



The integration of orphans and vulnerable children into society. A case study of  
St Monica Children's Home, Bluff

by

Blessing Magumise

220110961

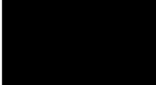
Submitted in partial fulfilment of the academic requirement for the degree of  
Interdisciplinary Masters' Programme in Child Care and Protection  
in the 'College of Law and Management Studies'  
at the 'School of Law'

2022

Supervisor: Ms. Rowena Bernard.

## Declaration of Plagiarism

I **Blessing Magumise**, declare that this work titled, “**The integration of orphans and vulnerable children into society. A case study of St Monica Children’s Home, Bluff**” has been prepared by the above mentioned. I can be accredited with the originality of this research, and no submission of this study has been made to any University. All the sources used in this study are accredited for in the reference section of the study. I have not assumed as my own the opinions expressed by third parties, whether from sources found in written, digital or Internet media. I confirm that I am fully aware of all the content of the work and assume responsibility for any error or omission in the document. I am aware of the ethical and legal connotations involved. In the event of non-compliance with this declaration, I submit to the provisions of the rules of the UKZN and the current legal provisions.

Signed:  .....

B Magumise

Signed: .....

Ms. R Bernard (Supervisor)

## **Abstract**

The integration of orphans and vulnerable children (OVC) into mainstream society has highlighted the inefficiencies of the orphanage system. Orphanages also known as child and youth care centres (CYCC), are devoted to taking care of OVCs that have been removed from their biological families due to the risks they faced. The study employed an exploratory qualitative research technique with the aid of the socio-legal research framework to depict the challenges that are faced by the OVCs during integration. The research made use of non-probability sampling techniques, in particular, purposive sampling to select participants for the interviews. Socio-Legal empirical research theory and Content analysis were employed to assess the information which was collected from the telephonic interviews. The research concludes that institutions are creating a dependency syndrome that makes it difficult for the OVCs to adjust to life outside the children's homes. Unfortunately, the policies implemented to safeguard the lives of the OVCs in the institution does more harm than good. The OVCs are inadequately prepared for life after reunification. Reunification is a process whereby a child is transitioned back to his or her biological family. The reunification process is flawed making the OVCs vulnerable. The study depicted that post-institutional support provided by the Department of Social Development is ineffective. The study focused on the legal implications of the reunification process. It was evident that children are not capable to lead an independent life after reunification. They still feel the need to get assistance from the institutions they were once placed. The reunification process struggles to meet up with the promulgated best interest of the child principle provided in the Children's Act. Social workers who have a responsibility to assist OVCs who are found to be in need of care and protection are overwhelmed with high caseloads and struggle to effectively reintegrate these children back into society.

## **Key words**

Orphans and Vulnerable Children

Vulnerability

Reunification / Integration

Orphanages / Child and Youth Care Centres / institutions

The rights of a child

The best interest of the child

## Acknowledgement

I wish to express my gratitude to God Almighty who gave me the strength and courage to make it this far and all the people who motivated and encouraged me during this process.

I will name but a few:

- The University of KwaZulu Natal, School of Law and Management Studies for affording me the opportunity for self-development.
- My supervisor, Ms. Rowena Bernard, for the advice, guidance, motivation, patience and the time that she invested in me.
- The staff at St Monica Children's Home, especially the participants for sharing their knowledge with me. Without them, this study would not have been a success.
- My loving father, Mr. F Magumise for the love, motivation and support that he showed me.
- My siblings, Nester, Wiston and Nyasha for the love, support and motivation. They gave me strength when I was weak.
- My cousin brother Elias for the love and support he showed me throughout the study.
- My close friend Blessing for the motivation and support.
- Last but not least my babies, Louise and Sean, they gave me the strength to push through. I want to thank them for understanding that mommy was studying and could not give them her full attention.

## **Dedication**

I dedicate this study to my late mom. I wish you were around to see me work so hard to honor your dreams for me. I know you are with me in spirit.

