



GAUTENG
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

Member of the Executive Council (MEC)

SOCIAL DEVELOPMENT, AGRICULTURE, RURAL DEVELOPMENT & ENVIRONMENT

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RESPONSES TO QUESTION POSED BY GAUTENG LEGISLATURE

**RESPONSES ON THE PORTFOLIO COMMITTEE
ON SOCIAL DEVELOPMENT OVERSIGHT REPORT
ON THE FOCUS INTERVENTION STUDY REPORT
ON THE IMPLICATIONS OF TERMINATION OF
NPOS FUNDING ON THE PROVISION OF SERVICE
DELIVERY**

1. The Department should consider assisting the suspended NPOs on a conditional basis, especially with goods and services until such time that they meet all the requirements for funding.

Response

There are several variables considered before suspension of NPO funding. NPO funding is often suspended due to the following:

- Violation of Service Level Agreement
- Mismanagement of funds
- Non-compliance to legislation such as NPO Act, PFMA and programme legislation
- Non-compliance to municipal by-laws

Therefore, allocating funds to assist suspended non-compliant NPOs with goods and services for whatever reason constitutes irregular expenditure which goes against good governance prescripts.

2. The Department should engage with the Department of Infrastructure with a view to identifying unutilized government premises in areas closer to where the non-compliant NPO is situated.

Response

The Department has continuous engagements with the Department of Infrastructure to identify unused buildings to be repurposed to improve accessibility of services in under resourced and under serviced areas. However, due to financial constraints the Department is unable to renovate/refurbish all the identified buildings.

3. Review of the criteria the Department utilizes to fund NPOs, because there are instances where NPOs without approved building plans are

funded whilst others with same gaps are not funded but meeting other requirements.

Response

Building plans are not the only requirement the Department considers when registering NPOs. There are other variables taken into consideration when assessing applications for registration such as, legal status of NPO, governance, programme implementation, suitability of staff to work with children, compliance certificates from municipality etc. Children's Act 38 of 2008 s199(d) stipulates that *“the applicant should comply with the structural, safety, health and other requirements of the municipality of the area in which the Child and Youth Care Centre is or is to be situated”*. It remains critical that the municipality approves the building plans as it gives some form of assurance that the building met the structural and safety requirements and therefore safe for habitation. The risk associated with registering a CYCC with building plans that are not approved are enormous and have litigious implications for the department.

4. Review the Principal Act on the consideration of the Engineer report on the validation of building plans, as part of shortening the challenges faced through Municipalities.

Response

The National Department of Social Development is responsible for developing and reviewing Acts, Regulations, Norms, and Standards. Gaps that are identified when implementing legislation are escalated to NDSD through relevant structures. The Department will continue to comply and implement legislation in its current format unless it is amended.

5. Explore what warrants conditional registration based on the programmes that are provided by the NPO.**Response**

The Department registers NPOs to provide services and programmes as prescribed by various legislative frameworks, norms and standards and regulations. There is a set of requirements that are considered before deciding on whether the NPO should be granted full registration, conditional registration or decline the application. Therefore, what warrants full/conditional registration or declining registration is based on a comprehensive assessment of the NPO that have applied for registration and not only on the programmes provided by the NPO.

The list of requirements for registration are:

- Signed and dated Application Form
- Assessment report
- NPO Certificate
- Certified copy of the constitution for the facility
- Compliance Letter from National Department of Social Development stating status of NPO
- Health certificate/permit
- Food Acceptability certificate
- Emergency certificate (compose of zoning, evacuation, and First Aid)
- Approved Building plans
- Clearance certificates (Part B of Child Protection Register)
- Staff Composition
- Proof of current registration with professional bodies such as SACSSP, SANC) should be attached for all professionals.
- Detailed description of programme
- Financial Statements
- Two weekly menus
- Daily Programme
- List of Management Board Members

6. Look into whether an NPO must have trained Child and Youth Care Workers before they are funded.**Response**

It is a legislated requirement in terms of Section 200 (e) of Children's Act 38 of 2005 that people employed or engaged in the Child and Youth Care Centre should have the prescribed skills to assist in operating a child and youth care centre. Child and Youth Care was declared as a profession by the South African Council on Social Service Professions (SACSSP) and this necessitated that all people who are working as Child and Youth Care workers should be trained or apply for Recognition of Prior Learning so that they can be registered with SACSSP. CYCCs were made aware of this registration requirement since 2018.

It is a prerequisite for NPOs to have trained staff who are duly qualified and registered with SACSSP and other professional bodies and meet other registration requirements before they can be registered and eligible for funding from the Department. The Department has been developmental when dealing with NPOs that did not have trained and registered Child and Youth Care Workers. These NPOs are required to provide plans of staff undergoing the necessary training to obtain qualification which will enable them to register with the SACSSP. This plan is taken into consideration when recommending for conditional registration.

In addition, during the registration and re-registration process, all staff employed at a CYCC is required to be vetted against the National Child Protection Register. This ensures children are protected as they cannot be surrounded and cared for by any individuals who have a criminal record and is not allowed to work or have access to them.

7. Review criteria used by the Department to select NPOs to form part of the learnership programme for Child and Youth Care Worker training.**Response**

The department partners with compliant NPOs who have been assessed and deemed suitable to participate in the learnership programme.

8. The Monitoring and Evaluation of the Department should separate issues and make sure that the NPOs are not penalized on issues that are beyond their control.

Response

Monitoring of programmes and services provided by NPOs is conducted using monitoring tools that are documented and aligned to prescribed norms and standards, Departmental guidelines, and standard operating procedures. NPOs are assessed individually, and careful consideration is taken into all aspects pertaining to the overall functioning of the NPO.

9. Since some of these NPOs were catering for more than 4 wards in their communities and it is further recommended that the Department should assist the NPOs to comply and not resort to cutting or stopping their funding.

Response

The Department continues to do what is possible within its purview to engage municipalities on behalf of non-compliant NPOs to assist in unblocking challenges regarding compliance documents. These issues have been escalated and ventilated at the Intergovernmental Relations forum that is attended by MMCs from municipalities across the province.

Funding NPOs that are non-compliant with the NPO Act, Programme Legislation such as (Children's Act 38 of 2005, Prevention of and Treatment of Substance Abuse Act 70 of 2008, Child Justice Act 75 of 2008, Older Persons Act 13 of 2006) constitute irregular expenditure.

Lastly, it must be noted that the Department was issued with audit findings relating to funding of non-compliant NPOs and NPOs with lapsed registration certificates. In mitigating recurrence of this audit finding, mechanisms had to be put in place to strengthen programme and finance monitoring, hence suspension of funding of NPOs whose registration certificates lapsed during the financial year.

Yours sincerely



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DATE: