

Amendment of registration

81. If there is a deviation from the conditions and requirements for registration, in terms of the Act, on which the initial application for registration was granted, the holder of a registration of a child and youth care centre must, within 30 days of becoming aware of such deviation, apply to the provincial head of social development in the relevant province for an amendment of the registration.

Required skills of staff of child and youth care centres

82. The persons contemplated in section 209(1) must have some of the training and skills referred to in regulation 75 (1): Provided that where any such person is a professional whose profession requires registration, such person must be registered with the relevant professional body.

Interviewing process for manager and staff at child and youth care centre

83.(1) In addition to any requirements contained in any other law relating to the appointment of staff, the following requirements must be adhered to:

- (a) The position must be advertised by a person or organisation (registration holder) referred to in section 209(1) of the Act, in at least one local newspaper circulating in the area where the child and youth care centre is located;
- (b) the names and *curricula vitae* submitted must be screened by the interviewing panel that will interview the candidate;
- (c) the shortlist of candidates must be subjected to thorough reference checking; and
- (d) in the case of support staff referred to in regulation 82(e), the person or organisation (registration holder) referred to in section 209(1) of the Act can decide whether or not that position must be advertised and if so how.

(2) An interviewing panel must be appointed by a person or organisation (registration holder) referred to in section 209(1) of the Act and must include-

- (a) at least two members of the management board where members of the management board have already been appointed;
 - (b) at least one person who has a qualification in child and youth care; and
 - (c) a community representative from the community where the child and youth care centre is situated.
- (3) When selecting a suitable candidate to be appointed as the manager of a child and youth care centre, the interviewing panel must consider whether the candidate-
- (a) is a registered professional from an appropriate discipline;
 - (b) has specialised knowledge of child and youth care work,
 - (c) has proven leadership ability;
 - (d) is able to demonstrate management and administration skills; and
 - (e) has knowledge and experience of the particular programme or programmes that the child and youth care centre is registered to provide.
- (4) In the case of support staff referred to in regulation 82(e) a person or organisation (registration holder) referred to in section 209(1) of the Act, can decide how the interview panel is to be constituted.

Appointment of management board

84.(1) If a child and youth care centre is established and operated by a department, a provincial department of social development, or municipality in terms of section 197 of the Act, the management board must be appointed according to the following procedure:

- (a) a call for nominations for members of the board must be advertised by the Minister, MEC or the Mayor in a local newspaper in the area where the child and youth care centre is situated, and must be published in at least three official languages;
- (b) any person may be nominated, provided that the nomination is made in writing and is accompanied by a *curriculum vitae* of the nominee, as well as a letter indicating that he or she agrees to the nomination;

- (c) Upon receipt of the nominations a short list of candidates of not more than 15 candidates must be submitted to the Minister, MEC or the Mayor;
- (d) the Minister, MEC or the Mayor must, from the list referred to in paragraph (c), and subject to sub-regulation (4) and paragraphs (e) to (g), appoint the following:
 - (i) not more than two from the public service;
 - (ii) not more than three from the community in which child and youth care centre is situated;
 - (iii) one member from the health profession;
 - (iv) one member of staff;
 - (v) one member who is a representative of residents of the child and youth care centre; and
 - (vi) the manager of the child and youth care centre;
- (e) no person with a conflict of interests, or a potential conflict of interests may be appointed to a management board;
- (f) subject to paragraph (g), a board is appointed for a period of five years; and
- (g) in order to allow for effective leadership transition, the Minister, MEC or the Mayor may extend the period of membership of any four members appointed by him or her, for a second five year period.

(2) If a child and youth care centre is a privately operated child and youth care centre, the management board must be appointed by the registration holder in terms of the same procedure as contemplated in sub-regulation (1) and subject to the provisions of sub-regulations (3) and (4).

(3) The registration holder may, instead of persons referred to in sub-regulation (1)(d)(i), appoint any other person that he or she deems appropriate.

(4) No person who has not submitted a clearance certificate, to the effect that his or her name does not appear in Part B of the National Child Protection Register or the National Register for Sex Offenders, issued by the Director-General and the Director-General of

Justice and Constitutional Development, respectively, may be appointed to a management board.

(5) Any vacancy on a management board must be filled in the same manner in which the member who vacates that office was appointed, provided that any member so appointed shall hold office for the unexpired portion of the period for which the member whose office became vacant was appointed.

(6) A member of a management board must vacate office if –

- (a) at any stage, he or she ceases to comply with the provisions of sub-regulation (1)(d), (3) or (4);
- (b) he or she resigns after giving at least 30 days notice in writing to the chairperson, Minister, MEC Mayor or registration holder referred to in 208(2)(b) of the Act, whichever is appropriate; or
- (c) in the case of a chairperson, he or she resigns by way of a letter to the Minister, MEC or Mayor in respect of a board constituted in terms of 208(2)(a) of the Act or to the registration holder, in respect of a board constituted in terms of section 208(2)(b) of the Act;

Functioning of management board

85. A management board appointed in terms of regulation 84 must function according to the following procedures:

- (a) A management board must meet at least four times a year;
- (b) a chairperson must be elected at the first meeting of the board;
- (c) the quorum for a meeting of the management board is constituted by a simple majority of its members;
- (d) the decisions of the board must as far as possible be made by consensus, but where the matter is put to the vote, a simple majority prevails, and where the votes are split equally the chairperson has the casting vote;
- (e) the board may request the attendance of or a report by any member of staff, and may be addressed by any child who is

resident at the centre, either at the request of the child or at the board's own request;

- (f) minutes must be taken at all meetings, which must include a summary of the discussions and a record of all decisions taken;
- (g) the minutes of the previous meeting must be circulated together with an agenda at least two weeks prior to the following meeting, provided that if the meeting is called urgently, this rule may be dispensed with by the chairperson; and
- (h) the board may decide on its own procedures regarding matters on which these regulations are silent, provided that there is consensus regarding such procedures, failing which the procedure set out in paragraph (d) must be followed.

