



Legal Placement of Orphaned Children in Related Foster Care: The Perspectives of Social Workers.

A research report submitted to

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By

Khanyisile B. Manukuza

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CHAPTER ONE

1. INTRODUCTION

1.1 OVERVIEW OF CHAPTER

This chapter provides an overview of the research report including the statement of the problem and rationale of the study; reasons for conducting the study; relevance of the study to the social work profession; research questions; purpose of the study; research design and methodology, and limitations of the study. A definition of key concepts is provided as well as a summary of how the report is organized.

1.2. STATEMENT OF THE PROBLEM AND RATIONALE FOR CONDUCTING THE STUDY

South Africa has become a home of orphans as a result of HIV/AIDS pandemic. Statistics indicate that the total number of people living with HIV was estimated at approximately 5.38 million in 2011 (Statistics South Africa, 2011). Parents die, leaving behind orphaned children in the care of relatives, usually the maternal grandmother. These related primary care-givers subsequently influx the Department of Social Development, seeking assistance to have the orphaned child legally placed in their foster care, so that they can receive a State foster care grant. As a result, social workers end up with unmanageable caseloads.

Pressure is being placed on statutory social workers - social workers responsible for legally taking cases to the Children's Court - to finalize such cases as soon as possible and then subsequently render supervision services to the family. Based on the supervision services rendered to the family, social workers are required to submit a report to the canalization unit of the Department of Social Development, recommending whether the foster care court order

Should be extended, based on an assessment of the child's circumstances. This problem-situation arouses mixed reactions regarding the intake of new social work cases related to kinship foster care applications made by relatives of orphaned children. This is because there seems to be no progress in finalizing these cases in the Children's Court and being able to meet deadlines for submitting supervision reports to the canalization officers so that the court orders can be extended.

Apart from causing heavy caseloads to become heavier, the problem-situation is exacerbated when presiding officers at the Children's Court frequently reject the recommendations made by statutory social workers regarding placing the child concerned in the foster care of relatives. Presiding officers usually adopt the point of view that children should only be found in need of care and protection if they are orphaned children who lack visible means of support. Based on the researcher's practical experience as statutory social worker, and interaction with work colleagues who are also statutory social workers, the rejection of foster care recommendations leads social workers to feel loss of morale and professional dignity. Some statutory social workers also think that orphaned children are being marginalized in terms of the Act, because they are presenting as children in need of care, although already in the care of primary care-givers striving to meet their best interests.

Previous research findings indicate that there is a critical need to address the backlog of foster care applications that have been made in the past years. However, backlog still accumulates with little progress being made in this regard. This raises questions of whether further intake of new applications is a necessity or not (Ngwenya, 2011).

Researchers tend to agree that most foster care applications are based on applicants' desire to acquire benefits that are realized when placement of a child in foster care is legalized: higher financial support from the State than that of the Child Support Grant (which is paid to primary care-givers in need of financial assistance) and exclusion from the payment of school fees. Based on this information, researchers are of the opinion that legalizing kinship foster care placements are meeting the needs of the applicants rather than the best interests of the children (Meintjes, 2011).

The State and the client system call for acceleration of quality in service delivery, while the implementers – namely statutory social workers - face the reality in terms of delays in processing foster care applications as a result of different interpretations of identifying a child in need of care and protection as stated in the Children's Act, 2005 (Ngwenya, 2011). The researcher thus explored the points of views of implementers of these social work services (namely statutory social workers) regarding how best to manage cases where relatives are applying to have an orphaned child legally placed in their foster care.

As a statutory Social Worker under the Department of Social Development, the researcher has experienced high volume of cases rejected by the Commissioners of Children's Court, resulting from the uncertainties underlying the definition of a child in need of care and protection according to the policy used during implementation of foster care which is the Children's Act No. 38 of 2005. The Children's Act, Act 38 of 2005, section 150 (1) (a) states the following:

- (1) A child is in need of care and protection if, the child-
 - (a) Has been abandoned or orphaned and is without any visible means of support;
 - (b) Displays behavior which cannot be controlled by the parent or care-giver: (c) Lives or works on the streets or begs for a living;
 - (d) Is addicted to a dependence-producing substance and is without any support to obtain treatment for such dependency;
 - (e) Has been exploited or lives in circumstances that expose the child to exploitation;
 - (f) Lives in or is exposed to circumstances which may seriously harm that child's physical, mental or social well-being;
 - (g) May be at risk if returned to the custody of the parent, guardian or care-giver of the child as there is reason to believe that he or she will live in or be exposed to circumstances which may seriously harm the physical, mental or social well-being of the child;
 - (h) Is in a state of physical or mental neglect; or
 - (i) Is being maltreated, abused, deliberately neglected or degraded by a parent, a care-giver, a person who has parental responsibilities and rights or a family member of the child or by a person under whose control the child is.

The above description of the child in need of care and protection totally excludes orphaned children living with relatives as the presiding officers in Children's Courts interprets section 150(1)(a) in the following manner:- that visible means is seen as being there if a child is in receipt of a child support grant or the care giver is in recipient of an old age grant, pension or any other means of income (Social Development News Bulletin, 2012). Conversely, the majorities of the related foster care applicants are permanently employed and earn more than SASSA means test threshold. Therefore, they do not qualify for child support grant as well. Moreover, the Presiding Officers further state that relatives have the responsibility to maintain the child and are thus not eligible for a foster care grant.

Despite the above controversy underlying the definition of the Children's Act, the ministry of Social Development and management put more pressure on statutory Social workers demanding them to finalize cases of orphaned children with relatives and this leads to work stress and lack of morale for statutory social Workers. As a result of such an experience, the researcher decided to explore the perspectives of statutory social workers and ascertain their recommendations regarding the present problem situation they are faced with.

1.3 RELEVANCE TO SOCIAL WORK PROFESSION

Social work is a helping profession. Social development is facilitated through a developmental approach which is described as a "process of planned social change to promote social wellbeing in conjunction with a dynamic process of economic development" (Midgley, 1995, p. 25). The main aim of this approach is to address the people's immediate and basic needs such as shelter and security in conjunction with skills development to enable people to be actively involved in economic development, which will meet the long term needs for sustained economic participation and self-sufficiency.

There are different pillars of social development that need to be incorporated in order to facilitate change. Those pillars are as follows: firstly people should be seen as diverse human beings that have a need to meet their basic needs like food, shelter, health, education and employment. There should also be political and economic fulfillment. Human beings should be viewed as recipients

of basic needs through social security nets provided. Lastly, people must be seen as participants with a capacity to influence politics and economy in their daily interactions (Patel, 2005).

1.4. RESEARCH QUESTIONS

- Under what circumstances is an orphaned child placed in the foster care of a relative?
- How do Commissioners of Child Welfare respond to recommendations made by the statutory social worker that the child concerned be placed in related foster care?
- What reasons do Commissioners' of Child Welfare give for making their decisions?
- How do social workers respond to Commissioners of Child Welfare's responses?
- What are the responsibilities of a statutory social worker once an orphaned child has been found in need of care of protection and legally placed in the foster care of a relative?
- How do social workers manage heavy caseloads consisting of related foster care placements?
- How should the problem-situation be addressed in order to meet the best interests of the child concerned?

1.5. PURPOSE OF THE STUDY

The primary aim of the study was to explore the perspectives of statutory social workers regarding placement of orphaned children with their relatives after their parents had passed away.

1.6. RESEARCH DESIGN AND METHODOLOGY

The research design utilized is qualitative in nature as it provided the researcher with an opportunity to delve into the participants' perspectives regarding the placement of orphaned children with relatives. It was phenomenological as it was "aimed at understanding and interpretation of participants regarding a particular phenomenon; in this the study the phenomenon being the legalization of related foster care (Fouche, 2002). This type of research

design has enabled the researcher to enhance her understanding of meaning regarding perspectives social workers attach to their daily experiences during their professional journey (de Vos et al., 2005).

The sampling procedure used was purposive sampling which forms part of non- probability sampling procedure. The sample size of 20 statutory social workers was drawn from statutory social workers working for the Department of Social Development, specifically those social workers dealing with foster care. A sample of 20 foster care Social Workers and their supervisors were interviewed by the researcher using semi-structured interview schedules and focus groups. This method of data collection has helped the researcher to bring into the interview a set of predetermined questions on a semi- structured interview schedule, hence also allowing the researcher to pose optimal follow-up questions which vary among participants in seeking in-depth subjective views and perceptions of social workers (De Vos, 2005). Smith et al., (cited in de Vos, 2005) confirm that this type of data collection method enables the participants to share more closely in the direction the interview takes such that the participant can end up introducing an issue that the researcher has not thought of. The research approach created an environment whereby participants were able to raise issues related to topic being explored. Data was analyzed using thematic analysis.

1.7. LIMITATIONS OF THE STUDY

The limitations of the study are as follows:

- 1) The major limitation of this study was time constraints as participants could only be accessed during official working hours and that was in conflict with their schedules.
- 2) Since participants were recruited using non-probability sampling, this precludes the generalization of findings to the broader population of social workers rendering foster care services in Johannesburg Metro Region.

1.8. DEFINITION OF KEY CONCEPTS

1.8.1 Foster Care: is described by the Children's Act as the placement of children in alternative care by order of the Children's Court (Children's Act 38 of 2005).

1.8.2 Unrelated Foster Care: is the placement of a child whereby a foster parent is unrelated to the child in any way, but on grounds that the child has no visible means of support other than the prospective foster parent (Hlatshwayo, 2008).

1.8.3 Related Foster Care: A related foster care is whereby children are placed with relatives, for example uncles, aunts; grandparents and so on after their biological parents had passed away.

1.8.4 Social Development: is "a process of planned social change to promote the social wellbeing in conjunction with a dynamic process of economic development" (Midgely, 1995,p 25).

1.8.5 Children's Act No. 38 of 2005: a comprehensive piece of legislation that seeks to afford children the necessary care, protection and assistance to develop to their full potential.

1.9. CONTENT OF CHAPTERS

This report consists of five chapters. The chapters are discussed as follows:

Chapter One consists of an introduction that provides us with an overview of what is discussed in the entire chapter; statement of the problem and the rationale for conducting the study. The relevance of this research to the Social Work Profession, the purpose of the study; the research design and methodology; the limitations of the study, as well as the definition of key concepts are also provided in Chapter One.

Chapter Two specifically focuses on the theoretical framework and review of relevant literature.

Chapter Three highlights research questions, primary aims, secondary objectives, research design, and sampling procedure, research instrumentation, pretesting of participants, data collection, data analysis and ethical considerations.

Chapter Four is about the presentation and discussion of findings.

