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status” (UNICEF, 2009:9). The principle of non-discrimination emphasises the role of the state to protect children against all forms of discrimination and to take all necessary measures to promote their rights. This principle is a generally recognised principle in human rights law. In this case it implies that especially the rights of children should be guaranteed (Blokland, 2011:12).

2.7.1.2 Best interests of the child

The best interests of the child is mentioned in Article 3(1) of the UNCRC (1989) which states that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. This means that all decisions about children should be in their best interest, and all measures of care and protection should benefit the child and ultimately lead to a positive development or change in their situation.

This best interests of the child principle comprises a procedural rule, it governs how we make decisions with regard to children. It is a legally binding rule that states must follow. Logan (2008:1) argues that the principle does not state that children’s interests always come first, since the aim of the rule is not to infringe on the rights of others, but to facilitate an examination of the interests of a vulnerable group. Children’s best interests should therefore be considered in relation to all actions concerning them, that is when the action directly affects them or regards or touches them.

This principle, according to UNICEF (2009:9) endeavours to redress the low priority often given to children's interests when there are strong, competing interests. It places an obligation on decision makers, budget, and law and policy makers to always consider whether a decision will have an impact on a child’s life, to assess what that impact will be, and to elevate children's interests to the level of a primary consideration in the final decision.

2.7.1.3 Survival and development

In addition, the principle of survival and development is stressed in Article 6 where the Convention states that every child has the inherent right to life and that states parties shall ensure to the maximum extent possible the survival and development of the child (UNICEF, 2009:9). Children have the right not just to life as is established for all human beings through the Declaration on Human Rights but more specifically they have the right to the maximum available resources that are necessary to support them to achieve their maximum possible potential. It is the obligation of the state, but also other duty-bearers, to make sure that a child's survival and development is guaranteed (Blokland, 2011:12).

2.7.1.4 Participation

Article 12 of the UNCRC and the other key civil rights in the UNCRC recognise the child as an active agent in the exercise of his or her own rights. This right of active engagement has been broadly conceptualised as participation even if the term itself is not used in this article (Lansdown, 2011:3). Article 12 of the UNCRC specifies that states parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child (UNICEF, 2009:9).

The child's role to participate as provided in Article 12 is linked to the child's evolving capacities and best interests, as there is a balance between protection and care and freedom (Petrén & Hart, 2000:43). This means that when adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This does not mean that children can now tell their parents what to do this article encourages adults to listen to the opinions of children and involve them in making decisions. Article 12 does not interfere with parents' rights and responsibility to express their views on matters affecting their children. Therefore when parents or adults listen to their children, it leads to a better understanding of the realities of children's lives and to understanding the causes of violated rights. It means engaging with children as citizens who are able to contribute to their own development (Save the Children, 2014:1).

2.7.2 The rights of children to care and protection in the UNCRC

Among other rights, the UNCRC recognises children's rights to care and protection. It reaffirms the fact that because of their vulnerability children need special care and

protection. Regarding the right of children to care, special emphasis is placed on the primary caring and protective responsibility of the family. The preamble of the UNCRC emphasises the role of the family as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children (UNCRC, 1989; UNICEF, 2009). It stresses the role of parents as the primary care-givers with a responsibility for the upbringing of their children and obliges governments to support parents in fulfilling their essential role (UNCRC, 1989; Children's Rights Alliance, 2010:1).

The Convention has been presented as setting up conflict between children and parents, between children and teachers and between children and their community. Yet in fact, the convention tries to strike a delicate balance between, on the one hand the evolving capacity of the child to exercise his or her rights on his or her own account and on the other, the guidance to be provided by parents and the ultimate protection to be provided by the community or the government. In this way, the convention seeks to recognise the interests of all those involved in the care and development of children. But it places the individual child in his or her community as the central point, the focus of legal and political activity so far as children are concerned (Fatorre, Manson & Sidoti, 2005:19).

Within a rights-based perspective the state's obligations to respect, fulfil and protect human rights can be invoked with authority, in the case of this study on the basis of the UNCRC. The obligation to respect indicates the obligation for the state to refrain from unnecessary interference with the enjoyment of human rights. The obligation to fulfil means that the state should take all possible legal, judicial, administrative and practical measures to guarantee the implementation of human rights. Finally, the obligation to protect includes the duty to protect all individuals against human rights violations by non-state actors (Blokland, 2011:14-15). This last obligation is obviously applicable in the case of protecting children in any situation or environment against abuse, neglect and exploitation by other individuals. Accordingly the state is responsible for the protection of these children. In conclusion, Rosa & Dutschke (2006:4) contend that the UNCRC is an essential legal instrument that gives orientation into the right of care and protection of children whilst shedding light on the position and duty of other stakeholders such as the government and families among other things.

2.8 REGIONAL POLICY FOR THE RIGHTS OF CHILDREN

The African Charter on the Rights and Welfare of Children (ACRWC) was adopted by the African Union (AU) in 1990 but it was entered into force only in 1999. In 1997, South Africa

signed the ACRWC and finally ratified it in 2000. Similarly to the UNCRC, the ACRWC preamble sets the background against which it should be interpreted.

In its preamble, the ACRWC recognises that the situation of most African children remains critical owing to their socio-economic, cultural, traditional and developmental circumstances. In addition, it also recognises that children need special safeguarding and care due to the presence of natural disasters, armed conflicts, exploitation and hunger, and their physical and mental immaturity (ACRWC, 1990:1). The ACRWC also recognises the fact that since a child occupies a unique and privileged position in the African society, therefore, for the full and harmonious development of the child's personality; the child should grow up in a family environment where an atmosphere of happiness, love and understanding prevails (ACRWC, 1990:1).

In line with the UNCRC, the ACRWC contains four important general principles that are meant to assist with the interpretation and application of all other articles. Firstly, in Article 4, the best interests principle requires that in "all actions concerning children undertaken by any person or authority, the best interests of the child shall be a primary consideration" (ACRWC, 1990:3). This means that any person or authority making decisions on behalf of the child must seriously consider what would be in the best interests of the child, including any actions concerning their care and protection. Secondly, in Article 3 the principle of non-discrimination requires states parties to "take all appropriate measures to ensure that the child is protected against all forms of discrimination" (ACRWC, 1990:3). Thirdly, in Articles 4(2) and 7, the principle of participation requires states parties to "assure to the child who is capable of forming his or her views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child" (ACRWC, 1990:4). Lastly, Article 5 of the ACRWC (1990:3) mentions the child's right to "maximum survival and development". Rosa & Dutschke (2006:8) state that while „survival“ deals with the actual protection of life, the concept of „development“ is a holistic one referring to the child's physical, mental, spiritual, psychological and social development, which is aimed at preparing the child for an individual life in a free society. Thus, the application of these principles in the care and protection of children implies the application of a rights-based perspective.

2.8.1 The African Charter on the Rights and Welfare of Children (ACRWC) and the rights of children to care and protection

Several articles within the ACRWC address the rights of children to care and protection and are discussed below in line with their provisions.

2.8.1.1 Obligations of States in relation to the care and protection of children

The ACRWC commits and obligates states parties to take reasonable action towards ensuring the care and protection of children. For example, Article 20 (2) of the ACWRC (1990:10) reads that:

“.... in accordance with their means and national conditions the all appropriate measures; (a) to assist parents and other persons responsible for the child and in case of need provide material assistance and support programmes particularly with regard to nutrition, health, education, clothing and housing; (b) to assist parents and others responsible for the child in the performance of child-rearing and ensure the development of institutions responsible for providing care of children; and (c) to ensure that the children of working parents are provided with care services and facilities.”

In essence, the ACWRC (1990) further obligates states parties to carry out and ensure the progressive realisation of the rights to care and protection to children through assisting parents or guardians with material needs and even support programmes that can promote the access to resources such as housing, health and clothing among other things. These are issues that are considered to be of paramount importance to determine the well-being of a child.

2.8.1.2 Parental care and protection of children

Article 19(1) of the ACRWC (1990:9) states that “every child shall be entitled to the enjoyment of parental care and protection and shall, whenever possible, have the right to reside with his or her parents. No child shall be separated from his parents against his will, except when a judicial authority determines in accordance with the appropriate law that such separation is in the best interest of the child.”

In terms of Article 20(1), the ACRWC (1990:10) stipulates that parents or other persons responsible for the child shall have the primary responsibility of the upbringing and development of the child and shall have the duty to ensure that the best interests of the child are their basic concern at all times. Moreover, parents or other persons responsible for the upbringing of the child are required to secure, within their abilities and financial capacities, conditions of living necessary to the child's development and to ensure that domestic discipline is administered with humanity and in a manner consistent with the inherent dignity of the child.

2.8.1.3 Protection of children against all forms of maltreatments

Article 16(1) of the ACRWC requires governments to take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child (ACRWC, 1990). Article 16(2) requires that measures be taken for the establishment of special monitoring units to provide necessary support for the child and for those who have the care of the child, as well as other forms of prevention and for identification, reporting referral investigation, treatment, and follow-up of instances of child abuse and neglect (ACRWC, 1990:8). It is clear from the above that the ACRWC is a useful regional policy for the rights of children to care and protection.

2.8.1.4 The care and protection of children who are removed from their parents

The ACRWC among other legal instruments such as the UNCRC contends for the care and protection of children who are separated from their parents. For example, Article 19(2) mentions that, every child who is separated from one or both parents shall have the right to maintain personal relations and direct contact with both parents on a regular basis. Article 19(4) adds that in the case of a child being apprehended by a State Party, his parents or guardians shall, as soon as possible, be notified of such apprehension by that State Party (ACRWC, 1990:9).

In Article 25(1) the ACRWC points out that any child who is separated from his or her parents is entitled to special protection and assistance. Article 25(2) further reads that states Parties to the present Charter shall ensure that a child who is parentless, or who is temporarily or permanently deprived of his or her family environment, or who in his or her best interest cannot be brought up or allowed to remain in that environment shall be

provided with alternative family care, which could include, among others, foster placement. In the same article, States Parties are also required to take all necessary measures to trace and re-unite children with parents or relatives where separation is caused by internal and external displacement arising from armed conflicts or natural disasters. Furthermore, in Article 25(3) it states that when considering alternative family care of the child and the best interests of the child, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious or linguistic background (ACRWC, 1990:12). As with the UNCRC the Charter obliges African states to make the provisions of the Charter a reality in their domestic law.

2.9 DOMESTIC POLICIES AND LEGISLATION FOR THE RIGHTS OF CHILDREN

This section of the study serves to discuss domestic policies and legislation for the rights of children. These policies include the Constitution of South Africa and the Children's Act.

2.9.1 tion of the Republic of South Africa

The South African Constitution is praised as one of the best in the world and it serves as the supreme law of the country. The Constitution is regarded as unmatched when compared to the constitutions of other countries, because it is a rights-based constitution (Ogunbanjo & Knapp van Bogaert, 2010:13). In relation to children, section 28(1) (a) to (h) of the Constitution refers to the rights of children and were largely influenced by the provisions of the UNCRC (Killander, 2010). Section 28(1) (a) to (h) guarantees that every child has a right to a name and a nationality from birth, to family care or parental care, or to appropriate alternative care when removed from the family environment. It further guarantees children the right to basic nutrition, shelter, basic health care services and social services. It terms of the same section, children have the right to be protected from abuse, neglect, premature or exploitative employment, unnecessary detention and if detention is unavoidable, exposure to conditions which are unsuitable for children (Republic of South Africa, 1996:10-11).

In line with the UNCRC and ACRWC the Constitution requires that the child's best interests be considered of paramount importance in every matter concerning the child (Streak, Dawes, Ewing, Levine, Rama & Alexander, 2008:4). Other commitments ensuring legal protection of the rights of the child are found in the Children's Act and the Children's Amendment Act, No. 41 of 2007. Both these acts serve to further align the rights of the

child with the Constitution's Bill of Rights (Ogunbanjo & Knapp van Bogaert, 2010:13). These will be discussed in the following section.

2.9.2 The Children's Act 38 of 2005 (as amended by the Children's Amendment Act no 41 of 2007)

The Children's Act (as amended) is a comprehensive piece of legislation that employs the developmental approach in seeking to afford children the necessary care, protection and assistance so that they can develop to their full potential. In addition, a children's rights-based perspective is followed in the Children's Act.

The Act consists of 43 sections that were put into operation on 01 July 2007 and further sections that were promulgated on 01 April 2010 after the regulations were finalised. The functions of the Act include among other things, promoting the constitutional rights of children and the principles relating to their care and protection, extending provisions for children's courts and creating new offences in relation to children. The Act also recognises the international treaties that inform South African law, such as the UNCRC and the ACRWC (Donnelly, 2008).

The steps taken to protect the rights of children in the Act are intended to cause a corresponding improvement in the circumstances of families and communities in which those children will grow up and mature. It is to be hoped that children who realise their potential as a result of the services provided to them and their families will grow into well-adjusted, productive community members and citizens (Donnelly, 2008). However, of primary importance to the study is the fact that the Act provides for adequate child protection systems and enforcement.

2.9.2.1 Best Interest of the child

In line with the UNCRC (1989), ACRWC (1990) and the Constitution (1996), section 7 of the Children's Act speaks of the child's best interest. It states that, in all matters concerning the care, protection and well-being of a child, the standard that the child's best interest is of paramount importance must be applied (Republic of South Africa, 2005). This means that the child's best interest is the most important factor that social workers must always consider when making decisions regarding any protection, prevention and early intervention services provided to the child and his or her family (Mahery, Jamieson & Scott, 2011).

Section 7 of the Children's Act lists the factors that social workers must consider when deciding on the best interests of the child. According to this section whenever a provision of the Act requires the best interest of the child standard to be applied, social workers must consider the extent to which relationships between the child and parents or any caregiver are in the best interests of the child.

In addition, the child's physical and his or her intellectual, emotional, social and cultural development as well as the capacity of parents or of any other care-giver to provide for the needs of the child in terms of intellectual and emotional needs must also be taken into consideration (Republic of South Africa, 2005). In a review of studies on the importance of caregiver-child interactions for child survival and healthy development, Richter identified inattentiveness, and non-responsiveness to the child's activities as some of the caregiver attributes that diminish the quality of child care (Richter, 2004b quoted in Makoe, 2014:68).

The social workers are also required to consider the practical difficulty and expense of a child having contact with the parents as well as the need for the child to maintain a connection with his or her family, extended family, culture or tradition. In applying the best interest of the child principle, social workers must consider the need for a child to be brought up within a caring family environment.

In addition, when applying the child's best interest principle, social workers are also required to consider the age of the child, maturity, stage of development and the child's gender. The issue of disability or chronic illness that a child may have must also not be ignored by social workers in applying the best interest of the child principle in the care and protection of children (Republic of South Africa, 2005). Seedat, Van Niekerk, Jewkes, Suffla & Ratele (2009) argue that children's rights are violated through failure to provide for them, through exposure to violence, physical and sexual abuse in the community and home, and through child injury and homicide.

2.9.2.2 A child in need of care and protection

Section 150 of the Children's Act speaks to a child in need of care and protection. Under this section, a child is considered to be in need of care and protection if the child has been orphaned, abandoned, exploited and abused or neglected. In the same section, a child is also considered to be in need of care and protection if he or she exhibits uncontrollable behaviour, lives or begs on the streets, is addicted to drugs, alcohol or medication and

without access to treatment or psycho-social support. Furthermore, if the child lives in or is exposed to circumstances that may harm their physical, mental or social well-being as stipulated in section 150, he or she is also considered to be in need of care and protection. In addition, it may be considered that a child is in need of care and protection in the case that the child is a victim of child labour and is a child in a child-headed household (Republic of South Africa, 2005). From the above discussion it is clear that Section 150 of the Children's Act 38 of 2005 serves as an important provision for social workers in the identification of children who are considered to be in need of care and protection.

2.10 CONCLUSION

It is worthy to comment that, in South Africa, the development of the framework for the protection of rights of children to care and protection has been largely influenced by the UNCRC on an international level and the ACRWC on a regional level. In the context of this study, the South African Constitution together with the Children's Act make up the framework for the protection of children's rights that is constantly referred to by social workers in charge of the care and protection of children. To this end, Section 28 of the Constitution sets out the rights that every child in South Africa should enjoy and these have been given effect to in the Children's Act. It is clear from the above discussions that the application of the human rights principles i.e. non-discrimination, best interests of the child, survival and development and participation principles in the care and protection of children, form the fundamental basis of a rights-based perspective. These are the principles contained in all the policies and legislation for the care and protection of children as discussed in this chapter.

The Children's Act recognises that the protection of children's rights leads to a corresponding improvement in the lives of other sections of the community because it is neither desirable nor possible to protect children in isolation from their families and communities (Donnelly, 2008). It is therefore important for government, civil society welfare organisations, parents, caregivers and the public at large to work together to ensure the safety, care and protection of all children. The following chapter will describe the services rendered by social workers in protecting the rights of children to care and protection in South Africa. The discussions in chapter three are done from a rights-based perspective.

CHAPTER THREE

SERVICES RENDERED BY SOCIAL WORKERS IN PROTECTING THE RIGHTS OF CHILDREN TO CARE AND PROTECTION

3.1 INTRODUCTION

The main aim of this chapter is to discuss the services rendered by social workers in protecting the rights of children to care and protection. Social workers are key instruments in the protection of the rights of children to care and protection in South Africa because they are the only professionals who can be tasked to facilitate removals and investigations in respect of children in need of care and protection. Literature indicate that many families in South Africa face severe challenges in protecting and caring for their children (UNICEF, 2006) and therefore require social workers to intervene at different levels (preventative, early intervention and statutory levels) as stipulated in the government policy directives being the White Paper on Social Welfare (1997) the Children's Act and the Integrated Service Delivery Model (ISDM) of 2006. Social work services must first focus on preventative services, then on early intervention services and finally on statutory services to implement a development-orientated policy for the delivery of social work services (Department of Social Development: ISDM, 2006:29; Ministry for Welfare and Population Development: White Paper for Welfare, 1997:62).

The study acknowledges that there are challenges in communities, in families and in organisations where social workers are employed which render many children vulnerable and act as threats towards the protection of the rights of children to care and protection by social workers. Thus in the light of the community, family and organisational challenges, social workers are forced to deliver statutory services first at the expense of delivering preventative and early intervention services to children which is in contrast to the stipulations in the policy directives as per the White Paper on Social Welfare the Integrated Service Delivery Model (ISDM) and the Children's Act. If the focus could instead be on the delivery of preventative and early intervention services this would prevent the rendering of costly statutory services like removals which would allow the problems in communities and in families to be dealt with before a crisis proportion was reached.

The purpose of this chapter is to describe the services rendered by social workers in protecting the rights of children to care and protection as well as the challenges faced in the execution of these services from a rights-based perspective so as to implement the

second objective of this study. The chapter will start with a discussion of the different levels of interventions (preventative, early intervention and statutory services) employed by social workers in protecting the rights of children to care and protection. Alongside this discussion, the three primary methods (social casework, social group work and community work) of social work practice will also be discussed. This will be followed by a discussion on the challenges (community, family and organisational challenges) faced by social workers in rendering preventative and early intervention services. The chapter will close with a discussion on the consequences of inadequate care and protection in the survival and development of children. This is done in order to highlight the need and importance of protecting the rights of children to care and protection by social workers as per the international, regional and domestic policies as discussed in chapter two. These discussions are done from a rights-based perspective.

3.2 SOCIAL WORK PROFESSION WITHIN THE SOUTH AFRICAN CONTEXT

Worldwide social work is regarded as a professional activity of helping individuals, groups or communities to enhance or restore their capacity for social functioning and to create societal conditions favourable to their goals (Zastrow, 2008:27; Ambrosino, Hefferman, Shuttlesworth & Ambrosino, 2007:27). Social functioning refers to the performance of individuals at all levels of their existence, in interaction with other individuals, families, groups, communities and situations in their environments to achieve a reasonable degree of fulfilment and to function as productive and contributing members of society (Ashford & LeCroy, 2009:29; Department of Social Development, 2006:15). Utilising theories of human behaviour and social systems, social work intervenes at the point where people interact with their environment (Dalrymple & Boylan, 2013:11; Healy, 2008:374; Department of Social Development, 2006:14).

The Children's Act defines a social worker as a person who is registered as a social worker in terms of the Social Services Professions Act 110 of 1978 (Republic of South Africa, 2005:17). The Children's Act refers to designated social workers (DSWs) as the only group of social workers in South Africa mandated to protect children in need of care and protection, as per statutory services related to children and families in need of care and protection. DSWs may be in the service of the Department of Social Development and a designated child protection organisation (Non-governmental Organisation). DSWs render services related to children's court proceedings, implementation of court orders,

prevention, early intervention and statutory services, investigations, and reconstruction and aftercare services.

3.3 SERVICES RENDERED BY SOCIAL WORKERS IN THE CARE AND PROTECTION OF CHILDREN

The services rendered by social workers in the care and protection of children are very important. Section 150 of the Children's Act (Republic of South Africa, 2005) provides circumstances in which child protection intervention by social workers may be required. Under this section, a child is considered to be in need of care and protection if the child has been orphaned, abandoned, exploited, abused or neglected. A child is also considered to be in need of care and protection if the child exhibits uncontrollable behaviour, lives or begs on the streets, is addicted to drugs, alcohol or medication and is without access to treatment or psycho-social support. In terms of the same section, a child who lives in or is exposed to circumstances that may harm the child's physical, mental or social well-being is also considered to be in need of care and protection. Moreover, a child may also be considered to be in need of care and protection in the case that the child is a victim of child labour and if the child is in a child-headed household (Republic of South Africa, 2005). Therefore, based on these circumstances and where it has been established that children are in need of care and protection, social workers are required to render preventative, early intervention and statutory services as stipulated in the Government policy directives (Republic of South Africa, 1997; ISDM, 2006; Republic of South Africa, 2005).

The White Paper on Social Welfare (Republic of South Africa, 1997:62), the ISDM (2006:29) and the Children's Act (Republic of South Africa, 2005) stipulate further that social work services must first focus on preventative services, and then on early intervention services to prevent costly statutory services. These requirements provide structure when applied to the rendering of child protection services as part of the focus on preserving families (Strydom, 2012:436). Child protection services rendered as part of the focus on family preservation thus entail the provision of preventative and therapeutic services by social workers at family welfare organisations with a view to preserving the family and to preventing the removal of children by improving the family's coping skills, strengthening family bonds as well as empowering the family to utilise formal and informal resources (Strydom, 2012:435). The rendering of child protection services as part of the focus on family preservation have been argued to improve the functioning of the family (Al,

Stams, Bek, Damen, Asscher & Van der Laan, 2012; Ryan & Schuerman, 2004 in Strydom 2012:435). The rendering of child protection services is also embodied in the Children's Act 38 of 2005 (Republic of South Africa, 2005) which specifically indicates in section 2(a) that one of the objectives of the Act is to promote the preservation and strengthening of families. To this end, sections 143-149 of Act 38 of 2005 as amended per Act 41 of 2007 deal with prevention and early intervention programmes. Prevention and early intervention programmes must involve and promote the participation of families, parents, care-givers and children, identifying and seeking solutions to their problems (Strydom, 2012:435).

These social work services (preventative, early intervention and statutory services) are rendered using three primary methods, namely case work, group work and community work. **Case work** is a method used by social workers when working directly with individuals or families, it utilises a variety of skills, techniques and other aids to facilitate the clients' participation and decision-making in efforts to improve their social functioning (Ambrosino, *et al.*, 2007:34; Department of Social Development, 2006:15). This method is geared toward helping individuals and families identify solutions to personal or other problems related to difficulty with social functioning. For instance, problems related to social inadequacy, emotional conflict and lack of familiarity with resources produce dysfunction in individuals (Ambrosino *et al.*, 2007:34). In the protection of rights of children to care and protection, the case work method is normally used in early intervention services rendered to children and their families. For example, the provision of therapeutic services such as counselling, and educational services such as the development of skills for instance parenting skills, to family members to prevent the removal of children (Strydom, 2012:438).

