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**NATIONAL ASSEMBLY**

**QUESTION FOR ORAL REPLY**

**QUESTION NUMBER: 385**

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**385. Ms L L van der Merwe (IFP) to ask the Minister of Social Development:**

What progress has her department made in respect of its commitment to implement the findings of the Commission for Gender Equality report on shelter services to abused women and children? NW563E

**Response**

The DSD has been in constant engagement with the Commission for Gender Equality (CGE) in terms of providing general the status update on the issues that were raised by the report.

The Department has developed a draft Intersectoral policy framework on the provision of sheltering services. The policy is meant to address amongst others the various roles and responsibilities of the different stakeholders in the provision of the sheltering services. The Victim Support Service (VSS) Bill and Policy that were presented to Cabinet and approved in December 2019, are part of the legislation frameworksthat are key in the responding to issues of sheltering services. The VSS Bill is in progress to be published for public comments.

It is critical to highlight that the Department is continuing with the partnership forged with the Department of Public Works and Infrastructure. The partnership is meant to increase the numbers of shelters across the country. So far, infrastructures/buildings considered to be provide sheltering services for abused women and children have been identified in Gauteng and the Western Cape.

It is critical to highlight that most of the deadlines indicated in the areas forming part of the report, have been drastically effected by the COVID-19 situation that is facing the country.

**The deadlines that were proposed will now be reviewed to execute this activities in 2020/2021**.Below are the specifics in terms of the areas raised by the report that the Department is addressing:

The **late payment of tranches** severely undermines the functioning of shelters. In turn, the CGE recommends that urgent action on the part of DSD is taken to instil safeguards within its contract management system wherein it provides clear pre-warning of required payments and in turn accountability of those officials responsible for effecting the payments whom do so late. The DSD is afforded the ambit to devise its own safeguard. Although, it must be effective and able to be rolled out throughout the nine provinces. The safeguard including time frames for roll out to the nine provinces must be provided to the CGE within three months of release of this report.

The DSD has developed a draft **Sector Funding** Policy that is meant to provide guidance across all nine provinces in terms standardised funding and implementation of funding model that is consistence across all province.

The draft Sector Funding Policy has been presented for consideration and approval to Minister and Members of Executive Council (MINMEC) meeting that was held in the current quarter. The MINMEC will make inputs and the approval of the policy will take place in last quarter of this financial year.

The National DSD in the current 2019/20 resume the implementation of the multi-year (3yrs) contract with National NGOs of which is another way of fast-tracking payment to services provider. This approach going forward will be proposed to provinces as it will cut-down on administration burden that are often resulting in delays.

The DSD to **finalise its policy regarding GBV Prevention Programme for LGBTIQA+** Persons within six months from the date of release of this report, including clear directives to shelters to comply and not unfairly disseminate against LGBTIQA+ persons, including a clearly communicated complaints process for survivors to report any discriminatory action on the part of a shelter.

DSD has conducted consultations in 2017/18 which included various stakeholders across all nine province on the development of GBV prevention guideline for LGBTIQ+ persons. The document has been presented in the first and second quarters of this financial year to the Provincial and National Task Team for LGBTI led by the Department for Justice for endorsement. In quarter three and four the document will be presented to other stakeholders for inputs and endorsement. DSD funded shelters were consulted widely on the guideline document.

An admission criteria that will be LGBTIQ+ friendly will be included on the guideline document to be finalised by 31 March 2021. Furthermore, the DSD will identify and support three Shelters that will be piloted as LGBTIQ+ friendly shelter to create a model that can be replicated across the country.

Provincial DSDs have been motivated across all nine provinces to incorporate in their funding criteria preference of funding NGOs that are prioritising services to LGBTIQ+ persons. For example, Gauteng DSD in the current financial year is funding organisation (BadumetseBatho centre) that is providing services to LGBTI community in the Sedibeng areas and the following are the components funded: 1 Social Work post, 1 Social Auxiliary Work post and 20 volunteers for the NGO.

The guideline document is in the last phase of development whereby it is presented to various stakeholders for inputs. This is done through internal DSD workforce with a number of other competing demands. Hence it has not yet been finalized as per the CGE proposed timeline of six months. It will be available a refined draft by 31 March 2020.

DSD after consulting key stakeholders to provide the CGE with:

A standardised policy detailing the manner and criteria to fulfil when survivors wish to apply for extension at a shelter. This should also include a costing analysis wherein the costs of extensions are forecast and budgeted for and a clear complaints mechanism for survivors to appeal any negative decision.

The DSD in the current financial year is developing an Intersectoral Policy on sheltering services and it will include a detailed criteria to be fulfilled in instance where a victim/survivor need to apply for an extension of stay at a shelter. A draft Policy on Sheltering service will be available for consultation by 31 March 2020.

The Department has undertaken a process of costing analysis on the implementation of the Policy and Bill on Victim Support Services and that process covers cost analysis of the shelters. Deloitte was appointed as a service provider and by 31 March 2020 a cost analysis report that covers shelters will be available.

A standardised policy detailing the monitoring of survivors after existing the shelter including clear indicators to determine if the survivor is adjusting favourably.

