

Child welfare and the functioning of the Department of Social Development

Solidarity Social Workers' Network



SOCIAL WORKERS' *Network*

Make your ideal future a reality together
with Solidarity, your career partner



Overview

- Introduction
- Context of situation
- Research
- Case studies
- Conclusion



01 Context of the situation



“The people we serve come first in performing our duties. **We will ensure equity and freedom from discrimination and harassment in the workplace and in the services provided by our department.** We will work in partnership with the people we serve and with other stakeholders. We will use the resources entrusted to us, to deliver on the Government's priorities in the most efficient, effective and innovative ways. We will be transparent and accountable for our decisions, actions and performance. We will share our knowledge and expertise with other departments and broader welfare sector and learn from them. In performing our duties, we will uphold the Constitution of the Republic of South Africa, the laws governing the Public Service and the Code of Conduct for the Public Service.” – ***Department of Social Development***

“Alone we can do so little; together we can do so much.” – Helen Keller



The road to parliament

Date	Correspondence
28 March 2022	First letter to National DSD regarding complaints
14 April 2022	Follow-up letter to National DSD regarding letter
April - May 2022	Conduct research
15 June 2022	Letter to Portfolio Committee
4 July 2022	Email to certain members of Portfolio Committee
7 September 2022	Cluster question – Minister confirms that she will answer in writing
21 October 2022	First correspondence – Portfolio Committee