Chapter Five mainly discusses main findings, conclusions and recommendations of the study.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK FOR THE STUDY

2.1 INTRODUCTION

Statistics indicate that the population rate in South Africa ranges to 50.5 million of which 20 million of which 39% are children under the age of 18 years. Out of those 20 million children, the statistics in the year 2011 indicated that 11 million children, forming 55% of the population are children in need of government intervention and were recipient of state funded children's grants (The DG Murray Trust, 2011). The situation is exacerbated by the high prevalence of HIV/AIDS whereby parents die and leave behind orphans who have nowhere to turn to, but who become the responsibility of the State as indicated by South African Constitution including the Bill of Rights for all, including children (The Constitution, 1996).

As an intervention strategy to redress the above mentioned challenge, South African Government has put into place measures in the form of policies and legislation. For example, the Children's Act No. 38 of 2005 (as amended) focuses of the best interests of the child, a significant Act for children and which basically this assignment is guided by.

The Children's Act (2005) highlights three models of alternative care used to protect the rights of children in need of care and protection, namely: Foster Care, child and Youth Care Centres and Temporal Safe Care (The Children's Act No. 38 of 2005, as amended in 2007). This chapter covers the following issues: an introduction to alternative care options for children in need of care and protection in South Africa; the historical background of alternative care in South Africa; different models of alternative care in South Africa; controversy around related foster care in South Africa, the Children's Act No 38 of 2005 (as amended) and practice models for foster care implementation.

2.2 ALTERNATIVE CARE IN SOUTH AFRICA

2.2.1. Introduction to the concept ‘Social Development’.

Midgley (1995) argues that social development is similar to other developmental approaches as it puts focus on social problems and also emphasizes the importance of implementation of policies and programmes that enhance welfare within the context of development process through its interdisciplinary focus. Social development is also multi-sectorial as it calls all sectors of society to work together towards social advancement. In the context of work with vulnerable children, different stakeholders play crucial roles according to what they offer in terms of improving the wellbeing of vulnerable children or orphans. For instance, the government liaises with faith based organizations, NGOs and to the extent of sponsoring organizations that take part in child rearing. Furthermore, social development is also universal, comprehensive and inclusive as it focuses on the population as a whole by promoting social welfare. It is also interventionist and static as it does not take place spontaneously but in an organized effort to bring about change (Patel, 2002). This is evident since the Department of Social Development put into place policies and programmes that are used to address challenges of vulnerable groups in societies for instance the Children’s act No 38 of 2005. In addition to that Midgley (1995) adds that it is the responsibility of the government to enhance human welfare through economic and social policies so that people are able to influence their own future in the context of wider economic, social and political factors as part of social development. In other words, one cannot enhance the social well-being of people without taking into consideration the economic aspects of people involved. This is to say that social development as an approach does not separate economic from social policy but rather integrate the two aspects as they are intertwined (Patel, 1992).

South African government in its effort to benefit the vulnerable groups in societies has puts measures to benefit the disadvantaged groups like children, women, and people living with disabilities. In a society where social progress is not aligned with economic development, development is distorted. This usually takes place in societies where one group, usually the whites achieve wealth in the expense of an impoverished majority (Payne, 2005).

Furthermore, social development promotes human wellbeing through social work professionals who provide personal help and welfare services. Unlike other forms of social welfare, such as philanthropy, social development does not only put focus on individuals but also works with groups, such as communities or societies. Furthermore, Midgely (1995) emphasizes that social development is focused on social problems and implementation of social policies and programmes that enhance welfare; it does so within the context of development process, (Midgely, 1995:26). He further adds that social development is particularly concerned with those who are neglected by the economic growth or excluded from development such as the inner city, poor, impoverished rural dwellers, ethnic minorities and women. The above contention by Midgely (1995) agrees with the point raised by social welfare policies regarding protection of vulnerable groups in societies.

Midgely (1995) outlines three approaches to social development, namely: individualistic approach, communitarian approach as well as social development by governments. The Individualist approach, which is particularly relevant to this research study, emphasises that small enterprise enhances economic growth and a chance for the poor people to engage in productive economic activities. Individualistic approach aims at including poor people in the market. The role of social work under individualistic approach is to provide help in personal problems that hinder individual's ability to cope (Midgely, 2005). This is to say that social workers can work holistically with individuals and families, groups, national and until global spheres (Gary, 1996). Alternative care is thus a government approach to address issues related to children.

Since South Africa has inherited the legacy of violence, extreme inequality and social dislocation from the former Apartheid government, many families struggle to care for their children. Alternative care is mainly utilized as a measure to address the above stated challenge of vulnerable children (Models of foster care in South Africa, 2012). Alternative care of vulnerable children is part of Social Development.

Alternative care in South African context is described as a State provision for children, which is a family-like environment set up for vulnerable children, for instance children's homes. According to South African Constitution including the Bill of Rights - considered as the Supreme Law of the country - every child has a right to: proper parental care and both the family and the Government have to play a role in child rearing (The South African Constitution, 1996). In support of the above statement, the country's former president declared that "children are the future of the nation". A country whose children are empowered i.e. educationally, socially and economically is a rich country. Therefore, he encouraged investing in children for the future of the country (President Nelson Mandela). However, some children grow up under extreme impoverished conditions due to various reasons.

Historically, issues relating to child care in South Africa have been perpetuated by absence of father figures in families due to search for employment opportunities away from their homes. The above resulted to social disintegration of most families leaving behind children, in particular, in vulnerable living conditions. As a result, children are moved between extended families to improve their wellbeing while some are placed in - whether an informal or formal - place of safety i.e. temporal safe cares or foster care respectively (the Models of Foster Care in South Africa, 2012). That is how alternative care came into place, to address the issues related to vulnerable children. Following is a historical background of alternative care in South Africa.

2.3 HISTORICAL BACKGROUND OF ALTERNATIVE CARE IN SOUTH AFRICA

In earlier days, abandoned or orphaned children for many countries had been cared for by faith-based organizations, i.e. churches. The customary norms of many African tribes were supplied automatically where needed by members of extended families or local communities (Zaal, 2008). Children who required substitute parents, had to grow up in their original home environments. However during those times, child protective provisions for limiting the rights of abusive parents were by no means unknown in African Customary law, but typically children were never

removed from communities. Movement of children from their original environment to separate institutions is according to Zaal a Western concept which was imported to South Africa during the colonial period (Zaal, 2008).

During the 17th and 18th centuries, the labor potential of destitute children was widely exploited in European countries and harsh conditions were imposed to children living in the homes (Zaal, 2008). One of the reasons why conditions tended to be harsh was because government institutions were providing structured environments for large numbers of children similar to those in prisons. The numbers of orphanages were established mostly in European countries and European colonized countries. The idea of the State taking over a direct responsibility of managing some of the children's institutions came up during the mid-19th century. An important development in South Africa during the late 19th century was the dual system of government reformatories and industrial schools for children, which was imported from Britain. Reformatories and industrial schools were means of rehabilitating children with behavioral problems. The main reason was to change delinquent children convicted by criminal courts into useful citizens (Zaal, 2008). The ideology of rescuing and molding children into good citizens was justified by removal of lower class children from environments which were considered having bad influences on children (Zaal, 2008). The court orders gave the parties involved legal authority to do so. In South Africa, the concept of child saving was inherited from western countries.

The legislation of policies pertaining to child saving developed in the Cape under British influence and thereafter, the Cape Destitute Children's Relief Act of 1995 was established. The 1960 Children's Act was replaced by the 1983 Children's Act, which has also been transformed into the new Children's Act No 38 of 2005 as amended in 2007. It is the new Act that introduced us to the different models of alternative care e.g. foster care, for South African children (The Constitution, 1996). The procedures currently utilized by court of use of court orders was adopted in the earlier days as industrial and reformatory schools required court orders as an entry mechanism (Zaal, 2008). Even in our days, there are still statutory procedures that need to be followed in order to legally place a child in foster care and therefore a court order is issued when the inquiry is finalized in Court (Ngwenya, 2011).

Alternative care of children is divided into informal care and formal which is residential care and foster care. Informal care can be described as any arrangement provided in a family environment where the child is cared for on an on-going or indefinite basis by relatives or friends. Formal care, on the other hand, is an arrangement made by a judicial authority or magistrate whereby a child is legally placed and a court order is issued. However, in both informal and formal practice, children remain the responsibility of the parents and of the extended family. In confirmation of the above, social development encourages ‘family preservation’; that children live with their relatives in cases where parents are deceased. This helps the child concerned to adopt the culture of his/her biological parents through extended family members. This shows that the concepts of family preservation and reunification emphasized by the South African Government are not new concepts but came into play during earlier days. The different models of alternative care are discussed in following topic.

2.4 DIFFERENT MODELS OF ALTERNATIVE CARE IN SOUTH AFRICA

Section 108 of 1996 of the South African Constitution, contains the Bill of Rights including among others the right of both adults and children. In particular, section 28 specifically brings into light the right of children including inter alia:

- *A name and nationality from birth,*
- *Family care, parental care and appropriate alternative care when removed from the family environment*
- *A range of socio-economic rights, including the right to basic nutrition, shelter and basic health care services*
- *Protection from maltreatment, neglect, abuse and degradation,*

In the country’s efforts to ensure that the above mentioned rights of children are not infringed, the country has put into place legislation, policies and Acts guiding the implementation of the above rights (Constitution, 1996). The Children’s Act No 38 of 2005 as amended in 2007 is a

Legislation, which administers the implementation of alternative care for children in South Africa. Section 167 of the Children's Act No 38 of 2005 identifies three forms of alternative care, namely: Foster Care, Child and Youth Care Centres and temporal safe shelters. The detailed descriptions and definitions of the models are provided below.

2.4.1 Foster Care

Across Africa, the term foster care has different meanings by different societies. In Western Africa, foster care is defined as “a temporal care arrangement for a child while permanent solutions are found, such as return to the child's biological family, placement with relatives, or adoption” (UNICEF, 2008: 15). Foster care has always formed a very vital part of the total child and welfare services programmes for children whose well-being is in some way or the other threatened. Unfortunately, foster care in South Africa has a history that is colored against the background of the history of Apartheid and post-apartheid. Pre-1994, during the Apartheid era, whites were afforded the opportunity to access social welfare services, but blacks were excluded from social services that were by that time available to white people (McKendrick, 2001 in Marubini, 2006). During transition from Apartheid to democracy, after the elections in 1994, the Constitution of the country was put into place which enabled all citizens of the country with equal rights and services. The ultimate aim for children in this regard is the promotion of healthy personality development of the child, and amelioration of problems that are personally or socially destructive. Foster family care should provide for the child whose parents cannot do so, which prevents injury to the child (protection), and which correct specific problems which interfere with personality development.