## **Abbreviations**

<b>ACRWC</b>	African Charter on the Rights and Welfare of the Child
<b>OVC</b>	Orphans and Vulnerable Children
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>CYCC</b>	Child and Youth Care Centre
<b>DSD</b>	Department of Social Development
<b>UNICEF</b>	United Nations Children's Fund
<b>RDM</b>	Research Data Management

## Table of Contents

Declaration of plagiarism.....	i
Abstract.....	ii
Key words.....	iii
Acknowledgement.....	iv
Dedication.....	v
Abbreviations.....	vi
Table of contents.....	vii
List of tables.....	xi
Chapter 1.....	1
Introduction.....	1
1.1 Background.....	1
1.2 Justification for the study.....	2
1.2.1 Statement of the research problem.....	4
1.3 Research objectives.....	5
1.4 Research questions.....	5
1.5 Socio-legal empirical research theory.....	6
1.6 Research methodology.....	7
1.6.1 Description of the study site.....	7
1.6.2 Methodology.....	8
1.7 Limitations.....	9
1.8 Ethics.....	9
1.9 Key terms.....	10
1.10 Outline/ structure of the dissertation.....	11
1.11 Conclusion.....	11
Chapter 2.....	12
Literature review.....	12
2.1 Introduction.....	12
2.2 Defining a child.....	12

2.3	Conceptualisation of OVCs.....	13
2.4	International legal frameworks on the welfare of the OVCs.....	16
2.5	Regional legal frameworks on the welfare of the OVCs.....	17
2.6	UN Guidelines for the Alternative Care of Children.....	19
2.7	South African legal frameworks on the welfare of the OVCs.....	21
2.8	Removal of OVCs to places of safety.....	25
2.9	Placement of OVCs in places of safety.....	27
2.10	Institutionalisation as a programme that caters for the welfare of the OVCs.....	29
2.11	Institutionalisation as an unseen threat to child development and the welfare of OVCs.....	30
2.12	Post-institutional care of the OVCs.....	33
2.13	Holiday placement as part of the reunification process.....	35
2.14	The availability of post-institutional support to OVCs.....	36
2.15	Challenges faced by OVCs during and after reunification.....	37
2.16	The effectiveness of post-institutional support.....	38
2.17	Conclusion.....	39
	Chapter 3.....	40
	Research methodology.....	40
3.1	Introduction.....	40
3.2	Research design.....	40
3.3	Sources of data.....	43
3.3.1	Primary sources.....	43
3.3.2	Secondary sources.....	43
3.4	Target population.....	44
3.5	Sampling.....	44
3.6	Sample size.....	46
3.7	Pilot study.....	46
3.8	Research instruments.....	47
3.8.1	Interviews.....	47
3.9	Data management strategies.....	49
3.10	Data analysis strategies.....	49

3.10.1 Editing.....	50
3.10.2 Classification.....	51
3.10.3 Presentation of data.....	51
3.11 Validity and reliability of the study.....	51
3.12 Conclusion.....	53
Chapter 4.....	54
Data presentation and analysis.....	54
4.1 Introduction.....	54
4.2 Response rate.....	55
4.3 Presentation and analysis of data collected.....	55
4.3.1 Demographic profiles of participants.....	55
4.4 Themes.....	56
4.5 Discussion of themes.....	57
4.5.1 Theme 1: challenges encountered by institutions during and after placement of OVCs into institutions.....	57
4.5.1.1 Sub-theme 1.1: placement of OVCs in places of safety.....	57
4.5.1.2 Sub-theme 1.2: challenges encountered by institutions during and after placement.....	59
4.5.2 Theme 2: challenges encountered by both OVCs and institutions during and after reunification.....	63
4.5.2.1 Sub-theme 2.1: institutions during reunification.....	64
4.5.2.2 Sub-theme 2.2: OVCs during reunification.....	67
4.5.3 Theme 3: the shortcomings of post-institutional support.....	71
4.5.3.1 Sub-theme 3.1: the availability of post-institutional support to OVCs.....	71
4.6 Conclusion.....	74
Chapter 5.....	75
Conclusions and recommendations.....	75
5.1 Introduction.....	75
5.2 Summary.....	75
5.2.1 Research goals and objectives.....	75