Lack of service delivery

Court proceedings

Reunification

Unprofessional

Subsidies

Ethical practice

Best interest of the child





02 Research



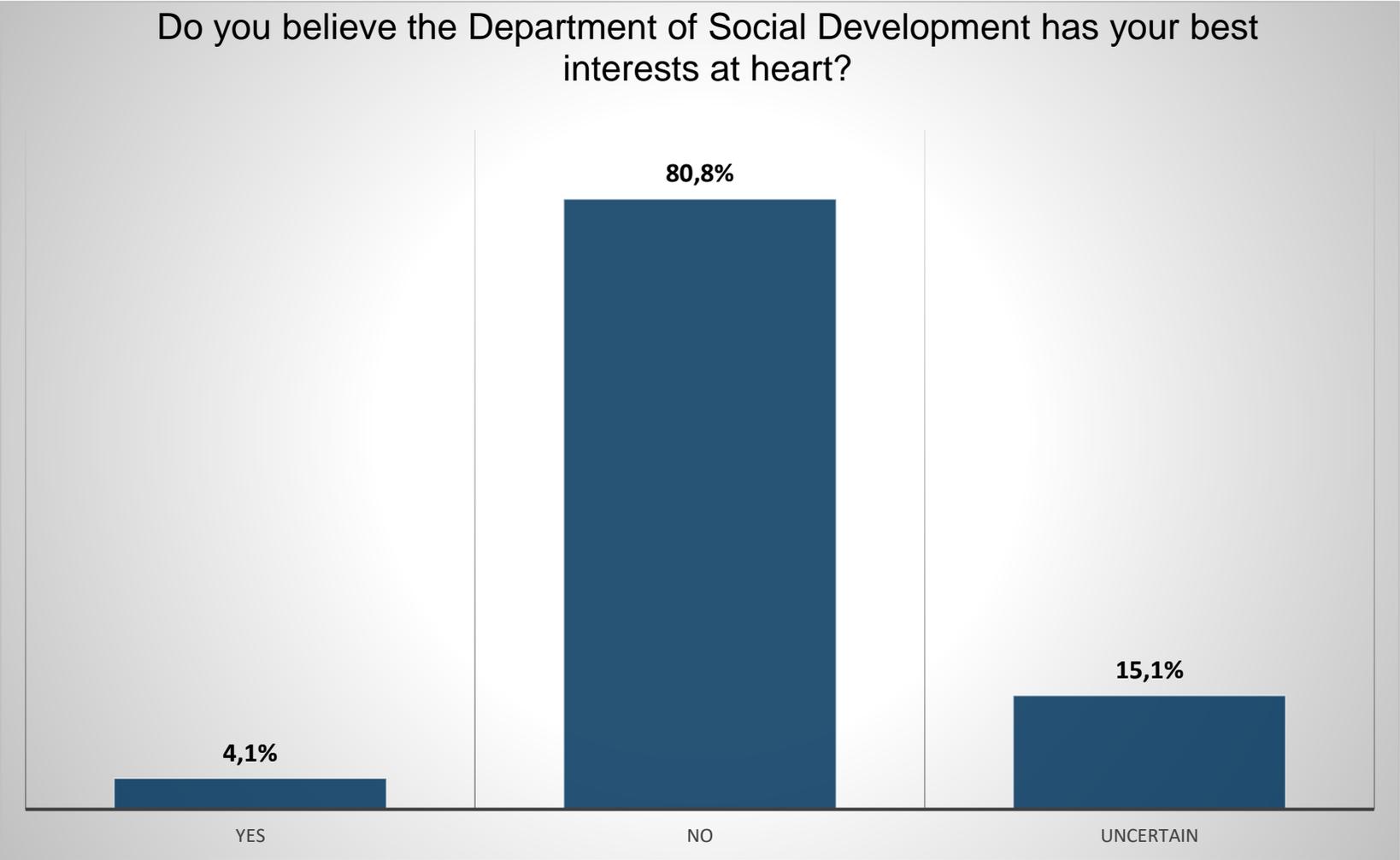
Introduction

This report contains research conducted by the Solidarity Research Institute (SRI) to examine, amongst others, issues and problems experienced by social workers in their profession, and also to determine whether they receive sufficient support and assistance from the Department of Social Development (DSD).

In April 2022, an electronic questionnaire was distributed to as many respondents as possible through the communications channels of the Solidarity Social Workers' Network.

147 social workers completed the questionnaire.

Does the Department of Social Development have members' best interests at heart?



Problems with the Department of Social Development

No cooperation and support; poor service delivery; and poor relationship with social workers (69%)

- Social workers receive no support and are not adequately empowered to do their job.
- The Department does not care. They are unfriendly and unhelpful.
- No insight and they do not listen to us. No consultations with social workers take place and no heed is taken of social workers' views, insight or opinions.
- Department wants to impose its one-sided views and policies on everyone. Bossy, arrogant and even described as bullies who only have their own interests at heart.
- Often has a superior, prescriptive and threatening attitude.
- Poor quality of work, incompetent and unprofessional, administration is disorganised and their knowledge is insufficient. Poor work ethic.
- Reports and documents are ignored and remain untouched on desks. Documents are lost and must be resubmitted. As a result, clients, including children, cannot receive help.