Group work is a method whereby social workers seek to enrich individuals' lives through planned group experiences. Group work stresses the value of self-development through structured interactions with other group members. This process, based on theories of group dynamics, encourages personal growth through active participation of group members (Ambrosino *et al.*, 2007:34). Group work aims at the improved functioning of group members through greater ability for a mature relationship, self-awareness and a greater sense of belonging. Supportive treatments, such as clarification, suggestion, development of alternative solutions, and reflection, are used by social workers through group processes and interpersonal relationships. Social group work utilises the group as a tool to bring about desired changes in social functioning with troubled persons (Farley & Smith, 2006:9). Social group work is a constituent of prevention services used in child

protection to capacitate parents or children with skills and knowledge on social problems and how to deal with them so as to prevent the need for removing children from their families.

Community work is a method of social work intervention which consists of various processes targeted at communities and aimed at bringing about social change through community development, social planning, community education, social marketing, and social action practice models (Ambrosino *et al.*, 2007:34; Department of Social Development, 2013:21). Community work is further defined as “a set of approaches focused on understanding individuals as part of a community and on building capacity of that community to address the social, economic or political challenges facing its members” (Healy, 2012:169). Social workers who practice at the community level draw on techniques of community organisation to promote change (Ambrosino *et al.*, 2007:34). In protecting the rights of children to care and protection, this method is used by social workers when rendering prevention services to support at-risk families in their role as parents. Services rendered under this method include resources, supportive and educational services made available to all members of the community to aid them in their role as parents (Strydom, 2012:437).

3.3.1 revention services for the care and protection of children

The implementation of prevention services gives effect to the rights of children to care and protection. Prevention is defined as any strategies and programmes that are provided to families with children in order to strengthen and build their capacity and self-reliance to address problems that may or are bound to occur in the family environment which, if not attended to, may lead to statutory intervention (Republic of South Africa, 2005; Republic of South Africa, 1999). In terms of child protection services rendered as part of the focus on family preservation services to prevent the removal of children, Strydom (2010:197) refers to prevention services as community work programmes to reduce at-risk behaviour. These child protection services are initiated by social workers at child and family welfare organisations through community work services to prevent the removal of children from their families (Strydom, 2010:196).

Prevention programmes are the most important primary level of social service delivery as stated in the ISDM and the Children’s Act as they link families to resources which can limit risky behaviour and as they enable the implementation of a developmental welfare policy. At this level, the family or child is functioning at an adequate level but there is a possibility

of at-risk behaviour at a later stage. Services delivered at this primary level are thus aimed at strengthening and building the capacity and self-reliance of the family or child (Department of Social Development, 2006). The effectuation of prevention services is believed to assist in minimising financial burdens on the government especially when it improves the well-being of families and children because it prevents the rendering of costly statutory services (Mokhantšo, Roberts & Ward, 2012). Examples of these are aftercare programmes at schools or parenting skills programmes.

3.3.2 arly Intervention services for the care and protection of children

The rendering of early intervention services also gives effect to the protection of rights of children to care and protection. Early intervention comprises a set of supports, services and experiences to prevent or minimise long-term problems as early as possible. Early intervention can be offered at any age before or in the early stages of disabling conditions and circumstances. Typically, children receiving early intervention are at risk for developmental, emotional, social, behavioural and school problems because of biological factors, for example low-birth weight, or environmental factors such as poverty (Feldman, 2008:1). Early intervention services are strongly linked to child protection services that are rendered as part of the focus on family preservation services in the ISDM. To this end, early intervention services should be delivered to ensure that those families who have been identified as being at risk are assisted before they require statutory services (ISDM, 2006:18).

In terms of section 144 of the Children's Act (as amended) (Republic of South Africa, 2005) the focus of early intervention services in child protection must be on preserving the family structure, developing parenting skills, as well as the development of interactive relationships in the family. In terms of child protection services that are rendered as part of the focus on family preservation, Strydom (2012:435) states that early intervention services could be therapeutic services provided with a view to preserving the family and to preventing the removal of children by improving the family's coping skills, strengthening family bonds as well as empowering the family to utilise formal and informal resources. This entails intervention, usually for a longer period (six months or longer) and is rendered during office interviews and/or home visits. Thus, through the rendering of these services family problems and needs can be prevented from reaching crisis proportions (Strydom, 2012:438). Strydom (2012:438) citing Juby and Rycraft, 2004; Cash & Berry, 2003; Cash, 2001; and Martens, 2009 states that early intervention to preserve families may consist of

therapeutic services like counselling, and educational services such as skills development for family members. The rendering of these services can prevent the removal of children from their families.

3.3.3 tory Services for the care and protection of children

The rendering of statutory services gives effect to the protection of rights of children to care and protection. The rendering of statutory services in South Africa is costly and it involves court proceedings hence the name “statutory.” In South Africa the basis for statutory services as part of child protection measures are found in sections 28(1) (d)-(g) of the South African Constitution (Republic of South Africa, 2005). These sections support the rights of children to care and protection as it spells out the rights of a child to protection from abuse, neglect, premature or exploitative employment, unnecessary detention and if detention is unavoidable; exposure to conditions which are unsuitable for children (Republic of South Africa, 1996). The Children’s Act gives effect to these children’s rights as contained in the Constitution of South Africa.

In terms of statutory services for the protection of children’s rights to care and protection, **section 151** of the Children’s Act 38 of 2005 (Republic of South Africa, 2005) deals with the **removal of a child to a temporary safe care facility by court order**. In this case if a court is concerned that a child may be in need of care and protection it is obliged to order an investigation by a designated social worker to determine whether the child is in fact in need of care and protection. The court can also order the child to be removed to a temporary safe care facility and all relevant facts must for this purpose be taken into account, including the safety and well-being of the child as the first priority.

Section 152 of the Children’s Act 38 of 2005 (Republic of South Africa, 2005) addresses issues regarding **removals without a court order**. Only a designated social worker or police officer may remove a child, without a court order, if he or she believes the child is in serious danger of harm and circumstances do not allow the social worker or police official time to obtain a court order. In terms of **section 152(4)** of the Children’s Act (Republic of South Africa, 2005), **the best interests of the child must be the determining factor in any decision** concerning whether a child in need of care and protection should be removed and placed in temporary safe care, and all relevant facts must for this purpose be taken into account, including the **possible removal of the alleged offender** in terms of **section 153** of the Children’s Act (Republic of South Africa, 2005) from the home or place where the child resides, and the safety and well-being of the child as the first priority.

Section 156 of the Children's Act 38 of 2005 (Republic of South Africa, 2005) **give orders concerning when the child is found to be in need of care and protection.** A children's court, after considering the report of the social worker and other evidence, will decide whether a child is in need of care and protection (on one of the grounds listed in section 150 of the same act) (Donnelly, 2008). If the child is in need of care and protection, the court may order a range of interventions that can aid the child. These include placing the child in temporary safe care, foster care or in a child and youth care centre if the child has no parent or care-giver or if they are unable or unsuitable to care for the child. The court can also order that a child be placed in a child and youth care centre providing a secure care programme designed for children who cannot be controlled by their parent or caregiver or if they exhibit criminal behaviour. The court can also order the child be placed in partial care, ostensibly crèche or day care, if it finds that a parent cannot care for the child during certain times of the day. If a child is chronically ill or disabled the court can order the placement of that child in a facility that can provide the child with the relevant care. Children who are addicted to drugs or alcohol may also be placed in a drug rehabilitation programme by an order of court. The court may also order that a child remain within the child-headed household provided that it is in the best interest of the child and that adult supervision is provided (Donnelly, 2008).

Section 157 of the Children's Act 38 of 2005 (Republic of South Africa, 2005) **encourages court orders to be aimed at securing stability in a child's life.** This section recognises that children need stable meaningful relationships with parents or other significant people in their lives to grow and develop properly. With this premise in mind, before a children's court makes a decision to remove a child from his or her parent or guardian, it must consider alternatives that would secure stability in that child's life (Donnelly, 2008). The court may consider, amongst other things, the temporary removal of a child to alternative care but with a view to eventual reunification of the child with his or her family, if it is in the child's best interests. It may also consider leaving a child in the care of his or her parents or caregiver under the supervision of a social worker. Another option is to make a child available for adoption (Donnelly, 2008).

However, before the court can order a child to be removed from his or her carers, it must obtain and consider a report by a designated social worker. This report must assess the needs of the child, list any interventions that the family has previously undergone and contain a documented permanency plan for that child. A permanency plan documents measures to achieve stability in a child's life, considering their age and developmental

needs. In all of these circumstances the court must consider what the best interests of the child are and what would achieve the greatest level of stability in his or her life, to ensure their well-being and emotional and intellectual development (Donnelly, 2008).

Section 158 deals with the **placement of a child in child and youth care centre**. Placing a child into such an institution should be a last resort for the court (Donnelly, 2008). If it is necessary however, the court must first determine which residential programme would suit the child best and then place the child in the centre that offers such programmes to best meet the needs of the child. The head of social development must then place the child in the centre as ordered by the court, taking into account, among other things, the permanency plan for the child (Donnelly, 2008). The order given by a children's court in section 156 lapses after two years or after a shorter period as indicated in the court order, but can be extended. However, such an order does not apply once a child has exceeded 18 years of age. It is however, the responsibility of social workers in child and family welfare organisations offering child protection services to make sure that this court order is extended. The sections of the Children's Act as discussed here covers the statutory intervention by social workers with services ranging from removals, obtaining court orders, conducting investigations, foster care placements and family reunification services.

The rendering of statutory services to children in need of care and protection by social workers implies that the rendering of preventative and early intervention services have failed. In studies conducted in South Africa by De Jager (2013:474-475) and Strydom (2010:199) it is indicated that statutory work makes up the biggest part of social workers' already high caseloads. This makes service delivery more labour intensive, time-consuming and costly as it progresses to statutory intervention (De Jager 2013:474-475). However, heavy workload due to statutory work makes it difficult for social workers to render preventative services as is the requirement in the South African policy documents, being the White Paper on Social Welfare (Republic of South Africa, 1997) the ISDM (Department of Social Development, 2006) and the Children's Act 38 of 2005 (Republic of South Africa, 2005).

3.4 CHALLENGES FACED BY SOCIAL WORKERS IN PROTECTING THE RIGHTS OF CHILDREN TO CARE AND PROTECTION

Social workers are faced with different challenges at community, family and organisational level in protecting the rights of children to care and protection (Sibanda, 2013; Strydom, 2010; Berry, 2007; Hope & Van der Merwe, 2013). As part of their work in protecting the

rights of children to care and protection, social workers deal with systems because children are part of a broader community. The relationships, engagements, and roles of children in communities deepen over time and take on increased significance. For this reason, protecting children becomes both a private and a public responsibility (Wulczyn, Daro, Fluke, Feldman, Glodek & Lifanda, 2010:5). Bronfenbrenner (2009:22) and Greene (2011:199) from an ecological perspective, contend that there is an interplay between the child, their communities and their families. For instance, abuse and neglect of children takes place within the context of a community or family system. Thus, the care and protection of children is affected by their social relationships and the world around them because they form part of a broader community. However, for the purpose of this section, much focus is not going to be placed on a discussion of the different levels (meso, mezzo, macro) of the ecological perspective, but only on certain challenges in communities and in families. The challenges in communities and in families place constraints upon the delivery of preventative and early intervention services that are supposed to prevent the need for statutory services. These will be discussed in the following paragraphs.

3.4.1 ty linked challenges in the care and protection of children

In this section the factors that are present in communities and that can be challenging the rights of children to care and protection are discussed (Hope & Van der Merwe, 2013; Hall 2011; Jewkes, 2012; Blanden, 2006; Berry, 2007; Mokhantšo *et al.*, 2012; Strydom, 2010). These factors include poverty, unemployment, low educational level, lack of resources in the community, cultural beliefs, teenage pregnancies, violence against children, alcohol and substance abuse among others.

3.4.1.1 Poverty in the community

Poverty is a social problem that challenges the rights of children to care and protection in the community (Berry & Guthrie, 2003:6; DOSD *et al.*, 2012). However, because poverty is a problem in the community, it is also an issue in the families. In a family where there is poverty there is a higher risk of child abuse and neglect (Algood, Hong, Gouridine & Williams, 2011; Jaffee, Caspi, Moffitt, Polo-Tomás & Taylor, 2007). In 2011, 58% of children in South Africa lived below the lower poverty line of R604 per month (Hall, 2011:90). In 2011, 65% of children in South Africa lived in households with at least one working adult and the remaining 35% (over 6,5 million children) lived in households where no adults were working (Hall, 2011:91). A study conducted by Hope and Van De Merwe (2013:312) in the Cape Peninsula area of the Western Cape indicates that families that are

living in poverty had few resources available to meet their basic needs. These circumstances usually lead to an increase in the demand of child protection services delivered by social workers and put a strain on the already limited resources within the community.

3.4.1.2 Unemployment in the community and in families

Unemployment in the community and in families is a social problem that challenges the rights of children to care and protection (Mathews, Jamieson, Lake & Smith, 2014:32). In the fourth quarter of 2014, there were 4,9 million unemployed persons in South Africa (Statistics South Africa, 2014:12).

However, unemployment is also a problem in the family as it challenges the rights of children to care and protection. High levels of unemployment coupled with poverty can also cause family stress and frustration which, in turn, can result in punitive behaviour towards children as well as physical child abuse (Mathews & Benvenuti, 2014). As can be illustrated by a study of men in the Eastern Cape and KwaZulu-Natal has shown that 25% of incidents of rape could have been prevented if these men were gainfully employed or not just left “hanging out” in their communities (Jewkes, 2012). Thus, both high levels of poverty and unemployment compromise parents’ ability to fulfil children’s rights and to support their optimal development (Perumal & Kasiram, 2008:160; Mathews, Jamieson, Lake & Smith, 2014:32).

It is clear from the above discussion that poverty and unemployment are inextricably intertwined problems in both the community and family and are responsible for generating conditions that compromise the parents’ ability to fulfil their obligations towards the rights of children to care and protection. Circumstances like this lead to an increase in the demand for child protection service delivery by social workers. This in turn leads to high caseloads of social workers and an increase in demands for record keeping by social workers in their fight for the rights of children to care and protection which put a strain on the already limited resources.

3.4.1.3 Low educational levels in the community

Low educational levels of communities where children reside are a challenge to the rights of children to care and protection as they have a major effect on the development of human capital. Low educational levels sometimes lead to unemployment amongst community members which affect the flow of income within the community. These

conditions render children vulnerable to the impact of poverty. The problem of low educational levels in the community also extends to the family unit in which children are raised. In fact, access to education has been known to increase chances of sustainable livelihood and employability among other things. On the other hand, reports show that low educational levels are associated with no work or unemployment (Her Majesty's (HM) Treasury, London, 2008). This means that children are in fact vulnerable to the impact of poverty presented in most cases by low educational levels. Furthermore, other sentiments indicate that educational levels possessed by communities and families affect the level of educational attainment by the children of those communities in later years (Blanden, 2006:1).

In some cases, low educational levels in families may also imply that it is highly likely that they will not be able to provide a stimulating environment for their children's education (Blanden, 2006:2). In a study conducted in South Africa by Modisaotsile (2012:3), it is stated that parents have a fundamental responsibility to ensure that their children are at school and their homework is done. Unfortunately, many parents had never attended school themselves, and so do not know how to read, write and count properly. Modisaotsile (2012:4) states that parents' lack of participation in their children's education hinder learners from receiving a good standard of education. For example, some parents who were part of school governing bodies lacked the necessary financial knowledge and skills, and were placed under tremendous pressure because they were unable to develop practical solutions to practical problems.

Therefore low educational levels in communities could possibly lead to intergenerational poverty in the same communities that social workers are continually delivering services in. In their efforts to protecting the rights of children to care and protection, social workers could be trapped in the same situation of an increased demand of child protection service delivery due to child maltreatment as a result of unemployment and poverty resulting from low educational levels.

3.4.1.4 Violence in the community

Violence in communities and families is a challenge to the rights of children to care and protection as sometimes children are victims of violence that threatens their physical and psychological development (Chames & Lomofsky, 2014:43). Exposure of children to violence in their communities and homes has been reported to be a serious problem in South Africa (Berry, 2007; Chames & Lomofsky, 2014:43; Centre for Justice and Crime

Prevention, 2012:76). For example, the negative impact that couple domestic violence has on children has been documented by research (Melissa & Styles, 2002:2052; Mathews & Benvenuti, 2014:26; Rossman, Hughes & Rosenberg, 2000:91). Zuckerman (1994:53) says that one of the negative impacts of children being exposed to domestic violence is poorer functioning at school by such children.

In addition, witnessing violence is a negative and often traumatic experience for children and may lead to psychological distress (Shields, Nadasen & Pierce, 2008; Rossman *et al.*, 2000:15). These children are at greater risk of internalised behaviours such as anxiety and depression, and for externalised behaviours such as fighting, bullying, lying, or cheating. They also are more disobedient at home and at school, and are more likely to have social competence problems, such as poor school performance and difficulty in relationships with others (Mathews & Benvenuti, 2014:26; Centre for Justice and Crime Prevention, 2012:76). In a study conducted in the Grabouw community in the Western Cape by Mudavanhu & Schenck (2014:381), different youths said the reason they started using substances was because they were exposed to incidences of domestic violence. As a result, the circumstances of children that have been exposed to violence challenges their right to care and protection and to develop as stated in section 150 of the Children's Act (Republic of South Africa, 2005). The negative impact of violence on children puts constraints upon the delivery of preventative and early intervention services which are meant to prevent the need for statutory services as social workers may end up removing children from their homes and placing them in places of safety.

3.4.1.5 Lack of resources in the community

Lack of resources in the community is a challenge to the rights of children to care and protection. In line with this view, a study that was conducted by Strydom (2010) in the Western Cape indicates that despite policy requirements, resources were inadequate in the communities for utilisation by families. Social workers pointed out that resources are limited in communities because of excessive demands. In addition, other respondents indicated that resources were inaccessible to families because, for example, families did not have the financial ability to utilise the resources, and the organisation could not support these families financially. Resources could also only be reached within normal office hours, which made them inaccessible to working parents. In turn, limited or inaccessibility of resources in the community for utilisation by the families hampers the efforts of social workers in the effective service delivery to children and their families. These circumstances

place constraints upon the delivery of preventative and early intervention services that are supposed to prevent the need for statutory services (Strydom, 2010:199). In addition, in a study conducted in Ekurhuleni Metropolitan Municipality by Nhedzi & Makofane (2015:367), findings point out to the inaccessibility of communal resources such as developmental centres, drug rehabilitation centres, children's homes, home-based care services and medical doctors for utilisation by communities and families.

3.4.1.6 Cultural beliefs in the community

Cultural beliefs are an important obstacle to the care and protection of children in both communities and families (Lambert & Andipatin, 2014; Bower, 2014). South Africa is a culturally and ethnically diverse society. Different cultural groups have different norms and values regarding childhood and discipline but there may also be intra-cultural variability due to varied socio-economic statuses, places of residence, own children's agencies and understanding of parent-child interactions (Mokhantšo *et al.*, 2012:5). Gender inequalities in different societies are associated with high incidences of violence against women. In these societies men are regarded as having the right to exercise power over women and children. Power is a construct that has penetrated society and is visible in many patriarchal households in South Africa, where men often exhibit dominant, aggressive, and abusive behaviours towards their spouses and children (Lambert & Andipatin, 2014:41).

In addition, a study conducted by Petersen, Bhana & McKay (2005:1237) in KwaZulu Natal reflects the negative impact of cultural influences on sexual abuse of girls between 12 and 17 years. This was because boys were reportedly socialised from an early age into traditional patriarchal notions whereby men were perceived as stronger and more powerful than women and were deemed to be providers in the household whilst women were confined to child rearing duties and assuming household chores. Cultural practices are thus a risk to the protection of the rights of children to care and protection as these practices affect the implementation of some children related policy issues that social workers seek to advocate for. Social workers might find themselves trapped in a situation which requires both the adherence to professional values and at the same time ensuring respect for the cultures of their clients. Adapting professional principles in these different cultural contexts may therefore be difficult to achieve.

3.4.1.7 Alcohol and Substance abuse in the community

The abuse of alcohol and substances remains one of the critical challenges to the care and protection of children in South African communities and families. High rates of alcohol and substance abuse by family members render children vulnerable to every form of abuse and neglect, especially where traditional community structures have broken down (Berry & Guthrie, 2003:12). Alcohol and substance abuse by parents and caregivers impact on their ability to adequately care for and monitor their children, putting children at risk of victimisation (Mathews & Benvenuti, 2014:31). According to Jewkes, Abrahams, Mathews, Seedat, Van Niekerk, Suffla & Ratele (2009:1) 15% of children in South Africa reported times in their lives when one or both parents were too drunk to care for them.

Furthermore, the poor impulse control and lowered inhibition associated with substance use may influence parents' actions and reactions that are violent to children. For instance, statistics depict that more than a quarter of perpetrators (27.3%) were under the influence of alcohol (Centre for Justice and Crime Prevention, 2012). Apart from this, many children are being born addicted to substances or with cognitive or physical disabilities due to foetal alcohol syndrome. Children can become victims of violence not only because of use of alcohol and drugs by those within their own home, but also through the use of such substances by individuals in their communities (DOSD *et al.*, 2012). For instance, DOSD *et al.*, (2012:12) states that more than a quarter (27%) of perpetrators of sexual assault against children had been intoxicated at the time of the crime. In a vicious cycle, victims often turn to alcohol or drugs to cope with the trauma of their experiences. This ultimately perpetuates more violence in society, thereby placing children at risk of compromised care and protection. As a result, these circumstances could demand the implementation of statutory services by social workers at the expense of preventative and early intervention services because the child will be in danger.

3.4.1.8 Teenage Pregnancies in the community

Teenage pregnancies are a challenge to the care and protection of children in communities. Children born to the younger teen mothers are at greater risk of child abuse or neglect (and being placed in foster care) than those children born to older mothers. For instance, the Florida State University Centre for Prevention and Early Intervention Policy (2005:1) states that children born to mothers aged 15 and younger are two times more likely to be abused or neglected in the first five years of their lives than the children born to mothers aged 20 to 21. The Centre further states that one study found that the living

situation of the teen mother was the single most predictive variable in terms of maltreatment. Adolescent mothers living with a related adult were much less likely to abuse or neglect their children than those living apart from related adults.

This situation is also evident in South Africa. In 2010, 45% of South Africa's 19 million children were sent to registered child and youth care centres after being abandoned and neglected. About 4000 cases of child neglect are reported to the police annually (South African Human Rights Commission, 2011:53). These cases of child neglect and abandonment may be partly due to teenage pregnancies. Mpumalanga's Child Welfare South Africa coordinator Belinda Sellers reported that the province had registered 500 cases of neglect and 120 cases of abuse, with 65 of these children placed in temporary care. Sellers highlighted that unwanted pregnancies by teenage mothers and HIV-positive mothers who felt "they cannot take care of an HIV-positive child" were some of the reasons behind the child abandonments and neglect (Sowetan, 2010).

In 2010, the former Acting Gauteng coordinator (Megan Briedé) of Child Welfare South Africa indicated that between 2 000 and 2 300 cases of child abandonment and neglect had been recorded over the last three years, with an increase of between 8% and 10% year on year. It was further stated that the problem of abandoned children is not levelling off but showing a steady increase (Sowetan, 2010). Furthermore, Child Welfare South Africa recorded approximately 2,392 new cases of abandonment (in 2009), with the majority (60% to 75%) being African (Sowetan, 2010). The problem of teenage mothers abandoning their children was also found to be common in the Cape Flats, with chief executive of Child Welfare in Cape Town, Nireesh Ramklass reporting that cases of abandoned babies at less affluent places were frequent (Sowetan, 2010). He reported that babies young as one month old were frequently abandoned in plastic bags, in open fields and residential places. According to Ramklass he and his team realised this after a flurry of new-born babies were dumped in school yards around the Cape Flats (Sowetan, 2010). The situation in Bloemfontein was found to be equally precarious. A social worker at Child Welfare in Bloemfontein, Ingrid Bell, reported that they had received 15 776 calls related to child abuse, neglect and abandonment in 2009, of which 5 345 were referred for investigation (Sowetan, 2010).