5.2.1.1	To determine the challenges experienced in institutions in providing OVCs with the skills needed to integrate into society.....	75
5.2.1.2	To determine whether post-institutional support is available to enable children to integrate into society.....	76
5.2.1.3	To establish whether post-institutional support is effective.....	77
5.2.1.4	To determine whether post-institutional support considers the best interest of the child principle.....	78
5.3	Discussion.....	78
5.4	Recommendations.....	79
5.4.1	How the Department of Social Development and institutions can create favourable conditions for reunifications.....	79
5.4.2	How the community can create favourable conditions for reunification.....	81
5.4.3	Recommendations for future research.....	82
	References.....	83
	Appendices.....	93
	Appendix 1: Consent form .....	93
	Appendix 2: Interview guide.....	94
	Appendix 3: Ethical Clearance letter.....	95

## List of Tables

Table 4.1: Demographic profiles.....	55
Table 4.2: Themes and sub-themes of the research findings.....	56
Table 4.3: Placement of OVCs.....	58
Table 4.4: Challenges encountered by institutions during and after placement.....	59
Table 4.5: Institutions during reunification.....	64
Table 4.6: OVCs during reunification.....	67
Table 4.7: The availability of post-Institutional support to OVCs.....	71



# CHAPTER 1

## Introduction

### 1.1 Background

The predicament of Orphans and Vulnerable Children (OVC) in South Africa is of great concern. A vulnerable child can be defined as a child who is under the age of 18 years being at risk of lacking acceptable care and protection (Skinner *et al* 2006). The Children's Act in section 150, identifies a vulnerable child as a child who needs care and protection due to various risks faced (Section 150 of the Children's Act 38 of 2005). Section 150(1), provides a list of possible risks that can lead to a child being regarded as in need of care and protection. This will be discussed at length in chapter 2 of this study. Thus, vulnerability varies from child to child for instance an economically secure child can be psychologically vulnerable (Skinner *et al* 2006). Satici (2016:69), defines psychological vulnerability as "cognitive structures which make individuals more fragile to stress". The OVCs are in some instances removed from their biological families and placed into orphanages, due to factors that are not limited to different forms of abuse and neglect. This should be carried out with the best interest of the child in the mind (Section 9, Children's Act). Separation from their immediate family is one of the greatest contributors to the susceptibility of children, worldwide (Nyamukapa *et al*, 2010). Vulnerable children should be placed into institutional care with the hope of possible reunification with their families. The global number of OVCs living in orphanages is imprecise as there is a chronic statistical gap (Muzingili and Gunha, 2017).

OVCs who are placed in institutional care as a result of their vulnerability often struggle to readjust into society (Frimpong-Manso and Bugyei, 2019). The integration of OVCs into mainstream society has highlighted the inefficiencies of the orphanage system (van IJzendoorn *et al*, 2011). Research indicates that these children are inadequately prepared for life after they leave these institutions (van IJzendoorn *et al*, 2011). Orphaned children are at a higher risk of vulnerability (Andrews *et al*, 2006). This vulnerability results in the denial of their basic rights, which include adequate shelter, access to education, general nutrition as well as psychological support among others (Skinner *et al* 2006). This vulnerability arises as these children are removed from the care of their families and

placed in institutional facilities as a result there is no protective net surrounding them. They have to face the world according to what the world defines as reasonable and, in most cases, have no say in what happens in their lives. This is contrary to their right to participation that is stipulated in section 10 of the Children's Act 38 of 2005. According to Goldman *et al* (2020) "between 5 million and 6 million children aged 0-18 years worldwide placed in institutions rather than in family-based care settings. Various scholars agree that the institutionalization of children has long term consequences". van IJzendoorn *et al*, (2011) state that children exposed to institutional care generally suffer from structural neglect. The neglect can either be in the form of physical, medical, educational as well as emotional neglect (van IJzendoorn *et al*, 2011). In most instances their psychosocial needs are not met in the orphanage system. This is due to limited caregiving services that do not fully prepare children for life outside these institutions (van IJzendoorn *et al*, 2011). Hence, they struggle or are likely to face challenges adjusting to life outside these institutions.