There are different types of foster care, namely: related foster care and unrelated foster care. A related foster care is whereby children are placed with relatives for example uncles, aunts; grandparents and so on after their biological parents had passed away. And those are relatives of the late biological parents (Ngwenya, 2011).

Currently in South African context there is a controversy around opening and finalization of cases in the children's court which is perpetuated by the definition of the child in need of care and protection as described in the Children's Act. The department of Social Development has high

volumes of foster applications that flock day in and out of the department which are declined by the Children's Court due to the uncertainties with some of the clauses within the Act (Ngwenya, 2011). Past research indicates that the majority of foster care applicants, who are mainly relatives of the children in need of care and protection, require foster care placements of children due to financial reasons, as some of them are declined by the South African Social Security Association (SASSA) when they apply for child support grant. As result, they end up diverging to foster care via court order (Ngwenya, 2011). Conversely, the South African Government recommends family preservation as an appropriate method as it gives children an opportunity to grow with their relative and therefore adopt their cultural values (Botha, 2010).

2.4.1.1 Types of Foster Care

There are different kinds of foster care, namely, related and unrelated foster care. The different types are further discussed below

2.4.1.2 Related Foster Care

Related foster care is whereby children are placed with relatives for example uncles, aunts; grandparents and so on after their biological parents had passed away. And those are relatives of the late biological parents (Ngwenya, 2011).

2.4.1.3 Unrelated Foster care

A non-related foster care is the placement of a child whereby a foster parent is unrelated to the child in anyway but on grounds that the child has no visible means of support other than the prospective foster parent (Hlatshwayo, 2008). In order for the Commissioner of Child Welfare to find the child in need of care and protection, firstly, there should be no doubt that it is for the best interest of the child concerned to be placed in substitute parental care as stipulated by Section 155 of the Children's Act no. 38 of 2005. Normally, such children included among others street children, children whose relatives are unknown.

2.4.1.4 Statutory Procedures for Foster Care

According to the law, the decision of whether to remove a child from a parental care or not, is the decision to be made by social workers based on an assessment of the child's circumstances. It is a tough decision facing the professionals since a family is regarded as important for the development of the child. It is essential that children grow up within their family environment. However, if a child is deemed to be at risk, the child can then be removed to substitute care (South African National Council for Child and Family Welfare, 1996).

When the foster care enquiry has been reported to the Department of Social Development, it is allocated to a designated social worker for investigations. A social worker therefore works with the family and thereafter compiles a comprehensive report to be submitted to Children's Court, called an opening and finalization report. The enquiry is finalized by the Commissioner of Children's Court if it is in the best interests of the child to be placed in foster care. During the process waiting for the court date to be set, the child is kept in a temporary safe care until the date of finalization of the court case. However the question of suitability of foster parent is dependent on the social worker's assessment of the proposed foster parent's circumstances (Ngwenya, 2011).

If the Commissioner of Child Welfare accepts the social worker's recommendation that the child concerned be placed in foster care, the Commissioner orders that the child be placed with the related foster parent for the period of two years while the social worker is busy with family reunification process. During the period of placement, social workers have the responsibility to render supervision services to the family involved. Research has revealed that the process is long and it is prolonged by the high volume of applications that influx the Department of Social Development due to ultimate deaths of biological parents of children as a result of the pandemic disease, AIDS (Ngwenya, 2011).

2.4.1.3 Screening of the Proposed Foster Parent

The Social Worker's Assessment and investigations involve assessing the suitability of the proposed foster parent where by his or her circumstances namely housing aspects, religious, financially, physical and psychological health are investigated. Under financial aspects, a family monthly expenditure is calculated by both the Social Worker and the proposed foster parents until they come up with a surplus amount, which is the money that remains out of the monthly family income after they have cut down the expenses. In some cases, some clients have more surplus and when such cases are sent to Court, Commissioners usually return them back with enquiries as to why proposed foster parents applied for foster care grant hence they have more surplus (Ngwenya, 2011).

2.4.2 Child and Youth Care Centres

The Children's Act of (2005) has put into place Child and Youth Care Centers which are family-like environments. Some of the Centers have rehabilitation programmes for children with behavioral problems and other programs focusing on enhancing their sense of well-being. Child and Youth care Centers provide for the destitute, abused, neglected and abandoned children as well as orphan (Zaal, 2008). As highlighted earlier on, it is the responsibility of the State to implement social protection measures which include among others:

- Family strengthening services such as day care, parenting courses and sessions, the promotion of positive parent-child relationships, conflict resolution skills, opportunities for employment, income generation and where required, social assistance.
- Supportive social services such as mediation and conciliation services, substance abuse treatment financial assistance, and services for parents and children with disabilities.

In addition, the governmental organization has an ethical obligation to ensure that a child is not separated from his or her parents against their will, except if authorities subject to judicial review determine, in accordance with the law in place and procedures, that such separation is necessary for the best interests of the child. The determinations that may lead to such separation can for instance be necessary in particular situations, such as cases involving abuse or neglect of the

child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence (Zaal, 2008).

2.4.3 Temporary Safe Care

Temporal safe care can be described as a place of safety where the child is placed within 24 hours by a designated Social Worker or police official on reasonable grounds that the child is in need of care and protection and requires immediate emergency protection (The Children's Act No. 38 of 2005, section 151). Secondly, there should be clear indications that removal of the child from his original home environment is merely the best way to secure the child's safety and wellbeing. Lastly, it should be obvious that delays in obtaining a court order can jeopardize safety and well-being of the child. The procedure for placing the child within temporal safe care is that the child be removed immediately and the care giver or parent be informed only if they can be traced. In addition to that other stakeholders, like the Court and the Department of Social Development should be informed immediately and within the next court day. The above policy procedures apply to either the social worker or police official. However, the police have to refer the enquiry to the designated social worker for further investigation complemented in Section 155 (2) which are beyond the police official's jurisdiction (The Children's act No. 38 of 2005, Section 152).

2.5 Controversy around Related Foster Care in South Africa

South Africa has turned out to be a home of orphans as a result of the high prevalence of HIV/AIDS whereby parents die leaving behind their children with no one to take care of them. This is evident as South African Statistics also indicate that an estimated approximately 5.38 million people were living with HIV and the number is accelerating every year (Statistics South Africa, 2011). In its efforts to address the above mentioned challenge, the Government of South Africa, through its Constitution containing the Bill of Rights has put into place policies and programs to address issues related to vulnerable children, which is part of Social Development.

The Government made a declaration through Constitution that every child has a right to proper parental care and the obligation to ensure that all children are properly cared for is what the Constitution is imposing in the first instance of their parents. However, the State itself has an obligation to create necessary environment for parents to do so (South African Constitution, 1996). The Children's Act No. 38 of 2005, as amended in 2007, serves as a legal document that is set to provide the Children's Court powers to order Social Services at the state expense for children in need of care and protection. It provides guidelines for implementation and administration of alternative care including inter alia foster care, Temporal Safe Care and Child and Youth Care Centers and Cluster Foster Care (The Children's Act No. 38 of 2005). However, there are uncertainties with some of the clauses which at times excluded children living with relatives, that is the definition of child in need of care and protection as described in section 150 (1)(a) abandoned or without any visible means of support hence grand parents and siblings are described by the court as visible means of support with a legal duty. Conversely, through social development has introduced the strategy of family preservation and reunification programs, encouraging families to take care of one another and that orphaned children are raised by the extended family members in order to inherit their cultural backgrounds (Social Development News Bulletin, 2011).

Since the transition of the Republic of South Africa from apartheid to democracy in 1994, the government has made efforts to address social problems and to improve the well-being of vulnerable people in communities. The Children's Act No. 38 of 2005 (as amended in 2007) forms part of the government's effort to address problems that relate to children. For example, orphaned and vulnerable children can be identified as being in need of care and protection if they are without any visible means of support (Ngwenya, p. 11).

Social Workers in Johannesburg Metro region are faced with a reality of a high backlog of foster care cases, returned by Children's Court mainly owing to the fact that Section 150 of Children's (2005) – which sets out the grounds on which a child is regarded as being in need of care and protection - does not focus on orphaned children living with relatives (Ngwenya, 2011). Thielle (2005) is of the point of view that the dramatic increase of foster care applications in South Africa is exacerbated by the high prevalence of HIV/AIDS. He further suggests that the needs of orphaned children be given priority, regardless of the fact that the process of legally

Placing children in foster care is lengthy, complex and extremely labour- intensive, particularly for social workers. Research indicates that the majority of children in foster care are in care of their relatives (Social security for children in the context of AIDS, 2004). In order for the child to be eligible for foster, he/she must be first found “in need of care and protection” (Children’s Act No. 38 of 2005).

Internationally, the United Nations and its agencies dictate that children be raised within their family units. The “family preservation” perspective is supported by the Department of Social Development in the South African context (Botha, 2010). The family is seen as a very important group in South African society and thus families are encouraged to stay together. The said Department thus also emphasizes a Statutory Developmental Approach i.e. placement of a child in alternative care (i.e. removal from primary care-givers to substitute care) is considered as the last option because children can be emotionally abused if attachments with primary care-givers are severed and orphaned children also have the right to grow up under the custody of their relatives in order to inherit their cultural backgrounds

The Children’s Act (2005) is set to address problems related to children presenting in need of care and protection, and non-kinship (i.e. unrelated) foster care is considered an appropriate placement for children who are not available for adoption. Chapter 9 of the Children’s specifies circumstances under which a child can be identified as a child in need of care and protection. However, subsection 150 (1) (a) is specifically relevant to the proposed research study. In this sub-section it is pointed out that a child is in need of care and protection if the child: has been abandoned or orphaned and without any visible means of support.

In light of the fact that a relative is regarded as a means of support, orphaned children who live with relatives are not necessarily regarded as being in need of care and protection. However, Rothman (1999) is of the opinion that a child who has been orphaned is automatically a child in

need of care “in the eyes of the law” on the basis that any child without a legal guardian is by definition vulnerable.

Section 181 of the Children’s Act No 38 of 2005, brings into light the purposes of foster care as:

- a) To protect and nurture children by providing a safe, healthy environment with positive support;
- b) To promote the goals of permanency planning, first towards family reunification, or by connecting children to other safe and nurturing family relationships intended to last a lifetime; and
- c) Respect the individual and family by demonstrating a respect for cultural, ethnic and community diversity.

Previous research studies have revealed that the main reason the majority of relatives apply to legally foster an orphaned child is to access a foster care grant which serves as poverty eradication strategy for poor families (Social Security for children in the context of AIDS, 2004). Mokgosi (1997) encourages families and next of kin to take responsibility of caring for orphans with no cost to the State. According to the manager of the South African Social Security Agency (SASSA) the means test implemented SASSA to assess whether an applicant qualifies for State grant, might have disqualified related foster care applicants as most of the applicants earn more than SASSA’s threshold which is currently R30 000.00 per annum personal communication with (Shilomoni, G., 2012).

2.6. The Children’s Act No. 38 of 2005, as amended in 2007

Section 108 of 1996 of the South African Constitution contains the Bill of Rights including among others the right of both adults and children. In particular, section 28 specifically brings into light the right of children including inter alia: ,

- *Family care, parental care and appropriate alternative care when removed from the family environment*

- *A range of socio-economic right including the right to basic nutrition, shelter and basic health care services*
- *Protection from maltreatment, neglect, abuse and degradation,*

In the country's efforts to ensure that the above rights of children are not infringed, the country has put into place legislation, policies and Acts guiding the implementation of the above rights (Constitution, 1996). The Children's Act No 38 of 2005 as amended in 2008 is a legislation which administers the implementation of Alternative Care in South Africa. The Act identifies three forms of alternative care, namely: foster care, Child and Youth Care Centers and temporal safe shelters. The detailed descriptions and definitions of the models are below provided.

The Children's Act No 38 of 2005 is a comprehensive piece of legislation that seeks to afford children the necessary care, protection and assistance to develop to their full potential. It upholds the protection of children and seeks to provide assistance to children to fully assume their responsibility within the community. This piece of legislation seeks to address social ills like child abuse, neglect and child exploitation (Children's Act no. 38 of 2005).

2.6.1 Objectives of the Children's Act No 38 of 2005

Discussed below are the objectives of the Children's Act No 38 of 2005:

- To give effects to certain rights of children as contained in the Constitution;
- To set out principles relating to the care and protection of children;
- To define parental responsibilities and rights;
- To make further provision regarding children's courts;
- To provide for partial care of children;
- To provide for early childhood development;
- To provide for the issuing of contribution orders;
- To provide prevention and early intervention;

- To provide for children in alternative care;
- To provide for foster care;
- To provide for child and youth Care Centers and drop-in Centers;
- To make new provision for the adoption of children;
- To provide for inter-country adoption;

2.7 PRACTICE APPROACH FOR FOSTER CARE IMPLEMENTATION: A DEVELOPMENTAL APPROACH TO SOCIAL DEVELOPMENT

Midgely(1995), provides a systematic description and examination of the South African experience in implementing social development by examining the progress of developmental welfare or social development in the first ten years of South Africa's transition to democracy under African National Congress (ANC) rule. According to him, social development marries social and economic goals; therefore one cannot evaluate developmental welfare or social development without examining shifts in economic policy. This means that economic policy is an important tool development, to growth, to black economic empowerment. In South Africa, social security has become the major poverty alleviation measure within the developmental welfare system in such a way that it is tough for developmental welfare to succeed in an economic system that promotes gross income disparities and a widening gap between rich and poor (Midgley,1995).

Social development needs widespread institutional support to succeed and this is unlikely to be forthcoming while there is high unemployment, low economic growth and insufficient foreign investment. However, this state of affairs is unlikely to change as long as the government intervenes in the economy, promotes black economic empowerment and centralizes decision-making (Midgely, 1995).

The above contention is an indication that social developments cannot take place without economic development which clearly shows that economic development is meaningless if it is not accompanied by improvements in social welfare for the population as a whole. Midgely (1995) emphasizes that the economy of South Africa is indeed useless if it is not accessible to its citizens. In addition to this, accessibility to basic needs is one of the fundamental rights

stipulated in the Bill of Rights in South African Constitution. The citizens of South Africa have a right to enjoy and benefit from the economy of their own country. As an example, the economy of Zimbabwe is down and so are the lives and the well-being of the whole population. Therefore it goes without saying Midgley's reasoning should go unchallenged when he says economic development is meaningless if it is not accompanied by improvements of social welfare of the population.

Social development is part of official policy and accepted by most helping organizations in South Africa as a preferred method to overcome the problems accompanying poverty due to its economic component and appropriate method to alleviate the hardships of poverty and to build on the strength of poor and needy communities affected during apartheid regime (Nieman, 2002). Social development was adopted by the country as a policy used during implementation of aid or welfare programmes. In addition to that, civil society organizations like trade unions, community organizations, movements of youth, students, women as well as religious associations are also used to address such disparities (Nieman, 2002). The existence of civil society organizations solely depends on grants from international donor governments and aid agencies to ensure effectiveness and sustainability of programmes rendered for the citizens (Winkler, 2009). According to Harrigan (2006), the increase in official development assistance to South Africa following its transition to majority rule was largely at the expense of other countries in the region. While this refocusing of aid has been aimed at disadvantaged black groups, it was also aimed at reinforcing the regional dominance of the South African economy. The following chapter is about the research methodology adopted in this study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 INTRODUCTION

This chapter provides a detailed explanation of research design and methodology used for this research study. It also provides some vital aspects of the research, like research questions, primary and secondary objectives, sampling procedure utilized the research instrumentation, data collection, data analyses and ethical consideration.

3.2 RESEARCH QUESTIONS

- Under what circumstances is an orphaned child placed in the foster care of a relative?
- How do Commissioners of Child Welfare respond to recommendations made by the social worker that the child concerned be placed in related foster care, and do they do so?
- How do social workers respond to Commissioners of Child Welfare's responses?
- What are the responsibilities of a social worker once an orphaned child has been found in need of care of protection and legally placed in the foster care of a relative?
- How do social workers manage heavy caseloads consisting of related foster care placements?
- How should the problem-situation be addressed in order to meet the best interests of the child concerned?

3.3 PRIMARY AIM OF THE STUDY

- To explore the perspectives of statutory social workers and their supervisors - based at the Department of Social Development - regarding the legal placement of orphaned children in the foster care of their care relatives.

3.4 SECONDARY OBJECTIVES

- To investigate why cases of orphaned children are brought to the attention of the Department of Social Development, and then allocated to statutory social workers for further investigation;
- Explore how statutory social workers usually manage cases of orphaned children; especially with regard to assessing whether or not the orphaned child presents as a child in need of care and protection;
- Discover on what basis statutory social workers decide to take the matter through the children's court and recommend that the child concerned be placed in related foster care;
- Explore how social work supervisors and their social workers respond to the pressure of meeting return dates for the children's court and canalization officers regarding cases of orphaned children placed in foster care.
- To probe the thoughts and feelings of statutory social workers and their supervisors regarding managing the cases of orphaned children on a statutory level.
- Establish how social workers managing cases of related foster fulfill their responsibilities once the children's court hearing has been finalized, i.e. rendering of supervision services in order to monitor the child's progress.
- Make recommendations and conclusion based on the management of cases of orphaned children in related foster care, bearing in mind the basic principle of acting in 'the child's best interests.'

3.5 RESEARCH DESIGN

The nature of the topic required a qualitative research design to be used to gather data that would provide comprehensive social work perspectives regarding placement of orphaned children in related foster care. A qualitative research methodology, which is exploratory in

Nature, was be adopted by the researcher. The qualitative research design which was conducted is referred to as a phenomenological study. This type of research design has enhanced the researcher's understanding of meaning and perspectives statutory social workers and their supervisors attach to their daily experiences of rendering services to orphaned children legally placed in foster care. (De Vos et al., 2005). De Vos (2005) further explains that phenomenological study also "involves systematic data collection of meanings, themes, general descriptions of the experiences analyzed within a specific context".

In addition to the above, the explorative nature of this form of research prompts the researcher to consider alternative interpretations of data. This method of data collection has helped the researcher in bringing into the interview a set of pre-determined questions, but also allowing the researcher to pose optimal follow-up questions, which varied among participants when exploring their in-depth, subjective perceptions of legalizing related foster care placement for orphaned children (De Vos, 2005).

3.6 SAMPLING PROCEDURES

A purposive sample of approximately 20 statutory social workers and 5 supervisors, responsible for managing cases of orphaned children legally being placed in related foster care, were personally interviewed by the researcher using semi-structured interview schedules. The researcher adopted a non-probability sampling of prospective research participants. This approach to sampling is applicable when one is conducting research with people who are most characteristic, representative or having the typical attributes of the population under investigation (Leedy & Ormrod, 2010).

The researcher aimed to obtain a representation of statutory foster care social workers in the Johannesburg Metropolitan Region, as well as a representation of social work supervisors acquainted with the management of cases of orphaned children legally placed in the foster care

of relatives. This pool of prospective participants are perceived as the most appropriate subjects for the study and thus purposefully targeted by the researcher. The researcher received a letter of approval (see appendix E) from the Director of the Head Office of the Department of Social Development in order to gain sanction for conducting this study.

3.7. RESEARCH INSTRUMENTATION

The semi-structured interview schedules were utilized in this study as research instrumentation. This instrument was used during interview sessions with the participants (See appendix D). The tool contained questions which provide “a set of pre-determined questions that might be used” (Greef, 2002, p: 302). Among the parameters of an interview schedule, there was a demographic profile and the question exploring the experiences of participants when using the assessment tool. The data collected using the tool was utilized to formulate themes during data analysis. The researcher also facilitated focus groups, which Rubin and Babbie (2010) describe as a joint interview within a form of a discussion which enable the researcher to pick up certain aspects of the topic that she/he might not have anticipated or would not have been achieved during individual interviews. Four of the following sub-clusters under the Department of Social Development were utilized, namely, Lenasia 6 participants, Chiawelo 6 participants, Senaone 7 participants and Rissik 6 participants who were recruited randomly.

3.7.1. The semi-Structured interview schedule

According to De Vos et al. (2005), the semi-structured interview schedules should be kept brief, clear and open minded to ensure that they are easily understood and that the participants can freely express their perspectives with regards to topic explored. Moreover, this choice of research tool gave a room for the researcher to probe and get detailed feedback from participants. The research questions were unbiased and neutral (de Vos et al., 2005). The researcher conducted a pre-test using the semi-structured interview schedule with two statutory social workers employed by the Department of Social development in Johannesburg Metro Region who were not going to be part of the research study. This was done to help the research identify ambiguity on the question schedule and test reliability of the research tool (De Vos et al., 2005).