Problems with the Department of Social Development

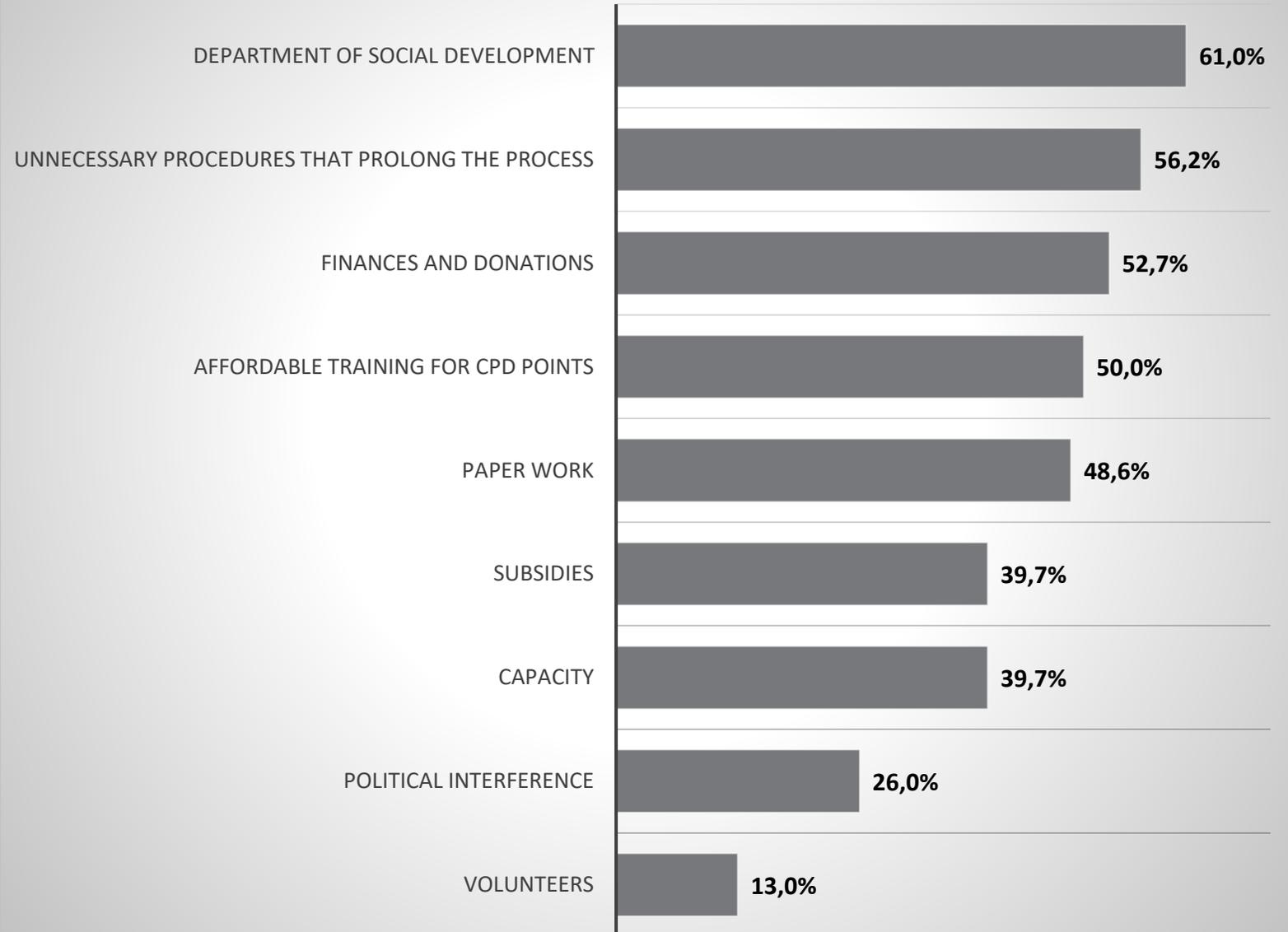
Communication is poor, cannot get hold of them (28%)

- Feedback is slow and not of good quality, and reports are often lost or documents are not signed, or referrals are ignored. They don't follow up.
- Emails and phone calls are not answered, and the Department's employees do not show up for meetings or court cases.

Subsidies and salaries (12,6%)

- Subsidies are not paid on time and are insufficient.
- No increases and not enough to fulfil the needs.
- Social workers' salaries are poor compared to other professions and civil servants in general.

In your opinion, what are the most important challenges you face in your profession?



Challenges experienced by social workers in their profession

Cases of questionable work ethic

Almost three-quarters (74%) of the respondents are aware of such cases.

Placement of children (32,6%)

Children are placed back into unsuitable circumstances.

Home visits are often not done, and no attention is paid to the domestic circumstances in which children are placed or where they are sent for school holidays.

Placement process takes too long. Sometimes children who are in danger cannot be safeguarded in time.

Shortage of alternative places of safety for children.

Cases are not finalised or followed up (23,5%)

Urgent referrals are ignored. Cases take too long and there is no follow-up. Sometimes case files are forwarded from the one person to the next and never dealt with or finalised.