## **1.2 Justification for the Study**

The African Charter on the Rights and Welfare of a Child defines a child as "every human being below the age of 18 years" (Chapter 1 (2) of the African Charter on the Rights and Welfare of a Child, 1990). The South African Bill of Rights, in Section 28 (3) of the Constitution defines a child as "a person under the age of 18 years" (Section 28 (3) of the South African Constitution, 1996). The Children's Act also provides that a child is "a person under the age of 18 years" (Section 1 (1) of the Children's Act 38 of 2005). This study adopts this definition when looking at matters affecting OVCs in institutional care. The Children's Act defines an orphan as "a child who has no surviving parent caring for him or her" (Section 1 (1) of the Children's Act 38 of 2005). A vulnerable child is defined by Skinner (2004), as a child who has very limited or no access to basic needs. These children can have both parents, nonetheless deprived of their basic rights as stated in the Children's Act. The basic rights are adequate shelter, proper education, general nutrition as well as psychological support. Bettmann *et al*. (2015), states that the term OVCs describes groups of children that become vulnerable due to factors that include "losing access to academic opportunities or affected by morbidity and malnutrition" at a higher

rate in comparison to other children of their age. Their vulnerability is worsened by increased mobility as they move from one guardian to another and also separation from siblings which culminates in greater psychological distress (Nyamukapa *et al*, 2010). Some of these children find themselves in orphanages.

Orphanages are regarded as alternative care facilities for children who are identified as requiring care and protection. van der Walt (2018:615), defines alternative care as "the care that is provided where the child's biological family is unable to provide adequate care for the child concerned". This can either be temporary or permanent, formal or informal. The United Nations estimates that there are about 8 million children worldwide living in orphanages; the actual figure is likely to be higher, as there are chronic gaps in the availability of data (Dybsland, 2011). McKenzie (1999), states that orphanages as a form of residential care for vulnerable children provide more than material assistance to children in need. They provide companionship, love, teaching, accountability, and a sense of stability (McKenzie, 1999). The international as well as national law, indicates that placing a child in alternative care is less desirable as compared to preserving or reintegrating a family (van der Walt 2018). Child separation and institutionalization have severe implications that can last for a long time if not a lifetime. The law recognizes the importance of the family as well as the rights of parents to care for their children (Lau *et al*, 2003). Thus, reunification should be promoted. Section 187 of the Children's Act states that "a child in need of care and protection should be removed with the view that reunification between the child and the biological parents is possible and is in the child's best interest" (Section 187 of the Children's Act 38 of 2005). The main drive is eventually stabilising the family situations and reunifying the child with his or her biological parents or family. OVCs face several challenges during reunification and these will be discussed in chapter 2 of the study. These challenges have highlighted the inefficiencies of the orphanage system.

The research investigates whether post-institutional support takes into consideration the best interest of the child as stipulated in the Children's Act. It highlights the policies that are used by the Department of Social Services to integrate children back into mainstream society. Orphans and vulnerable children without any family to care for them find

themselves in institutional care. This is only a temporary measure because as they turn 18 or when the Department of Social Services deems it safe for them to return to their previous communities, they have to leave the protective nests of these institutions.

The problem arises when these children are returned to their families. There is very little done to prepare for them to integrate back into mainstream society. They struggle to become part of the community they are integrated into. The Department of Social Services which is legally responsible for ensuring that these children are fully protected seems to be overwhelmed and struggles to cater to all their needs (de Villiers *et al* (2008). Some of the children's basic rights are not met during post institutional care. This is contrary to Section 9 of the Children's Act which stipulates that "in all matters concerning the care, protection, and well-being of a child the standard that the child's best interest is of paramount importance, must be applied" (Section 9 of the Children's Act 38 of 2005).

### **1.2.1 Statement of the Research Problem**

The global statistics in 2015 estimated that there were approximately 140 million orphans in the world, with Africa having 52 million orphans in total (UNICEF, 2017, press release). Spiegel (2004) opines that the highest concentration of orphans is found in countries that have high levels of HIV/AIDS deaths. This makes the children assailable to vulnerability and abuse. This can prompt the Department of Social Services to remove these children from their immediate family and community, placing them in a safe environment. Section 150 of the Children's Act caters to this group of children as it identifies them as children in need of care and protection. On the contrary, Goldschmidt (2019:78-79), asserts that "South African literature appears to be skewed towards the implications of the HIV/AIDS pandemic on caregiving practices and household structures". There is a paucity of information that focuses on institutional care and its implications on the development of children in preparation for their integration into mainstream society. Therefore, this research paper investigates the integration process of vulnerable children (OVC), that are being released from these institutions. It highlights the challenges they experience as well as the survival support system that is at their disposal during integration. It also determines the reasons for the shortcomings of services provided by the Department of Social Services. In the end, the research suggests possible solutions that institutions, the

Department of Social Services, and other organizations dealing with OVCs can emulate to change the children's lives. Therefore, the purpose of this qualitative study is to investigate the possible reasons or loopholes that make these children more vulnerable during and after reunification. It focuses on children that are leaving St Monica's Children's Home, situated in Bluff. Durban, South Africa.

### **1.3 Research Objectives**

The overall objective of this research study is to investigate the transactional experiences of OVCs at St Monica's Children's Home, as they return to their previous communities.

The objectives of the research study were to:

- 1.3.1 Determine the challenges experienced at St Monica Children's home in providing OVCs with the skills needed to integrate into society.
- 1.3.2 Determine whether post-institutional support is available to OVC at St Monica Children's home which enables children to integrate into society.
- 1.3.3 Establish whether post-institutional support is effective.
- 1.3.4 Determine whether post-institutional support considers the best interest of the child principle as stipulated in the Children's Act of 2005.

### **1.4 Research Questions**

This study seeks to address the following research questions:

- 1.4.1 What are the challenges experienced at St Monica children's home in providing OVCs with the skills needed to integrate into society?
- 1.4.2 Is post-institutional support provided to OVCs at St Monica Children's home to enable them to integrate into society?
- 1.4.3 Are these post-institutional structures effective in assisting OVCs to integrate into society?
- 1.4.4 Does post-institutional support consider the best interest of the child principle as stipulated in the Children's Act of 2005?

## 1.5 Socio-Legal Empirical Research Theory

Legal research involves the "systematic study of legal rules, principles, concepts, theories, doctrines, decided cases, legal institutions, legal problems, issues or questions or a combination of some or all of them" (Mohamed, 2016:5191). Socio-legal research is based on the principle that "law is socially produced" (Graham *et al*, 2017:480). The science of law and that of society meet creating a multidisciplinary approach that analyses and interprets the law. Social research draws on "social sciences for conceptual and theoretical inspiration that may be driven by developments and changes in society" (Mohamed, 2016:5191). Socio-legal research thus employs methods that are taken from other disciplines to produce empirical data to respond to research questions (Mohamed, 2016). It can adopt a qualitative or quantitative research approach. This study adopts a qualitative research approach. Socio-legal research alludes to law studies that relate to social phenomena and goes to implement social sciences methodology (Mohamed, 2016). Thus "empirical research becomes centered on the social impact of judicial decisions" (Mohamed, 2016:5194). The empirical data collected provides vital insights on how the law works in society, this enables the researcher to examine the law in question more effectively. Socio-legal research "describes, evaluates and seeks to intervene in and shape the material dimensions of existence" (Graham *et al*, 2017:485). Socio-legal research does not only focus on the legal text, in an attempt to investigate law in society. The primary concern is not inclined with the traditional legal reasoning, a focus on codes and cases of law (Ashford, 2010). To implement a law on a particular social situation, the relationship between law and an in-depth understanding of that situation should be a major consideration. The socio-legal approach depicts that the analysis of law is not independent but is directly related to the examination of the social situation to which the law applies (Schiff, 1976).

The present study with the aid of the socio-legal research theory investigates how the best interest of the child is given paramountcy during the integration of the OVCs into mainstream society. The integration of the OVCs is central for this study, hence the legal frameworks that are intended to strengthen the rights of a child are discussed and evaluated. Nalle (2015), highlights that a socio-legal study does not investigate the law

itself, but it examines individual behaviour that has an impact on an individual's wellbeing. This qualitative study with the aid of interviews and secondary data highlights the challenges children who have spent time in orphanages experience in adjusting to life outside these institutions. It investigates the possible reasons for the above. It further deciphers why the Department of Social Development with its sole purpose to make the lives of vulnerable groups easier fails to make follow-ups on these children after reunification. This study further focuses on the best interest of these children when returned to society or their families.