Responsibilities of management board

86.(1) The management board must ensure that-

- (a) its members are trained in the legal framework in terms of which child and youth care centres operate; and
- (b) its members perform their duties in good faith and in a manner they reasonably believe to be in the best interests of the children residing in the child and youth care centre.

(2) A management board must-

- (a) provide support and advice to the manager;
- (b) evaluate the performance of the manager;
- (c) review and approve the annual budget for the child and youth care centre;
- (d) monitor, review and approve the business plan of the centre; and
- (e) ensure that assets of the centre are maintained and protected.

(3) A management board must ensure that it receives regular written reports from the manager.

Management system

87.(1) The manager of a child and youth care centre is responsible for the day to day operation of the child and youth care centre.

(2) The manager and the management board must strive for a co-operative relationship characterised by openness and trust.

(3) The management board is responsible for the approval of policy.

Constitution or founding document of child and youth care centre

88.(1) Every child and youth care centre must operate according to a constitution or founding document.

(2) A constitution or founding document must, include the following particulars:

- (a) the name of the organisation operating the child and youth care centre;
- (b) the name of the child and youth care centre;
- (c) the objectives of the child and youth care centre;
- (d) principles of the child and youth care centre, if any;
- (e) the structure of the child and youth care centre, including the management board and the appointment of members;
- (f) financial matters;
- (g) general administration;
- (h) procedure for amendment of the constitution or founding document; and
- (i) dispute resolution procedures.

Quality assurance process

89.(1) Every child and youth care centre must undergo a quality assurance process, as required by section 211(1) of the Act and in terms of section 211(2) of the Act, within two years of registration of such centre.

(2) The quality assurance process must be repeated periodically, at intervals of not more than three years from the date on which the previous quality assurance process was finalised.

(3) Notwithstanding the provisions of sub-regulations (1) and (2) and subject to section 211(2) of the Act, the provincial head of social development may order a quality assurance process at any time, where she or he has reason to believe that such centre has failed to comply with any provision of the Act and any regulations made in terms of the Act.

(4) An independent quality assurance team contemplated in section 211(2)(b) of the Act must be appointed by the provincial head of social development.

(5) A team contemplated in sub-regulation (4) must-

- (a) include members from the government and the non-government sector;
- (b) include at least one individual who has specific knowledge, skill and practical experience in the provision of designated child protection services;
- (c) have a team leader appointed by the provincial head of social development; and
- (d) include any person the provincial head of social development may deem appropriate.

Appeal against certain decisions

90. An applicant or a registration holder aggrieved by a decision of a provincial head of social development may appeal against such decision to the MEC for social development of that province in a form identical to **Form 51** within 90 days of the receipt of such decision.

CHAPTER 15
DROP-IN CENTRES
(Sections 213 – 227 of the Act)

National norms and standards for drop-in centres

91. The national norms and standards for drop-in centres contemplated in section 216 of the Act are contained in **Part VI of Annexure B**.

Application for registration of drop-in centre

92.(1) Subject to the provisions of sub-regulation (2), an application for the registration, conditional registration or renewal of registration of a drop-in centre must be lodged with the provincial head of social development of the province where the facility is situated in a form identical to **Form 52**.

(2) If the performance of the functions contemplated in sections 217 and 218 of the Act has been assigned to a municipal manager or delegated to a social service professional in the employ of the municipality, an application contemplated in sub-regulation (1) must be lodged with the municipal manager of that municipality.

(3) An application contemplated in sub-regulation (1) must, in addition to **Form 52**, be accompanied by the following:

- (a) A business plan containing the-
 - (i) business hours of the drop-in centre;
 - (ii) staff composition;
 - (iii) supporting documents of the skills and training of staff members as required by regulation 95;
 - (iv) disciplinary policy and rules; and
 - (v) organisational structure.
- (b) clearance certificates to the effect that the name of the applicant and the name of any employee do not appear in Part B of the National Child Protection Register or the National Register for Sex Offenders issued by

the Director-General and the Director-General of Justice and Constitutional Development, respectively.

Granting or rejection of application for registration

93.(1) Upon granting an application referred to in regulation 92(1), the provincial head of social development or, where the function has been assigned to a municipal manager in terms of section 225 of the Act, the municipal manager or social service professional concerned, must issue to the applicant a certificate of registration, conditional registration or renewal of registration in a form identical to **Form 53**.

(2) The registration contemplated in sub-regulation (1) may be for a period not exceeding five years.

(3) In rejecting an application for registration of a drop-in centre, the provincial head of social development or, where the function has been assigned to a municipality in terms of section 225 of the Act, the municipal manager or social service professional concerned, must duly inform the applicant of the refusal in a form identical to **Form 54** by registered post or by hand delivery.

Management of drop-in centre

94.(1) A register or registers must be kept by a drop-in centre in which the following particulars must be entered:

- (a) The full name, gender, date of birth and identity number of each child;
- (b) the names, addresses and contact particulars of a child's parent, primary care-giver or family member;
- (c) the date of a child's admission to the drop-in centre and date of termination of attendance of the drop-in centre or, in the case of irregular attendance, the dates attended; and
- (d) any disability, chronic medical condition or dietary requirement and any other critical information for the care and development of a child.

(2) A drop-in centre must keep a separate file in respect of each child in which the following information must be filed:

- (a) All documents relating to the child, received at the time of admission;
- (b) any document or correspondence relating to the child;
- (c) reports and notes by the provider of a programme within the drop-in centre on the development of the child with particular reference to any irregular behavioural pattern or possible deviations from the normal development of the child having regard to his or her age; and
- (d) reports and notes on any injury to or bruises on the child observed during the child's admission at the drop-in centre including any observations which may relate to the possible abuse of the child.

(3) A file must be kept of each staff member employed at, or volunteer providing services at, a drop-in centre.

(4) A disciplinary register must be kept in which the name of the child, the nature of the behaviour and the disciplinary measure imposed.

(5) Any register or file kept in terms of this regulation must be kept for a period of at least three years after the date of termination of attendance by a child at a drop-in centre.