Incompetence (21,4%)

The Department is described as incapable and incompetent. Clients suffer because of their inadequate performance, poor decision making, slow reaction time, or the fact that they just do not care.

Act in self-interest or have political agendas (10,2%)

Politically inspired decisions. Some people and organisations get preferential treatment and others get limited time, resources and support.





Essential resources for social workers

Finances

General resources and infrastructure

Alternative places of safety and better protection for children

Systems that function

Support from the Department

Training

Human resources (social workers and volunteers)



What the Department could change

Efficiency

Work ethic

Better service delivery

Better communication

Their poor attitude and disposition

Skilled workers who understand and care

Summary

- The Department of Social Development provides little support for social workers and is described as inadequate and incompetent. The Department does not do what is expected of them, and tends to criticise and is bossy instead of providing help or support. Social workers are not empowered and don't receive support to do their jobs. There is no tangible support in terms of funding, subsidies, good salaries or general resources, and also no support or assistance in terms of knowledge, advice, protection and addressing the problems in the profession.
- The relationship between social workers and the Department is already weakened and has broken down. There is no longer any indication of the trusting and collaborative relationship that should exist between the Department and social workers.
- The general perception exists that the Department does not care about social workers or needy clients, and neither do they have their interests at heart. Their reaction is slow, they procrastinate with administration, do not show up for appointments, meetings or court proceedings, and they do not give feedback.
- This report reveals a disgraceful situation. Injustices are committed towards people in need as well as towards the people who are there to help.
- The Department's attitude and disposition, inadequate performance and little care for clients and social workers are the direct causes of social workers suffering from burn-out, being discouraged and having to struggle to do their jobs. They have high case loads and are overworked. They have to deal with crisis situations on a daily basis and get by with few resources and little financial support or emotional support and assistance.





03 Case Studies



The Children's Act gives effect to the constitutional rights of children, and lists the following among its core principles:

- a. Protection from maltreatment, neglect, abuse, or degradation; and
- b. A child's best interests are of paramount importance in every matter concerning the child.





Case studies

(Children's names have been changed to prevent victimization and discrimination)

James



Miguel



Jaydon





“The people we serve come first in performing our duties. We will ensure equity and freedom from discrimination and harassment in the workplace and in the services provided by our department. **We will work in partnership with the people we serve and with other stakeholders.** We will use the resources entrusted to us, to deliver on the Government's priorities in the most efficient, effective and innovative ways. We will be transparent and accountable for our decisions, actions and performance. We will share our knowledge and expertise with other departments and broader welfare sector and learn from them. In performing our duties, we will uphold the Constitution of the Republic of South Africa, the laws governing the Public Service and the Code of Conduct for the Public Service.” – ***Department of Social Development***





03 Conclusion



Solidarity's request

These complaints are of a serious nature and they have a negative impact on the Department's mandate to act in the best interests of children. We were, therefore, instructed to request an independent general audit of the following matters within the Department of Social Development:

- a. All the matters already discussed, lack of service delivery , placement of children, reunifications;
- b. The court appearance records of officials working for the Department;
- c. The payment of grants;
- d. The turnaround times in dealing with matters reported to the Department; and
- e. The turnaround time in resolving cases reported to the Department.





Solidarity's closing remarks





- In conclusion we would like to refer the Committee to the case *CMR North v Department of Social Development (DSD) & others*: Case Nr: 32944/2022 (High Court case)
- The DSD decided to withdraw the CMR North's status as a Child Protection Organisation in terms of the Children's Act.
- This decision was challenged in terms of the Promotion of Administrative Justice Act (No. 3 of 2000) (PAJA), and the High Court set aside the DSD's decision and reinstated the CMR's status as a child protection organisation.
- We refer to this case because the fact that a punitive cost order was awarded is a rare occurrence, and the reasons thereof should be highlighted and are of importance to the Committee. These reasons should be investigated.