Pregnancy limits the capacity of teenage mothers to return to school and complete their education, thus also hindering future employment and economic opportunities (Gray, Spurway & McClutchey, 2001:648; McLeod, 2011:62; Sousa & Eusebio (2005:354).

Bezuidenhout (1998) recognises the burden that teenage pregnancies place on government, as these young parents typically fail to complete school and rely on government child support grants. However, child neglect and abandonment cases due to teenage pregnancies have a major bearing on the delivery of preventative and early intervention services by social workers as social workers face an increased case load and are forced to resort to statutory intervention.

It is clear from the discussions above that poverty, unemployment, low educational levels, violence, cultural beliefs, alcohol and substance abuse, as well as teenage pregnancies are some of the community factors challenging preventative and early intervention service delivery to children and their families by social workers. However, the role of social workers remains important in protecting children against these aspects that challenge their rights to care and protection.

3.4.2 isational challenges in the care and protection of children

The rights of children to care and protection in South Africa remains compromised at organisational level by lack of funds, lack of infrastructure and lack of human resources among other challenges (Alpaslan & Schenck, 2012; Malan & Rothman, 2002; Naidoo & Kasiram, 2003; Schenck, 2004). The following section is a discussion of organisational challenges hampering the efforts of social workers in delivering services to children and their families.

3.4.2.1 Lack of funds

Lack of funds is an organisational challenge that is strongly believed to be a serious stumbling block weighing down the services of social workers in rendering child protection services (Strydom, 2010:200; Nhedzi & Makofane, 2015:368; Skhosana, Schenck & Botha, 2014:215; Strydom, 2012; Sibanda, 2013). Strydom (2010:200) found that organisations have insufficient funds for social workers to initiate, run and maintain programmes thereby affecting the delivery of preventative services with a focus on family preservation in the care and protection of children. However, Dlangamandla (2010:90) states that social workers are expected to initiate programmes but when it comes to the implementation of those programmes they are told that there is no funding to run such programmes. Proudlock & Jamieson (2008:40) state that there is therefore a need to review the way Non-governmental Organisations (NGOs) are funded to ensure the continuation, development and expansion of child protection services.

3.4.2.2 Inadequate infrastructural resources

Social workers are confronted with challenges of insufficient resources such as the lack of vehicles and lack of equipment which hamper their service delivery efforts (Strydom, 2010:198; Brown & Neku, 2005:309). In a study conducted by Brown & Neku (2005:309) both governmental and non-governmental organisations described the demands of the social work profession as overwhelming and often frustrating due to the fact that community needs were pressing, while the availability of social workers, especially in rural areas was insufficient. These respondents indicated that there was often little they could do to help people who suffered from a lack of food or finance, and they often wondered how the families would survive. As people in need usually have no form of transport, social workers have to travel along poor roads, and organisations do not always have vehicles to put at their disposal for visiting these communities.

In line with this challenge, the ISDM (2006:57) calls for the need of certain basic infrastructure and equipment to be put in place specifically for social workers, as they are obliged by law to deliver services in a certain manner, and as they are subject to disciplinary steps should they fail to carry out their duties in an appropriate manner. As part of the list of infrastructural needs, vehicles are listed as crucial for visiting clients and communities.

According to Anderson (2006:15), a country might have sound policies like the Children's Act but if resources are inadequate, failure is inevitable and materialistic policies will be relegated to being symbolic. Therefore, due to inadequate resources, social workers are forced to work from a crisis intervention approach. In line with these challenges, September & Dinbabo (2008:118) recommend that for the implementation of the Children's Act to be successful, efficient, effective and adequate financial resources and infrastructure must be put in place.

3.4.2.3 Lack of human resources

The lack of human resources, which is linked to insufficient funding of welfare services, especially statutory services, has been found to be a further obstacle to the care and protection of children. The lack of human resources, specifically the shortage of social workers to render services, has been pointed out by various authors (Strydom, 2010:195; Schmid, 2012:386; Sibanda, 2013:29; Loffell, Allsopp, Atmore & Monson, 2008:50; Lombard & Kleijn, 2006:226; Skhosana, Schenck & Botha, 2014:216). In a study

conducted in South Africa, Schmid (2012:386) states that social workers who participated in the study pointed out that there was a dearth of qualified social workers. Calitz, Roux & Strydom (2014:153) state that South Africa has experienced a drastic shortage of social workers, which has affected many social welfare organisations. Not only has this contributed to high caseloads of social workers, but it has also lowered the visible means of support that social workers provide in the community, with regard to children and their families.

Therefore, shortages of social workers, as well as inadequate resources in organisations, hamper the delivery of child protection services. The lack of national standards and norms for the delivery of child protection services, as well as insufficient funds, make it increasingly difficult for welfare organisations to deliver quality services and to retain their personnel (September, 2006:67). In all sectors dealing with child protection the staff is overworked and underpaid (Nhedzi & Makofane, 2015:369). Equally, Patel, Schmid & Hochfeld (2012:223) noted the inability of the formal welfare sector to provide employees with adequate salaries. This is believed to be a consequence of the fact that social work in South Africa continues to be treated as a low-status profession with poor salaries (Gray & Lombard, 2008:143).

In line with these challenges, September (2006) states that it is essential for NGOs involved in the rendering of child and family welfare services to be supplied with appropriate resources. In this way these organisations will be enabled to deliver the critical services which government organisations alone are unable to deliver. Thus, the lack of human resources, infrastructural, and financial resources in the private sector proved to be important challenges to the delivery of effective developmental social services during the past 12 years.

3.5 CONSEQUENCES OF INADEQUATE PROTECTION OF THE RIGHTS OF CHILDREN TO CARE AND PROTECTION

Inadequate protection of the rights of children to care and protection impose negative consequences on their survival and development. Children are exposed to violence in different settings, including their homes, schools, and communities, increasing their risk of injury and psychological trauma (Berry, 2007:168). It is however important in this study to explore the negative consequences of inadequate care and protection so as to highlight the importance of child protection services rendered by designated social workers.

3.5.1 dequate care and protection causing death amongst children

Inadequate care and protection of children causes death amongst children (Delap, 2013; DSD, *et al.*, 2012). Delap (2013) states that inadequate care and protection of children may cause early death amongst children especially when they are exposed to violence and abuse. A study conducted by Mathews, Abrahams, Jewkes, Martin & Lombard (2012:3) showed that South Africa had more than a thousand child homicides in 2009, with nearly three child homicides per day. Nearly half of these murders were due to child abuse and neglect. In addition, this study also indicated that 16% of all child homicides were due to abandonment within the first week of life. The most common mechanism of death for boys was from stabbing, with a third of boys (33.6%) dying from stabbing. About one in ten of the children were shot. These circumstances reveal the extent of the need and demand for social workers to protect the rights of children to care and protection.

3.5.2 dequate care and protection impacting on child well-being and development

Inadequate care and protection of children has a major impact on the well-being and development of children (Makoe, Richter & Jubber, 2012). Makoe, Richter and Jubber (2012:67) state that child maltreatment in the form of abuse and neglect is a common problem affecting the well-being and flourishing of children in South Africa. It not only has immediate effects on children, but also affects later adolescent and adult behaviour and health. In addition, the effects are not limited to the lifespan of those maltreated. The tragedy is compounded in that the impacts on one generation can scar subsequent generations and society as a whole.

The 2014 Child Gauge report, entitled Preventing Violence against Children: Breaking the Inter-generational Cycle as cited in Bateman (2015:170), found that over half of South Africa's children frequently experience some form of violence from a very early age. Emotional violence and neglect, and corporal and humiliating punishment of children, were "common in the home", where abuse and neglect especially of young children could result in death. Shanaaz Mathews, director of the Children's Institute and lead editor of this 2014 Child Gauge report, said that these experiences hampered a child's development, learning ability, self-esteem and emotional security and had long-term consequences for employment prospects and life expectancy. Mathews said that the impact of violence went beyond physical scars and research showed that an intergenerational cycle of violence was created when children were exposed to violence in their early years, with these children more likely to become perpetrators or victims of violence when they were older

because of neurological and psychological damage (Bateman, 2015:171). In addition, maltreated children have been reported to be at risk of future physical, behavioural and mental health problems, ranging from depression, obesity, heart disease, cancer, high risk behaviours and sexually transmitted infections, alcohol and drug misuse, to violence (Gilbert, Widom, Browne, Fergusson, Webb & Janson, 2009; WHO/ IPSCAN, 2006).

3.5.3 Inadequate care and protection impacting on the child's education and potential

The inadequate care and protection of children has a wide reaching impact on education and child development as this affects the formation of human capital, which has a major impact on the growth of the country's economy. A study conducted by Pinheiro (2006) revealed that in almost four in ten of 12 to 18 year olds reported that violence in schools is common. Such violence includes bullying by other pupils, corporal punishment and sexual violence, with teachers commonly requesting sex from girls in return for higher grades in many parts of the world (Delap, 2013:07). Violence causes many children to perform badly in school or to drop out altogether (Save the Children, 2011; Kang'ethe, Manomano & Ndonga, 2014). For instance, 40% of parents in one survey in Ethiopia said that school violence discouraged them from sending their daughters to school (Delap, 2013:07). In a study conducted by the South African Council of Educators (SACE) (2011) it is indicated that 15.3% of South African primary and secondary school learners have experienced some form of violence while at school with 1,8 million children having had experienced some form of school-based violence. The violence experienced by male and female learners was different. Girls tended to be the victims of sexual harassment, rape and sexual assault, whilst boys tended to be physically assaulted and bullied. What also emerged was that male learners who were expected of having homosexual tendencies would be abused and beaten by other male learners. In most cases the violence was not a once off event but formed part of a vast majority of threats, assaults and violence and often the learners knew the person who was perpetrating the violence (SACE, 2011:13).

The South African Human Rights Commission (SAHRC) (n.d:05) states that the impact of school-based violence goes beyond the physical harm that arises from violent incidents. Instead, the effects are expressed in a range of defective learner behaviour such as high absentee rates, poor learning performance and achievement, high truancy rates, high dropout rates and an increase in suicide rates among learners who are not able to deal with violence and who feel unprotected.

3.6 CONCLUSION

In summary the services rendered by social workers in the care and protection of children in South Africa was discussed in line with the methods of case work, group work and community work employed by social workers when rendering preventative, early intervention and statutory services in protecting the rights of children to care and protection. South African policy documents and legislation stipulate that social workers must offer preventative and early intervention services to children and their families before resorting to costly statutory services. However, as is the problem with many policies, there are significant challenges associated with the implementation of child protection services by social workers.

For social workers to effectively realise and protect the rights of children to care and protection there is no doubt that a significant scaling up of finance, infrastructure, staffing, and community resources among other things, are required. The challenges faced by children as a consequence of inadequate protection of the rights of children to care and protection were also revealed in this discussion. It is clear that the survival and development of children are threatened due to their inadequate care and protection which in turn constitutes a serious problem for the formation of human capital and ultimately the country's economy. In the following chapter data obtained from the empirical investigation on the perceptions of social workers regarding the rights of children to care and protection will be analysed.

CHAPTER FOUR

EMPIRICAL INVESTIGATION ON THE PERCEPTIONS OF SOCIAL WORKERS REGARDING THE RIGHTS OF CHILDREN TO CARE AND PROTECTION

4.1 INTRODUCTION

This chapter contains an outline of the results obtained from the empirical investigation with regards to the perceptions of social workers with reference to the rights of children to care and protection. In order to meet the third objective of the research as established in chapter one, the focus in this chapter is on analysing the data obtained through empirical investigation. Data will be presented by means of tables and figures, as well as interpretations of narratives provided by participants.

The chapter will start with a description of the research methodology utilised, thereafter the results from the empirical investigation will be divided into five main sections. The first section is concerned with presenting the identifying particulars of participants. In the second section the empirical investigation results in relation to the rights of children to care and protection are discussed within the context of South African policy documents and legislation from a rights-based perspective. In the third section the results of the empirical investigation on the role of social workers in protecting the rights of children to care and protection are discussed. The presentation of the identified challenges faced by social workers in the care and protection of children are considered in the fourth section. The last section closes with a discussion on the results of the empirical investigation with regards to the improvement in services to enhance the rights of children to care and protection to implement a rights-based perspective.

Data presented in this chapter was collected through the use of a semi-structured interview schedule conducted with social workers in the Buffalo City Metropolitan Municipality. Thus, the chapter layout is representative of the semi-structured interview schedule. References to the literature study as provided in chapters two and three and discussions regarding its relationship to the presented data will also be provided. This will allow for appropriate deductions, regarding the identified themes, sub-themes and related categories, to be made.

4.2 RESEARCH METHOD

The empirical investigation was conducted as outlined in chapter one of the research study. The research approach, including the research design, research method and method of data analysis for the research study will be discussed below.

4.2.1 reparation for the Investigation

The following section is an overview of the research methodology adopted for the successful execution of the research study.

4.2.2 Pilot study

A pilot study was conducted to test the data collection instrument. Three study participants from the intended test population were purposively selected for the pilot study. This was done to refine the data collection instrument to ensure its effectiveness and efficiency. The use of a pilot study is strongly supported by De Vos *et al.*, (2011:237) who maintains that a pilot study is meant to test and validate the data collection instrument. The necessary modifications identified during these interviews were then implemented accordingly.

4.2.3 search Sample

The sample for the study was made up of 22 social workers employed in the designated child protection organisations included in the study. All participants therefore had a minimum of one year experience in the specialised field of child protection. The sample consisted of participants from designated child protection NGOs and government in the Buffalo City Metropolitan Municipality.

The criteria for inclusion of the sample for the study were as follows:

- Participants must be registered social workers working for a designated child protection organisation within the Buffalo City Metropolitan Municipality for a minimum period of one year,
- Participants must be social workers who are knowledgeable about the Children's Act and have previously rendered child protection services,
- Participants must be social workers who are proficient in speaking English.

4.2.4 search approach, design and instrument

The qualitative approach was employed for the purpose of obtaining the aim of this study (MacLaughlin, 2007:36; De Vos *et al.*, 2011:433). Qualitative research is concerned with describing and understanding human behaviour; naturalistic observation; and the subjective exploration of reality from the perspective of an insider (De Vos *et al.*, 2011:433). The study was based on the subjective views of social workers at child and family welfare organisations doing child protection work, which were obtained through one-on-one in-depth interviews.

Exploratory design and descriptive design were both used in the research study (Bless, Higson-Smith & Kagee, 2006:43; De Vos *et al.*, 2011:95-96; Creswell, 2009:26). The use of these designs enabled for the proper utilisation of qualitative design elements. The instrument for data collection was a semi-structured interview schedule designed by the researcher and utilised during one-on-one in-depth interviews with social work professionals to gather data about certain themes.

4.2.5 gathering and analysis

Data analysis is the process of bringing order, structure and meaning to the mass of collected data (De Vos *et al.*, 2011:397). Since the approach for this study and the data that was collected was qualitative in nature it also meant that the study adopted qualitative data analysis to evaluate the data that was obtained throughout the study. According to De Vos *et al.*, (2011:399) qualitative data analysis is a process of inductive reasoning, thinking, and theorising, which certainly is far removed from structured, mechanical and technical procedures to make inferences from empirical data of social life.

The purpose of conducting a qualitative study is to produce findings (De Vos *et al.*, 2011:397). Patton cited in De Vos *et al.*, (2011:397) indicates that the purpose of qualitative analysis is to transform data into findings. This process involves reducing the volume of raw information, sifting significance from trivia, identifying significant patterns and constructing a framework that enables the communication regarding the essence of what is contained in the data (De Vos *et al.*, 2011:397). The qualitative data obtained during semi-structured interviews with the participants, are organised and structured according to distinctive themes, sub-themes and categories based on the emergent views from the study participants. All the themes, sub-themes and categories are presented in table form before being discussed in further detail. Further, the existing relationships

between the data and that of the literature study provided in the previous two chapters are also evaluated (De Vos *et al.*, 2011:402).

4.3 RESULTS OF THE STUDY

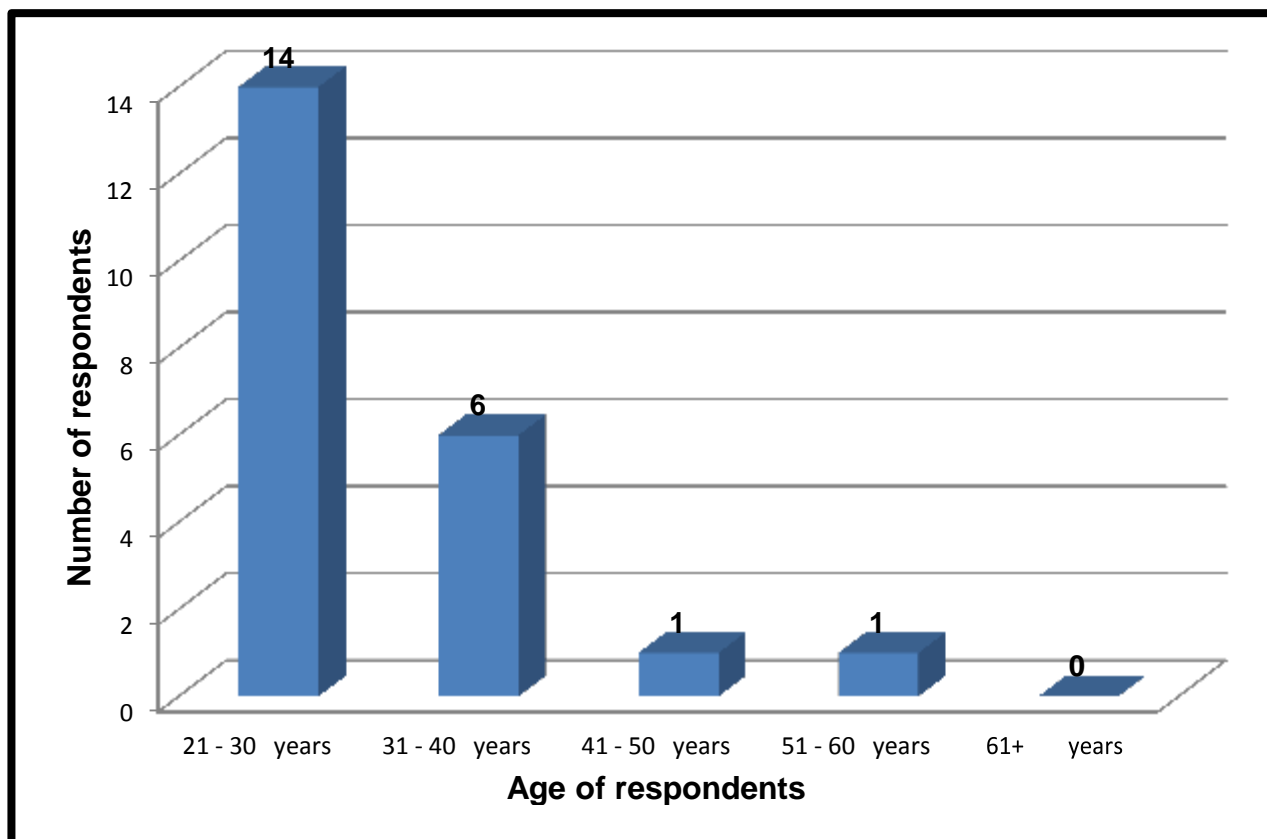
In this section the results of the study is discussed. First the identifying particulars are discussed and followed by a discussion of the other themes and sub-themes that emerged in the study.

4.3.1 Identifying particulars of respondents

The identifying particulars of respondents are presented in terms of the age of respondents, years of experience as social workers, years of experience as child protection social workers, type of service providers where the respondents are employed and the highest qualifications obtained in social work.

4.3.1.1 Age of Respondents

The respondents were asked to indicate their age. The results are presented in figure 4.1



N=22

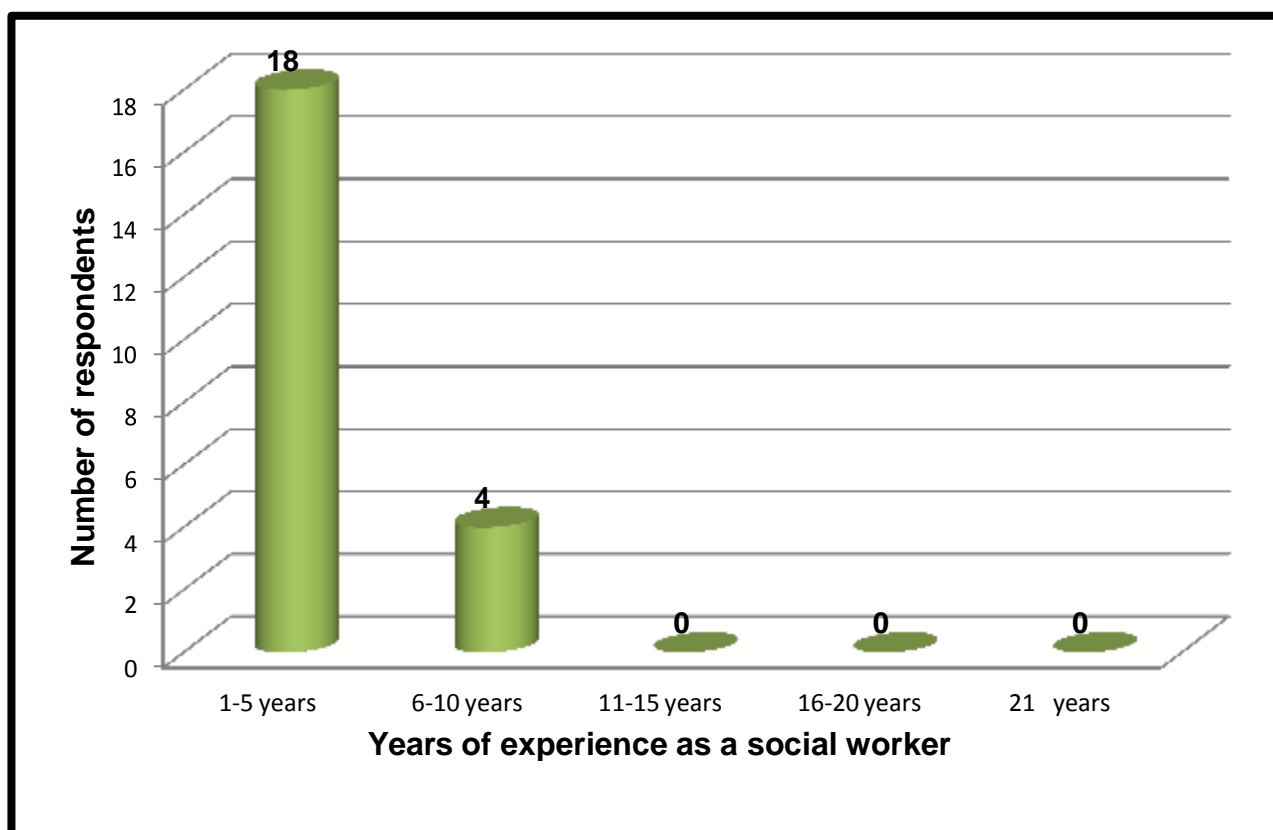
Figure 4.1: Age of Respondents

Most of the respondents (14=63%) indicated that they were between the ages of twenty one to thirty years. Six respondents (27%) were in the age group of thirty one to forty years. There was only one respondent (5%) in the forty one and fifty years age group. Similarly there was only one respondent (5%) in the fifty one and sixty years age group.

Figure 4.1 however, clearly indicates that the majority of respondents are young adult social workers, below the age of thirty. This means that child protection services rendered in the Buffalo City Metropolitan Municipality by child and family welfare organisations are primarily rendered by social workers mostly in their young adulthood. Very few social workers in their late adulthood are rendering child protection services.