The DSD has developed a draft Victim Support Services Policy and Bill that were presented to Cabinet on 03 December 2019 for endorsement to gazette for public comments by March 2020. Both the VSS Policy and Bill are designed to serve the purpose of monitoring and evaluation of Victim Support Services including shelters across all nine provinces. Both documents will incorporate monitoring and evaluation of services at different levels, by district office, provinces and national office. The oversight will also be conducted by other different stakeholders including Chapter Nine Institutions and the Department of Planning, Monitoring and Evaluation (DPME). DSD provinces will be monitored through the monthly and quarterly reports on indicators that they are implementing.

The aspect of monitoring the victim/survivor favourable adjustment will be prioritised in the development of the monitoring tools.

The two policies as per recommendations 4.1 and 4.2 must be provided to the CGE within six months after release of the investigative report.

Both Policies: Intersectoral Policy on Sheltering Services and Victim Support Services Policy will be shared with CGE by 31 March 2020 as draft documents. They are both still in development phases hence and need to undergo approval processes hence the department could not share them as per the timeline of six month proposed.

DSD in consultation with key stakeholders:

1. To standardise salaries and/or stipends of persons employed by shelters, including detailing criteria. Such standardisation must be taken into account during the budget allocation provided to shelters.

2. Detail and set the educational requirements and core skills needed for the requisite job roles in shelters.

**Skills Development in Provinces for Shelters are not Accredited**

The Department developed the Victim Support Services (VSS) Policy and Bill which were approved by Cabinet in December 2019. The VSS Policy and Bill, amongst other elements, will be addressing the regulation of the provision of sheltering services, registration of Victim Support Services facilities and accreditation of programmes rendered in the shelters including skills development programmes in shelters.

Furthermore, the Department has embarked on the project of ensuring that skills development programmes that are rendered in shelters across all nine provinces are accredited. This exercise is conducted in consultation with various SETAs including the Department line function SETA, the Health and Welfare SETA (HWSETA). A draft capacity building plan for the sector will be in place by 31 March 2020 developed by the National VEP Technical which will cover proposed accredited training for shelters.

**The deployment of 200 social workers are not recognising previous experience and not looking at unemployment of current NGO service providers**

The DSD appointed in December and January 200 social workers across all nine provinces to deal with the fight against GBV. They were all provided with training on trauma debriefing and psychosocial support services. All provinces resumed the processes of permanent appointment however, some were affected by the lockdown period to conclude permanent appointments. Therefore, all 200 Social Workers appointment will be finalized post the lockdown period.

**The Department failed to implement the NAWONGO judgement and an explanation needs to be provided in this regard**

Post the Nawongo judgement, the Department acknowledged that it requires additional capacity to assist with implementation of the 2014 court approved policy, as the policy required a change of organisational functions, systems, processes and structures. The Free State Department therefore approached KPMG, who assisted in drafting of the funding policy and costing models in line with the 2014 court approved policy.

These were sent to court and the court accepted them as working progress. This was aimed at supporting the Department with the implementation of the policy.

There were extensive consultations between the national and provincial departments of social development, more specifically DSD Free State and National and Provincial Treasuries; as well as with the NPO sector, on how the Court approved policy will be implemented.

These reforms were prescribed around the time where provincial budgets were negatively affected by the global economic crises, resulting to no additional funds becoming available to the provinces since the 2010/11 financial year. Most provinces were affected by means of a declining budget growth rate which was more or less in line with the inflation over the years thus leaving no room for expansion or response to budget pressures. The sluggish growth of the provincial budget happened in the midst of increasing demand to fund improvement in conditions of service (annual salary adjustments) as well compensation of employees’ pressures from core service delivery departments such as Education and Health. In prior years funding for annual salary adjustments was catered for by National Treasury, however over the last few years; provinces were and are still expected to fund such adjustments within their own constrained allocations.

A case in point is with the commencement of the 2019/20 budget processes, where National and Provincial Treasuries already alluded that there will be no additional funding over the MTEF, as National Treasury indicated to the province that growth is fragile and that there is a subdued growth in tax revenue.

Given the above, the challenges that led to the Department not fully implementing the NAWONGO Court judgement are as follows:

a) Implementation of the 2014 Policy was objectively impossible without the unqualified support and financial backing of National Treasury.

b) Funding for welfare services must still take place within the budgeting process which is beyond the relevant department’s control.

c) The current NPO budget which does not cover the core costs of even one service (i.e. out of 11 statutory services and 29 other services) and

d) The NPO budget has decreased in real terms each year since the court case and therefore, the provisions of the Nawongo Court judgement could not be realized in terms of the core cost of services.

e) The costing model that was developed in partnership with KPMG was rejected by the National Treasury as it was declared to be expensive, in light of the budget constraints and therefore it could not be implemented.

Only increased funding for transfers to NPOs will ensure the full compliance with the court order. The implication is that there are other parties that are necessary to increase the funding of the Department, i.e. the Executive Council of Provinces, Provincial Treasuries, and the National Treasury.

**The Commission is concerned about The Department’s ability to monitor and evaluate provinces**

The Victim Support Services Policy and Bill caters for monitoring and evaluation of Victim Support Services facilities including shelters in provinces, development of monitoring tools and systems. It also includes monitoring and evaluation of these services at different levels, by district office, provinces and national office. The oversight will also be conducted by other different stakeholders including Chapter Nine Institutions and the Department of Planning, Monitoring and Evaluation (DPME). Provinces are monitored through the monthly and quarterly reports on indicators that they are implementing.