## **1.6 Research Methodology**

### **1.6.1 Description of the study site**

St Monica Children's home is a non-government institute that is home to orphaned and vulnerable children on a long and short-time basis. This study area is located in a suburb called Bluff in the city of Durban situated in the province of KwaZulu-Natal. St Monica Children's home is in the vicinity of the treasure beach, next to the Engine refineries and various nature reserves. It is in a community that has different religious denominations and schools that are good for social relations. St Monica's Children's Home as a centre that caters to the needs of children of all races, religions, and backgrounds, who need care and protection provides a safe loving environment for the children. It provides "developmental programmes, education, health care and social interaction" (St Monica's Children's Home). It accommodates about 84 children and youth (St Monica's Children's Home). They place children who range from the age of 3 to 18 years for girls and boys from the age of 3 to 12 years. The children's home offers both residential and non-residential services for children in need of care and protection. This aims at improving the quality of life as a way to minimize the need for residential care. They offer services that are not limited to residential care but also programmes that are not limited to a host of life skills that may include: house chores, cooking, sewing as well as managing their monthly allowances.

The children's home has 6 cottages which accommodate a maximum of 15 children each with 2 trained child and youth care workers who work on shifts. They work 5 days each and take the next 5 days off. The number of children in each cottage resembles the

number of people in a big family. In the boys' cottage, 2 child care workers have to work every shift to accommodate the challenging and strenuous duty of working with boys who are still very young. The children's home makes it possible for every child placed with them to attend a nursery, play, or a mainstream school to afford them their educational needs. The usual mainstream schools they attend are local schools in areas that include Wentworth, Merebank, Montclair, and Umbilo which are located in the vicinity of the children's home.

The main objectives of the children's home are to:

- "To cater for the physical needs of our children.
- To render social work interventions to the children and provide therapeutic programmes to facilitate the emotional and psychological healing process of the children.
- To render educational programmes to enable the children to develop academically.
- To provide appropriate health care for our children.
- To develop self-esteem in children through life-skills programmes.
- To provide social and recreational programmes to our children.
- To facilitate the reunification of the children which includes services to families, host families, and significant others to enable reintegration into the community".  
(St Monica's Children's Home website)

### **1.6.2 Methodology**

This study employed an exploratory research technique in the form of qualitative research as it explored the integration of OVCs into society. The researcher made use of telephonic interviews to address the research objectives. The population of this study was chosen using purposive sampling, which only targets subjects that are knowledgeable on the subject under study (Creswell *et al*, 2011). The sample for this research study included child care workers and residential social workers at St Monica Children's Home. The data was collected between one to two months which was dependent on the availability of the chosen subjects.

## **1.7 Limitations**

Every research is deemed to encounter some obstacles. With the current research, the researcher encountered the following challenges. The current global pandemic COVID-19 rendered it unsafe to research human subjects as the virus is very contagious. St Monica's Children's Home was hesitant to grant permission for the research to be conducted due to the risk of infection. Face-to-face interviews could not be conducted therefore telephonic interviews had to be done. This was a challenge as the emotions of participants could not be deciphered. Due to unknown reasons, the participants did not fully express their thoughts. They did not want to disclose everything they are facing out of fear of the unknown consequences. Some of these respondents were not eager to disclose everything as it might portray their inconsistencies in exercising their role as child caregivers. Scheduling interviews with professionals was a further challenge due to their busy schedules. Due to unforeseen challenges, the research took longer than anticipated.

## **1.8 Ethics**

Research Ethics refers to the moral values an individual is ought to follow, regardless of the situation at hand. The research study eliminated all potential risks, interviews were conducted telephonically to avoid the risk of infection of the coronavirus. The researcher took into consideration as well as protected the feelings, rights, and welfare of all participants. The following ethical measures were taken into consideration: firstly, permission to conduct the research was obtained from St Monica's Children's Home. Then before embarking on the investigation ethical clearance was sought from the University of KwaZulu Natal. Thereafter, consent to participate was sought from selected respondents. The respondents were informed of the following in advance:

- a. Their participation was voluntary,
- b. They may withdraw from the study at any given time,
- c. They will remain anonymous by using pseudonyms in place of their real names,
- d. Confidentiality was also guaranteed.