4.3.1.2 Years of experience as a social worker

Respondents were asked to indicate the number of years they have been practising as a social worker and the results are seen in figure 4.2



N=22

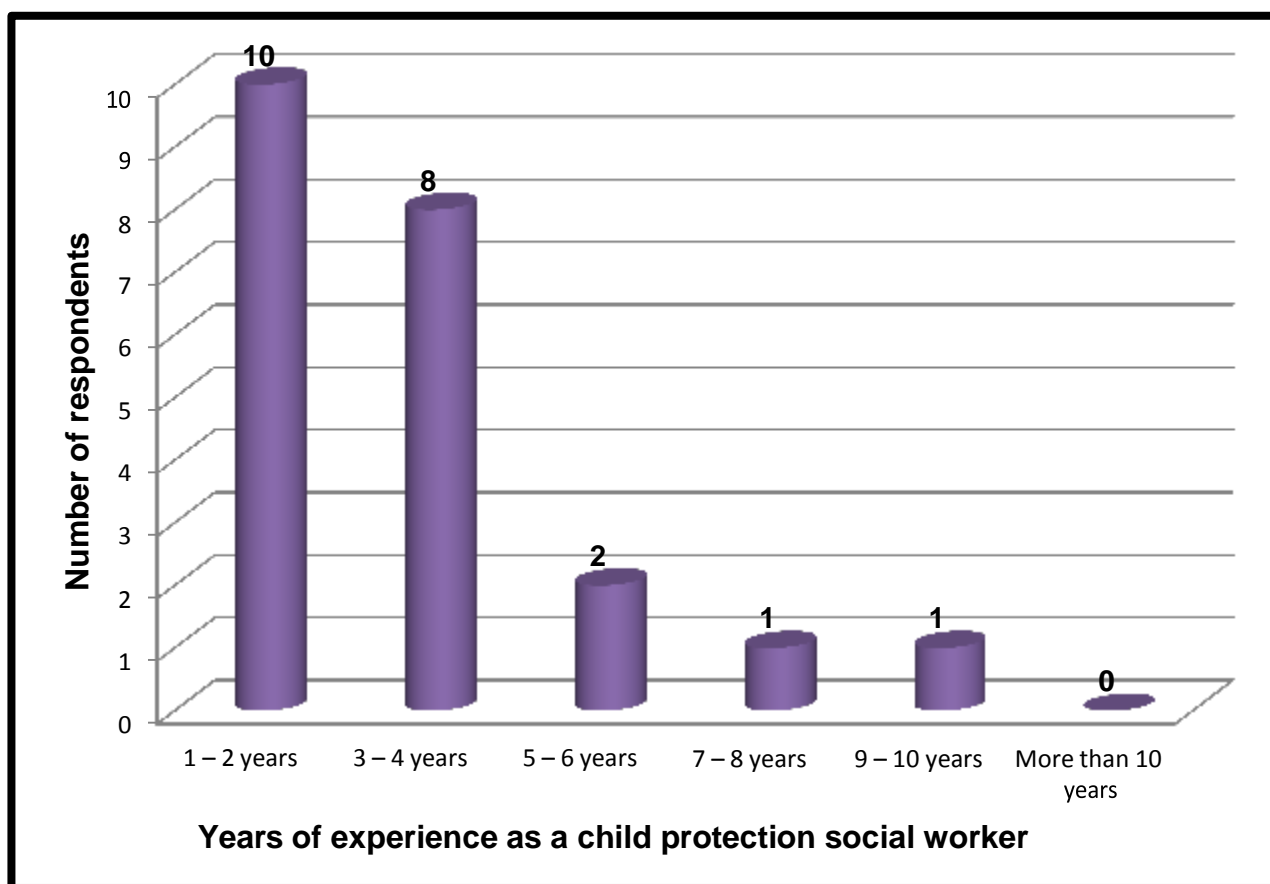
Figure 4.2: Years of experience as a social worker

The majority of respondents (18=82%) indicated that they have between one to five years of experience as a social worker whilst four (18%) respondents had between six to ten years of experience.

Figure 4.2 indicates that while most of the respondents (18=82%) have between one to five years of experience in the social work field, very few (4=18%) of them have between six to ten years" experience in the field of social work. This finding links with the earlier finding that child protection services rendered in the Buffalo City Metropolitan Municipality by child and family welfare organisations are primarily rendered by social workers in their young adulthood with between one and five years of experience as a social worker. These findings resemble the findings in research conducted by Strydom (2010:196) where the majority of the respondents at child and family welfare organisations had between one and four years of work experience.

4.3.1.3 Years of experience as a child protection social worker

Respondents were asked to indicate the number of years they have been practising as a child protection social worker and the results are seen in figure 4.3



N=22

Figure 4.3: Years of experience a child protection social worker

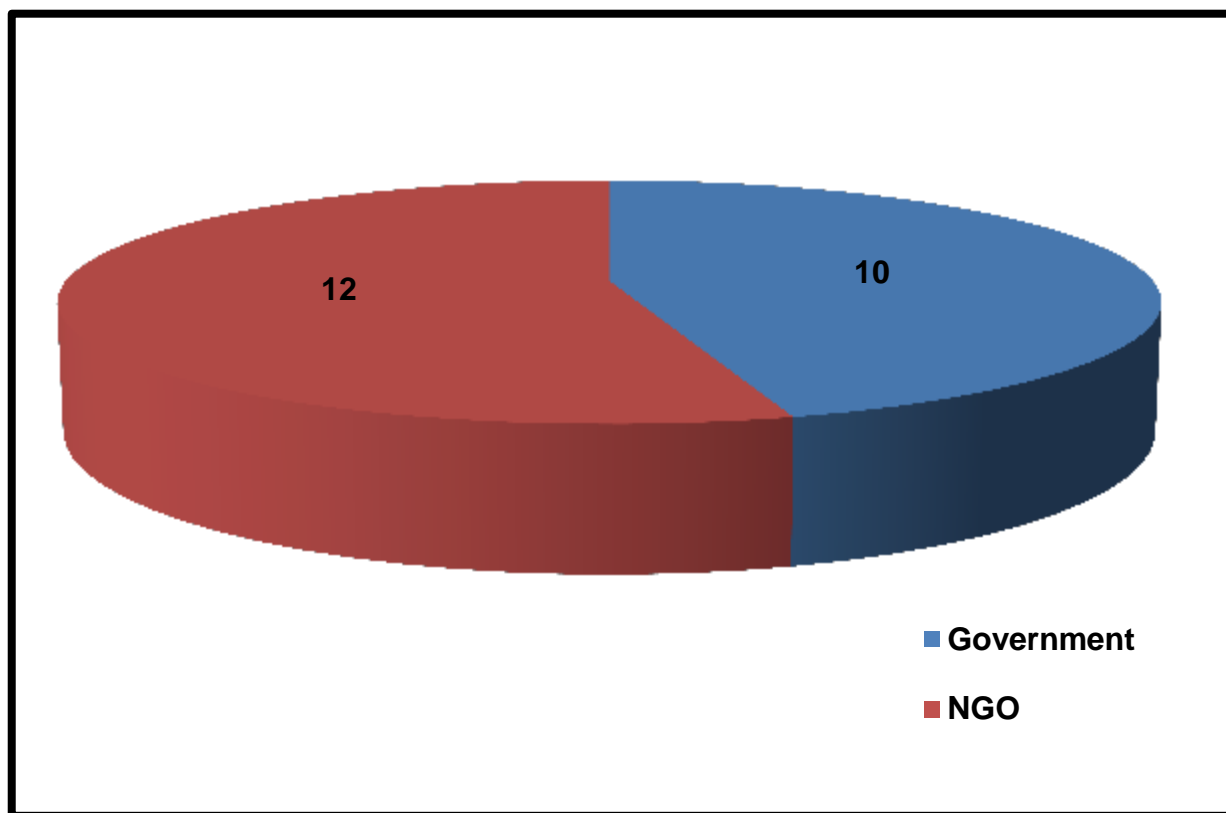
Figure 4.3 clearly indicates that the majority of respondents (10=45%) have between one to two years of experience as child protection social workers. Eight (36%) respondents have between three to four years of experience as child protection social workers. Two (9%) respondents have between five to six years of experience as child protection social workers. One (5%) respondent has between seven to eight years of experience as a child protection social worker. Another one (5%) respondent has between nine to ten years of experience as a child protection social worker.

The findings in figure 4.3 show that whilst most (18=82%) respondents are below four years of experience as child protection social workers, the minority (4=18%) of respondents are above five years of experience as child protection social workers. However, this finding links with the findings on the respondents' years of experience as a

social worker as discussed earlier on in this chapter. For example, regarding the years of experience, the majority of respondents have between one to two years of experience or between three to four years of experience which correlates with the fact that the majority of social workers are young social workers with little experience. This finding may be indicative of the fact that child protection as a specialised field allows social workers to practice at any stage of their careers given that they are working for designated child protection organisations. It does not require young social workers to first gain experience in any field of social work before entering the field of child protection which is a requirement in other specialised fields of social work practice such as the field of adoption.

4.3.1.4 Type of service provider

The respondents were asked to specify the type of service providers they work for. The results are provided in figure 4.4.



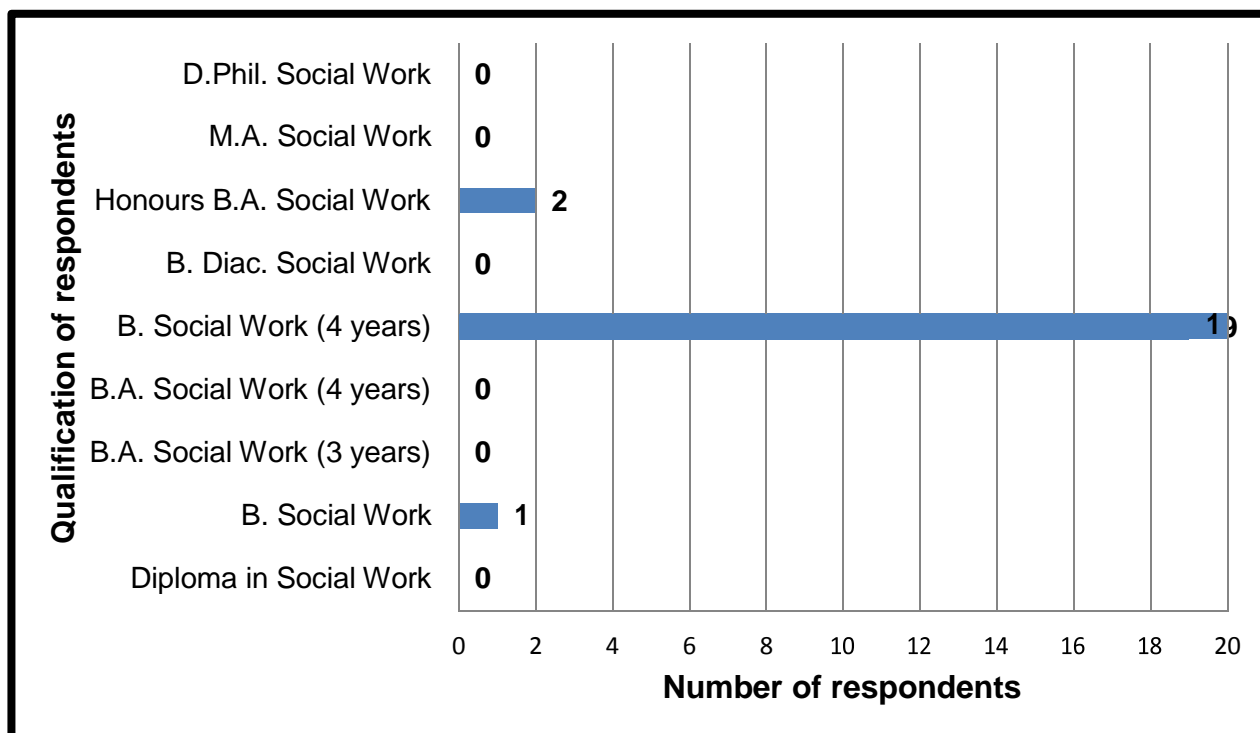
N=22

Figure 4.4: Type of service provider

Figure 4.4 clearly indicates that most (12=55%) of the respondents are employed in non-governmental organisations (NGOs). Only ten (45%) respondents are employed by the government. The findings in figure 4.4 clearly indicate that child protection services are offered in both designated child protection NGOs and government in the Buffalo City Metropolitan Municipality.

4.3.1.5 Highest qualification obtained in social work

The respondents were asked to indicate the highest qualification they had received in social work. The answers provided are displayed in figure 4.5.



N=22

Figure 4.5: Highest qualification obtained in social work

The majority (20=91%) of respondents completed their undergraduate studies in social work. Only two (9%) respondents pursued further graduate studies and obtained an Honours degree in social work. None (0%) of the respondents obtained a masters and a doctorate degree in social work.

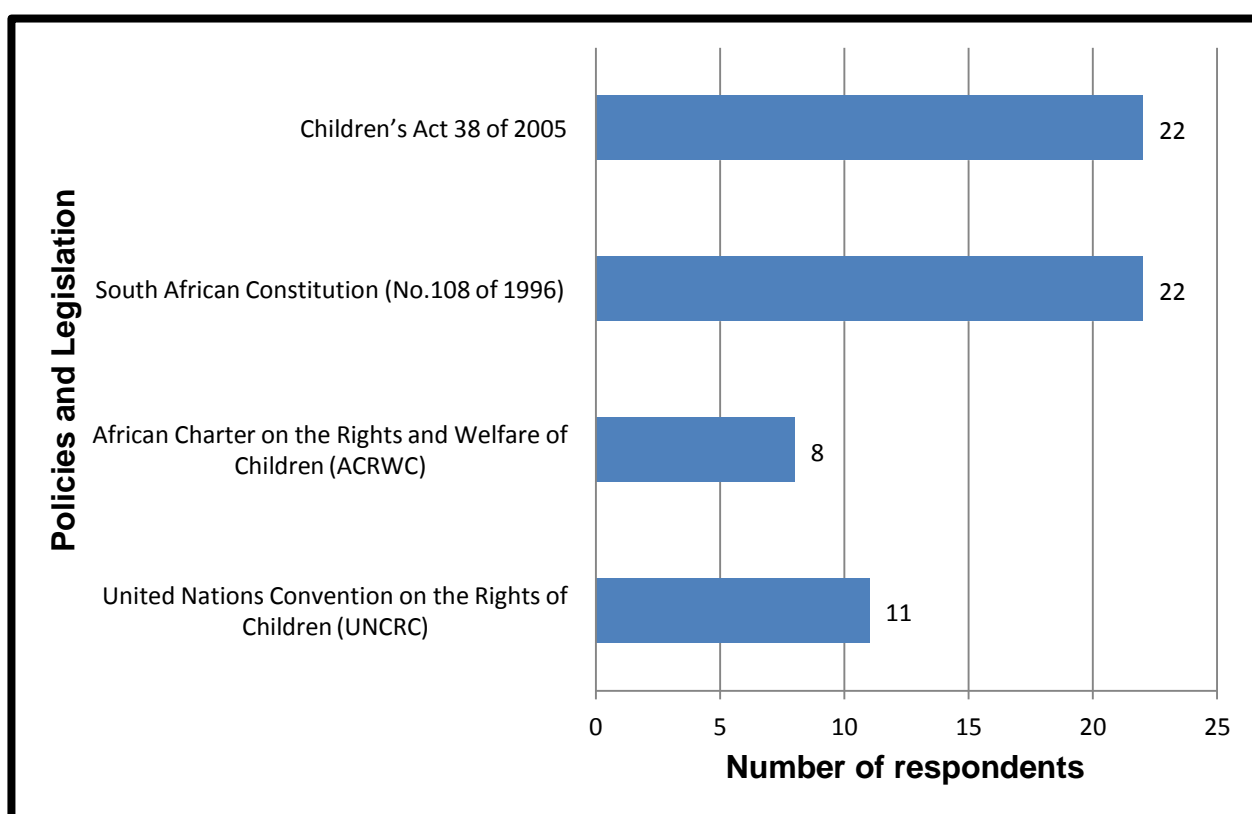
The finding that the majority of respondents did not pursue postgraduate study could be indicative of the fact that working in the field of child protection in South Africa does not require any further formal training beyond the standard under-graduate degree in social work. The other reason for many respondents being unable to obtain a post-graduate qualification would be due to the fact that since many social workers are young adults who have just graduated from university, they could probably not be ready to pursue post-graduate studies. It can also be assumed that those respondents who did continue their academic careers would have done so more out of personal interest than necessity.

4.3.2 The rights of children to care and protection within the context of international, regional and South African policy documents and legislation from a rights-based perspective

This section explores the views of respondents on the rights of children to care and protection within the context of international, regional and South African policy documents and legislation from a rights-based perspective. This was identified as a necessary topic to explore as it provides the basis for protecting the rights of children to care and protection by social workers within a rights-based perspective.

4.3.2.1 Familiarity with policies and legislation protecting the rights of children to care and protection

The respondents were asked to indicate the specific policies and legislation for protecting the rights of children to care and protection that they are familiar with. The respondents could indicate more than one answer. The data provided are displayed in figure 4.6



N=22

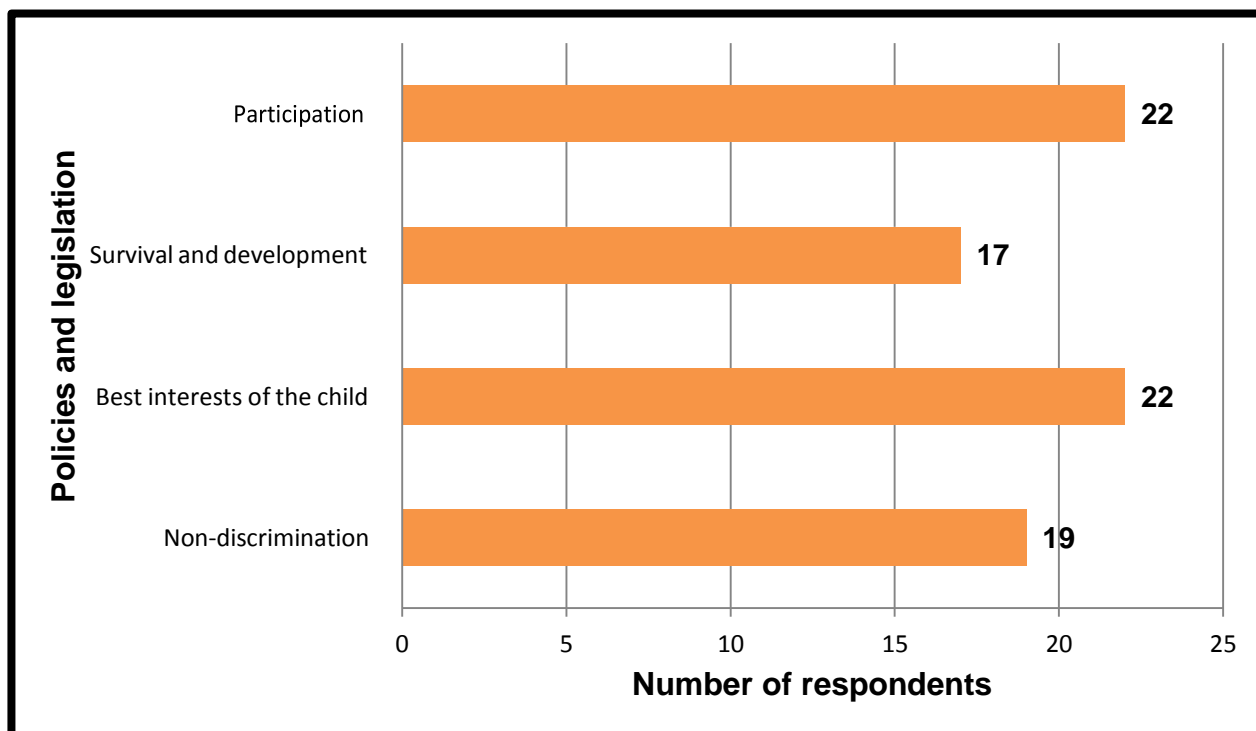
Figure 4.6: Familiarity with policies and legislation protecting the rights of children to care and protection

From figure 4.6 it is clear that all the respondents (22=100%) were familiar with the South African Constitution and the Children's Act. Half (11=50%) of the respondents were also familiar with the United Nations Convention on the Rights of the Child (UNCRC) and a few (8=36%) were familiar with the African Charter on the Rights and Welfare of Children (ACRWC).

The findings in figure 4.6 show that all respondents are familiar with the South African policies and legislation for protecting the rights of children to care and protection whilst a half and a few respondents are familiar with the international and regional policies for protecting the rights of children to care and protection respectively. This may be indicative of the fact that respondents cannot offer child protection services without knowledge of the Children's Act and the South African Constitution. In addition, the fact that most of the respondents are young adults who have just graduated from university can be seen as positive as this could mean that they have studied and gained valuable knowledge of the South African policies and legislation protecting the rights of children to care and protection. The fact that the majority of the participants are not familiar with international and regional documents pertaining to protecting the rights of children to care and protection may be because these documents might have received less attention at universities and might not be referred to on a daily basis in organisations.

4.3.2.2 Awareness of principles contained in policies and legislation protecting the rights of children to care and protection

The respondents were asked to indicate the specific principles that they are aware of as contained in the policies and legislation for protecting the rights of children to care and protection. The answers provided are displayed in figure 4.7



N=22

Figure 4.7: Awareness of principles as contained in policies and legislations protecting the rights of children to care and protection

Figure 4.7 shows that all the respondents (22=100%) were aware of the best interests of the child principle. Similarly, all respondents (22=100%) were aware of the participation principle. Nineteen (86%) respondents were aware of the principle of non-discrimination whereas seventeen (77%) respondents were aware of the survival and development principle.

The finding that all respondents are aware of the best interests of the child principle is indicative of the fact that the respondents are familiar with this principle as is contained in the policies and legislation (UNCRC; ACRWC; the South African Constitution; the Children's Act) protecting the rights of children to care and protection. In line with Article 3(1) of the UNCRC, Article 4 of the ACRWC, and section 28(2) of the South African

Constitution, section 7 of the Children's Act states that, in all matters concerning the care, protection and well-being of a child, the standard that the child's best interest is of paramount importance must be applied (Republic of South Africa, 2005).

In addition, findings in figure 4.7 reveal that all (22=100%) respondents are also aware of the participation principle. The participation principle that is known by the respondents is contained in Article 12 of the UNCRC, Article 4(2) and 7 of the ACRWC, and in sub-section 10 of the Children's Act. Moses (2008:329) argues that the South African Constitution does not specifically spell out the principle of participation as it fails to specifically refer to the right of children to participate in matters and decisions affecting their lives. However, the state's obligation towards the participation principle lies in the government's ratification of the UNCRC in 1995 and the African Charter on the Rights and Welfare of the Child in 2000. The fact that the respondents are aware of the participation principle is indicative of the fact that the participants are familiar with the policies and legislation protecting the rights of children to care and protection in which these principles are embedded.

The findings in figure 4.7 are also indicative of the fact that most of the respondents (19=86%) are aware of the principle of non-discrimination in protecting the rights of children to care and protection. This finding reveals that respondents are familiar with the policies and legislation (UNCRC, ACRWC, the South African Constitution and the Children's Act) protecting the rights of children to care and protection in which this principle is contained. The principle of non-discrimination is mentioned in Article 2 of the UNCRC, Article 3 of the ACRWC, section 9 (1-5) of the South African Constitution and section 6(2) (c) and (d) of the Children's Act.

The finding that most of the respondents (17=77%) are aware of the principle of survival and development implies that they are familiar with the policies and legislation protecting the rights of children to care and protection in which this principle is contained. The principle of survival and development is mentioned in Article 6 of the UNCRC, Article 5 of the ACRWC, sections 10, 11, 26, 27, 28 and 29 of the South African Constitution and the Children's Act.

It is worthy to comment that these principles as contained in the UNCRC, ACRWC, South African Constitution and the Children's Act as discussed provide the means by which the substantive articles are interpreted and achieved (Save the Children, 2014). The application of these human rights principles to the care and protection of children by

respondents forms the fundamental basis of a rights-based perspective. The rights-based perspective situates children's rights at the centre of its processes and focuses attention on how the realisation of children's rights for all children at all times is essential. Therefore, it can be concluded that the respondents are implementing a rights-based perspective because they are aware of the principles contained in the international, regional and South African policy documents in protecting the rights of children to care and protection.