(6) Any irregular or dysfunctional behaviour of a child in a drop-in centre must be brought to the attention of the parent or the care-giver of the child, where their whereabouts are known.

(7) Quarterly progress reports must be furnished to the parent or the caregiver of each child in a drop-in centre, where their whereabouts are known.

Skills and training of persons employed at or engaged in drop-in centre

95.(1) Any person rendering services to children at a drop-in centre, excluding persons who do not work directly with such children, must possess the following skills:

- (a) The ability to implement a development programme in a drop-in centre;
- (b) report-writing skills;
- (c) skills or training on the identification of irregular and dysfunctional behaviour in a child;
- (d) basic numeracy skills; and
- (e) skills or training on child development.

(2) Any person employed at or engaged at a drop-in centre after registration of the centre in terms of these Regulations must provide his or her employer with-

- (a) a certified copy of his or her identity document; and
- (b) proof of his or her skills or training.

(3) Any person rendering services to children at a drop-in centre and who works directly with a child in such centre must be able to communicate with the child in a language, including sign language, which such child understands.

(4) If a drop-in centre renders services to children with special developmental and behavioural needs, one or more persons with specialised skills in dealing with such children must be employed or available to provide such specialised services.

Assignment of functions to municipalities

96.(1) Before assigning all or part of the functions contemplated in section 225 of the Act, a provincial head of social development must be satisfied that the municipality concerned has-

- (a) adequate staff, including social service professionals, who are suitably qualified and skilled;
- (b) the ability to render assistance to build capacity to ensure compliance with the relevant norms and standards; and

- (c) the capacity to manage the functions to be assigned.
- (2) An agreement between a provincial head of social development and a municipality contemplated in section 225(2) of the Act must be in a form identical to **Form 55**

Appeal against certain decisions

- 97.(1) An appeal by an applicant or a registration holder aggrieved by a decision of a provincial head of social development must be in a form identical to **Form 56**.
- (2) An appeal by an applicant or a registration holder aggrieved by a decision of an official in the employ of a municipality must be in a form identical to **Form 57**.

CHAPTER 16**ADOPTION****(Sections 228 – 253 of the Act)****Register on Adoptable Children and Prospective Adoptive Parents**

- 98.(1) An adoption social worker who is satisfied that a prospective adoptive parent has met the requirements of sections 231(2) of the Act and section 123(1)(c) of the Act must apply for such a person's name to be registered in the Register on Adoptable Children and Prospective Adoptive Parents referred to in section 232 of the Act.
- (2) An application as contemplated in sub-regulation (1) must be in a form identical to **Form 58**.
- (3) An adoption social worker who is satisfied that a child is adoptable as contemplated in section 230(3) of the Act must apply for such a child's name to be registered in the Register on Adoptable Children and Prospective Adoptive Parents referred to in section 232 of the Act.

(4) An application as contemplated in sub-regulation (3) must be in a form identical to **Form 59**.

(5) An application as contemplated in this regulation must be lodged with the Director-General.

(6) The Director-General must inform a prospective adoptive parent and the adoption social worker who applied for registration or the renewal of such registration of his or her decision and provide the relevant registration number.

Applications for and consent to adoption of children

99.(1) An application for the adoption of a child may be lodged by any person contemplated in section 231(1) of the Act.

(2) An application contemplated in sub-regulation (1) must be in a form identical to **Form 60** and must be lodged with the clerk of the court in the district where the child is resident.

(3) An application contemplated in sub-regulation (1) must:

- (a) in the case of the adoption of a foster child, be accompanied by a written statement of the child's foster parent, in a form identical to **Form 41**,
- (b) subject to section 236(1) to (3) of the Act, be accompanied by a written consent of each parent regardless of whether they are married or not, in a form identical to **Form 61**, and of the child, where such child is a child referred to in section 233(1)(c) of the Act, in a form identical to **Form 62**, as required by section 233(1)(a) or section 233(1)(c) of the Act, as the case may be. Provided that if the parent is a child that parent is assisted by his or her guardian; or
- (c) subject to section 236(1) to (3) of the Act, in the case of any other person who holds guardianship in respect of the child, be accompanied by a

written consent of that guardian, as required by section 233(1)(b) of the Act in a form identical to **Form 63**; and

- (d) be accompanied by a report from an adoption social worker that the applicant is a prospective adoptive parent.

(4) The consent forms referred to in sub-regulation (3)(b) and (c) must be signed in the presence of a presiding officer of the children's court as contemplated in section 233(6)(a) of the Act or in the case of consent given outside the Republic by a person referred to in regulation 100 as contemplated in section 233(6)(b) of the Act.

Consent outside the Republic

100. If consent to adoption is given outside the Republic, it must be signed in the presence of an officer in the service of a South African diplomatic or consular mission, or by a judge, magistrate, justice of the peace or public officer of the country concerned.

Verification of consent

101.(1) Before a presiding officer verifies the consent referred to in regulations 99 and 100 in terms of section 233(6) of the Act, he or she must inform the person giving the consent-

- (a) of the effect of an adoption order; and
- (b) of the right to withdraw the consent in terms of regulation 102

(2) The presiding officer, in the case of consent given inside the Republic, or the persons referred to in regulation 100, in the case of consent given outside the Republic, must verify the identity of the person giving such consent against a valid identity document or a valid passport.

Withdrawal of consent

102.(1) A parent or guardian who wishes to withdraw the consent must do so in writing, in a form identical to **Form 64**, in the presence of any presiding officer within 60 days of such consent

(2) A child who wishes to withdraw the consent must do so in writing, in a form identical to **Form 65**, in the presence of any presiding officer with 60 days of such consent.

Format for post adoption agreements

103.(1) A post adoption agreement contemplated in section 234 of the Act must be in a form identical to **Form 66**.

(2) A party to a post adoption agreement must inform all other parties to such an agreement of any change to any of the particulars referred to in sub-regulation (1) within seven days of such change.