Table 3: The rationale for inclusion of items in the semi-structured Interview schedule

Item	Rationale
Section A- Demographic data	This helps to provide insights and also to be able to conceptualize gathered data.
Section B- Years of Service	This question is basically about the number of years the employee has served within the researched department. This is equivalent to the employee's experience in the current job.
Section C- Awareness of legislation regulating the placement of orphans.	
Question 1: Are you aware of the children's act No 38 of 2005?	These questions seek to probe the employee's understanding of the Act used to implement foster care.
Question 2: What do you think were the intentions of the government of adopting this Act?	This question further explores the knowledge the participant has of the intentions of the South African Government by implementing this Act.
Question 3: What are the objectives of the Children's Act No. 38 of 2005?	This question was included to ascertain the understanding of the secondary objectives of the government of stipulating the Children's Act No. 38 of 2005 as amended in 2007.
Question 4: How effective is the Act regarding 'meeting the best interests' of orphaned children?	This is to ascertain the effectiveness of the implementation of this Act as well as to find out whether the secondary objectives of the government for implementation of this Act are being met.
Question 5: Why are the cases of orphaned children brought to the attention of the Department of Social development?	This question was intended to probe the participants understanding of reasons behind referrals of children to the designated department (Department of Social Development)

Question 6: How would you describe the concept of “child in need of care and protection”, regarding orphaned children?	The researcher wanted to probe the knowledge of the participants with regards to the concept of the child in need of care and protection.
Question 7: What measures do you use to assess whether or not the child is in “need of care and protection”?	The item was intended to enable the researcher gain the Understanding of the strategies social Workers utilize to identify a child in need of care and protection.
Section D: Perspectives of Social Workers regarding related foster care.	
Question 1: Why do Social Workers Managing cases of orphaned children have such heavy backlogs?	This item is intended to explore strategically plans in place Utilized by Management to eliminate backlog cases.
Question 2: What strategies do you as a Social Worker utilize to manage high numbers of backlog cases of	This is to ascertain the strategies that Social Workers utilize To eliminate backlog cases.
Question 3: On what bases do you decide to take the case to the Children’s Court and make recommendations that the child concerned be legally placed in related foster care?	This is to ascertain the sections within the Children’s Act No 38 of 2005 that are in support of the recommendation of placement of children in foster care.
Section E: to Social Work Managers	
Question: How is the progress of Statutory Social Workers managing cases of related foster care monitored?	The is item was intended to find out according to Social Workers points of views the strategies used to monitor progress of foster care cases.

Section F: Recommendations	

3.7.2 Focus group

De Vos et al (2002) describes focus groups as purposeful discussions of a specific subject which takes place between maximum of eight participants in the same circumstances and with same interests. Focus groups are specifically formed in terms of purpose, size, composition and certain procedures that are followed. Moreover, Kruger (1994) adds that focus groups participants are selected according to certain common characteristics that relate to the topic for instance the topic which was being explored by the researcher is relevant to statutory social workers' daily experiences. Therefore, they were able to actively engage in a conversation and come up with recommendations as experts in the field which was being explored by the researcher. Following is a strategy a researcher utilized during selection of focus groups involved in the study as they were selected according to clusters as Johannesburg Department of Social Development consists of different clusters that report to the same office in Johannesburg central. The focus groups were facilitated in the following clusters i.e. Senaone, Chiawelo, Lenasia, Orlando office and Rissik one session per group and the researcher was assisted by the colleague to take notes.

(See-Figure-2).



Figure 2: Diagrammatic Presentation of Focus Group (Department of Social Development, Johannesburg Metro region)

3.8. PRE-TESTING THE RESEARCH INSTRUMENTATION

Neuman (2006, p: 54) describes a pre-test as a “preliminary measure which is utilized prior to administration of the final version of data collection tool”. The researcher conducted a pre-test in order to enhance reliability and validity of the research tools. The pre-test was conducted with two Statutory Social Workers who were not part of the final study. The pre-testing of research instruments has assisted the researcher to ascertain an appropriate time she would spend for interviews with final research participants of the study. Only interview schedules were pretested. It also assisted the researcher to subdivide questions according to different categories and sections, thus making it easy for data analysis.

3.9. DATA COLLECTION

As briefly outlined above, the researcher employed semi-structured interview schedules, with open-ended questions to collect data for the study. A copy of the interview schedule used is in Appendix D. The interviews were audio recorded and transcribed. The consent form (See appendix B) for audio recording is attached in Appendix C. All participants in the study were provided with consents for tape recording before the commencement of the interviews. A participant Information Sheet (see appendix A) was handed over to participants who volunteered to be part of the research subject prior to the interview so that they could clearly understand the purpose of the research, the procedures to gather data, and their rights regarding participation in research studies.

3.10. DATA ANALYSIS

The researcher employed a Thematic Content Analysis when analyzing data. This type of data analysis is defined as “a research method for studying virtually any form of communication, consisting primarily of coding and tabulating the occurrences of certain forms of content that are being communicated” (Rubin & Babbie, 2005, p. 745). The researcher followed a step wise presentation (Terre Blanche, et al., 2006). This helped the researcher to utilize the process called familiarization and immersion whereby data collected is read over and over again to become familiar with the content. The data was coded according to the themes identified in the previous steps. Moreover the researcher rechecked themes and separated them into sub-themes. Lastly the researcher engaged in the process of interpretation and checking and that finding were presented (Terre Blanche et al., 2006). Closed- ended items were analyzed using descriptive statistics, whilst open-ended questions were analyzed using thematic content analysis (De Vos, 2011).

The procedure of thematic content analysis consisted of the following steps which are highlighted in Terre Blanche, Durrheim and Kelly (2008):

3.10.1. Familiarization and Immersion

Data obtained from interview schedules was organized separate from the data from focus groups. Data which was on a tape recorder for both interview schedules and focus groups was also transcribed. The researcher repeatedly read the data and identified themes out of them.

3.10.2 Inducing Themes

The researcher identified themes and similar views were grouped together accordingly.

3.10.3. Coding

Since the research study was a qualitative approach, the researcher employed thematic content analysis where by themes which came up during interviews were grouped according to their categories (Hay, 2005). This analytic process of categorizing themes to facilitate analysis is described by Hay (2005) as coding.

3.10.4 Elaboration

The themes that emerged were re-examined by the researcher to ensure that there was no redundancy of the same information contained in the themes.

3.10.5 Interpretation and checking

After elaboration, the researcher interpreted and presented data to finally come up a comprehensive research report.

3.11. ETHICAL CONSIDERATION

3.11.1 Confidentiality

The concept of confidentiality, which Gambrills (1997), ascribed as the control of access and disclosure of private information, was taken into consideration. The researcher ensured that the participants were well informed of the principle of confidentiality and consequently the researcher made use of codes on the individual interview schedules to maintain confidentiality and data gathered was saved on the researcher's laptop on a file, which was not easily identifiable. The identity particulars of the participants were not disclosed in the final report (Welman et al., 2005).

3.11.2 Voluntary Participation

The participants were afforded an opportunity to decline participation in the study, without any negative repercussions. They were informed that they can only participate on their own free will (Schultz & Schultz, 2005). The participants were also informed of their rights, for instance, to withdraw from the study at any time without any negative consequences and not to answer questions they feel uncomfortable answering (De Vos, 2005). Please refer to (Appendix B) for a copy of the consent form which was utilized for this research. The participants were also informed of their rights to receive summarized feedback of the study, if they so wish (see appendix A).

3.11.3 Debriefing and Use of Deception

Lastly, debriefing was conducted at the end of each interview to help participants who had experienced some anxiety or stress during the interview, to relax. An appropriate counselor at the Department of Social Development was available to do counseling if participants expressed

the need for counseling, but this need did not arise during the interviews. The use of deception was avoided by the researcher and the participants were given clarity of the general purpose of the study.

3.12. Summary of Chapter

Chapter Three of the research report was aimed at providing a detailed discussion of the research methodology utilized in this research study. This included, inter alia, an introduction, research questions, primary aims of the study, secondary objectives of the study, research design, sampling procedure, research instrumentation, pre-testing of research tool, data collection, data analysis. The chapter concluded with a discussion of ethical issues addresses in the research.

CHAPTER FOUR

4.1 INTRODUCTION

De Vos (2002, p: 45) defines social work research as “a scientific inquiry about a social problem that provides answers contributing to an increase in the body of generalizable knowledge about social work concerns”. Social work research is therefore crucial for a caring profession since it helps build knowledge for practice, provide a framework for practice activities and serve the principal function of providing situation-specific data to inform action (De Vos.2002). This chapter will present findings and analysis linked to literature review which is in Chapter two.

The main aim of the findings and analysis is to provide insight into social workers’ perspectives regarding foster care placement of orphaned children with relatives. It also discusses the key findings of the study in accordance with the research questions, primary aim and secondary objectives. This is done through conceptualizing data by presenting demographic profile of 30 Statutory Social Workers who formed part of the research study, presentation of participants’ Responses to questions posed during the interviews.

4.2 DEMOGRAPHIC PROFILE OF PARTICIPANTS

4.2.1. Participants taking part in face-to-face interviews

The study consisted of a total number of 25 Statutory Social Workers and 5 Social Work Supervisors which makes a total of 30 participants. From the total sample of 30 participants, 9 participants were males and 21 were females. The race of 29 of the participants, were black South Africans and one was white South African. The research participants were between the ages 20 to 59 years.

Their home languages were as follows: English, Zulu, Sepedi, SeSotho, Ndebele and Venda. They all belonged to Christian religion. Table 1 depicts these demographics of the participants:

Table 4 Demographic profile of participants (N=30)

Demographic Factor	Sub-category	Number
1. Gender	Male	9
	Female	21
2. Race	Black	29
	White	1
3. Age	20-30	7
	31-40	13
	41-50	8
	51-60	2
4. Home Language	English	1
	Zulu	7
	Sipedi	6
	SeSotho	5
	Ndebele	3
	Venda	8
5. Religion	Christian	30

The years of service of participants were as follows: Twenty research participants had between five or more years work experience rendering statutory services. This forms 65% of the research sample. The remaining 35% of research participants had less than five years of service within the department. This was essential for the purposes of achieving intensive knowledge from the participants who had long service within the area of research.

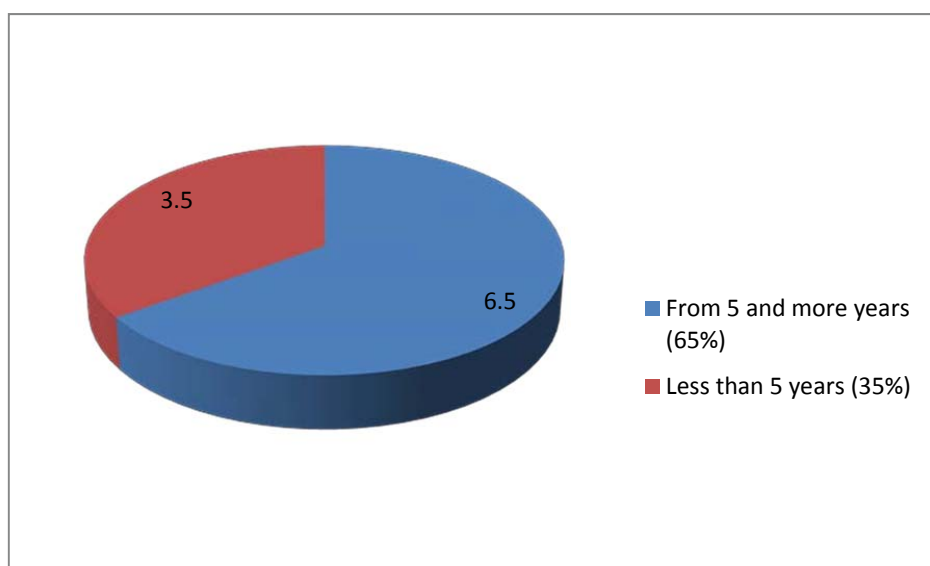


Figure1. Years of Service

4.2.2 Participants forming part of the Focus Groups

The focus groups were facilitated in the following clusters i.e. Senaoane, Chiawelo, Lenasia, Orlando office and Rissik Street.