4.3.2.3 Application of principles as contained in the policies and legislation protecting the rights of children to care and protection

Participants were asked to explain their application of these principles as contained in the policies and legislation protecting the rights of children to care and protection. The sub-themes and categories that emerged from this theme are highlighted in table 4.1 below.

Table 4.1: Application of principles as contained in the policies and legislation protecting the rights of children to care and protection

Theme: Application of principles as contained in the policies and legislation protecting the rights of children to care and protection		
Sub-theme	Category	Frequency
Participation principle is always applied	Principle is applied according to age and maturity of the child when necessary	22 (100%)
Best interests of the child principle is always applied	Principle is considered in all interventions	22 (100%)
Non-discrimination principle is applied	Principle is applied all the time	19 (86%)
Survival and development principle is applied	Principle is applied because it is important in child protection	17 (77%)

(a) Sub-theme: Participation principle is always applied

The first sub-theme that emerged was that the **principle of participation is always applied**. However, it was difficult for the participants to explain how they apply the

principle; thus, the focus was on the fact that they do apply it all the time. One category was identified in this sub-theme.

All the participants (22=100%) highlighted the category that the **participation principle is applied according to age and maturity of the child when necessary** in protecting the rights of children to care and protection. This view is supported by the following narrative:

"I always apply the principle of participation in my work with children. In fact the only exception is when children are at an age where they are not yet able to express themselves meaningfully, not mature or are mentally challenged to express themselves meaningfully."(Participant U)

"I always apply the principle of participation to all children that I am working with and I consider their age and maturity before I ask the children of their views in decisions affecting them." (Participant M)

It is clear from the above narratives that all participants are applying the participation principle according to age and maturity of the child when necessary. The only exceptions are those indicated by the narratives whereby if children are still under age to meaningfully express themselves or are mentally challenged to such a degree that they cannot meaningfully express themselves. The application of this principle in the care and protection of children is important because it is in line with the provisions of the UNCRC, the ACRWC, the South African Constitution and the Children's Act and it forms the fundamental basis of a rights-based perspective. Save the Children (2014:1) states that when adults listen to children, it leads to a better understanding of the realities of children's lives and the causes of violated rights. When adults listen they engage with children as citizens who are able to contribute to their own development.

(b)) Sub-theme: Best interests of the child principle is always applied

A second sub-theme that was identified was that **the principle of best interests of the child is always applied**. One category was identified in this sub-theme.

All the participants (22=100%) indicated that **they consider the best interests of the child principle in all interventions**. The following narrative supports this view:

"I believe that the best interest principle is the basis of the work for social workers when offering child protection services. We always consider the best interest of

the child in all our interventions relating to care and protection of children.
(Participant M)

"We always consider the best interests of the child principle whenever we work with children who need care and protection. This is the first thing that I consider before I make any decision on behalf of the child." (Participant J)

The narratives above show that participants consider the best interests of the child principle in all interventions. This finding suggests that all social workers are fully aware of the best interests principle as contained in Article 3(1) of the UNCRC, Article 4 of the ACRWC, section 28(2) of the South African Constitution and section 7 of the Children's Act. Mahery, Jamieson and Scott (2011) are of the view that the child's best interest is the most important factor that social workers must always consider when making decisions regarding any protection, prevention and early intervention services provided to the child and his or her family. This means that in every intervention offered by the participants in protecting the rights of children to care and protection, the principle of the best interests of the child is applied forming the fundamental basis of the rights-based perspective.

(c)Sub-theme: Non-discrimination principle is applied

The third sub-theme that emerged was that the **principle of non-discrimination is applied**. One category was identified in this theme. The majority of the participants (19=86%) in this category noted that **they apply the principle of non-discrimination all the time**. The participants in their explanations focused more on the fact that this principle is applied all the time and they failed to explain how the principle is applied. The narratives below provide some insight into this reality:

"We are always applying the principle of non-discrimination. It is a very important principle that guides us in ensuring that children fully enjoy the right to care and protection." (Participant A)

"I always apply this principle when offering child protection services because children that I am working with are from different backgrounds, different race and status." (Participant D)

From the above narratives it can be concluded that the majority (19=86%) of participants utilise the principle of non-discrimination when protecting the rights of children to care and protection. The application of the non-discrimination principle by participants suggests that

the participants are aware of this principle as contained in Article 2 of the UNCRC (1989), Article 3 of the ACRWC (1990), section 9(1-5) of the South African Constitution (Republic of South Africa, 1996) and section 6(2) (c) and (d) of the Children's Act (Republic of South Africa, 2005). These policies provide a framework for the application of a rights-based perspective. The finding regarding the application of the non-discrimination principle is also in line with the requirements outlined in social work literature that states that social workers must practice equality of treatment and non-discrimination in their work and that they must take steps to oppose discrimination and promote social justice and equity in the broader society (Healy, 2008:251).

However, for the few (3=14%) participants who did not mention their application of the non-discrimination principle it can be assumed that they are not fully equipped to be able to apply it and also that they might have probably forgotten about the principle. This finding is in agreement with the findings in South African research documents (Sibanda & Lombard, 2015:345; De Jager, 2013:475 & 482) that reveal that social workers are not fully equipped through their undergraduate training in terms of their knowledge of legislation and the practicalities on how to implement the legislation in practice, especially the Children's Act. In addition, findings in a research conducted by De Jager (2013:481) point to the fact that once social workers have started working, there is a tendency of forgetting theory. Furthermore the lack of supervision of newly qualified social workers can worsen the situation.

(d)) Sub-theme: Survival and development principle is applied

The fourth sub-theme that emerged was that the **principle of survival and development is applied**. One category was identified in this sub-theme. The majority of participants (17=77%) mentioned that **they apply the principle of survival and development because it is important in child protection**. This view is supported by the following narratives from the participants who were interviewed in this study:

"As child protection social workers, we deal with many issues of children who are faced with developmental and survival challenges. Hence, we are there to ensure that their needs regarding survival and development are adequately met."
(Participant N)

“I apply the principle of survival and development in my practice because I believe that whenever I advocate for the children’s rights to care and protection my goal is on safeguarding their survival and development.” (Participant O)

The views expressed by participants in this category show that most participants utilise or apply the principle of survival and development because it is important in the care and protection of children. This is in line with the view expressed by Blokland (2011:12) that it is the obligation of the state, but also other duty-bearers (social workers), to make sure that a child’s survival and development is guaranteed. The survival and development principle is contained in the UNCRC, the ACRWC, the South African Constitution and the Children’s Act. Therefore, the application of the survival and development principle by participants as contained in these policy documents forms the basis for a rights-based perspective.

However, for those few (5=23%) participants who did not mention their application of the survival and development principle, it can be deduced that they are probably not fully equipped in terms of knowledge on policies and legislation acquired during the years of undergraduate training. As mentioned literature in South Africa (De Jager, 2013:475) confirms that newly qualified social workers are not fully equipped in terms of knowledge on legislation thus they find it difficult to implement the Children’s Act simply because they do not know its provisions and regulations.

4.3.3 Services rendered by social workers in protecting the rights of children to care and protection

This section explores the services rendered by social workers in protecting the rights of children to care and protection in accordance with the implementation requirement given in the White Paper on Social Welfare, the Integrated Service Delivery Model (ISDM) and the Children’s Act. The views of participants regarding the services rendered in protecting the rights of children to care and protection will be explored.

4.3.3.1 The delivery of preventative services and early intervention services in the care and protection of children

The participants were asked to explain how the requirements given in the White Paper on Social Welfare the Integrated Service Delivery Model (ISDM) and the Children’s Act are implemented. The requirements given are that social work services must focus first on preventative services, then on early intervention services and finally on statutory services

to avoid the implementation of costly statutory services. The sub-themes and categories that emerged within this theme are indicated in table 4.2.

Table 4.2: Perspectives on the implementation of preventative and early intervention services to prevent the delivery of statutory services

THEME: The delivery of preventative services and early intervention services		
Sub-theme	Category	Frequency
Difficult to render preventative services	Lack of time to render preventative services due to high caseloads or high incidence of statutory work	22 (100%)
	Lack of funds to buy refreshments and entertainment for projects	17(77%)
Difficult to render early intervention services	Lack of resources (cars) to conduct home visits	14 (64%)
	Notification of cases is too late to render early intervention services	8 (36%)

(a) Sub-theme: Difficult to render preventative services

The first sub-theme that was identified by all (22=100%) of the participants is that **it is difficult to render preventative services** in accordance with the requirements in the policy documents. Two categories were identified in this sub-theme namely the lack of time due to high caseloads or statutory work (22=100%) and lack of funds to buy refreshments and entertainment for projects (17=77%).

The first category that was identified within this sub-theme is that all the participants (22=100%) find it difficult to render preventative services because of the **lack of time due to high caseloads or high incidence of statutory work**. This view is confirmed in the following narratives:

“High caseloads and a high incidence of statutory work or removals make it difficult for us to render preventative services.” (Participant C)

“We don’t have enough time to go out there and render preventative services because our caseloads are too big and there are also high incidences of statutory

removals, so most of our time is devoted to trying to clear those caseloads.”

(Participant G).

From the above narratives it can be clearly seen that it is difficult for participants to offer preventative services due to high caseloads or statutory work. This finding is confirmed by literature. In a research conducted with NGO social workers in the Western Cape, Strydom (2010:199) states that participants indicated that the work load was heavy which was making it difficult for them to render preventative services. Therefore, high caseloads due to statutory work make it impossible for social workers to render other services as are required in the South African policy documents (White Paper on Social Welfare, the Integrated Service Delivery Model and the Children’s Act).

The majority (17=77%) of participants in the second category pointed to the fact that it was difficult for them to render preventative services due to **lack of funds to buy refreshments and entertainment for projects**. These sentiments are expressed in the narratives below:

“So, lack of funds to purchase food to feed people and organise entertainment for events makes it difficult for us to render preventative services.” (Participant B)

“There is not enough money to buy refreshments and entertainment for projects to offer preventative services except for those big events that are on the Social Development calendar like the child protection week.” (Participant D).

From the above narratives it can be clearly seen that a majority of social workers are facing difficulties in rendering preventative services due to lack of funds to buy refreshments and entertainment for projects. This finding is confirmed by other South African literature which identified lack of funds as a serious stumbling block weighing down the services of social workers in rendering child protection services (Strydom, 2010:194; Skhosana, Schenck & Botha, 2014:215; Strydom, 2012; Sibanda, 2013). In a study conducted in the Western Cape Province by Strydom (2010:200), respondents mentioned insufficient funds in the organisation to maintain programmes as a factor affecting preventative service delivery. This response of the respondents was associated with the fact that clients did not attend programmes because organisations apparently did not have funds to organise entertainment or supply refreshments during programmes.

(b) Sub-theme: Difficult to render early intervention services

The second sub-theme that was identified is that **it is difficult to render early intervention services** in accordance with the policy documents. Two categories were identified in this sub-theme namely: lack of resources (cars) to conduct home visits and notification of cases is too late to render early intervention services.

Most (14=64%) of the participants in the first category noted that it was difficult for them to render early intervention services in protecting the rights of children to care and protection **due to lack of resources (cars) to conduct home visits**. Narratives that support this view are indicated:

“We do not have enough cars to conduct visits for our clients who need early intervention services.” (Participant H)

“The organisation does not have enough cars available for all of us to conduct home visits whenever there is a need for early intervention services to be offered to our clients.” (Participant I)

The fact that social workers are faced with difficulties when it comes to the delivery of early intervention services due to lack of resources (cars) to conduct home visits is supported by other South African literature (Brown & Neku, 2005:309) which states that social workers find it difficult to help people in rural areas who are in need of food or finances as it is difficult for them to travel along poor roads, and organisations do not always have vehicles to put at their disposal for visiting these needy communities. To make matters worse, people in these rural communities are very poor and have no form of transport to access services in the urban areas. It is clear from this finding that social workers are forced to work from a crisis intervention approach due to inadequate resources (cars), and thus they fail to adequately execute services as advocated for by the ISDM and the Children’s Act.

In addition to lack of resources such as cars in the organisations, the minority (8=36%) of participants in the second category indicated that **notification of cases is too late for them to be able to render early intervention services**. This view is supported by the following narratives:

“The cases are not reported on time, they are only reported when they have reached a crisis proportion requiring the delivery of statutory services.” (Participant F)

“We are not being notified of cases on time. When the cases are reported they are at a stage where only statutory services can be offered rather than early intervention services.” (Participant E)

The view that participants are experiencing difficulties in rendering early intervention services due to cases not being reported on time to offer early intervention services may be linked to the finding that was mentioned earlier on in this chapter namely that participants are not able to render preventative services due to high statutory caseloads. High statutory caseloads could be a result of the fact that social workers are not able to render early intervention services due to lack of resources (cars) and cases not being reported on time because communities and individuals lack knowledge of when and where to report cases.

Thus, the fact that the participants are not able to effectively render preventative services due to heavy workloads can be a contributing factor towards their difficulties in rendering early intervention services because communities may not be well informed regarding the stages and procedures followed when reporting child protection cases or poor communities may not be able to reach services in urban areas in order to report cases of child abuse and neglect.

From this finding it can be concluded that communities lack knowledge on when and how to report cases because preventative services are not being adequately offered in terms of awareness campaigns, hence the delivery of early intervention services by participants are affected. In addition, it can also be deduced that communities, especially rural communities which are poor have no transport to access child protection organisations in order to report cases on time.

The importance of rendering early intervention services has been stressed by Giese (2008:20) who states that the rendering of early intervention services saves lives and costs too. In the long run, intervening early reduces the likelihood that the State will have to take full responsibility for the alternative care and/or rehabilitation of a traumatised child, which is more costly than prevention services which keep children safely in the care of their families. In line with the prescriptions of the UNCRC and the ACRWC, section 28 of the South African Constitution guarantees children the rights to family care or parental care, or to appropriate alternative care when removed from their family environment. The Children's Act gives effect to this right as contained in the Constitution. Therefore, the rendering of early intervention services is important in the care and protection of children as it tries to

prevent the likelihood of removals which is costly and disruptive. Thus, when early intervention services are rendered, they enable the protection of the rights of children to family care or parental care as advocated for in the South Africa Constitution.

4.3.3.2 Experiences of social workers in the delivery of preventative services in protecting the rights of children to care and protection

The participants were asked to explain their experiences of the delivery of preventative services in protecting the rights of children to care and protection. The sub-themes and categories that emerged within this theme are highlighted in table 4.3.

Table 4.3: Experiences of social workers in the delivery of preventative services in protecting the rights of children to care and protection

THEME: Experiences of social workers in the delivery of preventative services in protecting the rights of children to care and protection		
Sub-theme	Category	Frequency
Preventative services are not offered because of certain constraints	Lack of time due to high statutory caseloads	22 (100%)
	Lack of financial resources to initiate and run income generating projects	18 (82%)
	Lack of co-operation and support from other stakeholders	4 (18%)

(a) Sub-theme: Preventative services are not offered due to certain constraints

Only one sub-theme was identified namely that **preventative services are not offered due to certain constraints**. Three categories were identified.

The first category that was pointed out by all (22=100%) the participants is that preventative services are not being offered because of certain constraints such as **lack of time due to high statutory caseloads**. This view is supported by the following narratives:

“We get a lot of statutory cases that are reported from our communities and they consume a lot of our time. Therefore we end up not offering preventative services as they should be.” (Participant L)

“My statutory caseload is too big, so I don’t have time to focus on preventative services as per the demand in our communities.” (Participant H).

It can be clearly seen that the experiences of participants is that preventative services cannot be offered to the clients or families due to high caseloads or because of statutory work. This finding can be indicative of the fact that there is a shortage of human resources, specifically social workers in child protection organisations, due to lack of funding. The lack of human resources which is linked to insufficient funding of welfare services, specifically the shortage of social workers to render services, has been pointed out by authors such as Strydom (2010:195) and Schmid (2012:386) as an obstacle to the rendering of preventative services. Calitz, Roux & Strydom (2014:153) state that South Africa has also experienced a drastic shortage of social workers, which has affected many social welfare organisations.

In addition, not only has this contributed to high caseloads, but it has also lowered the visible means of support that social workers provide in the community, with regard to children and their families. Therefore, high caseloads or statutory work which are time consuming makes it difficult for participants to render preventative services which in turn impacts on the rendering of early intervention services as cases are not being reported on time by the community and individuals due to lack of knowledge. Therefore, when preventative services are not adequately rendered as discussed above, they have a major impact on the rights of children to care and protection as children then end up being removed from their family environments. This is in contrast with what is advocated for in the South Africa Constitution namely that children have a right to family care or parental care.

The second category that emerged within this sub-theme is that most (18=82%) of the participants mentioned that preventative services were not being offered because of certain constraints such as **lack of financial resources to initiate and run income generating projects**. The following narratives support this view:

“The focus on the subsidy that we receive is more on the delivery of statutory services rather than on preventative services, so money to run projects is a problem in our organisation.” (Participant J)

“We do not have enough resources (funds) to initiate income generating projects that can have a positive impact in the communities that we are working in.” (Participant E)

This lack of financial resources to deliver preventative services are confirmed in findings from other South African research done by Strydom (2010:198) and Alpaslan and Schenck (2012) which point to the shortage of funds in the organisation as an obstacle to the maintenance and implementation of projects by social workers, thereby hindering the delivery of preventative services that are supposed to prevent the delivery of costly statutory services. Therefore, the lack of financial resources in the organisation to render preventative services make social workers fail to adequately render services as advocated for by the policy documents i.e. the White Paper on Social Welfare, the Integrated Service Delivery Model and the Children’s Act.

The third category that emerged is that preventative services are not being offered because of certain constraints such as **lack of co-operation and support from other stakeholders**. Very few (4=18%) participants pointed out to these constraints. Narratives that support this view are discussed below:

“There is lack of unity among the stakeholders.” (Participant C)

“Other stakeholders are simply not co-operative whenever we want their help.” (Participant K)

From the above narratives it can be clearly seen that participants are of the opinion that preventative services are not available to be offered to the clients or families due to lack of co-operation from other role players. This finding does not correspond with the prescription in policy documents where it is stated that all stakeholders involved with the care, protection and well-being of children must co-operate for the purpose of co-ordinating and implementing the services delivered to children. This collaboration of stakeholders is important because it provides an opportunity for families to have access to specialised services in the community and to benefit from the work of a multi-disciplinary team as per the ISDM, (2006:15) and section 5 of the Children’s Act 38. It is clear from this finding that

lack of co-operation from other stakeholders that are considered to be important tools in the protection of children's rights to care and protection makes the delivery of early intervention services to be a difficult undertaking. Strydom (2010:202) suggests that better co-operation amongst stakeholders is an important undertaking as this could have a positive effect on the delivery of child protection services.

4.3.3.3 Experiences of social workers in the delivery of early intervention services in protecting the rights of children to care and protection

The participants were asked to explain their experiences of the delivery of early intervention services in protecting the rights of children to care and protection in accordance with policy documents. The sub-themes and categories that emerged within this theme are highlighted in table 4.4.

Table 4.4: Experiences of social workers in the delivery of early intervention services in protecting the rights of children to care and protection

THEME: Experiences of social workers in the delivery of early intervention services in protecting the rights of children to care and protection		
Sub-theme	Category	Frequency
Early intervention services difficult to render due to lack of organisational resources	Lack of cars to do home visits	14 (64%)
Success of early intervention services influenced by the motivation of clients or families	Lack of co-operation from clients or families	11(50%)

(a) Sub-theme: Early intervention services difficult to render due to lack of organisational resources

Only one sub-theme was identified namely that **early intervention services are difficult to render due to lack of organisational resources**. Two categories were identified within this sub-theme.

The majority (14=64%) of the participants mentioned that early intervention services are difficult to render due to **lack of organisational resources** such as cars to conduct home visits. Narratives expressing this view are as follows:

“The cars in our organisation are very few and this does not allow us to conduct home visits when we are supposed to offer early intervention services to our clients at home.” (Participant I)

“We have a serious shortage of cars to deliver early intervention services especially to clients who cannot afford to come to our offices for counselling.” (Participant H)

These narratives provide a clear indication pertaining to experiences of participants facing difficulties in rendering early intervention services due to lack of organisational resources such as cars. This finding is confirmed in a South African research study that was conducted by Sibanda and Lombard (2015:343) in which several participants indicated that they were facing numerous infrastructural challenges in the implementation of the Children’s Act. Among these infrastructural challenges was the unavailability of resources (vehicles) which is a result of poor funding of the child welfare sector. These challenges prevent social workers from adequately rendering services as advocated by policy documents such as the White Paper on Social Welfare the Integrated Service Delivery Model and the Children’s Act.

(b) Sub-theme: Success of early intervention services influenced by the motivation of clients or families

In this sub-theme, one category was identified. Half (11=50%) of the participants highlighted that the **success of early intervention services was being influenced by the motivation of clients or families** such as **lack of co-operation from clients or families**. The following narratives support this view:

“Some family members do not attend family therapy meetings that are meant to address threats to the rights of children to care and protection.” (Participant K)

“Some parents who are referred for support services do not make efforts to go to service providers who are offering such services.” (Participant D)

The above narratives reveal that participants experience that the success of early intervention services offered was being influenced by the motivation of clients or families. This finding is supported by literature. In research that was conducted with social workers of a NGO in the Western Cape Metropolitan area, social workers revealed that clients did not co-operate and that this hampered the practicability of family preservation services (Strydom, 2010:200). In other research conducted in the Ekurhuleni Metropolitan

Municipality by Nhedzi & Makofane (2015:362) it was found that social workers were finding it difficult to render family preservation services due to difficulties experienced in engaging families.

The lack of co-operation by families can easily lead to social workers getting frustrated and losing hope in the effectiveness of early intervention service rendering which can in turn lead to them not rendering these services at all. This situation may translate into the favouring and eventual abuse of statutory service rendering at the expense of early intervention services by social workers. This has a major impact on the rights of children to care and protection as children end up being removed from their families without any attempt being made to keep the children within their family environments through the rendering of preventative and early intervention as advocated for in the policy documents.

4.3.3.4 Experiences of social workers in the delivery of statutory services in protecting the rights of children to care and protection

Participants were asked to explain their experiences of the delivery of statutory services in protecting the rights of children to care and protection. Three sub-themes and three categories emerged within this theme and are highlighted in table 4.5.

Table 4.5: Experiences of social workers in the delivery of statutory services in protecting the rights of children to care and protection

THEME: Experiences of social workers in the delivery of statutory services in protecting the rights of children to care and protection		
Sub-theme	Category	Frequency
High number of cases require statutory services	Statutory services are time consuming	22 (100%)
Thorough investigations are not conducted for statutory services	Children are removed without proper investigations due to lack of cars	14 (64%)
Placing removed children is difficult	Shortage of places of safety for removed children	22 (100%)

(a) Sub-theme: High number of cases require statutory services

The sub-theme that was identified was that **a high number of cases require statutory services**. One category was identified within this sub-theme.

All (22=100%) the participants indicated that a high number of cases require statutory services thus **statutory services are time consuming** making it difficult to render preventative and early intervention services. This view is supported by the following narratives:

“Most of our big caseloads are made up of statutory cases and this does not even allow us time to focus on other services like preventative and early intervention services.” (Participant T)

“All the huge caseloads that we are having require statutory intervention and they do not allow us time to render other services.” (Participant N)

These narratives support the idea that a high number of cases require statutory services which are time consuming. This finding is in line with the findings from research conducted by Strydom (2010:200) where the respondents felt that there was not enough time to render preventative services due to the fact that statutory services received more emphasis and priority on service delivery. This finding also correlates with the finding that was indicated earlier on in this study, namely that there are high caseloads due to statutory work which are hindering the participants from rendering preventative services as they should be doing.

