Official reply: 06 June 2016

**NATIONAL ASSEMBLY**

**QUESTION 1166/2016**

**FOR WRITTEN REPLY**

Date of publication on internal question paper: 22 April 2016

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**1166. Ms B S Masango (DA) to ask the Minister of Social Development:**

(1) Whether her department has closed down any crèches that were operating illegally in the (a) 2012-13, (b) 2013-14, (c) 2014-15 and (d) 2015-16 financial years; if not, what is the position in this regard; if so, (i) how many crèches that were operating illegally have been closed down in each of the specified financial years and (ii) where were the specified crèches situated;

(2) whether her department has any mechanisms in place to (a) identify and (b) close down crèches that are operating illegally; if not, why not, in each case; if so, what are the relevant details in each case? NW1305E

**Reply:**

(1) Whether her department has closed down any crèches that were operating illegally in the (a) 2012-13, (b) 2013-14, (c) 2014-15 and (d) 2015-16 financial years; if not, what is the position in this regard; if so, (i) how many crèches that were operating illegally have been closed down in each of the specified financial years and (ii) where were the specified crèches situated;

The Parliamentary Question has provincial implications and at the time of reply no response was received from Provinces

(2)

(a) In terms of the Children’s Act No. 38 of 2005, all partial care facilities (ECD centres) must be subjected to inspections and monitoring to determine compliance with the norms and standards. Inspections and monitoring are mechanisms in place to identify ECD centres that are not complying with the norms and standards.

(b) According to the said Act, section 84 and 85:

**Cancellation of registration**

84. (1) The provincial head of social development may cancel the registration or conditional registration of a partial care facility by written notice to the registration holder if-

(a) the facility is not maintained in accordance with the prescribed national norms and standards and such other requirements as may be prescribed;

(b) any condition subject to which the registration or renewal of registration was issued is breached or not complied with;

(c) the registration holder or the management of the facility contravenes or fails to comply with a provision of the Act;

(d) the registration holder becomes a person who is not a fit and proper person to operate a partial care facility; or

(e) a person who is not a fit and proper person to assist in operating a partial care facility is employed at or engaged in operating the facility.

**Notice of enforcement**

85. (1) A provincial head of social development may by way of a written notice of enforcement instruct-

(a) a person or organisation operating an unregistered partial care facility-

(i) to stop operating that facility; or

(ii) to apply for registration in terms of section 81 within a period specified in the notice; or

(b) a person or organisation operating a registered partial care facility otherwise than in accordance with the provisions of this Act or any conditions subject to which the registration was issued, to comply with those provisions or conditions.

(2) A person or organisation operating an unregistered partial care facility and who is instructed in terms of subsection (1) (a) (ii) to apply for registration within a specified period, may, despite the provisions of section 80, continue operating the facility during that period and, if that person or organisation applies for registration, until that application has been processed.

(3) The Director-General or the provincial head of social development may apply to the High Court for an order to instruct a partial care facility, whether registered or not, to stop operating that facility.

(4) The High Court may grant an order for costs against the owner or manager of the partial care facility referred to in subsection (3) if so requested by the Director-General or provincial head of social development.