Figure 2: Diagrammatic Presentation of Focus Group Participants

4.2.2 THEMES ARISING WITH DATA ANALYSIS

An analysis of data from personal interviews with the participants, as well as in focus groups revealed the following themes and sub-themes.

4.2.2.1. *Our recommendations to Court are proving fruitless*

Most of the participants communicated that the intentions of the Act are to ensure that the rights of vulnerable children are realized. However, some felt that the Act limits the rights of orphaned children living with relatives in that Children's Court sometimes rejects cases of orphaned children with relatives if they are recipients of child support grants. One of the respondents said:

"I feel sad if the case get rejected after so much time I have invested investigating and on report compilation, the case ends up being rejected".

Although the majority of Statutory Social Workers indicated that they are aware of what the Children's Act No 38 of 2005 is set to address, the all complained about it in ability to address issues of orphaned children living with relatives. All Statutory Social Worker felt that although the Act is deemed to ensure that the aspirations of the vulnerable children are realized by filling in the gaps of the Child Care Act. They implied that the Children's Act No 38 of 2005 is misunderstood by the implementer who are Social Workers and Presiding Officers and the Department of Social Development and the Department of Justice, all having different interpretations of the Act. One participant remarked:

"I have several reports which were returned from the Court. One of the Commissioners just told me straight away that the status quo has not changed, ever since the ruling of the High Court regarding the interpretation of the child in need of care and protection. The grandparents and biological siblings are regarded as visible means of support as they are considered by the Court as having a legal duty towards the children".

One respondents said: *“You know submitting five reports only to find out that none of them get accepted make me hate my job and feel as though I have no positive impact to the clients are I claim to be serving”*.

4.2.2.2. The Children’s Act has both strengths and weaknesses

Although all of the participants were of the opinion that the Act has strengths, it also has weaknesses regarding meeting the best interests of children needing to be placed in related foster care:

Weaknesses identified included:

“This Act is unclear and brings a bit of confusion for us as Social Workers when it comes to placements of orphans with their relatives in that relatives like grandparents and biological brothers and sisters are perceived by the Act as visible means of support and having the legal duty of the orphans.

“The main objective of this Act, from my understanding, is to come up with the legislative framework which guides the protection and care of children and ensure that the best interests of children are given priority. It also guides the implementation of placement options like foster care, adoption or guardianship of vulnerable children or children at risk. However, due to its definition of the child in need of care and protection, the Act totally excludes orphaned children under the care of grandparents and biological siblings as Commissioners from Children’s Court perceive grandparents and biological siblings as “visible means of support, if they are recipients of child support grant”.

“The Act also becomes ineffective as some other stakeholders, like police officials and nurses who collaborate with us do not have knowledge of the Act. You find yourself lecturing them before you begin working with them”.

Strengths identified included:

“The opportunity for relatives is that the Act gives the legal duty of orphaned children to grandparents or the biological brother and sisters after their parents had passed away”. The opportunity for children is that, when they grow up with their relatives, orphans get an opportunity to inherit the culture of their own late biological parents, thus makes the intentions of the South African government of family preservation to become achievable”.

When asked about their perspectives of the objectives of the Children’s Act No 38 of 2005, the following are some of the answers which were obtained:-

4.2.2.3. Cases are referred because Social Workers are obliged to act in children’s best interests

Most participants mentioned that one of the main reasons for referrals is that the Department of Social Development consists of Social Services Practitioners who are mandated to implement the Act. Social Workers are specialists in working with vulnerable groups, such as orphaned children. It remains the legal duty of every Social Worker to protect the best interest of children.

4.2.2.4. Money matters

Participants pointed out that making an assessment of a prospective foster parent’s financial circumstances is difficult. One participant stated:

“I fail to motivate in respect of an applicant who has a surplus of R6000.00 and with a legal duty to the child, but still want to apply for foster care grant. I go back with the comments to the clients. And if you tell them about your difficulty in basing your recommendation, they report you to the Minister as if we are refusing with the grant. This also brings a lot of confusion for us as

Social Worker since there is no means test for foster care. We end up unsure of who really qualifies and who does not”.

Another participant stated:

“ I find it very difficult to motivate if the family surplus is too high more especially because we only utilize section 150 (1) (f) when recommending on grounds of foster care grant and if there is more money in the family why foster care? People never think about requirements when there is money involved and if their applications are declined they put blame on us forgetting that we are also guided by the Act and that the question of finance is raised by the Commissioner’s not us. And still that can be challenged since foster care does not have a means test”.

“Section 150(1)(a) of the Act makes it difficult for us to motivate for a child living with a relative, like grandparents or biological siblings, and in receipt of child support grant as the Commissioners always raise concerns about the reasons behind foster care application as the relatives are considered as the visible means of support and having legal duties. However, our clients usually complain that child support grant is not sufficient to cover the needs of children

Management indicated that only members of the extended family, such as aunts and uncles, who do not have legal obligations to care for the child and thus qualify for foster care of orphaned children irrespective of their income. However, Social Workers stated that some of the reports have been returned with comments related to the fact that some applicants have sufficient monetary means to provide for the needs of the child. Commissioners of Child Welfare consequently require explanations as to why the applicant requires a foster care grant. When confronted with the question posed by the Commissioner:

“They either say the child is not theirs and they have their own children to take care of so the state has to take a responsibility”.

One participant regarded the principle of Ubuntu as a means of overcoming financial issues:

“Maybe we need to encourage the spirit of Ubuntu to people. We all know that we live in the world of money, but really people love money more than caring for each other and this is not good. Gone are those days whereby, izingane zendoda bezihlulelana ikhanda lentethe (children of a man could share the head of a locust).”

4.2.2.5. When not legalizing the foster care placement, we might be exposing a child to risk

One participant responded: *“It is likely that extended family members may discriminate against an orphaned child if they experience financial stress. They may project their inadequacies over the child, so in order to protect the interest of children we end up recommending foster care grant in order to meet the foster parents half way.”*

However, the majority of related foster care applicants are usually unwilling to meet the financial needs of orphans even if they are financial stable but rather expect the State to take responsibility”.

Another participant remarked:

“Even our own management system puts more pressure on us than when it comes to finalization of case while knowing that not all orphaned children living with relatives are in need of care and protection. The actual fact is that most related foster care applicants’ interests are to get foster care grant irrespective of whether they qualify or not and on our side we do not have a clear information as to what extent does an applicant qualify because foster care is unlike other grants it does not have a means test but as Social Workers will fight for the best interest of children”.

“It seems as if the clients are more into receiving the foster care grant than taking care of the children.”

Participants indicated that they are guided by Section 150 (1) (a- i) when assessing whether a child is in need of care and protection. However, most of them make their recommendation in terms of Section 150 (1) (f) of the Act. This section of the Act is considered more applicable

When making recommendations to the Commissioner because it is based on the grounds that if foster care is rejected, that could put the physical, social and mental well-being of the child concerned at stake.

4.2.2.6. Caseloads are forever rising

Research findings revealed that uncertainties regarding interpretation of the Children's Act (2005) contributes to accumulation of cases, which rise so high that they become unmanageable.

Some participants believed that attending to ministerial enquiries and abandoning cases that are long overdue also plays a role in accumulation of backlog. One participant expressed:

“I have picked up that our clients tip each other; those whose cases were attended to after reporting to the ministry of Social Development inform others to do the same. What is critical about this, is that after they have reported you, you are ordered to finalize the case irrespective of how long had the client been waiting. Since we all don't want to lose our job, probably, you end up abandoning those that had applied first and focus to those who applied late but reported you. As a result, those cases that have been abandoned become a backlog and these habits continue on and on as the clients keep informing one another”.

4.2.2.7. It's all the social workers' fault

Participants implied that clients and the management of the Department of Social Development project blame onto them for any delay in finalizing court cases. One participant said:

“The reasons why clients put much pressure on us is that when those in power. I mean our political leaders when they lobby for votes. They make it easy as though every orphaned child qualifies for foster care. They never provide people with information related to requirements for foster care, as a result people come to our offices with great expectations and if we request for more information, more especially financial aspects of the proposed foster parent, it seems as if we are trying to disqualify them or we are not doing our work. Such information related to assessments and investigation procedures that must be followed by the Social Workers to check if

the child is in need of care and protection should be clear stated. Otherwise we feel like we are being sold to clients and this destroys our professional integrity and respect for Social Work as a profession”.

“People blame us as Social Workers irrespective of what the Act states, not the Management or the National government”.

4.2.2.8. Statistics are not a true reflection of service delivery

Participants mentioned there are various strategies on in order to manage backlog cases:

- Each Social Worker draws his/her daily, weekly as well as a monthly plan which she/he uses to monitor her own work;
- The weekly plan should involve the number of reports a worker does per week, which then determines the number of cases which are expected to have been completed at the end of the month
- These plans should also highlight the number of client contacts each worker had per week, the number of interviews to be conducted, school visits and home visits.
- The overall production is gauged and evaluated through monthly statistics by the management.

However, some Social Workers felt that the management is mainly concerned with statistical numbers rather than provision of social work services to the clients. One respondent said:

“Our management bind us to meet certain targets in terms of statistics. As a result we work like administrators other than Social Workers and the sad part is that if you try to be good and render Social work services... I mean like the real social work services. It is not counted as part of your performance in that in your reporting, there is no space for that”.

A manager negated this point of view:

“As management we hire temporal workers, like veteran Social Workers, to push the caseloads as means to manage high backlog cases. Such workers work hand in hand with permanently employed Social Workers and assist where they can. Permanently employed Social Workers have a target of work load that they are anticipated to have completed each month called monthly targets and veterans only assist in speeding up the process”.