Steps to establish details of person who consents to adoption

104.(1) In order to establish the name and address of each person whose consent for an adoption is required in terms of section 233 of the Act, the clerk of the children's court must request the relevant accredited child protection organisation or the relevant adoption social worker to provide him or her with the name and address of such persons.

(2) If the name or address of the person whose consent for adoption is required is not known, the relevant accredited child protection organisation or the relevant adoption social worker may employ a tracing agency or may place an advert in a newspaper in order to obtain the required details.

Manner of recording information in the adoptions register

105.(1) The clerk of the children's court must submit the original of the following documents to the Adoption Registrar designated as such in terms of section 247 of the Act:

- (a) the application for adoption;
- (b) every consent to the adoption as may be required;
- (c) the order of adoption and two copies thereof; and
- (d) the child's identity document or birth certificate or where these are not available, a sworn statement to that effect by an adoption social worker.

(2) Upon receipt of the documents contemplated in sub-regulation (1) the Adoption Registrar must register such information in the adoption register.

(3) After completion of the registration contemplated in sub-regulation (2) the Adoption Registrar must enter the date of registration and the registration number on each order of adoption and must forward-

- (a) a copy of the order of adoption referred to in sub-regulation(1)(c) and the original identity document or birth certificate to the adoptive parents; and
- (b) the remaining copy of the adoption order to the relevant clerk of the children's court.

Rescission of an order of adoption

106.(1) If the High Court concerned rescinds an order of adoption in terms of section 243 of the Act, the Registrar of that Court must submit a copy of the court order to the clerk of the relevant children's court.

(2) The clerk of the relevant children's court must, upon receipt of the court order, notify the Director-General of Home Affairs in terms of the Births, Marriages and Deaths Registration Act, 1992 (Act No. 51 of 1992), of that order.

(3) The clerk of the court referred to in sub-regulation (2) must submit one copy of the court order to the Adoption Registrar who must deregister the adoption.

Fees payable to accredited child protection organisations

107. The following fees, which must be reviewed annually, must be paid to an accredited child protection organisation in respect of an inter-country adoption:

SERVICE	MAXIMUM AMOUNT
(a) Group orientation	R250, 00 per session;
(b) Interview/counselling	R250, 00 per hour;
(c) Home visits	R400, 00 per hour;
(d) Home study report	R500, 00 per report;
(e) Court processes	R500, 00 per day;
(f) Birth registration	R170, 00 per hour;
(g) Administration costs	R170, 00 per hour;
(h) After-care services	R500, 00 once-off payment; and
(i) Origin enquiry/tracing	R200, 00 per hour.

Accreditation to provide adoption services

108. Any adoption social worker who has registered a speciality in adoption services in terms of the Social Service Professions Act, 1978 (Act no. 110 of 1978) and any organisation designated as a child protection organisation in terms of section 107 of the Act may apply for accreditation in terms of section 251(1) of the Act.

Advertisements

109. A child protection organisation accredited to provide adoption services may, for purposes of recruitment, publish advertisements in one national newspaper and one local newspaper circulating in the area where such organisation has its business premises.

CHAPTER 17

INTER-COUNTRY ADOPTION

(Sections 254 – 273 of the Act)

Accreditation to provide inter-country adoption services

110. Any organisation designated as a child protection organisation in terms of section 107 of the Act may apply to the Central Authority for accreditation in terms of section 259(1) of the Act.

Report on person in convention or non- convention country applying to adopt child from Republic

111.(1) In addition to the requirements set out in article 15 of the Hague Convention on Inter-country Adoption, the report on an applicant required by section 261(2) or 262(2) of the Act must include-

- (a) identifying information with certified copies of supporting documents;
- (b) a medical report of the applicant's health status;
- (c) a police clearance certificate;
- (d) proof of citizenship and permanent residence;
- (e) the applicant's ethnic, religious and cultural background;
- (f) a detailed assessment by an adoption social worker;
- (g) information regarding the applicant's own childhood;
- (h) information regarding other significant family members of the applicant;
- (i) information about the character of the applicant;
- (j) details of the attitude of other family members towards the adoption;
- (k) plans for integration with siblings, where applicable;
- (l) plans for relocation of the child from the Republic to the place where the applicant resides;

- (m) a description of the adoption counselling that has been received by the applicant;
- (n) the applicant's ability to undertake inter-country adoption; and
- (o) the reasons why the applicant wishes to adopt a child.

(2) In the event of more than one applicant applying jointly for the adoption of a child, the information set out in sub-regulation (1) must be provided in respect of each applicant.

Report on child in the Republic to be adopted by person from convention or non-convention country

112.(1) In addition to the requirements set out in article 16 of the Hague Convention on Inter-country Adoption, the report on a child required by section 261(3) or 262(3) of the Act must be a comprehensive child study report compiled by an adoption social worker employed by a designated child protection organisation.

- (2) The report contemplated in sub-regulation (1) must include-
- (a) identifying information of the child with an original birth certificate or identity document, or where these are not available, a sworn statement from the social worker to supplement the lack of documentary information;
 - (b) detail regarding the child's language, culture, race and religion;
 - (c) a medical report confirming the health status of the child, and where applicable, a description of any special needs of the child;
 - (d) information about the child's natural parents, where such information is known, including-
 - (i) a description of the counselling they have received;
 - (ii) whether they have consented to the adoption; and
 - (iii) if their consent is not required, the reasons for such non-requirement;
 - (e) information regarding the sibling or siblings of the child, where applicable;

- (f) comprehensive information regarding the efforts that have been made to provide suitable alternative care within the Republic;
- (g) the views of the child concerning the adoption, where the child is capable of forming his or her own view; and
- (h) the child's consent, if he or she is ten years of age or older, which must be annexed to the report.

Order for adoption of child from Republic by person from convention country or non-convention country

113. The order for adoption granted in terms of section 261(5) or 262(5) of the Act must be issued by the children's court in a form identical to **Form 67**.