- 30.2 The DQA investigation of 168 out of 2000 files, only 8.4%, resulted in generalized and wide recommendations without any reference to specific files or complaints which would have enabled CMR North to engage and properly respond. Furthermore, the DQA investigation dealt only with certain of the matters prescribed by Regulation 32 but not all.
- 30.3 The representations made at the meeting of 13 April 2022 by the DSD representative were not an accurate reflection of the contents of the SAPS letters that had been sent to them or of the findings in the DQA report, which self-evidently only seems to have been finalized almost a month later on 9 May 2022.
- 30.4 Notwithstanding that CMR North placed in issue the serious unsubstantiated allegations that had been made against it, the DSD persisted in accepting uncritically the veracity of such allegations without affording CMR North any fair or reasonable opportunity to have the allegations fully investigated and considered before the withdrawal of their CPO designation.

30.5 The DSD opportunistically sought to prefer a deliberately self-serving and selective misinterpretation of CMR North's letter of 29 March 2022 to provide it with a basis upon which it could withdraw the CPO designation, without having to properly discharge its obligation to investigate the allegations and not simply record and accept them uncritically as it did.

31. The investigation and presentation of the complaints by the DSD to CMR North was undertaken in an opaque and one-sided manner and in circumstances in which CMR North were not given any opportunity, either in writing or at a hearing, to either admit to, explain, or rebut any of the allegations made against them. The allegations themselves were expressed in general terms which in any event would have made it impossible for them to do so. In such circumstances, it is apparent that the process undertaken was not procedurally fair as required by section 6(2)(c) of PAJA.

32. The emails from third parties and the unsubstantiated allegations contained in them were quite clearly considered by the DSD – regard need only be had to the fact that such emails were included in the record relating to the making of the decision. However, it is unclear, having regard to the specific terms in which the withdrawal of the designation was couched whether these played any role in the making of the decision.

33. Furthermore, these were received after the meeting of 13 April 2022 and the letter of 6 May 2022, both of which evidence a clear intention on the part of the DSD to withdraw the CPO designation. I am not persuaded that the decision was made because of the '*unwarranted dictates of another person or body*' as provided for in section 6(2)(e)(iv) of PAJA and so this ground of review fails.

34. A striking feature of this matter is the way in which the contents of the letters from the SAPS were misrepresented at the meeting of 13 April 2022 and how the letter of 29 March 2022 was utilized as a peg upon which to hang the withdrawal of the CPO designation. For the reasons set out above I am driven to the conclusion that the DSD acted with an 'ulterior purpose' as provided for in section 6(2)(e)(ii) and in both 'bad faith' as provided for in section 6(2)(v) and 'arbitrarily or capriciously' as provided for in section 6(2)(vi) of PAJA.

35. When the argument in the matter had concluded I indicated to the parties that whatever the decision would be, it was incumbent upon the parties to ensure that the serious allegations that had been made were fully and properly investigated. I invited the parties to furnish me with proposals regarding how this could be undertaken in an effective and timeous fashion given their circumstances and resources.

36. I received from CMR North a comprehensive and well thought out proposal. Unfortunately, the DSD refused to make any proposal. I subsequently requested a meeting with the parties' representatives to obtain clarity on the DSD's refusal and was informed that they did not intend to make any proposal but that they would be referring the matter to the South African Human Rights Commission. It is perhaps apposite that the matter be so referred so that besides the complaints made against CMR North, the conduct of the DSD and any other relevant parties may also be investigated.



- ❖ From the above it is clear that the DSD had a predetermined agenda or “alterior purpose”, as the court put it.
- ❖ They did not properly investigate allegations.
- ❖ They were dishonest and misleading.
- ❖ The DSD failed in most of its primary responsibilities.
- ❖ A court of law decided that the DSD’s actions justified punishing them with a punitive cost order.
- ❖ This order supports many of the findings in Solidarity’s research report. It further highlights the need for urgent intervention at the DSD.

“Stand up for what is right even if you stand alone. Stand up for truth, regardless of who steps on it.” — Suzy Kassem



Questions





Part of the Solidarity Movement

www.solidariteit.co.za