4.2.2.9. Poor communication between national and provincial to staff

One participant from the management side said:

“The National government published in the media that grannies might lose foster care grants after the ruling of the high court regarding placements of children in foster care of relatives. According to the Commissioners, grandparents, brothers and sisters who receive child support grant serve as visible means of support, therefore disqualified for foster care grant by Presiding Officers. But as the Provincial office, we were never given any go ahead as to whether we should continue submitting cases to Court or not. As for me, I think our Social Workers should continue submitting reports to Court until further notice from our National Offices”.

Statutory social workers expressed that their thoughts and feelings are not properly being communicated when managers meet with presiding officers of the Children’s Court. They also pointed out that feedback from these meetings is not properly circulated. In terms of how this challenge could be resolved, the responses included the following:

“I think interdisciplinary approach can help us resolve the issue of lack of communication more especially with the Presiding Officers. I fail to understand what fails us to hold case presentation with the Presiding Officers themselves so that we can find out from their perspectives what their expectations are of us. We can also get a chance to pose questions face to face with the Presiding Officer other than receiving feedback which comes to us already twisted. We are the one experiencing challenges not the Management. Why can we work together cooperatively?”

4.2.2.10. Difficult cases add fuel to fire

Four of the participants from intake felt that some of the delays are a result of having to spend more of their time on crisis cases that come as inter-ministerial enquiries, as well as those that require too much attention of a Social Worker. One of the participants expressed:

“The progress is hindered by having to deal with difficult cases which require thoroughly time to be dealt with, like substance abuse, cases of children with uncontrollable behaviour, cases whereby proposed foster parents report that the whereabouts of the fathers are unknown to the family, and cases of unaccompanied minor from outside the country. With regards to the cases of uncontrollable behavior of children, the Social Worker has to work with the family and deal with the presenting challenges before compiling a report to court and since the main focus for our proposed foster is to obtain foster care grants, they rush to complain. And as well, some other cases are neglected”.

4.2.2.11. Burnout is hitting home

All participants expressed feelings of despondency regarding managing cases involving orphaned children and legally placing them in the foster care of relatives. They stated that rejection of cases in Court makes them loose work morale and the majority highlighted that they have lost interests in the job they are doing. Many participants highlighted that they feel underused as they work like office administrators, rather than professionals. In confirmation of the above, participants stated:

“There is nothing motivating about our work anymore. I feel ineffective and of no use when I have to wake up every morning only to find out that reports that I have wasted my energies on will be returned and each I will receive phone calls of complaints from the clients of a ministerial enquiry. I end up attending to those that an enquiry has been sent about while neglecting others”.

We feel like we are not doing what we have been trained to do, more especially because statutory is more of administrative duties than social work as a whole.

4.2.2.12. We need training

A few participants explained that they are not well trained about the Children's Act, which is the reason why they encounter a lot of challenges. According to the minority, most training offered are for

; not to ensure that implementers are well informed with the legislation.

4.3 SECTION B: DISCUSSION OF FINDINGS

In order to present an orderly discussion of research findings, each objective of the research study is focused on:

4.3.1 Objective 1: To investigate why cases of orphaned children are brought to the attention of the Department of Social Development, and then allocated to statutory social workers for further investigation.

According to the participants' perspectives, serving the best interests of children is a fundamental principal in policy of the Department of Social Development. Some participants mentioned that the reasons behind referrals are that Department of Social Development consists of Social Services Practitioners who are mandated to implement the Children's Act, which is based on children's best interests. Potgieter (1998) emphasizes that Social Work is a helping profession. Orphans are vulnerable children and therefore Social Workers are specialists in working with vulnerable groups. It remains the legal duty of every Social Worker to protect the best interests of children. The participants highlighted therefore that the reasons behind referrals to the Department of Social Development is attached to legalization of foster care and the jurisdictional mandate given to Social Workers to appear in Children's Court and present cases of vulnerable children.

4.3.2 Objective 2: Explore how statutory Social Workers usually manage cases of orphaned children; especially with regard to assessing whether or not the orphaned child presents as a child in need of care and protection.

Past research by Ngwenya (2011) revealed various factors that contribute to high caseloads of related foster care backlog within the Department of Social Development in Johannesburg Metro Region. The factors that were highlighted by participants on the past research study relate to clients, the Social Workers and management. They were as follows:- clients (influx of clients from rural areas and cooperation of clients), Social Workers (high turnover of staff, high and unmanageable caseloads per worker and unequal distribution of files) and Management involved lack or insufficient resources.

Participants indicated clearly that they find it difficult to render quality services to their clients because their caseloads are unmanageable in terms of numbers. Although they try to deliver services of a high standard, their efforts are negated when court reports recommending that an orphaned child be placed in the foster care of relatives are repeatedly objected by the Commissioner of Child Welfare. They subsequently become inundated with ministerial inquiries in this regard.

A fundamental challenge lies in the fact that there are misinterpretations of the term ‘child in need of care and protection’. The Children’s Act implies that grandparents and biological siblings of children have a legal duty to support orphans after their biological parents have passed away. This means that they have to play a parental role which could have been played by the children’s biological parents. However, some related foster care applicants, including those with a legal duty as described by the Act, and with huge surplus amount from their family income, do apply for foster care placements (Johannesburg High Court Ruling, 2012). And when Social Workers base their recommendations on an the definition of a child in need of care and protection as an “orphaned or abandoned child without any visible means of support”, the Commissioners usually return the cases stating that grandparents who receive Old Age Grants and Child Support Grants in respect of orphaned children from the State, these are visible means of support. This evokes a lot of confusion between Social Workers and Commissioners

Currently, few cases have been finalized in Children's Court as a result of the uncertainties with the Act itself. While Thielle (2005) emphasized that the needs of orphaned children should be given priority regardless of the fact that the process of legally placing children in foster care is lengthy, complex and extremely labor-intensive, particularly for Social Workers.

4.3.3 Objective 3: Discover on what basis Statutory Social Workers decide to take the matter through the Children's Court and recommend that the child concerned be placed in related foster care.

It emerged during the research study that there is different interpretations of what a child in need of care and protection is. Statutory Social Workers are guided by Section 150 of the Children's Act (No. 38 2005) when assessing whether or not an orphaned child can be considered a child in need of care and protection. Recommendations made to the Commissioner of Child Welfare are based on Section 150 (a) and (f) of the Act, in particular. They regard a child in need of care if the child concerned:

(a). has been abandoned or orphaned and is without any visible means of support or

(f) Lives in or is exposed to circumstances which may seriously harm that child's physical, mental or social well-being;

Statutory social workers reason that the fact that the child is orphaned means that she/he is vulnerable because both of his biological parents are deceased. From the statutory social workers' perspective, an orphaned child is means that the child is in need of care and protection. Even if they stay with extended family members, this is no guarantee that their needs will be met by their relatives as much as the parents would have done. Even though relatives appear as having visible means of support, usually they are not ready to take on full responsibility of the child concerned, like meeting the child's financial needs. This is the main reason they prefer foster care rather than placement options, like adoption. It is likely that extended family members may discriminate against an orphaned child if they experience financial stress so one way of avoiding exposing the child to risk is by ensuring that his/her financial needs are covered by the State.

4.3.4. Objective 4: Explore how social work supervisors and their social workers respond to the pressure of meeting return date deadlines for the children's Court and Canalization Officers regarding cases of orphaned children placed in related foster care.

Both Social Workers and their supervisors highlighted that submitting reports to the Children's Court by certain deadlines places a lot of stress on themselves. This stress is exacerbated by the high caseloads they are carrying. However, they mentioned that they work as teams and utilize South African Social Security Association (SASSA) list which indicates the number of cases that have not been extended and due to lapse. Such lists are then allocated to area Social Workers who conduct home visits and follow up the clients, and if the Court order needs to be extended, an area Social Worker conducts investigations and compiles a report for extension of Court order.

Unfortunately, the non-stop pressure of meeting deadlines for submission of reports to Commissioners of Child Welfare and Canalization Officers is negatively affecting statutory social workers' work morale. They no longer feel committed to the profession and feel a sense of burnout.

4.3.5 Objective 5: To probe the thoughts and feelings of statutory social workers and their supervisors regarding managing the cases of orphaned children on a statutory level.

Statutory social workers are undecided about whether cases of related foster care should be legalized. Some feel that orphans' have to be protected; not exposed to risk. To ensure this, the State should make provision for their financial needs to be addressed while in the care of a related caregiver. Others felt that the principle of Ubuntu should be practiced; that children should be willingly care for by others, rather than just regarding the foster care grant as a means of monetary income.

4.3.6. Objective 6: Establish how Social Workers managing cases of Related Foster Care fulfill their responsibilities once the Children's Court has been finalized, i.e. rendering of supervision services in order to monitor the child's progress.

Many court cases involving orphaned children being placed in related foster care are not readily finalized in court. If a case is not finalized in court, the placement of the child is not supervised.

4.3.7 Objective 7: Explore what Social Workers and their supervisors think should be done to address the current problem-situation.

According to the participants, programmes to address the issues related to orphaned children living with relatives should be introduced. Alternatively, they felt that the Act should be amended whereby issues of children living with relatives should also be taken into consideration. Some social workers felt that the management should come up with monitoring structures in place to ensure implementation of the Act, for instance employment of more Social Worker since it also emerged that some cases are delayed as a result of high caseloads.

4.3.8 Objective 8: Make recommendations to the Department of Social Development, on a local and provincial level, regarding the management of cases of orphaned children in related foster care.

Firstly, it emerged during the interviews that there is poor communication, not only from management to statutory social workers within the Department of Social Development on a local level, but on a national level. The example cited to make this point clear was the National Department releasing a warning via media that that grandmothers faced losing their foster care grants in light of a High Court ruling that orphaned children in the care of relatives are not necessarily in need of care and protection. All this communication took place without liaising or providing information or guidelines for the worker to manage similar cases.

The Social Workers called for:-

- Accountability from the National to Provincial government spheres. It appeared that there is no proper communication between the National and the Provincial and that affect the implementers as well as people at grass roots level.
- Employment of Social Workers so that those with high caseloads remain with Manageable cases. Social Workers stated that working under extreme pressure whereby their focus is on finalizing and issuing Court Orders for foster care grants hinder them from putting theory they spent years at Universities studying into practice, like applications of Social Work interventions into clients situations but rather work like office administrator who process foster care grants.
- Induction and on the job trainings for newly appointed Social Workers on policies in order to avoid misinterpretation and misunderstanding of the Acts or policies.
- Continuous group presentation of cases with an aim of learning from each other as well as updates workshops when there has been review of the Act other than being given feedback.
- Interdisciplinary approach, other than being represented by the management on meetings with Presiding Officers, Social Workers preferably recommended that they are allowed to hold meetings with Presiding Officers other than receiving feedback which is in most cases contrary to the expectations of the presiding officers.