Return of child following withdrawal of consent by Central Authority to adoption by person in convention or non-convention country

114.(1) Where the Central Authority of the Republic withdraws its consent to an inter-country adoption given to a convention country pursuant to section 261(6) or 262(6) of the Act, the Central Authority of the Republic must forward a letter setting out the withdrawal of consent to the Central Authority in the convention country with whom the agreement was made, requesting co-operation for the return of the child to the Republic.

(2) The letter contemplated in sub-regulation (1) must be forwarded electronically or through a postal service.

(3) The request for co-operation contemplated in sub-regulation (1) must be stipulated in specific terms, including the time when and the place where the child has to be handed over to an identified representative of the Central Authority of the Republic.

(4) The Central Authority of the Republic must appoint an escort to accompany a child on his or her return to the Republic, who must be a suitably qualified or experienced person employed by the Department or by a designated child protection organisation.

(5) The costs related to the return of the child, including the costs of the person appointed to escort the child, must be paid for out of funds made available for this purpose by the Central Authority of the Republic:

(6) The Central Authority of the Republic must, within seven days of the child's arrival in the Republic, effect an appropriate amendment to the adoption register established in terms of section 247 of the Act and notify the Director-General of the Department of Home Affairs of the child's return.

Short Title

115. These Regulations are called the General Regulations Regarding Children, 2010

ANNEXURE B
NATIONAL NORMS AND STANDARDS
(Sections 79; 94; 106; 147; 194 and 216 of the Act)

PART I
NATIONAL NORMS AND STANDARDS FOR PARTIAL CARE

For the purposes of section 79(2) of the Act, the following are national norms and standards for partial care:

1. A safe environment for children

- (a) Children must experience safety and feel cared for whilst at the partial care facility.
- (b) Premises inside and outside must be safe, clean and well-maintained.
- (c) Equipment used must be safe, clean and well-maintained.
- (d) There must be adult supervision at all times.
- (e) The structure must be safe and weatherproof.
- (f) Floors must be covered in washable and easy to clean material that is suitable for children to play and sleep on and walls must be safe and easy to clean.
- (g) All reasonable precautions must be taken to protect children and staff from the risk of fire, accidents or other hazards.
- (h) Safety measures must be undertaken when transporting children. Such safety measures include ensuring that—
 - (i) transport operators transporting children are registered, suitably trained, screened against Part B of the Child Protection Register and possess the necessary licences and permits as prescribed by the National Land Transport Transition Act, 2000 (Act No. 22 of 2000), and other relevant national transport policies and regulations determined by the Department of Transport;
 - (ii) the requirements published by the Minister of Transport periodically in terms of the National Land Transport Transition Act, 2000 are adhered to;

- (iii) transport is appropriate to the ages of children transported and that it is accessible and suitable to children with disabilities and other special needs;
- (iv) transport providers comply with safety measures regulated by the Department of Transport, including adherence to speed limits, and that all passengers are seated regardless of the transport mode used;
- (v) vehicles used to transport children are safe and have the necessary safety characteristics, such as windows and doors opening instructions, safety equipment and appropriate speed devices;
- (vi) children are not transported in open vehicles;
- (vii) there is an adult supervisor in a vehicle transporting children under the age of nine years; and
- (viii) there is no overloading of children in vehicles.

2. Proper care for sick children or children who become ill

- (a) Staff must have the ability to identify children who are ill and be able to refer them for appropriate health services.
- (b) Policies and procedures relating to the health care of children whilst at the partial care facility must be in place. Such policies and procedures must cover the following:
 - (i) Criteria for identifying ill children;
 - (ii) safe keeping of all medication at a partial care facility;
 - (iii) procedures for dealing with children who are ill; and
 - (iv) guidelines for preventing the spread of diseases at the partial care facility.
- (c) The following procedure regarding children who are ill must be adhered to:
 - (i) After identifying children who are ill, the illness or problem must be reported to the parent(s), care-giver or family as soon as possible;
 - (ii) the child must be removed from other children to a safe place or room designed to care for ill children;
 - (iii) any child assessed to have an infectious disease (measles, chickenpox, etc) must be immediately isolated from other children and referred to the nearest hospital or clinic for further assessment and treatment;
 - (iv) if a child is already on prescribed medication, that child must receive the medication as prescribed and as advised by the parents; and

- (v) in cases of emergency, the child must be taken to the nearest hospital or clinic for treatment and appropriate referral.
- (d) The following medical records must be kept:
 - (i) up-to date records of each child's medical history;
 - (ii) records of each child's immunisation programme and Vitamin A schedule; and
 - (iii) records of health incidents and accidents occurring at the facility.
- (e) Every partial care facility must have a first-aid kit.

3. Adequate space and ventilation

- (a) The partial care facility must have adequate ventilation and sufficient light.
- (b) Space for different activities and functions must be clearly demarcated.
- (c) Where applicable, new buildings and alterations to buildings must comply with the building standards as set out by the National Building Regulations and Building Standard Act, 1997 (Act No.103 of 1997).

4. Safe drinking water

- (a) Safe and clean drinking water must always be available.
- (b) Where water is not from a piped source, it must be treated and made safe using approved national health guidelines for the treatment of water by adding one teaspoon of bleach to 25 litres of water.
- (c) All water containers must be covered at all times.

5. Hygienic and adequate toilet facilities

- (a) Partial care facilities catering for toddlers must have potties, toilets and washbasins.
- (b) Toilet and hand washing facilities must be reachable for children over the age of three years.
- (c) For children up to the age of three years—
 - (i) there must be appropriate toilets;
 - (ii) where there are no sewerage or ablution facilities, potties must be made available;

- (iii) every child under the age of three years must have his or her own potty;
 - (iv) waste from potties must be disposed of hygienically;
 - (v) potties must be cleaned after use and disinfected in a properly demarcated area; and
 - (vi) there must be a clearly demarcated nappy changing area with a surface that can be easily cleaned. This area must be situated away from the food preparation area.
- (d) For children between the ages of three and six years—
 - (i) where sewerage systems are available, there must be one toilet and one hand washing basin for every 20 children;
 - (ii) where no sewerage facilities are available, an appropriate toilet must be available at the partial care facility or immediately adjacent to the partial care facility;
 - (iii) where no running water is available, there must be a minimum of 25 litres of drinkable water supplied on a daily basis;
 - (iv) where no washbasins are available, one suitable container for every 20 children must be made available, provided that such container is cleaned and changed regularly and closed; and
 - (v) all toilets must be safe and hygienic.
- (e) For children of six years and older, there must be—
 - (i) hygienic and safe toilets; and
 - (ii) one toilet and one hand washing basin for every 20 children.
- (f) There must be adult supervision at all times when children use the toilet.
- (g) Where applicable the local authority regulations and by-laws in respect of physical characteristics of building and health requirements must be adhered to.