(b) Sub-theme: Thorough investigations are not conducted for statutory cases

Another sub-theme that emerged was that **thorough investigations are not conducted for statutory cases**. One category emerged within this sub-theme, namely that **children are removed without proper investigation due to lack of resources (cars)** (14=64%). Narratives below support this view:

“The cars are not always available to conduct investigations thoroughly for reported cases that need removals.” (Participant J)

“Not having enough cars is a big problem in our organisation. We are not able to conduct investigations thoroughly for our statutory cases like removals for children.” (Participant G)

Narratives above suggest that the experiences of participants in rendering statutory services are that children are removed without thorough investigation due to lack of vehicles. In other South African research done by Strydom (2010:198), Sibanda & Lombard (2015:343) and Nhedzi & Mafokane (2015:368) social workers mentioned that a lack of resources i.e. not having enough vehicles in their organisations was an obstacle in effective service delivery. In terms of section 155 of the Children's Act, social workers, when dealing with removals, are required to conduct thorough investigations into the circumstances of children so as to determine the present and future safety of children in their families. It is however, clear from this finding that social workers are failing to adhere to the requirements set out in section 155 of the Children's Act due to lack of resources (cars) in their organisations. The fact that children are removed from their families without proper investigation is in contrast with the right of children to social services as advocated for in section 28(1)(c) of the South African Constitution. In addition, the removal of children from their families without proper investigation might not be in the best interests of the child which is stressed in section 7 of the Children's Act.

(c) Sub-theme: Placing removed children is difficult

Another sub-theme that emerged was that **placing removed children is difficult**. One category was identified within this sub-theme, namely that **there is a shortage of places of safety** (22=100%). These sentiments are highlighted in the narratives below:

"We have a big challenge when dealing with removals. There are not enough places of safety to place children that we remove." (Participant S)

"Removals are very difficult to handle due to lack of children's homes."
(Participant E)

From the above narratives it is clear the participants, in rendering statutory services, find it difficult to place removed children due to lack of places of safety. This finding is confirmed by literature that indicates that there are not enough children's homes that can cater for homeless children in South Africa (Tshwane Alliance for Street Children, 2003). This finding may also be indicative of the fact that foster care placements are sometimes not an option or that foster homes are simply not available for the placement of children. The lack of places of safety puts a lot of strain on social workers as they may end up spending a lot of their time and resources on trying to secure places of safety for the removed children. In the light of this finding it is worthy to comment that section 28(1) (b) of the South African Constitution guarantees children rights to family care or parental care, or to appropriate

alternative care when removed from their family environment. Thus, in the context of a rights-based perspective it is the responsibility of the government as the duty bearer to make sure that there are enough places of safety for the placement of removed children.

4.3.3.5 Types of services offered by social workers with regards to case work, group work and community work

The participants were asked to describe the types of services that they offer in protecting the rights of children to care and protection with regards to case work, group work and community work separately. The sub-themes and categories that emerged within this theme are indicated in tables 4.6, 4.7 and 4.8.

4.3.3.5.1 Services rendered with regards to case work

The participants indicated the types of services that they render in the care and protection of children with regards to case work method. The sub-themes and categories that emerged are presented in table 4.6

Table 4.6: Perspectives of services rendered with regards to case work in protecting the rights of children to care and protection

THEME: Types of services offered by social workers with regards to case work		
Sub-theme	Category	Frequency
Statutory services are offered	Children are removed	22 (100%)
Intervention is offered	Family assessments are done	21 (95%)
	Counselling services offered	14(64%)
	Educational services in terms of skills development are offered to families	14 64%)

(a) Sub-theme: Statutory services are offered

The sub-theme that was identified was that **statutory services are offered with regards to case work**. Only one category emerged out of this sub-theme.

All (22=100%) the participants stated that **children are removed** with regards to case work method of social work. Narratives supporting this view are discussed below:

"We do removals for perpetrators and children as part of case work method."

(Participant C)

"I think removals that we do for children as well as for perpetrators are part of case work method." (Participant H)

Regarding the application of case work method of social work, it is clear from the above narratives that the participants do remove children in protecting the rights of children to care and protection. In a study that was conducted in Ekurhuleni Metropolitan Municipality by Nhedzi & Makofane (2015:365) it is confirmed that social workers do removals for both perpetrators of child abuse as well as the abused children as part of case work in protecting the rights of children to care and protection.

(b) Sub-theme: Intervention is offered

Another sub-theme that was identified was that **intervention is offered**. Three categories were identified within this sub-theme.

The majority (21=95%) of participants in the first category stated that **family assessments are** done with regards to case work. Narratives to support this view are discussed below:

"We do family assessments for cases that are reported to us." (Participant B)

"Following case intakes, we go on to do family assessments to determine our plan of action." (Participant S).

From the above narratives it can be concluded that the participants do family assessments with regards to case work method of social work. Findings from a study that was conducted in the Western Cape by Van Huyssteen (2015:87) confirm that as part of case work, social workers conduct investigations through risk assessment so as determine the present and future safety of children in their families. The idea of investigating the circumstances of children in protecting the rights of children to care and protection is stated in section 155 of the Children's Act (Republic of South Africa, 2005). In terms of this

section, it is the responsibility of the social worker to determine through thorough investigation whether a child is in need of care and protection and whether that child should be placed in alternative care.

The second category that was identified by the more than half (14=64%) of participants is that **counselling services are offered** as part of case work. These views are expressed in the narratives below:

"I sometimes offer counselling to children and their families under case work method." (Participant T)

"With regards to case work, I do counselling with parents of children as part of case work." (Participant G)

From the above narratives it is clear that the participants offer counselling services to children and their families with regards to case work method of social work. This finding is supported by Strydom (2010:200; 2012:450) who states that social workers use counselling as part of case work method in rendering of family preservation services. The rendering of counselling services is very important in the care and protection of children as it gives effect to the rights of children to social services as stated in the South African Constitution to prevent children from being removed from their families.

The third category that was identified by the participants (14=64%) pertains to the fact that they **offer educational services such as the development of skills to family members** as part of case work. This finding is expressed in the following narratives:

"We offer educational support services to family members, teaching them how to develop skills that will address their problems and needs." (Participant I)

"We educate family members on skills development during our home visits." (Participant K)

It is clear from the narratives that the participants offer educational services to family members with a focus on skills development in order to help them address their family needs and problems. This finding is indicative of the fact that children exist as part of a family system, so their protection also requires that some attention be paid to their family members because families have a role to play in the care and protection of their children. In line with this finding, Strydom (2012:438) states that educational services must be made

available to families experiencing problems that could impair their stability and ability to care and protect their children.

However, it is clear from the categories discussed in this section that the focus in the types of services offered by participants in terms of case work was statutory work in the form of removals and assessment. Only two thirds of participants indicated that they offer counselling services and educational services. Thus, the rights of children to social services which are supposed to prevent the removal of children from their families are not being given enough attention, thereby threatening the rights of children to care and protection as advocated for in the policy documents.

4.3.3.5.2 Services rendered with regards to group work

The participants indicated the types of services that they render in the care and protection of children with regards to group work method. The sub-themes and categories that emerged are presented in table 4.7

Table 4.7: Perspectives on the types of services rendered with regards to group work in protecting the rights of children to care and protection

THEME: Types of services offered by social workers with regards to group work		
Sub-theme	Category	Frequency
Leisure groups are done	Holiday clubs for children	11(50%)
Support group works are done	Parenting skills support groups for mothers	11 (50%)
	Alcohol and substance abuse support groups for mothers	5 (23%)

(a) Sub-theme: Leisure groups are done

The sub-theme that was identified is that **leisure groups are done** with regards to group work. One category was identified in this theme.

Half (11=50%) of the participants in this category indicated that they run **holiday clubs for children**. This view is expressed in the narratives below:

"We run holiday clubs for children depending on their age." (Participant C)

"We have holiday clubs for children in every school term break." (Participant F)

From these narratives it can be concluded that the participants run holiday clubs for children as part of group work. This is a very important service offered to children because it keeps children away from the streets where conditions threatening their rights to care and protection might exist.

(b) Sub-theme: Support groups are done

Another sub-theme that was identified was that **support groups are done** as part of group work. Two categories were identified within this sub-theme.

Half (11=50%) of the participants in the first category indicated that they **run parenting skills support groups for mothers**. Narratives to support this category are given below:

"We have support groups for mothers and we teach them parenting skills."
(Participant Y)

"I facilitate a support group for mothers and my focus in this support group is on teaching the mothers some parenting skills." (Participant K)

From the above narratives it can be clearly seen that the participants run parenting skills support groups for mothers with regards to group work method of social work. This finding is supported by literature. In a study conducted by Strydom (2013:505) parent guidance or education groups is the service that was rendered second most often. The rendering of parenting skills support groups is a very important undertaking in the care and protection of children as it prevents problems threatening the rights of children to care and protection from occurring in the future.

The second category that emerged within this sub-theme is that very few (5=23%) participants facilitate **alcohol and substance abuse support groups for mothers** in

protecting the rights of children to care and protection within the group work method of social work. Narratives to support these sentiments are given below:

“We have an alcohol and substance abuse support group for mothers who have given birth to children with alcohol syndrome.” (Participant S)

“We have one support group in our organisation whereby we provide support to mothers who have a history of abusing alcohol and drugs” (Participant L)

From the above narratives it can be concluded that the participants run support groups for mothers who have a history of alcohol and substance abuse with regards to group work method of social work. This finding corresponds with a South African study by Strydom (2012:449) who established that participants were offering substance abuse counselling to their clients. This service is very important when offered to parents as it may assist in breaking the cycle of alcohol and substance abuse which is a threat to the rights of children to care and protection. In a study conducted by Mudavanhu & Schenck (2014:380), it was revealed that the reason why some of the youths are involved in substance abuse was because they were brought up in homes where the parents or members of the family such as other siblings were using drugs.

From the findings it can be deduced that social workers are doing holiday clubs for children, parenting skills and support groups for substance and alcohol abuse for parents as part of group work. This links with the finding discussed earlier on in this chapter that social workers have very high caseloads with tasks that are time consuming which hinders them from doing more group work. It was also confirmed in a research carried out by Van Huyssteen (2015:82) that due to the high caseloads that are time consuming it is difficult for social workers doing child protection to also do group work.

4.3.3.5.3 Services rendered with regards to community work

The participants indicated the types of services that they render in the care and protection of children with regards to community work method. The sub-themes and categories that emerged are presented in table 4.8

Table 4.8: Perspectives on the types of services rendered with regards to community work in protecting the rights of children to care and protection

THEME: Types of services offered by social workers with regards to community work		
Sub-theme	Category	Frequency
Awareness campaigns	Child protection campaigns	21 (95%)
Life skills programme	Life skills programmes are offered in schools	20 (91%)
Food security projects	Food gardens are run in communities	8 (36%)

(a) Sub-theme: Awareness campaigns

The sub-theme that was identified was that **awareness campaigns are offered** with regards to community work method. One category was identified in this theme. Almost all (21=95%) participants in this category indicated that they do **child protection campaigns** as part of community work. This view is supported by narratives below:

“We do awareness campaigns like the child protection week.” (Participant N)

“We do awareness campaigns during the child protection week and we also participate in those awareness campaigns that are planned by other stakeholders.” (Participant G)

It is clear from the above narratives that child protection campaigns are done by most (21=95%) of the participants as part of community work. The focus of the campaigns was based on the social development calendar, for example the child protection week and not

on the needs of communities and families. This finding corresponds with the finding in this study that cases are not reported on time to be able to offer early intervention services due to lack of knowledge by community members and individuals regarding the stage and places to report cases.

(b) Sub-theme: Life skills programme

The other sub-theme that was identified was that **life skills programmes are offered** as part of community work. One category emerged within this sub-theme where the majority (20=91%) participants mentioned that **life skills programmes for children are offered in schools**. This view is supported by the narratives below:

“We do life skills programmes in schools once a week.” (Participant V)

“We offer life skills programmes in different schools within the communities that we are working in.” (Participant O)

From the above narratives it can be concluded that participants offer life skills support programmes in schools within the communities that they are working in with regards to community work method of social work. In line with this finding, literature in a study conducted in the Western Cape Province by Strydom (2013:505) reveals that life skills programmes for school children of at-risk families are rendered by social workers as part of their community work service delivery. This is a very important service because it equips children with knowledge regarding identifying and reporting cases of child abuse and neglect without waiting for adults to report the cases.

(c) Sub-theme: Food security projects

The last sub-theme that was identified was that **food security projects are run** with regards to community work method of social work. Two categories were identified in this sub-theme.

The first category that was identified by a minority (8=36%) of participants is that **food gardens are run in communities**. This is supported by the narratives below:

“We have food gardens that we run in our communities with the help of volunteers.” (Participant Q)

“There are food gardens in different communities that we are working in and are under our supervision.” (Participant T)

From the above narratives it can be clearly seen that the participants run food gardens in communities that they are working in as part of the community work method of social work. This activity is very important in the protection of children's rights to care and protection as it prevents the children in communities from suffering from hunger thereby leading to the realisation of the rights of children to care and protection through food provisioning.

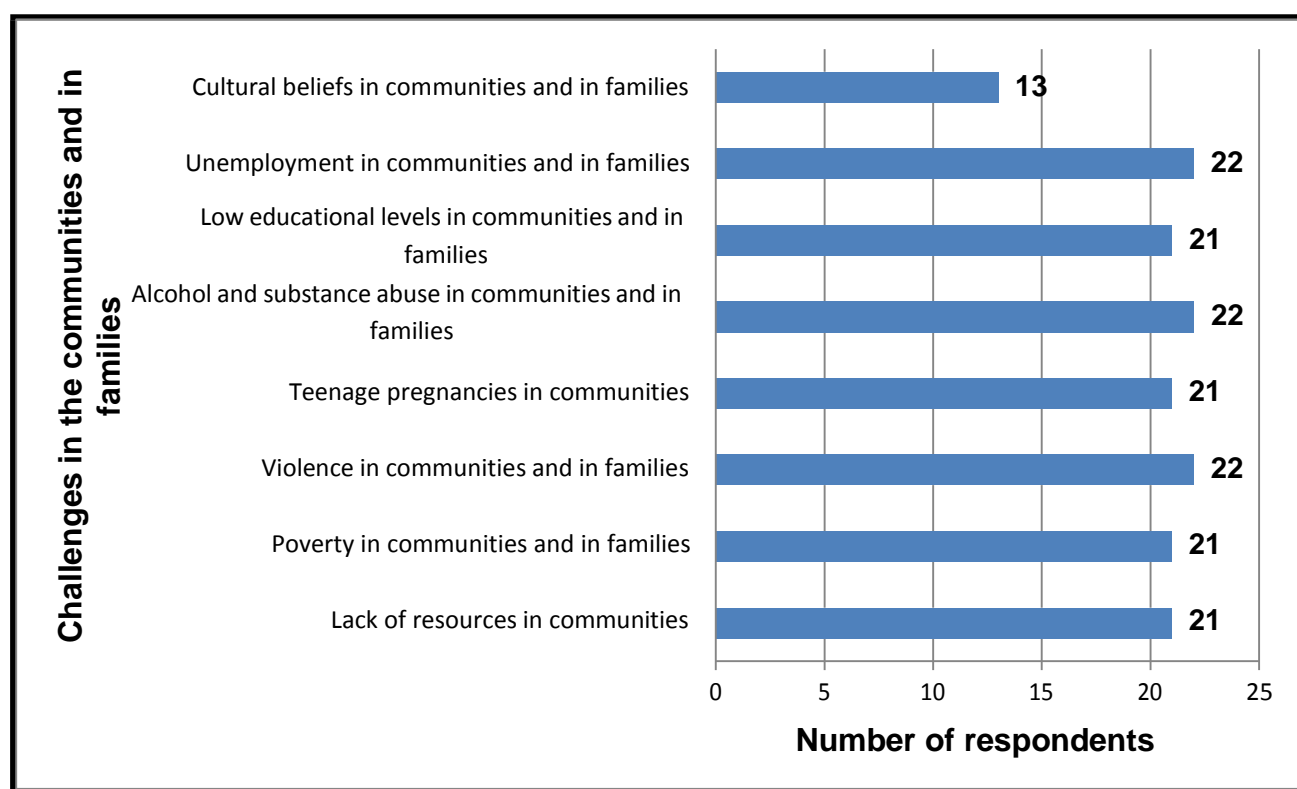
It is clear from the above findings that there is a strong focus by the majority of participants on offering child protection campaigns and life skills programmes in schools respectively as part of community work, whilst the minority are focusing on developmental programmes like food gardens. These findings indicate that there are few programmes that are being offered to parents and families who are struggling to look after their children so as to prevent the removal of children from their families. This is in contrast with the international and domestic policy documents. The UNCRC (1989) acknowledges the primary role of parents and family in the care and protection of children as well as the obligation of the state to help them carry out these duties. In line with the UNCRC (1989), the South African Constitution (Act 108 of 1996) advocates for the provisioning of social services which are supposed to prevent the removal of children. In terms of the White Paper on Social Welfare (1997) the Integrated Service Delivery Model (2006) and the Children's Act (Act 38 of 2005) policy documents, the focus must be on rendering prevention services than statutory services. Therefore, it can be argued that the provision of social services by social workers through the use of developmental projects enables parents and families to care and protect their children in a better way thereby preventing the need for removing children from their families.

4.3.4 Challenges faced by social workers in protecting the rights of children to care and protection

This section explores the challenges that are faced by social workers in protecting the rights of children to care and protection. Challenges explored in this section ranges from challenges in the communities and families to challenges in the organisations where social workers are employed.

4.3.4.1 Challenges in the communities and in families faced by social workers in protecting the rights of children to care and protection

The respondents were asked to identify and mark with an X the challenges in the communities and in families that they are faced with in their situations in protecting the rights of children to care and protection. The answers provided are displayed in figure 4.8



N=22

Figure 4.8: Challenges in the communities and in families

It is noticeable in figure 4.8 that all (22=100%) the respondents identified the categories of unemployment in communities and in families, violence in communities

and in families as well as alcohol and substance abuse in communities and in families as challenges in protecting the rights of children to care and protection. Twenty one (95%) of the respondents identified the categories of lack of resources in communities, poverty in communities and in families, teenage pregnancies in communities and low educational levels in communities and in families as challenges that they are faced with in the care and protection of children. Lastly, thirteen (59%) respondents identified cultural beliefs in communities and in families as a challenge in the care and protection of children.

The finding that **poverty in communities and in families** has been identified by all (22=100%) the respondents as a challenge in the care and protection of children is confirmed in South African literature (Schenck, 2004:159; Hope & Van der Merwe, 2013:312; Mudavanhu & Schenck, 2014:384). A study conducted in the Cape Peninsula area of the Western Cape indicates that there are families living in poverty with very little resources available to meet their basic needs (Hope & Van der Merwe, 2013:312). Because of these circumstances there is an increase in the demand of child protection services delivered by social workers with cases that are brought to the attention of social workers ranging from child maintenance and child grants applications to cases concerning child neglect and abandonment (Schenck, 2004:159; Jaffee, Caspi, Moffitt, Polo-Tomás & Taylor, 2007; Algood, Hong, Gouridine & Williams, 2011). This puts a strain on the already limited resources (social workers) within the community.

Unemployment in communities and in families has also been found by all (22=100%) the respondents to be a challenge facing participants in the care and protection of children. This finding has been confirmed in South African studies by Mathews, Jamieson, Lake & Smith (2014:32) and Mudavanhu & Schenck (2014:384) stating that high levels of poverty and unemployment compromise parents' ability to fulfil children's rights and to support their optimal development. Children that are neglected, abused and abandoned due to poverty are reported to the child protection organisations and demand the attention of social workers in terms of the need to conduct removals, investigations and placement to places of safety. This situation puts a strain on the already burdened manpower thereby challenging the delivery of prevention services intervention by social work professionals.

Violence in communities and in families has also been identified by all (22=100%) respondents in this study as a challenge that participants are faced with in the care and protection of children. Exposure of children to violence in their communities and homes has been confirmed to be a challenge with South African literature (Berry, 2007; Chames & Lomofsky, 2014:43; Centre for Justice and Crime Prevention, 2012:76). A study conducted by Mudavanhu & Schenck (2014:380) confirms that physical and emotional abuse within the family system was an aspect that challenged the youth participants as they ended up engaging in substance abuse themselves. It is clear from the above that violence in communities and in families adds on to the already heavy caseloads that social workers are carrying. This hampers the delivery of preventative services as social workers devote most of their time to early intervention and statutory service rendering.

Alcohol and substance abuse has also been found by all (22=100%) the respondents to be a challenge facing participants in the care and protection of children. This finding correlates with other findings in South African literature (Jewkes, Abrahams, Mathews, Seedat, Van Niekerk, Suffla & Ratele, 2009:1; Mudavanhu & Schenck, 2014:380) that states that parents and family members abuse alcohol and drugs impacting on their ability to care and protect their children. Kirisci, Tarter, Mezzich, Ridenour, Reynolds & Vanyukov (2009) state that the absence of parental control of children due to the parent's heavy drinking and drug dependence could result that children in that family are four to eight times more likely to develop problems with drugs. The inability of parents to care and protect their children due to alcohol and substance abuse is a challenge facing social workers as the social workers end up being faced with the task of having to remove children as a result of neglect and abuse. This means that social workers are not being given the chance to render prevention and early intervention services before resorting to the delivery of statutory services as is the requirement in the South African policy documents (White Paper on Social Welfare; Integrated Service Delivery Model and the Children's Act).

The lack of resources in the community has been identified by nearly all (21=95%) respondents as a challenge in the care and protection of children. Research conducted in South Africa (Strydom, 2010:199; Nhedzi & Makofane, 2015: 367 and Alpaslan & Schenck, 2012:374) points out to a lack of resources (cars, office equipment, specialised services) in communities as a challenge facing social workers

in protecting the rights of children to care and protection. The fact that there are not enough resources in the communities places constraints upon the delivery of preventative services that are already supposed to prevent the need for statutory services.

Low educational levels in communities and in families have been identified by almost all (21=95%) respondents in this study as a challenge to the care and protection of children. This finding is confirmed by South African literature (Blanden, 2006:2; Modisaotsile, 2012:3) that states that low educational levels in families may also imply that it is highly likely that parents are not able to provide a stimulating environment for their children's education. These conditions affect parents in fulfilling their role of ensuring that their children's homework is done. Low educational levels in families can also be linked to intergenerational poverty in that parents who are not educated may find it difficult to secure employment (Her Majesty's (HM) Treasury, London, 2008). In the circumstances where parents are unemployed, it is difficult for them to provide for their children's school needs resulting in poor educational outcomes for the children concerned. It is clear from these discussions that low educational levels of parents have a major bearing on the care and protection of children as social workers end up having a lot of cases to deal with linked to poverty, thus, putting a strain on the already limited manpower (social workers).

Teenage pregnancy in families and communities has been identified by almost all (21=95%) respondents as a challenge in the care and protection of children. This finding is supported by literature in South Africa (Blackie, 2014; Hope and Van der Merwe, 2013:312; Sowetan, 2010) that states that teenage pregnancies in communities are leading to many cases of children that are abused, neglected, abandoned and living in poverty. Eventually, grandparents looking after the children born from teenage mothers rely heavily on government grants to look after these children. This situation puts a strain on the already limited human resources (social workers) as they are required to monitor the use of such government grants.