CHAPTER FIVE

MAIN FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

This chapter will provide a summary of the main findings that emerged in the research study. The researcher's conclusions will also be presented based on the research findings. The chapter also presents research recommendations that emerged out of the study based on theory, practice and future research.

5.2 SUMMARY OF MAIN FINDINGS

The main findings of the research are presented below as follows through research questions which were highlighted in chapter three:-

Research Question 1: • Under what circumstances is an orphaned child placed in the foster care of a relative?

When asked about the circumstances under which an orphaned child is placed in foster care with a relative, the respondents stated that:-

An orphaned child is placed in foster care of a relative when the biological parents are deceased and if the child is in need of care and protection in terms of Section 150 (1) of the Children's Act (No. 38 of 2005).

Research Question 2: How do Commissioners of Child Welfare respond to recommendations made by the social worker that the child concerned be placed in related foster care, and do they do so?

- It emerged during the research study that the majority of the cases which are submitted to the Children's Court are returned with comments if the Commissioners are not satisfied

with the social worker's assessment of the prospective foster parent's financial circumstances. Thereafter the Social Worker is required to re investigate and recompile a supplementary report and resubmit it to Court.

- Other participants highlighted that whether to place or not to place the child in foster care depends on the Social Worker's assessment of the problem-situation. And if the Social Worker is able to prove that the child's well-being is being challenged and thus requires care and protection, the Commissioner also responds well and the child is then placed in foster care of a relative.
- Statutory social workers consider orphaned children as being in need of care and protection because of their orphan hood per se. The Commissioners of Child Welfare tend to have a different interpretation of the grounds for finding a child in need of care and protection because they reason that members of the extended family are obliged to take care of orphaned children; it is not the State's responsibility.
- The Commissioners can be convinced by the statutory social worker that the orphaned child should be legally placed in the foster care of a relative, they issue a Court order stating that the child concerned be legally placed in the foster care of the related foster parent for a period of two years; in most cases with costs to the State.
- Before two years ends, the Social Worker reviews the placement to see if the child concerned and the foster parent want to continue staying together. If the placement is deemed to be in the child's best interests, the statutory social worker recommends that the order be extended for another two years and the Commissioner finds the child in need of care and protection.

Research Question 3: How do Social Workers respond to Commissioners of Child Welfare's responses?

- If a case has been returned from court, it is because the Commissioner of Children's Court is not satisfied with the investigations conducted by the statutory social worker and requires further investigation of the case. The social worker is therefore required to provide more information on certain issues, usually financial issues.

- The supplementary report containing the information which was required by the Commissioner of the Children's Court should be written by the Designated Social Worker.

Research Question 4: What are the responsibilities of a Social Worker once an orphaned child has been found in need of care of protection and legally placed in the foster care of a relative?

- There are various responsibilities of a Social Worker after the child has been found in need of care and protection by the Commissioner of Children's Court. Those responsibilities include assisting the family with their application for a foster care grant, rendering supervision services to the family, like extension of foster care grants and also to ensure that the needs of the child concerned are met.
- The Social Worker maintains contact with the foster family through rendering supervision services to the foster family. The Social Worker monitors that the foster care grant is used for the best interests of the child concerned. The Social Worker also ensures that the order does not lapse. The extension of the order is either done by the Children's Court or the Canalization department at the Social Development. For example, the order is reviewed at the Department when the child concerned is above the age of 18 years and still attending school.

Research Question 5: How do Social Workers manage heavy caseloads consisting of related foster care placements?

- Social workers, as well as managers, maintain case registers which have return dates which ensure that cases are submitted for review three/four months before the lapse date of the order. The Social Worker also has a weekly plan which assists her/him in managing the case load.
- However, the majority of participants highlighted that due to their high caseloads, it becomes difficult to strike a balance between managing cases of related foster care being opened and finalized at the Court as well as rendering supervision services to families where cases have been finalized.

- The management of the Department of Social Development also maintained that they temporarily employ veteran social workers to assist social workers with their high backlog of cases as a strategy to reduce backlog cases.

5.3 CONCLUSION

The main conclusion that may be drawn from the research findings of the study is that irrespective of the challenges that Social Workers encounter at a statutory level, the best interests of vulnerable children must be given priority by all spheres of Government as stipulated by South African Constitution, including the Bill of Rights of all people and children are also included (The Constitution of South Africa, 1996).

The former President of South Africa, Mr. Nelson Mandela stressed emphasis on issues of children and said, *“Youth are a valued possession of the Nation. Without them there is no future. Their needs are immense and urgent. A nation which invests on its youth is rich”*. Statutory Social Workers would like to perceive the management and Ministry of the Department of Social Development as well as the Department of Justice (Children’s Court) as a cooperative interdisciplinary team aimed at addressing issues of vulnerable children, other than posing blame on each other. If the misunderstandings of the Children’s Act No 38 of 2005 results in the best interests of vulnerable children-being compromised, then why should not it be amended if it meets its objectives? Gil (1992) also confirms that it is likely that any policy can have unintended outcomes.

5.4 RECOMMENDATIONS

There were various recommendations that emerged from the findings of the research study. These recommendations included:-

- Intensive training of newly employed Statutory Social Workers on the policies that relate child care. It emerged from the research findings that Social Workers are not provided with proper on the job trainings and this impacts service delivery
- Group Presentation of difficult cases where Social worker and their Managers would work together to resolve a particular case with identity of the client hidden.
- Introduction of alternative programmes to address issues of orphaned children living with relatives, for example the Kinship Care Grant.
- Amendment of the Children's Act regarding grounds for finding an orphaned child in need of care and protection;
- A structured means test should be implemented to guide statutory social workers who need to report on the financial circumstances of prospective foster parents.
- Have two separate units for addressing foster care cases. One section focuses on screening prospective foster parents who are related to the child, simultaneously opening and finalizing children's court enquiries in respect of related foster care cases, and rendering supervision services to orphaned children once the court case has been finalized. Statutory social workers can focus on other pressing cases where children are presenting as being at risk, for example, cases of deliberate neglect and abuse.

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APPENDICES APPENDIX A

PARTICIPANT INFORMATION SHEET

Good day

My name is Khanyisile Manukuza and I am student registered for the degree Masters of Arts in the field of Social Development at the University of Witwatersrand. As part of the requirements for the degree, I am conducting research into the perspectives of statutory social workers and their supervisors regarding the legal placement of orphaned children in the foster care of relatives. It is hoped that this information will play a crucial role in service delivery and also in terms of professional effectiveness in Social Work profession.

I therefore wish to invite you to participate in my study. Your participation is entirely voluntary and refusal to participate will not be held against you any way. If you agree to take part, I shall arrange to interview you at a time and place that is suitable for you. The interview will last approximately one hour. You may withdraw from the study at any time and you may also refuse to answer any questions that you feel uncomfortable with answering.

With your permission, the interview will be audio-recorded. No one other than my supervisor will have access to the data gathered. The audio recordings and interview schedules will be kept for two years following any publication or for six years if no publications emanate from the study. Please be assured that your name and personal details will be kept confidential and no identifying information will be included in the final research report.

As the interview will include sensitive issues, there is a possibility that you may experience some feelings of emotional distress. Should you therefore feel the need for supportive counseling following the interview, I have arranged for this service to be provided free of charge by the Department of Health and Social Development? They may be contacted at (011) 527 7601.

Please feel free to ask any questions regarding the study. I shall answer them to the best of my ability. I may be contacted on tel. (011) 527 7605. Should you wish to receive a summary of the results of the study; an abstract will be made available on request.

Thank you for taking the time to consider participating in the study.

Yours sincerely

.....

KHANYISILE MANUKUZA

APPENDIX B**CONSENT FORM FOR PARTICIPATION IN THE STUDY**

I hereby consent to participate in the research project. The purpose and procedures of the study have been explained to me. I understand that my participation is voluntary and that I may refuse to answer any particular items or withdraw from the study at any time without any negative consequences. I understand that my responses will be kept confidential.

Name of Participant: _____

Date: _____

Signature: _____

APPENDIX C**CONSENT FORM FOR AUDIO-TAPING OF THE INTERVIEW**

I hereby consent to tape-recording of the interview. I understand that my confidentiality will be maintained at all times and the tapes will be destroyed two years after any publication arising from the study or six years after completion of the study if there are no publications.

Name: _____

Date: _____

Signature: _____



SEMI-STRUCTURED INTERVIEW SCHEDULE: PLACEMENT OF ORPHANED CHILDREN WITH RELATIVES: SOCIAL WORKERS'S PERSPECTIVES.

APPENDIX D:

SECTION A: DEMOGRAPHIC INFORMATION

1. Participant Code:

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2. Gender

M

F

3. Age (*Tick the Appropriate box*)

20-30 years	31-40 years	41-50 years	51-49 & older
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4. Race

Black	White	Coloured	Indian
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5. Nationality_____

6. Ethnic Group_____

7. Religion_____

SECTION B: YEARS OF SERVICES WITHIN THE DEPARTMENT

8. Area of specialization_____

9. How long have you been working for this Department? _____

**SECTION C: PROBING UNDERSTANDING OF LEGISLATION REGULATING
FOSTER CARE PLACEMENTS.**

10. Are you aware of the Children's Act No 38 of 2005?

11. What do you think were the intentions of the Government of adopting this Act?

12. What are the objectives of the Children's Act No. 38 of 2005?

13. How effective is the Act regarding 'meeting the best interests' of orphaned children?

SECTION D: THE PERSPECTIVES OF SOCIAL WORKER

14. Why are the cases of orphaned children brought to the attention of the Department of Social Department and then allocated to Social Workers for further investigation? _____

15. How would you describe the concept of 'child in need of care and protection' regarding orphaned children? _____

16. What measures do you use to assess whether or not an orphaned child is in need of care and protection? _____

17. Why do social workers managing cases of orphaned children have such heavy backlogs? _____

18. What strategies do you as a social worker utilize in order to manage high numbers of backlog cases of orphaned children? _____

19. On what basis do you decide to take the case to the Children's Court and make recommendations that the child concerned be legally placed in related foster care? _____

SECTION E: MANAGEMENT OF RELATED FOSTER CARE HIGH BACKLOG CASES

20. How is the progress of Statutory Social Workers managing cases of related foster care monitored? _____

21. What are your feelings regarding management of cases of orphaned children at a statutory level? _____

SECTION F: RECOMMENDATIONS FROM SOCIAL WORKERS' POINTS OF VIEWS

22. What recommendations do you have regarding the management of cases of orphaned children, keeping in mind the principle 'best interest of the child'?

APPENDICE E**LETTER OF PERMISSION FROM THE DEPARTMENT OF SOCIAL
DEVELOPMENT**

APPENDICE F**CLEARENCE CERTIFICATE**