

The Children's Act 38 of 2005:

What are the broad challenges affecting the ECD sector?

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Overarching framework

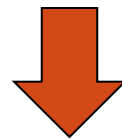
SA Constitution



Children's rights to basic nutrition, shelter, health care, social services and basic education



A range of services to support and promote ECD

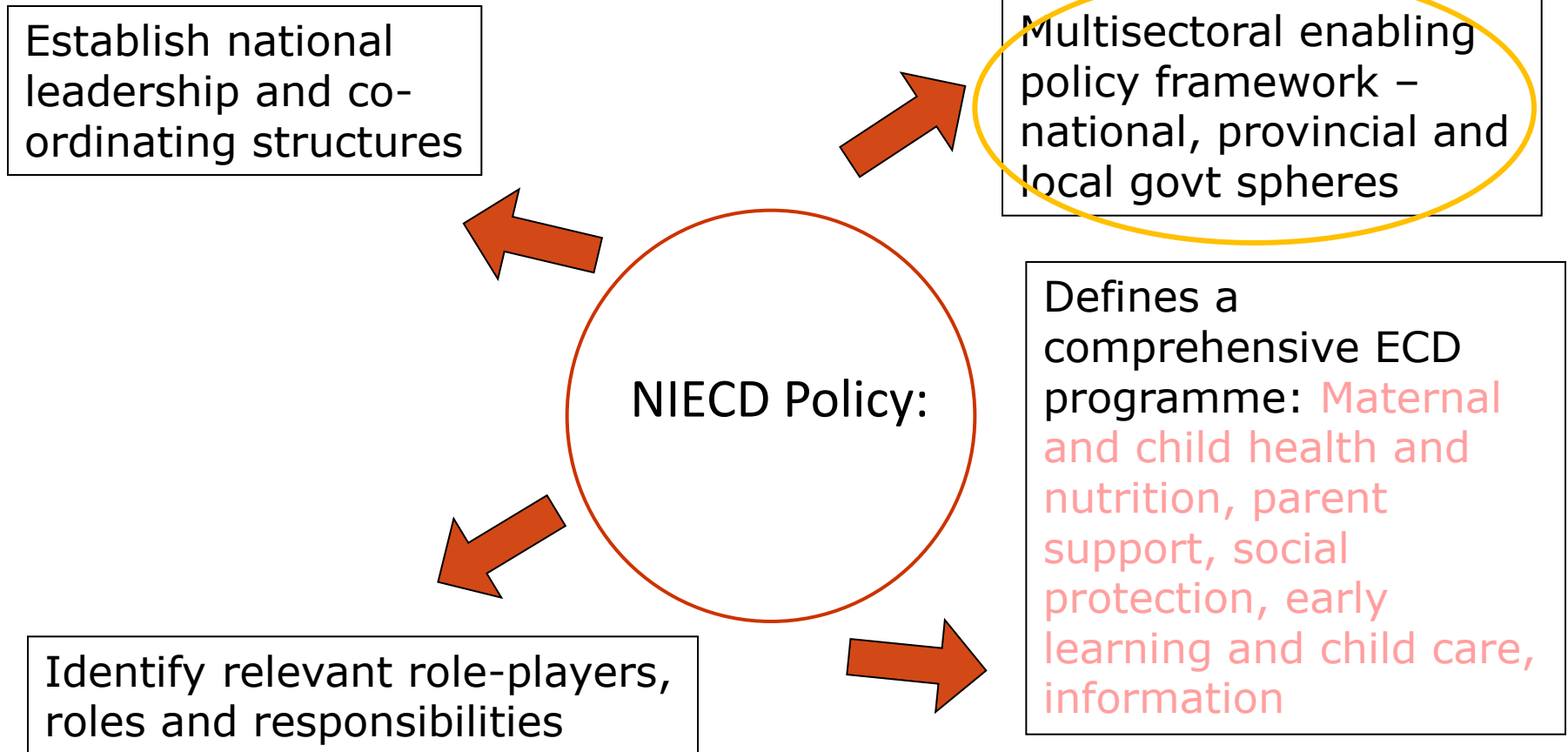


NIECD Policy (2015):

A comprehensive age-and stage-appropriate **quality** early childhood development programme is **available and accessible** to all infants and young children and their caregivers – 2030 Goal



What are the key elements of the Policy?



Children's Act: An overview

- Primary child-focused law providing for a range of social services for children and families, with the aim of:
 - supporting families to promote children's well-being and development
 - protecting them from abuse and neglect, and ensuring their appropriate care
 - addresses ECD services for children under school going age and provides for norms and standards for service provision



Definitions and terms?



□ The Act distinguishes between ECD services and ECD programmes:

- a service intends to promote the development of children from birth to school age
- a programme is planned within an ECD service, which intends to provide learning and support suitable to a child's level of development

Useful and relevant?



Partial care and ECD Programmes

1.

PCF/ ECD centre
(+ 6 children)



- Registration
- Norms and standards
- Structural, health and other requirements of the municipality

2.