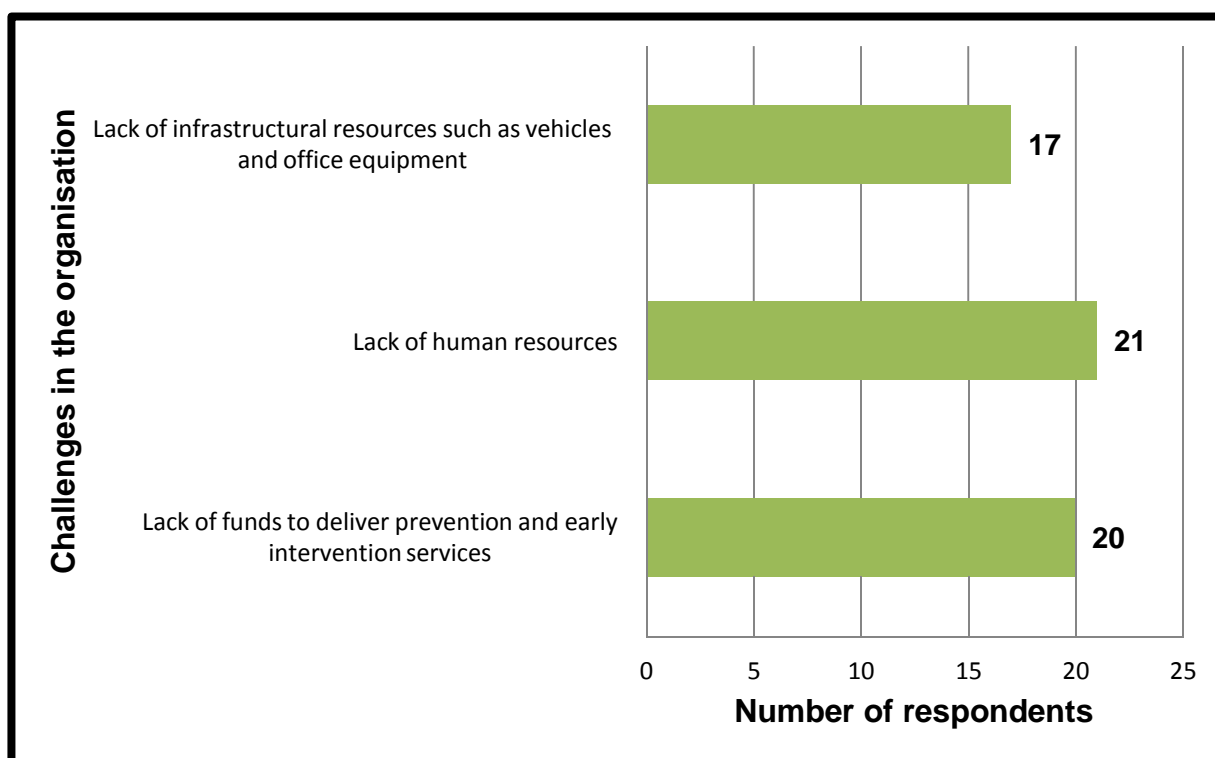
Cultural beliefs in communities and in families have been identified by (13=59%) of the respondents as a challenge to the care and protection of children. This finding corresponds with the findings of Lambert & Andipatin (2014:4) and Bhana & McKay (2005) that state that male dominance in society helps sustain the immense gender inequalities that also contribute to the increased risk of sexual abuse of children and

incidences of incest. These circumstances demand that statutory services be rendered by social workers in respect of such sexually abused children in the form of removals which again add to the high caseloads of social workers.

Thus, it is clear that despite policy requirements of the Children's Act, there are community challenges that social workers are faced with and that has been discussed in this section that prevents the rendering of preventative services that are supposed to prevent the need for statutory services thereby threatening the rights of children to care and protection.

4.3.4.2 Challenges in the Organisation faced by social workers in protecting the rights of children to care and protection

The respondents were asked to identify the challenges in the organisation that they are faced with in protecting the rights of children to care and protection. The answers provided are displayed in figure 4.9



N=22

Figure 4.9: Challenges in the organisation faced by social workers in the care and protection of children

Figure 4.9 shows that almost all (21=95%) respondents identified lack of human resources as an organisational challenge faced by social workers in protecting the rights of children to care and protection, while the majority (20=91%) and (17=77%) of respondents agreed that lack of funds and lack of infrastructure are organisational challenges faced by social workers in the care and protection of children respectively.

Lack of human resources has been pointed out by almost all (21=95%) respondents as a challenge in the care and protection of children. This finding is confirmed in the South African literature of Skhosana, Schenck & Botha (2014:224) and Strydom (2010:198) that state that the dilemma of limited numbers of social workers being available to offer child protection services was impacting heavily on the provision of prevention and early

intervention services. Therefore, the lack of human resources in the child protection system forces social workers to prioritise the most urgent cases which normally require statutory intervention and thus neglecting prevention and early intervention services as advocated for in the South African policy documents. It is worthy to comment that although the children have the rights to social services, most parents who are struggling to look after their children are not receiving any form of intervention to help in caring for and protecting their children. Therefore, it can be concluded that, for participants in this study, the rights of a child to social services means a removal in most cases.

Lack of funds to render preventative and early intervention services was identified by most (20=91%) of the respondents as a challenge in the care and protection of children. This finding corresponds with South African literature (Skhosana, Schenck & Botha, 2014:223; Sibanda, 2013; Nhedzi & Makofane, 2015:368; Strydom 2010:198; Alpaslan & Schenck, 2012:374). Strydom (2010:198) finds that insufficient funds is an obstacle for initiating projects and implementing and maintaining projects in the delivery of prevention services in protecting the rights of children to care and protection. It is clear from the literature that social workers are not able to render preventative and early intervention services due to lack of funds which is in contrast with the requirements of the policy documents being the White Paper on Social Welfare, the Integrated Service Delivery Model and the Children's Act.

Lack of infrastructural resources (cars and computers) was pointed out by the majority (17=77%) of the respondents as a challenge in the care and protection of children. This finding is confirmed by Sibanda (2013:71), Strydom (2010:198) and Nhedzi & Makofane (2015:368) who say that this is a challenge stemming from the unavailability of resources (cars and computers) which resulted from poor funding for the child protection sector. They further stated that the consequence of poor funding is that it places restrictions on the use of these organisational resources and eventually make social workers fail to adequately execute services (prevention and early intervention services) in the care and protection of children as advocated for by the various policy documents.

It is clear from the discussion above that, despite policy requirements, not enough financial and infrastructural resources (cars, office equipment) exist in the organisations for utilisation by social workers to effectively protect the rights of children to care and protection. In addition, insufficient human resources place some constraints upon the

delivery of preventative and early intervention services that are supposed to prevent the need for statutory services, thus, denying children their rights to social services.

4.3.5 Improvement in services to enhance the rights of children to care and protection to implement the rights-based perspective

This section is an outline of the opinions of social workers regarding improvement in services that are required to enhance the rights of children to care and protection to implement the rights-based perspective.

4.3.5.1 How social workers could be aided in protecting the rights of children to care and protection

The participants were asked how social workers could be aided in protecting the rights of children to care and protection. The sub-themes and categories identified within this theme are represented in table 4.9

Table 4.9: Opinions regarding the improvement of services to aid social workers in protecting the rights of children to care and protection

THEME: How social workers could be aided in protecting the rights of children to care and protection		
Sub-theme	Category	Frequency
More organisational resources are needed	More social workers are needed to lower caseloads	22 (100%)
	More funds are required to offer preventative and early intervention services	17 (77%)
	More cars are needed to render prevention, early intervention and statutory services	14 (64%)
	Office space is needed to do counselling	5 (23%)
More resources are needed in the communities	More facilities like psychological services, early childhood development centres and day care centres are needed in the communities	22 (100%)
Training is needed	On-going training sessions are needed	7 (32%)

(a) Sub-theme: More organisational resources are needed

The first sub-theme that emerged in the theme about how social workers could be aided in protecting the rights of children to care and protection was that **more organisational resources were needed**. Four categories were identified within this theme.

In the first category, all (22=100%) participants mentioned that **more social workers are needed to lower caseloads**. This opinion is expressed in the following narratives:

"I think if more social workers are hired in our organisation, it will help lighten the burden of cases that we are carrying and that will allow us to concentrate on prevention services." (Participant K)

"The organisation must employ more social workers because as it is the caseloads that we have are heavy for us and this is preventing us from rendering other services." (Participant V)

The narratives above reflects that participants are of the opinion that if more social workers are hired in their organisation it will help lighten the burden of heavy caseloads that they are carrying so that they can be able to offer other services such as preventative services. This finding is in line with other South African research results (Strydom, 2010; Brown & Neku, 2005:309) where it was revealed that both the governmental organisations and NGOs face a challenge in terms of lack of human resources, especially social workers, to render preventative services. Therefore, in the light of this challenge, participants in this study as well as in the study by Strydom (2010:206) recommended that more financial resources are needed so that the organisations can employ more staff to render preventative services. Once this has been done it would be possible to fulfil the requirements set out in the policy documents that social work services must first focus on preventative services, then on early intervention services to prevent the delivery of costly statutory services.

The second category that emerged within this sub-theme is that most (17=77%) of the participants were of the opinion that **more funds are required to offer preventative and early intervention services**. The narratives that emerged within this sub-theme are as follows:

"There is need of scaling up of funding so that we can be able to offer preventative and early intervention services." (Participant G)

"If we are to render preventative and early intervention services smoothly, the fundes must consider giving us more money." (Participant P)

The narratives above reflect that participants are of the opinion that if more funds can be made available in their organisations, they will be able to render preventative and early

intervention services. This finding is again supported by South African literature (Skhosana, Schenck & Botha, 2014:227-229; Strydom, 2010:206) stating that there is need for improved and equalised funding from government to support NGOs in the expansion of social welfare services to include the delivery of prevention and early intervention services in the care and protection of children.

The third category that emerged within this sub-theme is that the majority (14=64%) of the participants were of the opinion that **more resources in the organisation (cars)** are required to render prevention, early intervention and statutory services. This opinion is expressed in the narratives below:

"We need more cars so that we can be able to render all the services effectively."

(Participant T)

"More cars must be made available so that we are able to render all the services that we are required to render to children in need of care and protection."

(Participant M)

The narratives above reflect that participants are of the opinion that if more resources (cars) can be made available they will be able to render prevention and early intervention services effectively. This finding correlates with research conducted in South Africa by Alpaslan & Schenck (2012:374) that found that participants mentioned lack of resources (cars) as a challenge experienced while practising social work in rural areas. This was also concluded by Nhedzi & Makofane (2015:372) who found that child protection services cannot be offered without the organisational resources (cars) required for the success of the programme. The unavailability of organisational resources (cars) for utilisation by social workers thus threatens the rights of children to care and protection.

The minority (5=23%) of participants in the fourth category indicated that **office space is needed to do counselling**. Narratives below express this view:

"We also need offices per individual social worker because at the moment we share offices and this is not good for privacy or ensuring confidentiality to clients especially when you do counselling." (Participant H)

"The organisation must consider allocating each social worker an office rather than having four or five social workers sharing one office. There is no privacy and

we cannot offer counselling services in these offices especially when we are not able to visit.” (Participant G)

It is clear from the above narratives that office space is needed for the participants to be able to do counselling in private. These participants were sharing offices which made it difficult for them to render counselling services in private and because they were unable to conduct home visits. This situation makes it difficult for the social workers to render early intervention services that are supposed to prevent the removal of children as per the requirement in the South African policy documents thereby threatening the rights of children to care and protection.

(a) Sub-theme: More resources are needed in the communities

Another sub-theme that was identified was that **more resources are needed in the communities**. One category emerged within this sub-theme.

The category that was identified by all (22=100%) the participants pertains to the fact that **more facilities like early childhood development centres and day care centres are needed in the communities**. These sentiments are reflected in the narratives below:

“The government must consider availing more resources like early childhood development centres and more trauma-counselling facilities in our communities.”

(Participant D)

“We need more facilities like the Thuthuzela clinic, pre-schools and day care centres and this will help our children.” (Participant V)

The narratives above reflect that participants are of the opinion that more resources like trauma-counselling facilities, early childhood development centres and day care centres must be made available in the community. This finding correlates with other findings in South African studies by Nhedzi & Makofane (2015:367) and Strydom (2013:506) which respectively revealed the unavailability of psychological services and the unavailability of pre-school care and day care services for use by most of the children and at-risk families in the Ekurhuleni Metropolitan Municipality and the Western Cape communities. It was further mentioned that communal facilities need to be made available for the success of child protection service rendering by social workers. Thus, the shortage of resources in the community acts as a threat to the rights of children to care and protection.

(b) Sub-theme: Training is needed

The other sub-theme that was identified was that **training is needed** to aid social workers in protecting the rights of children to care and protection. One category was identified in this sub-theme.

The minority (7=32%) of participants mentioned that **on-going training was needed** to help social workers in protecting the rights of children to care and protection. This view is expressed in the narratives below:

“We need on-going refresher training.” (Participant E)

“We need more trainings at least two trainings per year.” (Participant G)

The narratives above clearly indicate that on-going training is required to aid participants in protecting the rights of children to care and protection. This finding is confirmed by South African literature (Calitz, Roux & Strydom, 2014:161) where social workers indicated that they did not adequately receive an opportunity to attend job-related seminars or participation in continued education on practice issues. This situation if left uncontrolled can lead to poor job performance as social workers struggle to offer the appropriate interventions in the care and protection of children, thus, threatening the rights of children to care and protection as advocated for in the South African policy documents protecting the rights of children to care and protection.

4.3.5.2 Suggestions or comments regarding the rights of children to care and protection

The participants were asked if they had any other suggestions or comments regarding the rights of children to care and protection. The sub-themes and categories that emerged from this theme are shown in table 4.10

Table 4.10: Suggestions or comments regarding the rights of children to care and protection

THEME: Suggestions or comments regarding the rights of children to care and protection		
Sub-theme	Category	Frequency
Social workers lack motivation for their work	Better salaries must be offered to social workers to keep them motivated to do their jobs	12 (55%)

(a) Sub-theme: Social workers lack motivation for their work

Only one sub-theme was identified namely that **social workers lack motivation for their work**. One category emerged under this sub-theme, i.e. that **better salaries must be offered to social workers in order to keep them motivated** to do their jobs (12=55%). These views are expressed in the narratives below.

“Our organisation must consider reviewing our salaries and make them better so that we can be motivated to do our jobs.” (Participant T)

“We need better salaries to keep us motivated to do our jobs.” (Participant B)

The narratives above reflect that participants are suggesting that their salaries be reviewed to make them better so that they can be motivated to do their jobs. South African literature (Calitz, Roux & Strydom, 2014:160) reveals that social workers are not satisfied with the salaries that they earn which directly impacts on their performance and job satisfaction. However, this finding may be indicative of the fact that social work is also not being given enough recognition as a profession in terms of salaries when compared to other professions. Furthermore findings in this study show that this is an urgent matter that government needs to address for the successive implementation of child protection services.

4.4 CONCLUSION

An empirical investigation into the perceptions of social workers regarding the rights of children to care and protection was conducted and the analyses of the empirical findings as gathered through a semi-structured interview schedule were presented in

this chapter. The third objective of the research study was therefore achieved by determining the identifying particulars of participants to ensure that the participants comply with the requirements of this research study. Thereafter the participants' familiarity with the South African policies and legislation for protecting the rights of children to care and protection was investigated to determine whether they apply the principles that are contained in such policies and legislation. This activity was followed by an investigation into the services rendered by participants in protecting the rights of children to care and protection. In addition, challenges in the communities and in families as well as in organisations faced by participants in their role of protecting the rights of children to care and protection, were also investigated. Finally, the participants' opinions regarding the improvements in services that are needed to enhance the rights of children to care and protection to implement a rights-based perspective were also investigated.

In this chapter a successful investigation into the perceptions of social workers regarding the rights of children to care and protection was conducted. Generally, looking at the findings of this study as well as the environment wherein this study was conducted, it can be argued that for most of the participants, the rights of children to care and protection means removing children from their families, it does not mean rendering an intervention to keep the child within the family unit. This is in contrast with the requirements set out in the policy documents that social work services must first focus on the delivery of preventative services, then on early intervention services to prevent the delivery of statutory services. However, it should be acknowledged that it is nearly impossible for social workers in the child and family welfare organisations within the Buffalo City Metropolitan Municipality to render child protection services to children and their families due to certain challenges in the communities and in families as well as in the organisation where they are employed.

Therefore, for participants to be aided and be able to abide by the policy documents' requirements in the care and protection of children, the fulfilment of the following conditions for the efficient and successful rendering of preventative and early intervention services were identified, namely the provision of adequate funding, the provision of enough infrastructural resources, more social workers to share the burden of high caseloads and the availability of more community resources. The findings of the empirical investigation was controlled and confirmed by the findings

from the literature study. The conclusion and recommendations with regards to this research study will be the focus of the following chapter.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

This study aimed to gain an understanding of the perceptions of social workers regarding the rights of children to care and protection. This aim was achieved through the implementation of four research objectives.

The first objective of this study was met in Chapter 2, where the rights of children to care and protection within the context of international, regional and South African policy documents and legislation from a rights-based perspective were discussed. The second objective of this study was addressed in Chapter 3 which explored the services rendered by social workers in the care and protection of children as well as challenges experienced by social workers in protecting the rights of children to care and protection. Chapter 4 aimed to achieve the study's third objective by presenting the empirical investigation on the perceptions of social workers regarding the rights of children to care and protection in the Buffalo City Metropolitan Municipality.

The purpose of this final chapter is to present the conclusions drawn from the study and to make appropriate recommendations. In that way the fourth objective of this study will be met.

5.2 CONCLUSIONS AND RECOMMENDATIONS

The conclusions and recommendations discussed in this chapter are based on the findings of the empirical investigation, and are presented in a similar format to that of Chapter 4, thus, following the order of the semi-structured interview schedule.

5.2.1 Identifying particulars of respondents

The investigations in this section focused on the respondents' age, their years of experience as social workers, their years of experience as child protection social workers and the type of service providers where social workers are employed. In addition the highest qualifications in social work obtained by the respondents were also researched.

5.2.1.1 Age of respondents, years of experience as social workers and as child protection social workers and type of service providers

The criteria for inclusion in this study stated that respondents had to be social workers, proficient in English and working for designated Child Protection Organisations in the Buffalo City Metropolitan Municipality for a minimum of one year. Furthermore, respondents were required to be knowledgeable of the Children's Act and should have had previously rendered child protection services.

The majority of respondents were between the ages of 21 and 30 years and were thus classified as young adults. The minority of the respondents were in their late adulthood, below the age of 40 and over 41. All the respondents had more than one year of experience. For all the respondents, those that had one to five years of experience outnumbered those that had six to ten years' experience. A majority of the respondents had between one to two years of experience as child protection social workers. Finally with regards to the types of service providers; most of the respondents were child protection social workers working for NGOs; with a minority working for the government.

It is therefore **concluded** that most respondents had more than a year of working experience and were mostly in their young adulthood with limited work experience in social work and child protection social work. Very few experienced social workers in their late adulthood are rendering child protection services.

Recommendations:

- Child and family welfare organisations should find a way of incentivising the speciality of child protection as a way of retaining experienced social workers.
- For the majority of social workers in child and family welfare organisations that are in their young adulthood, supervision and support must be provided.

5.2.1.2 Highest qualifications obtained in social work

Regarding the highest qualification obtained in social work, the majority of respondents had completed an undergraduate degree in social work with a few who had furthered their postgraduate studies and obtained an honours degree while none proceeded to masters and doctorate level.

Therefore, it can be **concluded** that most of the respondents did not pursue further academic qualifications. This could be because postgraduate qualifications in social work

are not a prerequisite to practice child protection social work and also because most of the respondents were still young adults who had just graduated from university and were therefore not yet contemplating to pursue postgraduate studies.

Recommendations:

- Social workers in child and family welfare organisations should consider pursuing postgraduate qualifications in social work in order to improve their skills and experience with regards to the protection of children's rights to care and protection.
- Incentives must be provided within the social work profession so that social workers can enrol in postgraduate training in the form of a Masters or Doctorate degree with a purpose of contributing to social workers' career trajectories and to increase their financial earnings. This will help social work interventions to remain evidence-based and relevant in the care and protection of children.

5.2.2 The rights of children to care and protection within the context of international, regional and South African policy documents and legislation from a rights-based perspective

The investigation in this section focused on the familiarity of respondents with policies and legislation protecting the rights of children to care and protection. The respondents' awareness of principles contained in policies and legislation for protecting the rights of children to care and protection as well as the application of such principles were also investigated.

5.2.2.1 Policies and legislation protecting the rights of children to care and protection

With regards to the extent to which respondents were familiar with the policies and legislation protecting the rights of children to care and protection, all respondents were familiar with the South African Constitution (No. 108 of 1996) and the Children's Act (Act 38 of 2005). However, half of the respondents were familiar with the international (UNCRC of 1989) policy whilst a few of the respondents were familiar with the regional (ACRWC of 1990) policy protecting the rights of children to care and protection.

Therefore, it can be **concluded** that all the respondents were familiar with the Children's Act and the South African Constitution in protecting the rights of children to care and protection. Half of the respondents were familiar with the international (UNCRC) policy

document whilst a few of the respondents were familiar with the regional (ACRWC) policy document protecting the rights of children to care and protection. However, for those who were not familiar with the UNCRC (1989) and the ACRWC (1990) policy documents, it is assumed that they were not fully equipped through their undergraduate training in terms of knowledge on these international and regional policy documents.

Recommendations:

- Child and family welfare organisations should provide the necessary support to social workers in the form of refresher training programmes to ensure that they are familiar with and keep up with international and regional policies protecting the rights of children to care and protection so as to enable the practice of a rights-based perspective.
- Child and family welfare organisations must also consider providing their social workers with the international (UNCRC) and regional (ACRWC) policies in the form of booklets or big charts pinned to walls in their offices for everyday reference.

5.2.2.2 Awareness of principles contained in policies and legislation for protecting the rights of children to care and protection

In terms of awareness of principles contained in policies and legislation for protecting the rights of children to care and protection, all the respondents were aware of the participation principle and the best interests of the child principle. The majority of the respondents were also aware of the principle of non-discrimination as well as the principle of survival and development whilst only a few of the respondents were not aware of these two principles.

Generally, it can be **concluded** that most respondents were aware of the principles contained in the policies and legislation protecting the rights of children to care and protection. It can be assumed that the few respondents, who were not aware of all the policies, might have forgotten about them, or failed to grasp the principles thereof during their undergraduate training.

Recommendations:

- Child and family welfare organisations should focus on providing training to social workers that specifically pay attention to the principles that are contained in the policies and legislation for protecting the rights of children to care and protection.

This will increase the social workers' knowledge base in terms of principles and it will also enable them to practise a rights-based perspective in the care and protection of children.

- Social workers must also strive to continue researching policies and legislation protecting the rights of children. It is believed that by doing so they will become familiar with principles that are important for the effective implementation of such policies within a rights-based perspective.

5.2.2.3 Application of principles as contained in the policies and legislation protecting the rights of children to care and protection

The participants were asked to explain their application of principles as contained in the policies and legislation protecting the rights of children to care and protection. All participants indicated that they were applying the principle of participation as well as the best interests of the child principle. The majority of participants were also applying the principle of non-discrimination as well as the principle of survival and development. Only a few participants were not applying the principle of non-discrimination and the principle of survival and development. Further, all participants who indicated that they were aware of the principles confirmed the application of such principles. Regarding the explanations on the application of principles, the participants failed to explain how these principles were being applied in the care and protection of children as they were more intent on continuously applying the principles.

Therefore, it can be **concluded** that most respondents were aware of the principles as contained in the policies and legislation protecting the rights of children to care and protection, and were also applying those principles even if they could not always explain how the principles were applied. It can be assumed that those who did not mention the application of principles were not aware of such principles.

Recommendations:

- Social workers must be fully equipped through their undergraduate training in terms of their knowledge of legislation and the practicalities on how to implement the principles contained in such policies and legislation so as to enable the implementation of a rights-based perspective in the care and protection of children.
- Social workers in child and family welfare organisations should be exposed to on-going training and mentoring to improve their skills and experience with regards to

the application of principles as contained in the policies and legislation protecting the rights of children to care and protection. This will ensure the implementation of a rights-based perspective in the care and protection of children.

5.2.3 Services rendered by social workers in protecting the rights of children to care and protection

The services rendered by social workers in protecting the rights of children to care and protection was researched with relation to the requirements set out in South African policy and legislation documents. The experiences of participants in rendering preventative services, early intervention services and statutory services were also investigated. Lastly, the type of services rendered in the care and protection of children per each social work method (case work, group work and community work) were also explored with participants.

5.2.3.1 The delivery of preventative services and early intervention services in the care and protection of children

In accordance with the White Paper on Social Welfare (1997), the Integrated Service Delivery Model (ISDM) (2006) and the Children's Act (Act 38 of 2005) policy documents, social work services must focus first on preventative services, then on early intervention services and finally on statutory services to implement a developmental policy for the delivery of social work services. When this procedure is followed, the implementation of costly statutory services is avoided.

