



FACILITIES WHICH CARE FOR CHILDREN

The proposed Child Care and Protection Act provides for various forms of alternative care for children who have been abandoned or are not safe in their usual homes. Alternative care facilities may also be utilised as alternatives to police cells and prisons for young offenders in some situations.

Other child care facilities, such as crèches and day care centres, care for children while their parents are at work. Shelters are child care facilities where children decide to come on their own.

This fact sheet discusses the rules relating to places of safety, children's homes, educational and vocational centres, places of care and shelters. (Foster care and adoption are also forms of alternative care for children, but the rules for these kinds of care are discussed in separate articles.)

ALTERNATIVE CARE FACILITIES

Places of safety	A place of safety is a place where children can stay temporarily. This could be at a children's home, school hostel or hospital. Anyone who has been approved to be a foster parent can also provide a place of safety. A child should always be put in a place of safety in the community or region where the child normally lives, and the place of safety should be a foster family rather than an institution if possible (if this is in the best interests of the child).
Children's homes	A children's home is a facility which provides residential care for children. The draft law allows for both private and government-run children's homes.
Educational and vocational training centres	Educational and vocational training centres are facilities specially developed to help children who have specific needs and problems, such as young offenders or children with behavioural problems or emotional difficulties. The draft law allows for private and government-run centres.

OTHER CHILD CARE FACILITIES

Places of care	A place of care is any place where more than 6 children are cared for on a temporary basis. This includes crèches, day care, private pre-schools and kindergartens but not ordinary schools, school hostels or medical institutions which treat children.
Shelters	A shelter is a facility which provides basic services, including overnight accommodation, to street children and other children who attend the facility voluntarily and are free to leave.

Minimum standards

All facilities for the care of children must provide the following basic requirements:

- Ⓢ a safe area where the children can play
- Ⓢ adequate space and ventilation
- Ⓢ safe drinking water
- Ⓢ hygienic and adequate toilet facilities
- Ⓢ some adequate means for refuse disposal
- Ⓢ a hygienic area for the preparation of food for the children.

These are the basic standards. Regulations issued under the Child Care and Protection Act will give more details about the standards for different kinds of facilities for children.

Annual registration

People running facilities for the care of children will be required to register their facility with the Ministry of Gender and Child Welfare. This registration must be renewed each year. The Ministry has the power to cancel a facility's registration if it fails to comply with the law or to follow any specific conditions attached to its registration, or for any other reasonable cause.

Inspections

Periodic inspections may be carried out by a social worker, a staff member of a local authority or any person authorised by the Ministry. It is a crime for anyone to refuse to co-operate during an inspection.

Changes or discharge from placements in alternative care

Once a child has been placed in alternative care by an order of a Children's Court, the Minister has the power to change or discharge a child from a placement as follows:

- (1) **transfer:** The Minister may issue a written notice to transfer a child from one alternative care placement to another, or to transfer a child from an alternative care placement to the child's parent, guardian or former care-giver. Before a transfer may occur, a social worker must give a report on consultations held with all the relevant parties. When a child is moved to a more secure facility the transfer will also require the approval of the Children's Court.

For example, a child may be transferred from foster care to a children's home if it becomes clear that the child needs specialist care that cannot be provided by the foster parents. A Children's Court would have to approve this transfer.

- (2) **provisional transfer:** The Minister also has the power to issue a notice temporarily transferring a child from one care placement to another care placement that is not more restrictive for a trial period of 6 months. A provisional transfer must be supervised by a social worker.

For example, the Minister could authorise the provisional transfer of a child to a different children's home. This might be because the child was experiencing problems at the first home and may settle in better at a different home.

- (3) **removal:** The Minister or a Commissioner of Child Welfare may issue a notice removing a child from an alternative care placement temporarily (for a maximum of 6 months) while awaiting the conclusion of an enquiry on the next step for that child.

For example, suppose it came to light that a child in a children's home was being sexually abused by another child. The child victim might be moved to a foster home to get more individualised care, and the child abuser might be moved to an educational and vocational centre to be held under stricter conditions.

- (4) **discharge:** The Minister or a Commissioner of Child Welfare may issue a notice removing a child from any alternative care placement if this is in the child's best interests.

A discharge will normally be issued when the problems that cause the child's placement in alternative care have been sufficiently resolved to make it safe for the child to return home. Another example would be a discharge from foster care after the child has been formally adopted by the foster family.

What happens when a child in alternative care reaches age 18?

When a child who is in alternative care reaches 18 years of age, he or she is allowed to remain at the facility until the end of that calendar year. A child may also request authorisation from the Minister to remain at the facility until the end of the calendar year in which he or she turns 21, if the alternative care-giver is willing to continue the placement and if the continued stay is necessary to allow the child to complete education or training.

ISSUES FOR DISCUSSION

- ⑨ Are there any problems with the current operation or management of child care facilities in Namibia?
- ⑨ What kind of monitoring and inspections should take place?
 - ⑨ What government officials should inspect child care facilities?
 - ⑨ Should some types of facilities for the care of children receive more monitoring than others?
 - ⑨ How often should a social worker monitor the situation of an individual child who has been placed in alternative care?
- ⑨ Does the list of minimum standards cover all the basic requirements that every child care facility should provide? Is anything missing from the list?
- ⑨ Is it practical for child care facilities to renew their registration once a year?
- ⑨ If a child is discharged from an alternative care placement to return home, is there a need for some ongoing monitoring or supervision to make sure that the child remains safe?
- ⑨ Should the law provide for any specific measures to help children with the transition to independent living when they leave alternative care facilities at age 18 or 21?
- ⑨ Should shelters which provide temporary accommodation for abused women be registered under this law (since such shelters sometimes allow children to accompany their mothers)?

WHAT DO YOU THINK?

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