



A C E S S

Alliance for Children's Entitlement to Social Security

Social security provisions in draft Children's Bill

Introduction

In October 2002, the South African Law Commission (SALC) produced the draft Children's Bill after 5 years of research. The Bill is going to replace the 1983 Child Care Act. The 1983 Act regulates the Child Care system. Its main focus is on the Children's Court processes for children in need of care (children who have been abused or neglected) and the care of children in places of safety and other government or government subsidised institutions.

The shift to an approach aimed at preventing child abuse and neglect

The 1983 Child Care Act focuses most of its attention on caring for children **after** they have been abused and neglected. It also deals mainly with children in institutions and does not provide for the care of children in families.

The new draft Children's Bill is a great improvement on the old Act because it recognises that it is important to support families caring for children in order to prevent children from being abused and neglected. This support needs to take the form of material assistance (cash grants, free basic services and food programmes) and human assistance (through social workers providing families with skills development, emotional support and social services).

The draft Bill clearly recognises that if the poverty problem in South Africa is not addressed, the child care system will continue to operate in crisis mode with social workers only being able to assist children who have suffered the worst kinds of abuse. The majority of children at risk of being abused and children who suffer abuse on a daily basis are currently not being assisted by the child care system because there is only enough resources to respond to the worst cases that come to the attention of the authorities - the tip of the iceberg.

If we want to start reducing the incidence of child abuse and neglect in South Africa, we have to start supporting families to care for children.

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Reference Team: Soul City, Community Law Centre (UWC), Gender Advocacy Programme, Black Sash, South African National Council for Child and Family Welfare, Johannesburg Child Welfare

An important part of the primary prevention approach is the introduction of a comprehensive social security scheme for children. The draft Bill includes a chapter that introduces a "Social Security Scheme for Children". Social Security for children is currently provided for in the Social Assistance Act of 1992 along with all the other grants for everyone else (Old Age Pensions, Disability Grants, War Veteran Grants) The proposal to move children's social security grants from the Social Assistance Act into the Children's Act is welcomed by ACCESS as this will help ensure that children's social security needs are prioritised and structured in a manner that puts children's interests first.

Chapter 23, Part B: "Social Security Scheme for Children"

The draft bill provides for a social security scheme that includes the following grants, benefits and services:

- Universal grant (for all children under 18 years)
- Foster care grant
- Court ordered kinship care grant
- Informal kinship care grant
- Adoption grant
- Emergency court grant
- Supplementary special needs grant (disability, chronic illness)
- Subsidy for assistive devices
- Free basic services for children in court ordered alternative care

How does this proposed scheme measure up to ACCESS's recommendations?

ACCESS agrees with the principles of the above scheme and welcomes it. We have two major recommendations to improve the draft Bill:

(1) We would like to add the following to the scheme

- Free basic services (electricity, water, education , transport, health care) for all children who cannot afford them, not only children in court ordered alternative care.

(2) We would like to suggest that there needs to be more discussion around the proposals aimed at providing grants to children being cared for by extended families and other people that are not their parents. The draft Bill proposes four categories of "alternative caregivers" and provides each category with a different package of grants, benefits and services:

Children in court ordered foster care

These children get the Foster Child Grant plus the universal child grant (CSG) plus free basic services.

Children in Court ordered kinship care

These children get the court ordered Kinship Care Grant plus the universal child grant (CSG) plus free basic services.

Children in informal kinship care

These children get the informal kinship care grant. **No CSG and no free basic services.**

Children who have been adopted

These children get the adoption grant plus the universal child grant (CSG). **No free basic services.**

The categories that fall into each group are not that clear and the sector needs more information and debate to obtain clarity and make an assessment as to whether the proposed solutions will solve the problems. ACCESS also recommends that free basic services and the CSG should be for all children, not only children in court ordered alternative care.

Way Forward

The SALC has handed the bill over to the Department of Social Development for further debate and drafting. The Department expects to table the bill for debate in Parliament in the middle of 2003.

ACCESS members need to look at the bill and start discussing the various provisions in order for ACCESS to compile a position on the bill for future submissions to the Department and Parliament.

ACCESS members are encouraged to also write their own submissions to ensure that the SALC and the Department hears what the children's sector wants in the Bill.

For copies of the bill, please go to the SALC website:

<http://wwwserver.law.wits.ac.za/salc/salc.html>

Or Contact Zama at the Children's Institute on 021 - 689 5404 or zama@rmh.uct.ac.za

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