With regards to the delivery of preventative services and early intervention services in accordance with the requirements set out in the South African policy documents, the majority of participants were finding it difficult to render both preventative services and early intervention services with so much focus being placed on the rendering of statutory services. The reasons that were given for the difficulties experienced by participants in rendering preventative services were both lack of time due to high caseloads or high incidence of statutory work, and lack of funds to buy refreshments and entertainment for projects. Regarding the difficulties that respondents experienced in the delivery of early intervention services, two reasons were given namely; lack of resources (cars) to conduct home visits and that the notifications of cases were given too late for the participants to render early intervention services.

Therefore, a **conclusion** can be reached that both the delivery of prevention and early intervention services as per the requirements in the South African policy documents are nearly impossible without the provision of adequate resources. In addition, the delivery of early intervention services is difficult with many cases being reported when they have already reached a crisis proportion thus requiring the delivery of statutory services. This situation leaves social workers with no option of rendering preventative and early intervention services but to resort to the rendering of statutory services in the care and protection of children which jeopardises the care and protection of children and which is not in line with the requirements of the South African policy documents.

Recommendations:

- The government should consider providing the necessary support to social workers in order to ensure that they have manageable caseloads and are not overwhelmed by statutory work.
- Funds to buy refreshments and entertainment must be made available in child and family welfare organisations for utilisation by social workers in the implementation of preventative programmes
- Awareness campaigns in communities should focus on the identification of abuse and neglect in order to empower people to notify organisations earlier.
- Adequate organisational resources (cars) should be made available for utilisation by social workers so that they are able to conduct home visits to at-risk families.
- Social workers should, when implementing child protection services, continue to consider the requirements as set out in various South African policies and legislation documents.

5.2.3.2 Experiences of social workers in the delivery of preventative services in protecting the rights of children to care and protection

The experiences of participants with regards to the delivery of preventative services were researched. According to most participants, preventative services were not being offered because of certain constraints such as lack of time due to high statutory caseloads, lack of financial resources to initiate and run income generating projects and lack of cooperation and support from other stakeholders.

A **conclusion** can be drawn that with certain constraints such as lack of cooperation from stakeholders, lack of financial resources for preventative programmes and high statutory caseloads, the delivery of preventative services will continue to suffer.

Recommendations:

- The government must provide enough funding so as to enable child and family welfare organisations to employ more social workers. The hiring of more social workers in child and family welfare organisations will lower the time-consuming high caseloads that the study participants have to deal with resulting from prevention services not being adequately rendered. So, by rendering prevention services that will help communities and families become more equipped to care and protect their children hence the high incidence of statutory cases that are time consuming and that prevent social workers from rendering preventative services, will lessen.
- Child and family welfare organisations should consider strengthening their already existing child protection forums or initiate new ones in areas where there is none. This will help social workers to address cooperation issues amongst stakeholders in one sitting.
- Child and family welfare organisations must consider training and utilising other professionals like community development workers and care workers in the delivery of preventative services under minimal supervision by social workers.

5.2.3.3 Experiences of social workers in the delivery of early intervention services in protecting the rights of children to care and protection

The experiences of participants in the delivery of early intervention services in protecting the rights of children to care and protection were investigated. According to most participants, early intervention services are difficult to render in the care and protection of children due to lack of organisational resources (cars) and lack of cooperation from parents. Parents that are referred by social workers for support services do not attend as expected. As a result, social workers will be burdened with heavy caseloads needing statutory intervention.

A **conclusion** can be drawn that with lack of organisational resources such as cars to conduct home visits and lack of cooperation from parents, early intervention services will continue to be difficult to render in the care and protection of children.

Recommendations:

- The government should ensure that the child and family welfare organisations are adequately subsidised so that cars are available at all times for social workers to conduct home visits in the rendering of early intervention services in the care and protection of children.
- Social workers need to be trained on how to effectively work with resistant at-risk families in the care and protection of children.
- Parents need to be continually educated on the rights of children to care and protection so that they can see the importance of attending support services to help them in caring and protecting their children in a better way.
- Prevention and awareness programmes should be developed in the communities that focus on educating parents regarding their parenting responsibilities and duties with respect to their children, and providing support to all families so as to ensure that families utilise support networks within their communities in order to decrease family isolation and child abuse and neglect.
- Resources must be situated in communities where they can easily be utilised by children and their parents at no cost, such as transport costs.

5.2.3.4 Experiences of social workers in the delivery of statutory services in protecting the rights of children to care and protection

The participants were asked to explain their experiences in the delivery of statutory services in protecting the rights of children to care and protection. Most participants mentioned that there many cases that require statutory services and therefore those cases are time consuming. In addition, participants were of the view that they were not conducting thorough investigations for removals because they did not have enough resources (cars). Participants also reported that there was a shortage in the number of places of safety that were available to place removed children.

A **conclusion** can be drawn that, with a high number of statutory cases, inadequate resources (cars) to enable social workers to conduct thorough investigations, and inadequate places of safety to place removed children, the rights of children to care and protection will be threatened as social workers would continue to render statutory services inadequately.

Recommendations:

- Social workers in child and family welfare organisations must try at all times to conduct thorough investigations with regards to removals. This will allow for the protection of the rights of children to care and protection as advocated for in the Children's Act. However, it should be acknowledged that, it is impossible for social workers to conduct thorough investigations without adequate resources. Thus the government should support child and family welfare organisations so that cars can be made available for utilisation by social workers.
- The government must consider building more places of safety for the placement of removed children especially in cases where foster care is not an option. It is the government's obligation to care and protect children through making available appropriate alternative care (places of safety) for children when removed from their family environment (Section 28(1) (b) of the South African Constitution, Act 108 of 1996).
- There is a need for strengthening the already existing programmes such as the eye on the child that allows for the screening and training of individuals in communities who are willing to take children into their homes on a temporary basis. This will help especially in cases when there is no space in children's homes for immediate placement of removed children by social workers.
- Adoption and foster care must be encouraged in communities through talks in churches and at community gatherings to prevent children from staying in children's homes for a long time as this might be the reasons why places of safety are always full.

5.2.3.5 Types of services offered by social workers with regards to case work, group work and community work

In order to gain insight into the delivery of services with regards to care and protection of children, participants were asked to describe the types of services offered with regards to case work, group work and community work. All participants indicated the types of services that were offered in line with these above-mentioned social intervention methods.

5.2.3.5.1 Services offered by social workers with regards to case work

The types of services that respondents offered with regards to case work method were researched. All participants mentioned that they were offering removals with nearly all the

participants offering family assessments. The majority of participants were also offering counselling and educational services to families.

A **conclusion** that can be drawn with regards to services offered by respondents as part of case work is that all respondents offered services that were aligned to statutory work such as removals, with almost all respondents offering interventions in terms of family assessments whilst only a third of the respondents offered counselling services and educational services to families. There was a lack of diversity in terms of services rendered by participants with regards to case work. This may indicate that they lacked knowledge on a range of services that could be offered in terms of social intervention methods or it may indicate that respondents did not have time to render a range of services with regards to case work due to high caseloads. Almost no services were made available to protect children to enable them to stay in their families. However, this situation implies that, for social workers in child and family welfare organisations, the rights of children to care and protection as well as the rights of children to social services as mentioned in the South African Constitution effectively refers to a removal.

Recommendations:

- Child and family welfare organisations need to offer appropriate training and supervision in line with types of services that participants can offer regarding case work.
- It should be acknowledged that it is impossible for social workers to render comprehensive case work services due to high caseloads that are time consuming. Therefore, other means should be investigated to improve case work services for the care and protection of children.
- More time should be devoted to counselling services and educational services to families as the delivery of these services will give effect to early intervention service delivery to prevent the need for rendering statutory services. However, at this stage it is impossible for the social workers in the Buffalo-city Metropolitan Municipality to do it.

5.2.3.5.2 vices offered by social workers with regards to group work

The types of services offered by participants with regards to group work were investigated. The majority of participants mentioned that they offered holiday clubs for children during school holidays; parenting skills support groups and substance and alcohol abuse support

groups for parents, as part of group work. None of the participants indicated that they offered therapeutic or counselling groups as part of group work method.

It can be **concluded** that very few services were offered by participants with regards to group work. There were no therapeutic, counselling or supportive groups indicated as being offered by participants. However, the rendering of these types of services to families at risk, tend to improve the parenting skills and practices of families, as these services enable families to understand their roles as parents better and to learn of improved ways to cope more effectively with normal stressors in life. The lack of therapeutic and counselling groups could be linked to the fact that the participants lacked knowledge about the types of services that could be offered with regards to group work and because participants lacked the time to render a range of group work services.

Recommendations:

- Social workers in child and family welfare organisations should strive to expand their knowledge base and improve their understanding of the different types of groups that may be appropriate to utilise in the care and protection of children.
- Social workers in child and family welfare organisations should engage in a diversity of groups in the care and protection of children so as to broaden their experience and techniques regarding different group work types in order to address the diverse needs of children and their families. However, it should be acknowledged that even if there is a need for group work services in the Buffalo City Metropolitan Municipality, it is impossible for the social workers to render these services given their high caseloads. Therefore, other means should be sought in terms of delivering group work services to families and children.
- Through the use of child protection forums, social workers from different child and family welfare organisations should endeavour to discuss and share the best practices for intervention with children and their families.

5.2.3.5.3 Services offered by social workers with regards to community work

The types of services rendered by the participants with regards to community work were investigated. The majority of participants were doing child protection campaigns and life skills programmes in schools whilst the minority of participants were focusing on developmental programmes like food gardens.

The **conclusion** can be drawn that the participants were not doing enough preventative work in terms of supporting families. They were focusing on once-off programmes and not on developmental programmes.

Recommendations:

- Child and family welfare organisations offering child protection services should share their best practices and successes in order to strengthen the delivery of child protection services in terms of community work so that more developmental programmes can be offered in communities where children are at risk.
- Social workers in child and family welfare organisations should strive to build their knowledge with regards to community work programmes that are developmental in nature and that can be utilised during the implementation of preventative services to support families, other than the educational programmes. This can be done through continuous research on community work models so as to better address the different needs of communities in which children are residing. However, even though there is a need for developmental services in the Buffalo City Metropolitan Municipality, it should be acknowledged that it is difficult for social workers to render these services due to lack of time and resources, therefore, other means must be sought to help social workers in offering developmental services to support families in the care and protection of children.

5.2.4 Challenges faced by social workers in protecting the rights of children to care and protection

The challenges that respondents were faced with in protecting the rights of children to care and protection were investigated in the Buffalo City Metropolitan Municipality. These ranged from challenges in the communities and families to challenges in the organisations where social workers are employed.

5.2.4.1 Challenges in the communities and in families faced by social workers in protecting the rights of children to care and protection

The respondents were asked to identify the challenges in communities and in families that they were faced with in protecting the rights of children to care and protection. Most respondents identified the following common challenges that they encountered in the care and protection of children: unemployment in communities and in families, violence in

communities and in families, alcohol and substance abuse in communities and in families, lack of resources in communities, poverty in communities and in families, teenage pregnancies in communities and low educational levels in communities and in families.

Other challenges that were encountered in the care and protection of children pertained to the cultural beliefs in communities and in families. These challenges inhibited social workers from effectively protecting the rights of children to care and protection.

The **conclusion** that can be made is that respondents at child and family welfare organisations faced various challenges in the communities and in families with regards to the care and protection of children. These challenges were always encountered in the care and protection of children.

Recommendations:

- More funding should be provided to child and family welfare organisations in order for them to render preventative services effectively and to avoid problems such as teenage pregnancies, and alcohol and substance abuse in the communities and in families. These preventative services by means of awareness campaigns will also help with disseminating knowledge on the importance of reporting cases at an earlier stage in protecting the rights of children to care and protection.
- More educational facilities are needed in communities to equip adults with formal education as well as training in terms of skills development. This will enable community and family members to find employment and to gain appropriate skills to initiate income-generating projects. This will not only deal with problems of unemployment but also with poverty in a sustainable way rather than just relying on income support grants.

5.2.4.2 Challenges in organisations faced by social workers in protecting the rights of children to care and protection

The respondents were asked to identify the organisational challenges that they were faced with in protecting the rights of children to care and protection. The majority of respondents identified lack of human resources, lack of funds to render preventative and early intervention services as well as lack of infrastructure respectively as organisational challenges faced by social workers in the care and protection of children.

The **conclusion** that can be drawn is that respondents at child and family welfare organisations faced various challenges in the organisations where they were employed with regards to the care and protection of children.

Recommendations:

- Child and family welfare organisations need to do a lot of advocacy in holding the government accountable in providing funding for preventative and early intervention services so that social workers can abide with the requirements in the South African policy documents (the White Paper on Social Welfare, the Integrated Service Delivery Model (ISDM) and the Children's Act).
- The government must provide the Child and family welfare organisations with the necessary support in terms of infrastructural resources (cars and computers) and human resources (appointing more social workers). This will enable social workers to render preventative services in the care and protection of children.

5.2.5 Improvement of services to enhance the rights of children to care and protection to implement the rights-based perspective

The opinions of participants regarding the improvement of services required to enhance the rights of children to care and protection in order to implement the rights-based perspective were investigated.

5.2.5.1 How social workers could be aided in protecting the rights of children to care and protection

Participants' opinions on how they could be aided in protecting the rights of children to care and protection were researched. The participants felt that more funds for organisational resources such as cars, computers and office space were needed to render preventative and early intervention services in the care and protection of children. Furthermore on-going training and more social workers were needed to lower caseloads. In addition, participants were of the opinion that more community resources were required in terms of facilities.

The **conclusion** can be drawn that without these resources, it would be nearly impossible for participants to abide by the requirement of South African policy documents in protecting the rights of children to care and protection, namely to focus first on preventative services, then on early intervention in order to prevent having to deliver statutory services.

Recommendations:

- The government should provide enough funding to child and family welfare organisations to enable the rendering of preventative and early intervention services by social workers in the care and protection of children.
- Where it is possible, civil society must advocate for more funding and community facilities to be provided by government in honour of their policy requirements in the care and protection of children.
- Organisational resources in terms of cars, office space and computers should be made available in child and family welfare organisations for utilisation by social workers in the care and protection of children.
- More social workers must be hired in order to lighten the heavy statutory caseloads that social workers are dealing with in the care and protection of children. This will allow social workers enough time to be able to render preventative services.
- Child and family welfare organisations should provide on-going training to social workers to keep them abreast with the changes and developments in the child protection and social work fields.

5.2.5.2 Suggestions or comments regarding the rights of children to care and protection

The participants were asked to give their suggestions or comments regarding the rights of children to care and protection. The participants were of the view that social workers lacked motivation for their work due to poor salaries offered for the profession.

The **conclusion** can be reached that the social workers were not being paid properly compared to other professions which are equally important in the care and protection of children. This could be because the social work profession is not being given the recognition it deserves in the country.

Recommendations:

- Social workers should continue to advocate for their profession so that the profession can receive the attention it deserves from funders in terms of salaries.
- The government together with private donors need to give the profession the recognition it deserves in terms of funding for salaries to ensure the successive implementation of child protection services.

5.3 FURTHER RESEARCH

In the light of results from the empirical investigation concerning the perceptions of social workers regarding the rights of children to care and protection, it is suggested that further research should focus on the improvements needed in the child protection system for the effective protection of the rights of children to care and protection. This may also help in shedding light on the needs of social workers in order for them to abide by the requirements in the South African policy documents for the effective care and protection of children.

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APPENDIX A: Semi-structured interview schedule

UNIVERSITY OF STELLENBOSCH

DEPARTMENT OF SOCIAL WORK

The Perceptions of Social Workers regarding the rights of children to care and protection.

Researcher: M. M Ndonga

NB: *Information obtained through this semi-structured interview schedule will remain confidential.*

SECTION A: IDENTIFYING PARTICULARS OF PARTICIPANTS

1.1. Age of respondent:

Age	Mark with an X
21 - 30 years	
31 - 40 years	
41 - 50 years	
51 - 60 years	
61+ years	

1.2. How many years have you been practicing social work?

Number of years' experience	Mark with an X
1-5 years	
6-10 years	
11-15 years	
16-20 years	
21 years	

1.3 Length of time as a child protection social worker:

Length of time	Mark with an X
1 – 2 years	
3 – 4 years	
5 – 6 years	
7 – 8 years	
9 – 10 years	
More than 10 years	

1.4 Type of service provider:

Service Provider	Mark with X
Government	
NGO	
Other (please specify)	

1.5 Indicate your highest qualification in social work:

Qualification	Mark with an X
Diploma in Social Work	
B.Social Sciences (Social Work)	
B.A. Social Work (3 years)	
B.A. Social Work (4 years)	
B. Social Work (4 years)	
B. Diac. Social Work	
Honours B.A. Social Work	
M.A. Social Work	
D.Phil. Social Work	

SECTION B: THE RIGHTS OF CHILDREN TO CARE AND PROTECTION WITHIN THE CONTEXT OF INTERNATIONAL, REGIONAL AND SOUTH AFRICAN POLICY DOCUMENTS AND LEGISLATION FROM A RIGHTS BASED PERSPECTIVE

2.1 Indicate the policies and legislation that you are familiar with in protecting the rights of children to care and protection:

Policies and legislation	Mark with X
United Nations Convention on the Rights of Children (UNCRC)	
African Charter on the Rights and Welfare of Children (ACRWC)	
Constitution Act 108 of 1996	
Children's Act 38 of 2005	

2.2 Indicate the principles that you are aware of as contained in the above-mentioned policies:

Principles	Mark with X
Non-discrimination (all children are entitled to their rights)	
Best interests of the child (all decisions made about children and all measures of care and protection should benefit the child)	
Survival and development (making sure that children have access to the maximum available resources)	
Participation (assure to the child who is capable of forming his or her own views the right to express those views freely)	

2.3 Explain your application of these principles in protecting the rights of children to care and protection

.....

.....

SECTION C: SERVICES RENDERED BY SOCIAL WORKERS IN PROTECTING THE RIGHTS OF CHILDREN TO CARE AND PROTECTION

3.1 In accordance with the White Paper on Social Welfare (1997), Integrated Service Delivery Model (ISDM) (2006) and the Children's Act 38 of 2005 policy documents, social

work services must focus first on **preventative services**, then on **early intervention services** and finally on **statutory services** to implement a development-orientated policy for the delivery of social work services. When this procedure is followed, it also avoids the implementation of costly statutory services.

How is the above requirement implemented in protecting the rights of children to care and protection?

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.....

.....

3.2 Explain your experience of the delivery of preventative services in protecting the rights of children to care and protection?

.....

.....

.....

3.3 Explain your experience of the delivery of early intervention services in protecting the rights of children to care and protection?

.....

.....

.....

3.4 Explain your experience of the delivery of statutory services in protecting the rights of children to care and protection?

.....

.....

.....

3.5 Describe the type of services that you offer to children with regards to:

3.5.1 Case work

.....

3.5.2 Group work.....

.....

3.5.3 Community work.....

.....

SECTION D: CHALLENGES FACED BY SOCIAL WORKERS IN PROTECTING THE RIGHTS OF CHILDREN TO CARE AND PROTECTION

4.1 Identify which of the following challenges are you faced with in protecting the rights of children to care and protection?

Challenges in the communities and in families

Challenges in communities and in families	Mark with X
Lack of resources in communities	
Poverty in communities and in families	
Violence in communities and in families	
Teenage pregnancies in communities	
Alcohol and substance abuse in communities and in families	
Low educational levels in communities and in families	
Unemployment in communities and in families	
Cultural beliefs in communities and in families	
Other	

Challenges in the Organisation

Challenges in the Organisation	Mark with X
Lack of funds to deliver prevention and early intervention services	
Lack of human resources	
Lack of infrastructural resources such as vehicles and office equipment	
Other challenges in the organisation	

SECTION E: IMPROVEMENT IN SERVICES TO ENHANCE THE RIGHTS OF CHILDREN TO CARE AND PROTECTION TO IMPLEMENT A RIGHTS BASED PERSPECTIVE

5.1 In your opinion, how could social workers be aided in protecting the rights of children to care and protection?

.....

5.2 Do you have any other suggestions or comments regarding the rights of children to care and protection?

.....

.....

.....Thank you.....

APPENDIX B: Informed Consent



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Jou kennisvennoot • your knowledge partner

STELLENBOSCH UNIVERSITY CONSENT TO PARTICIPATE IN RESEARCH

THE PERCEPTIONS OF SOCIAL WORKERS REGARDING THE RIGHTS OF CHILDREN TO CARE AND PROTECTION

You are asked to participate in a research study conducted by **Moreblessing Memory Ndonga**, a Masters student from the Social Work Department at the University of Stellenbosch. The results of this study will become part of a research report. You were selected as a possible participant in this study because you are a social worker working for a Child Protection Organization in the Buffalo City Metropolitan Municipality for a minimum of one year, you are knowledgeable about the Children's Act 38 of 2005, you have previously rendered child protection services and you are proficient in English.

1. PURPOSE OF THE STUDY

The **aim** of the study is to gain an understanding of the perceptions of social workers regarding the rights of children to care and protection in the Buffalo-city Metropolitan Municipality.

2. PROCEDURES

If you volunteer to participate in this study, we would ask you to do the following:

A semi-structured interview guide will be utilized to gather information confidentially. You need not indicate your name or any particulars on the interview schedule. The schedule will be completed during the one-on-one interview conducted by a student-researcher.

3. POTENTIAL RISKS AND DISCOMFORTS

Any uncertainties on any of the aspects of the schedule you may experience during the interview can be discussed and clarified at any time.

4. POTENTIAL BENEFITS TO SUBJECTS AND / OR TO SOCIETY

The results of this study will inform Child Protection Organisations in implementing the rights of children to care and protection. This information could be used by Child Protection Organisations for further planning in service delivery with regards to the rights of children to protection and care.

5. PAYMENT FOR PARTICIPATION

No payment in any form will be received for participating in this study.

6. CONFIDENTIALITY

Any information that is obtained in connection with this study and that can be identified with you will remain confidential and will be disclosed only with your permission or as required by law. Confidentiality will be maintained in that only the researcher will be aware of the names of participants and completed interview schedules will not be linked to any specific participants and no personal identifying information will be

requested. All completed interview schedules will be managed, analysed and processed by the researcher and will be kept in a safe place in a locked cabinet accessible to the researcher only.

The interview will be audio-taped. The participant can at any time ask to review the audio-tape. The audio-tape will be kept in a safe place in a locked cabinet accessible to the researcher only. The recordings will be deleted after the researcher have transcribed and analysed the data. The study will be released by Stellenbosch University and will be posted on the University's Library website for viewing.

7. PARTICIPATION AND WITHDRAWAL

You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. You may also refuse to answer any questions you don't want to answer and still remain in the study. The researcher may withdraw you from this research if circumstances arise which warrant doing so, eg should you influence other participants in the completion of their questionnaires.

8. IDENTIFICATION OF STUDENT-RESEARCHER

If you have any questions or concerns about the research, please feel free to contact:

Dr M Strydom (Supervisor), Department of Social Work, University of Stellenbosch, Tel. 021-808 2070, E-Mail: mstrydom@sun.ac.za

9. RIGHTS OF RESEARCH SUBJECTS

You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in this research study. If you have questions regarding your rights as a research subject, contact Ms Maléne Fouché [mfouche@sun.ac.za; 021 808 4622] at the Division for Research Development.

SIGNATURE OF RESEARCH SUBJECT OR LEGAL REPRESENTATIVE

The information above was described to me the participant by **Moreblessing Memory Ndonga** in English and the participant is in command of this language or it was satisfactorily translated to him / her. The participant was given the opportunity to ask questions and these questions were answered to his / her satisfaction.

I hereby consent voluntarily to participate in this study.

Name of Participant

Signature of Participant

Date

SIGNATURE OF INVESTIGATOR

I declare that I explained the information given in this document to _____ [name of subject/participant]. [He / She] was encouraged and given ample time to ask me any questions. This conversation was conducted in English and no translator was used.

Signature of Investigator

Date