



Western Cape Department of Social Development Standard Operating Procedure for Removal of Street Children to a Place of Safety and subsequent processes

Effective from 15 April 2015

Introduction

The Children's Act defines a 'Street Child' as a child who 'has left his or her home, family or community and lives, begs or works on the streets', or 'begs or works on the streets but returns home at night'. The Act regards street children as 'children in need of care and protection' (Section 150(c)), and the Department of Social Development is obligated to intervene. This document guides the process to be followed by the Department of Social Development's Social Workers in such cases.

When this document is applicable

When a street child is identified by the department, either via a report to the department's call centre, front office staff, social work staff, or any other official of the department, by someone who, on reasonable grounds believes that a child is a street child (and therefore in need of care and protection), or when a social worker directly encounters such a child and forms a reasonable belief that the child is a street child (refer to S110 of the Children's Act), the steps below must be followed. *Please note that this procedure does not apply to children who may be living on the streets together with their families, or children who are accompanying members of their families who are begging. In such cases, if the social worker believes the child in question may be in need of care and protection, a full assessment should first be conducted, and, if a removal of the child is contemplated, a court order in terms of section 151 of the Children's Act, 38/2005 should be obtained first.*

Process

1) If a report of a street child is received by the department's switchboard or front office staff, the matter must be immediately reported to the social work supervisor for the office serving the area in which the street child has been identified. The office or designated NGO serving the area in which the child is found is the responsible office in such cases and has full jurisdiction.

- 2) If a social worker encounters a street child directly, that social worker must immediately report the matter to his or her supervisor.
- 3) The social work supervisor for the area in which the street child has been identified must immediately avail a social worker to the child's case. That social worker will henceforth be the caseworker for the child in question.
- 4) If the child is still on the street, the Social Work Supervisor should arrange for the social worker to collect the child in a government or other official vehicle with the assistance of one or more of the following (depending on availability):
 - a) A South Africa Police Services Officer
 - b) A member of the municipal police services
 - c) City Improvement District (CID) personnel
 - d) Other Department of social development social work staff or Child and Youth Care Workers
 - e) If none of the above are available, the supervisor must immediately contact the Head of Department's office to gain further assistance via the all-hours contact number 082 227 0478.

These additional personnel should also accompany the social worker and child in the social worker's vehicle when the child is taken to the place of safety.

NOTE: additional personnel are needed, since children living on the streets are often protected by adults who exploit them for drug trading, begging, theft etc. Street children also tend to be adept at absconding. Older street children may be armed and/or intoxicated, and can engage in a physical struggle to resist being taken into the care of the department. Social workers should never attempt to collect or transport a street child alone. When transporting a street child, the child safety locks should be engaged in the vehicle. If child travels in the back seat, at least one person should be in the back seat with the child.

In spite of any resistance shown by the child, it should be borne in mind that street children are still children, and any struggle, negotiation or refusal to co-operate with the social worker should not be entertained, since the child's safety and even life is at stake. Street children, by definition, represent emergency cases and all relevant measures should be followed to secure the best interests of the child, as per the fundamental principle of the Children's Act and Section 28 of the Constitution.

- 5) If the child has already been collected by a police, CID, municipal police, NGO or other party and is already securely in a vehicle, and that party is willing to transport the child to a place of safety, then the social worker assigned to the case should enter the vehicle and accompany the child to the place of safety.

6) As a general rule, the less a child is moved from one vehicle to another, and/or from one building to another, the lower the risk that the child will attempt to escape and/or assault the social work staff involved.

7) The Department's current intake point for street children in the Metro and Winelands regions is Lindelani. When a street child is to be admitted, the social worker must contact the central admissions office for the Department of Social Development's Facilities Directorate to ensure that staff at Lindelani are ready to receive the child. During office hours the Admissions Office can be contacted on 021 987 2485. After hours Ms Charlotte September can be contacted on 072 929 6368 or Ms Leana Goosen (Director: Facilities) on 079 358 6659.

8) On arrival at Lindelani, the child will be escorted to a secure space to allow the social worker to perform a full assessment, including the completion of Social Work Form 36.

9) Upon completion of the assessment, the child will be admitted to the facility's residential section as per the facilities' intake protocols. At this point the social worker and other parties involved in transporting the child may leave the child in the care of the facility.

10) The assigned case worker for the child must, within 24 hours of collecting the child from the street, report the case to the children's court serving the area in which the child was found as well as to the child's parent(s), guardian and caregiver should the address of such persons be available. The social worker must, furthermore: 'within 48 hours, place the matter before the Children's Court having jurisdiction for a review of the removal and continued placement of the child, give notice of the time and date of the review to the child's parent, guardian or caregiver, and cause the child to be present at the review proceedings where practicable'. (As per the amended Act – see Government Gazette number 35246 of 13 April 2012). As per section 44 of the Children's Act, it is the department's policy that in cases where street children are to be placed in temporary safe care, the court before which the case is brought has jurisdiction. The location of the biological parents does not determine jurisdiction in such cases unless the court orders otherwise - please see section 44(2) of the Children's Act.

11) When the assigned case worker has arranged a court date for the street child, the case worker must contact Lindelani to notify its management of the time when the child will be collected and transported to the court. The management of Lindelani must avail at least one child and youth care worker (depending on the risk profile of the child) to accompany the social worker and child to the court. The case worker must use a government garage vehicle assigned to his or her office for the purpose of collecting, transporting, and returning the child.

12) Once a court order has been made, the case worker and department will proceed accordingly with further steps.