ECD programme



- Registration
- Norms and standards
- No distinction between different models/approaches
- Should programmes focussed only on early learning support be included? E.g. where should parent support programmes fall?



Conditional registration

- Both ECD programmes and Centres can be conditionally registered
 - Intent is to support progressive compliance for those not meeting requirements
 - There is no clear process for CR
 - Not widely used/implemented variably



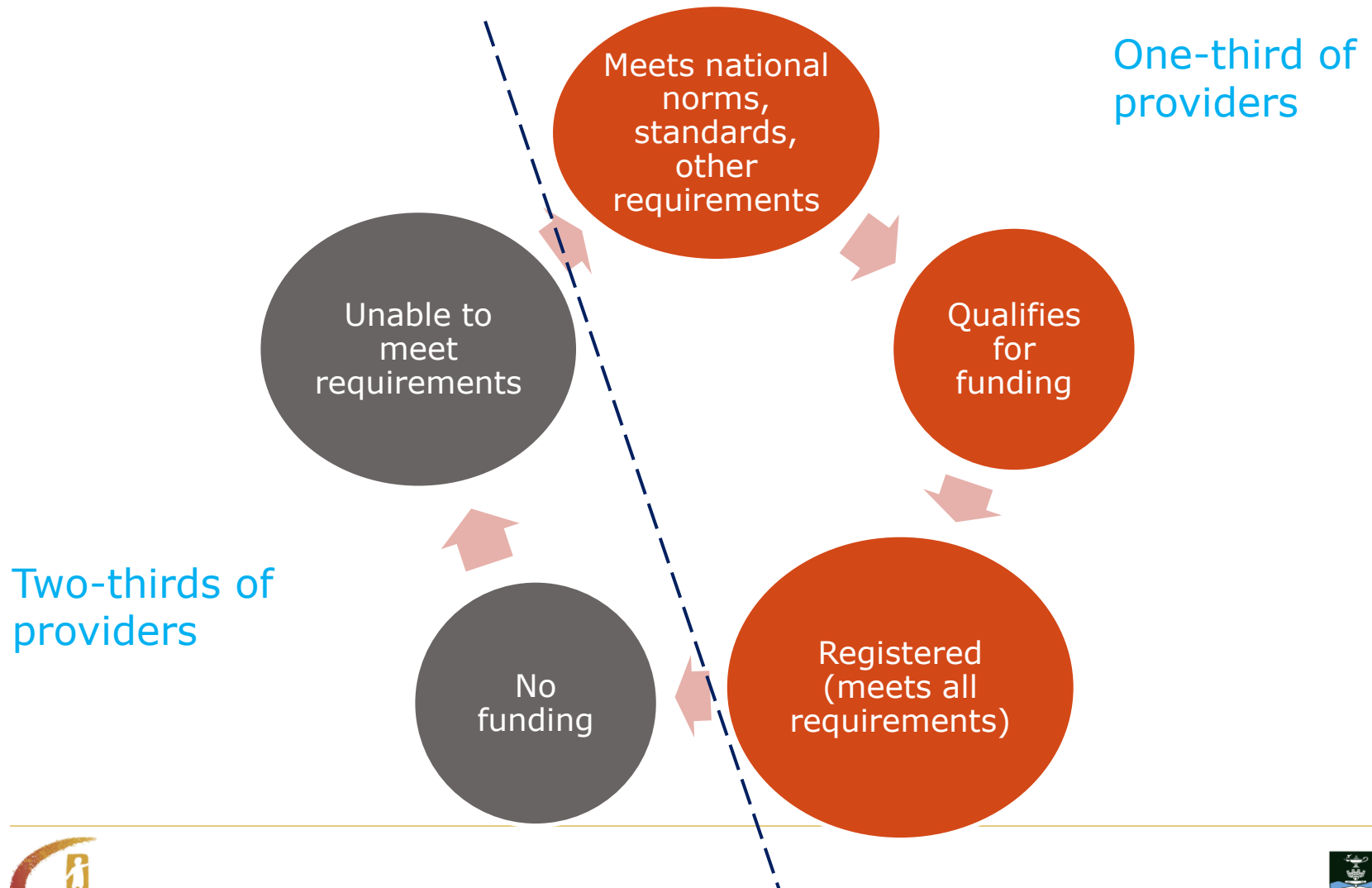
The power to assist

A provincial Head of Social Development may assist an owner or manager of an ECD centre or ECD programme to **meet the required norms and standards and other requirements** Section 82(5) and Section 97(5)

- Under-utilised provision
- No clear process for implementation
- A missed opportunity to offer support to providers not meeting requirements



Funding limits - A vicious cycle



Key challenges in a nutshell

- ✓ Registration (dual) requirements are onerous and unrealistic
- ✓ Duplication/conflict between different requirements
- ✓ Poor recognition/differentiation of programme modalities – limited funding
- ✓ Conflation between entry requirements and good practice standards?
- ✓ Poor recognition of context – failure to apply Power to assist and Conditional registration
- ✓ Young children excluded, perpetuates inequality, compromised development