6. Safe storage of anything that may be harmful to children

- (a) Medicine, cleaning substances and any dangerous substances must be kept out of reach of children.
- (b) Medicine and dangerous substances must be kept in separate locked or childproof cupboards.
- (c) Dangerous objects, materials, sharp instruments and utensils must be kept out of reach of children.

- (d) Dangerous substances may not be used in the vicinity of children.
- (e) Electrical plugs must be covered.
- (f) Paraffin, gas and other electric appliances must be kept out of reach of children.
- (g) Cleaning agents must be kept in clearly marked containers and out of reach of children.

7. Access to refuse disposal services or other adequate means of disposal of refuse generated at the partial care facility

- (a) Where possible, refuse must be disposed of according to municipality regulations.
- (b) Waste disposal methods must be safe and covered.
- (c) Waste must be kept out of reach of children.
- (d) Waste disposal areas must be disinfected regularly.

8. A hygienic area for the preparation of food for children

- (a) There must be a separate, clean and safe area for the preparation of food as well as for cleaning up after food preparation.
- (b) There must be a separate clean and safe area for serving food to the children.
- (c) There must be cooling facilities for storage of perishable food.
- (d) The food preparation area must be clearly marked and out of reach of children.
- (e) There must be a sufficient supply of clean water as well as cleaning agents.
- (f) There must be sealed containers to store all prepared food before serving such food.

9. Measures for the separation of children of different age groups

- (a) Where possible, children must be separated into the following age categories in separate rooms or places to ensure their development:
 - (i) Children under the age of 18 months;
 - (ii) children between the ages of 18 and 36 months;
 - (iii) children between the ages of three and four years; and
 - (iv) children between the ages of four and six years.

- (b) Where a partial care facility provides after care facilities to children of school going age, these children must be kept separate from the the children in the abovementioned age groups in order to ensure that they are able to rest and complete their homework upon their return from school.
- (c) Where more than 50 children are enrolled for a full day at a partial care facility, there must be a separate room or place to be used as an office and as a sickbay.

10. The drawing up of action plans for emergencies

- (a) Reasonable precautions to protect children from risk of fire, accidents and other hazards must be taken.
- (b) Policies and procedures for dealing with structural and environmental emergencies and disasters must be in place.
- (c) Emergency procedures with relevant contact details must be visibly displayed.
- (d) Emergency plans must include evacuation procedures.
- (e) Emergency plans must be up-to-date, regularly tested and reviewed.
- (f) Staff must be trained in dealing with emergencies.
- (g) Children must be made aware of emergency procedures.

11. The drawing up of policies and procedures regarding health care at the partial care facility

Policies must—

- (a) include procedures to deal with infectious diseases at the partial care facility;
- (b) include procedures for dealing with the medical needs of sick children and of children with chronic illnesses;
- (c) ensure that there are standards relating to cleanliness and hygiene at the partial care facility;
- (d) ensure that there is an adequate supply of cleaning agents and towels at the partial care facility;
- (e) provide for the training of staff in first aid;
- (f) include record keeping and registers pertaining to storage and use of medicines at the partial care facility;
- (g) promote confidentiality when dealing with health related information;

- (h) encourage staff to take care of their health, undergo regular medical check-ups, and must include procedures to deal with contagious diseases contracted by staff in order to prevent transmission to children; and
- (i) promote ongoing staff training and development on keeping a healthy environment, identifying illnesses, preventing the spread of diseases and infectious diseases as well as promoting universal health precaution.

PART II

NATIONAL NORMS AND STANDARDS FOR EARLY CHILDHOOD DEVELOPMENT PROGRAMMES

For the purposes of section 94(2) of the Act, the following are national norms and standards for early childhood development programmes:

1. The provision of appropriate developmental opportunities

Programmes must—

- (a) be delivered by members of staff who have the knowledge and training to deliver developmental programmes;
- (b) be appropriate to the developmental stages of children;
- (c) respect and nurture the culture, spirit, dignity, individuality, language and development of each child;
- (d) provide opportunities for children to explore their world; and
- (e) be organised in a way that each day offers variety and creative activities.

2. Programmes aimed at helping children to realise their full potential

- (a) Children must receive care, support and security.
- (b) Programmes must promote children's rights to rest, leisure and play through the provision of a stimulating environment.
- (c) Programmes must promote self discovery.
- (d) Programmes must be evaluated and monitored.
- (e) Programmes must promote and support the development of motor, communication and sensory abilities in children.

- (f) Programmes must promote self control, independence and developmentally appropriate responsibility.
- (g) Activities must promote free communication and interaction amongst children.
- (h) Programmes must respect and nurture the culture, spirit, dignity, individuality, language and development of each child.

3. Caring for children in a constructive manner and providing support and security

- (a) Creative play and exploratory learning opportunities must be provided to children.
- (b) Programmes must adhere to the following conditions:
 - (i) Toilet facilities must be safe and clean for children;
 - (ii) where there are no sewerage facilities, sufficiently covered potties must be available;
 - (iii) every child under the age of three years must have his or her own potty;
 - (iv) for ages three to six years, one toilet and one hand washing basin must be provided for every twenty children;
 - (v) there must be a place for the bathing of children;
 - (vi) discipline must be effected in a humane way and promote integrity with due regard to the child's developmental stage and evolving capacities. Children may not be punished physically by hitting, smacking, slapping, kicking or pinching;
 - (vii) programmes must adhere to policies, procedures and guidelines related to health, safety and nutrition practices. These must relate to—
 - (aa) practices aimed at preventing the spread of contagious diseases;
 - (bb) at least one meal per day must be provided;
 - (cc) all meals and snacks should meet the nutritional requirements of children; and
 - (dd) where children are bottle-fed, a suitable facility must exist for cleaning the bottles; and
 - (ee) children must be supervised by an adult at all times.
- (c) Programmes must meet the following requirements in relation to staff:
 - (i) Staff must be trained in implementing early childhood development programmes;

- (ii) staff must be equipped with basic information, knowledge and skills to recognise children's serious illnesses and how to deal with those;
- (iii) staff must be trained in first aid;
- (iv) the staff-to-child ratio must—
 - (aa) for children between the ages one month and 18 months be, 1:6;
 - (bb) for children between the ages 18 months and three years be 1:12;
 - (cc) for children between the ages three and four years be 1:20; and
 - (dd) for children between the ages five and six years, 1:30; and
- (v) for every staff member stipulated above, there must be an assistant.

4. Ensuring development of positive social behaviour

- (a) Programmes must promote understanding of and respect for diversity in gender, language, religion and culture.
- (b) Activities must include parents and care-givers in the development of positive social behaviour in children.
- (c) Programmes must promote the development of positive social values.
- (d) Programmes must be conducted in a non-discriminatory manner.
- (e) Staff must demonstrate behaviour that promotes positive behaviour by modelling attitudes and interactions with children.

5. Respect for and nurturing of the culture, spirit, dignity, individuality, language and development of each child

- (a) Programmes must promote appreciation and understanding for children's culture and language.
- (b) Educators must utilize one medium of instruction in class.
- (c) Children must be allowed to communicate in the language of their choice and preference outside class.
- (d) Cultural diversity must be encouraged and respected by educators and children alike.
- (e) Programmes may, where appropriate, facilitate late birth registration.
- (f) Programmes must contribute to the development of a sense of identity in children.

- 6. Meeting the emotional, cognitive, sensory, spiritual, moral, physical, social and communication development needs of children**
 - (a) Programmes must be appropriate to the developmental stages and evolving capacity of children.
 - (b) Programmes must ensure that parents and care-givers are involved in the development of children.
 - (c) Programmes must provide education and support to parents, caregivers and families to fulfil their responsibilities towards child-rearing and the holistic development of their children.
 - (d) Programmes must be accessible to especially vulnerable children in their homes.
 - (e) For children up to three years of age, programmes should, as much as possible, include household visits for increased accessibility to children.
 - (f) Programmes must promote cognitive development in children.
 - (g) Programmes must promote the development of fine sensory and motor skills in children.
 - (h) Activities must promote a positive relationship between the centre, families and the community.
 - (i) Programmes must teach age appropriate self control and independent behaviour.
 - (j) Existing community resources and strengths must be utilised in promoting the development of children.
 - (k) The emotional needs of children must be addressed and children must be encouraged to express their emotions in a safe, supportive and protective environment.
 - (l) Parents, care-givers and families of vulnerable children, children with disabilities and child-headed households must be provided with information, knowledge and skills to promote the development of their children.
 - (m) Children must be enabled to develop a positive sense of identity and self worth.
 - (n) Programmes must be based on an integrated approach.
 - (o) Children should feel valued and respected when participating in activities.

PART III

NATIONAL NORMS AND STANDARDS FOR CHILD PROTECTION

For the purposes of section 106(2) of the Act, the following are national norms and standards for child protection:

1. Prevention and early intervention programmes

Prevention and early intervention programmes must—

- (a) strengthen and support family structures and build capacity;
- (b) be aimed at the improvement of the well-being of families and children;
- (c) if applicable, reunify and reintegrate family members;
- (d) be aimed at the identification of high risk families and children;
- (e) be family centred with family members seen as the main focus;
- (f) focus on the strengths and capabilities of family members;
- (g) if applicable, provide for the development of family plans in participation with family members;
- (h) enable family members to take responsibility and accountability for their involvement in programmes;
- (i) take the needs of children into account and the safety of the children in particular;
- (j) if applicable, provide for assessment and permanency planning;
- (k) if applicable, be based on a multi-disciplinary and inter-sectoral approach;
- (l) be sensitive to the linguistic needs, religious and cultural values of children and their families;
- (m) be home-based and community based;
- (n) make provision for the training, support and supervision of service providers; and
- (o) if applicable, ensure that early intervention decisions are based on developmental assessment.

2. Assessment of children who have been abused or deliberately neglected

Assessment of children who have been abused or deliberately neglected must be—

- (a) undertaken by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to conduct assessments;

- (b) undertaken within 48 hours of receipt of reports on abuse or deliberate neglect of children;
- (c) done in accordance with the broad risk assessment framework contemplated in regulation 35;
- (d) conducted by service providers who have appropriate knowledge of indicators of abuse or neglect and an understanding of the multi-disciplinary approach;
- (e) followed by informing the child, his or her parents, guardians or care-givers of the outcome of the assessment and any decisions affecting them;
- (f) conducted in a manner that involves the child, his or her family and any significant other persons and must be conducive to their participation;
- (g) sensitive to the linguistic needs, religious and cultural values of children and their families;
- (h) conducted in such a manner that the persons involved can understand the assessment and the implications thereof;
- (i) aimed at the provision of sufficient and helpful information to the child, his or her family and significant other persons;
- (j) aimed at securing an appropriate care plan and individual development plan for the child;
- (k) conducted in a safe and protected environment; and
- (l) sensitive to the child's need for support and assistance during assessment, especially for children with disabilities.

3. Therapeutic programmes

Therapeutic programmes must –

- (a) be conducted by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to render such programmes;
- (b) take account of the assessment framework, the assessment report and any other relevant information;
- (c) be based on a multi-disciplinary and inter-sectoral approach;
- (d) be sensitive to the linguistic needs and religious and cultural values of children and their families;
- (e) be aimed at meeting the needs of the recipient as indicated during assessment;

- (f) ensure that the recipients feel emotionally and physically safe in the therapeutic situation and that information is kept confidential;
- (g) ensure that the goals, time periods and expected outcomes of all therapeutic interventions are discussed and agreed upon and that recipients understand their rights and have sufficient information to make informed choices;
- (h) assist recipients to use their strengths while they are assisted to deal with trauma;
- (i) be conducted in a non-discriminatory manner and in a comfortable, friendly and safe environment that is conducive to the best interests of recipients;
- (j) make provision for the involvement of the child, his or her family and significant other persons during therapy;
- (k) ensure that recipients are provided with the name and contact number of the case manager or social worker;
- (l) provide adequate opportunity for additional consultation and counselling;
- (m) monitor the growth and progress of recipients;
- (n) ensure that records are kept and data captured;
- (o) be aimed at the minimisation of secondary abuse and trauma;
- (p) ensure that recipients are free to express dissatisfaction with service providers and that concerns and complaints are addressed seriously; and
- (q) be reviewed on a regular basis according to the needs of recipients.

4. After care services

After care services must—

- (a) be provided by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to render such services;
- (b) be based on a multi-disciplinary and inter-sectoral approach;
- (c) be sensitive to the linguistic needs, religious and cultural values of children and their families;
- (d) be rendered in a non-discriminatory manner;
- (e) ensure that recipients are provided with the name and contact number of the case manager or social worker;
- (f) ensure that after care programmes are sufficiently monitored and regularly reviewed;

- (g) ensure that records are kept and data captured on programmes available to children and on the number and identifying particulars of children attending the programme;
- (h) be aimed at the identification of high risk situations and behaviour and the appropriate minimisation of risk;
- (i) focus on the strengths and capacity of recipients; and
- (j) be home based and community based.

5. Family reunification and integration services

Family reunification and integration services must—

- (a) be provided by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to render such services;
- (b) be based on a multi-disciplinary and inter-sectoral approach;
- (c) be sensitive to the linguistic needs, religious and cultural values of children and their families;
- (d) be rendered in a non-discriminatory manner;
- (e) strengthen and support family structures and render capacity building;
- (f) improve the well-being and resilience of families and children;
- (g) be aimed at the identification of high risk families and children;
- (h) focus on the strengths of families;
- (i) ensure that family plans are developed with the participation of all family members;
- (j) enable families to take responsibility and accountability for their involvement in programmes;
- (k) provide for the referral of recipients to other appropriate programmes;
- (l) if applicable, provide for family development, family skills training, family group conferencing and mentorship;
- (m) if applicable, address parenting skills, conflict management, role clarification, gender and partner abuse, unemployment, substance abuse and deviant behaviour;
- (n) prevent and deal with out-of-home placements with the purpose of keeping families together except where this would not be in the best interests of the child;
- (o) ensure the provision of family centred programmes; and

- (p) facilitate the participation of family members and be aimed at the empowerment of families.

6. Foster care services

Foster care services, supervision and arrangements around such supervision must—

- (a) be based on a care plan and an individual development plan for the child concerned;
- (b) where applicable, include participation of the child and his or her family during the placement process;
- (c) take account of the need for maximum appropriate access to information to enable the child and his or her family to participate in decisions;
- (d) ensure support and capacity building with regard to the child and his or her foster parents;
- (e) allow foster parents to participate in the planning and drafting of a care plan and individual development plan and to be consulted and informed of plans;
- (f) be conducted in a manner that makes the child, his or her family and the foster parents aware of what is expected from them, their rights and responsibilities;
- (g) be sensitive to the religious, cultural, and linguistic background of the child;
- (h) take account of the child's physical, emotional and social needs;
- (i) be appropriate to the child's developmental needs and be based on respect for the child's individuality, strengths, dignity, cultural, religious and linguistic heritage;
- (j) encourage, ensure and provide the opportunity for choice, decision-making and the building and strengthening of rapport and relationships;
- (k) ensure that basic needs are appropriately met;
- (l) ensure that the care plan and individual development plan are based on a proper developmental assessment of the child;
- (m) allow the child to observe his or her religion, to meet with others of similar background, to dress in accordance with his or her religion and to observe dietary requirements without difficulty, ridicule or embarrassment;
- (n) ensure the provision of support and strengthening services to foster parents and the monitoring of their roles to ensure outcomes around placement;
- (o) be based on a clear written policy and procedures regarding foster care services; and

- (p) ensure that care plans and individual development plans are reviewed regularly by the social worker managing the foster care with the participation of the child and foster parents, within their respective abilities.

7. Integration into alternative care services

Integration into alternative care services must—

- (a) be rendered by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to render integration programmes;
- (b) be based on a multi-disciplinary and inter-sectoral approach;
- (c) be sensitive to the linguistic needs, religious and cultural values of children and their families;
- (d) be aimed at meeting the needs of recipients as indicated during assessment;
- (e) ensure that the recipients feel emotionally and physically safe in the therapeutic situation and that information is kept confidential;
- (f) be conducted in a non-discriminatory manner;
- (g) make provision for the involvement of the child, his or her family and significant other persons;
- (h) ensure that recipients understand their rights and responsibilities and are provided with sufficient information to make informed choices;
- (i) ensure that recipients are provided with the name and contact number of the case manager or social worker;
- (j) ensure that a comfortable, child-friendly and safe environment is available for children;
- (k) ensure that programmes are conducive to the best interests of recipients;
- (l) provide adequate opportunity for additional consultation and counselling;
- (m) monitor the growth and progress of recipients;
- (n) be aimed at the minimisation of secondary abuse and trauma;
- (o) ensure that recipients are free to express dissatisfaction with service providers and that concerns and complaints are addressed seriously;
- (p) allow for the review of programmes according to the needs of recipients;
- (q) be based on a care plan and an individual development plan for the child concerned;