## 1.9 Key Terms

The following key terms are referred throughout this dissertation and are therefore necessary to define:

- **A child in need of care and protection** – “a child who is deprived of care, who is at risk of such deprivation, or who requires protection from violence, abuse, harm, neglect or exploitation” (DSD, 2019:13).
- **Assessment of a child** – “a process of investigating the developmental needs of a child, including his or her family environment or any other circumstances that may have a bearing on the child’s need for protection and therapeutic services” (Section 1 of the Children’s Amendment Act 41 of 2007)
- **Child** – “a human being below the age of 18 years” (Section 1 (1) of the Children’s Act of 2005).
- **Child Placement** – “the placing of a child in the home of an individual other than a parent or guardian or in a facility other than a youth services centre” (child welfare information gateway 2018).
- **Childcare and protection** – “the process of preventing and responding to children who are deprived of care, who are at risk of such deprivation, or who require protection from violence, abuse, harm, neglect or exploitation” (DSD, 2019:13)
- **Children’s rights** – “a subset of human rights with particular attention to the rights of special protection and care afforded to minors” (Wikipedia).
- **Designated social worker** – “a social worker in the service of the Department or a provincial department of social development” (Section 1 (1) (a) of the Children’s Act 38 of 2005)
- **Institutional care** – “a group living arrangement for more than ten children, without parents or surrogate parents, in which care is provided by a much smaller number of paid adult carers” (Browne, 2017).
- **Orphans** – “a child who has no surviving parent caring for him or her” (Section 1 (1) of the Children’s Act 38 of 2005).
- **Orphans and Vulnerable Children** – “the term OVC is defined as a child, 0-17 years old, who is either orphaned or made more vulnerable because of HIV/AIDS and other circumstances beyond their control” (Reynolds,2014).

- **Reintegration** – “the process of a separated child making what is anticipated to be a permanent transition back to his or her family and community (usually of origin), in order to receive protection and care and to find a sense of belonging and purpose in all spheres of life”, (De Bruin Cardoso, 2020:115)
- **Reunification** – “the process whereby a child is transitioned back to his or her biological family” (Delap and Wedge, 2016).
- **Vulnerable children** – “children exposed to risk factors that may impact negatively on their development, care and protection, and / or whose access to child-care and protection services is limited” (DSD, 2019:17)

### 1.10 Outline/Structure of the Dissertation

The study is structured as follows:

**Chapter 1** – *Introduction* sets the background of the study, describes the purpose, objectives, highlights the research methodology, ethical considerations as well as defines key terms.

**Chapter 2** – *Literature review* determines if the research questions have been asked by other scholars before and to determine the gap in the research. It made use of secondary data. It addressed the constitutional rights of the OVCs and the challenges they face during reunification and post-institutional care.

**Chapter 3** – *Research methodology* highlights how the research was conducted and the instruments that were employed.

**Chapter 4** – *Data presentation and analysis* which presents the data analysis and interpret findings.

**Chapter 5** – *Conclusion and recommendations*. This chapter summaries the research study and provides recommendations.

### 1.11 Conclusion

This chapter outlined the research problem on the integration of children into society. It gave the background of study, the research objectives, questions, theoretical framework and the structure of the dissertation.

## **Chapter 2**

### **Literature review**

#### **2.1 Introduction**

OVCs are a vulnerable group in society (van der Walt, 2018). Bettmann *et al* (2015) opine that OVCs are at greater negative risk in comparison with their peers as they are prone to poor health, academic challenges, abuse, neglect and they have limited access to basic necessities. Their vulnerability is exacerbated when the Department of Social Development (DSD), removes them from their homes and places them in institutions. This leads to attachment syndromes and "developmental delays in social, behavioural and cognitive functions" (Biemba *et al*, 2010:16). Removal of OVCs from their homes should be done with the hope of reintegration / or reunification in mind. de Villers, (2008:53) opines that "child placement is done with the assumption that reunification between the children and their biological parents is possible and in the best interests of the children". Reunification services resolve the issues that led to the removal of the child in the first place (de Villers, 2008). Research has shown that OVCs struggle to reintegrate back into their previous communities. Thus, the fundamental thrust of this chapter is to critically review existing literature on inefficiencies of the orphanage system with regards to the integration of OVCs into mainstream society. This chapter will highlight how children are prepared for life after spending time in an institution as well as their experiences in the mainstream society during and after integration. The chapter will employ the socio-legal research theory to discuss the best interest of the child standard during the integration of these OVCs. This theory does not focus on the law itself but individual behaviour that has an impact on the welfare of individuals, (Nalle 2015). The literature will depict the law that protects the OVCs and that governs the orphanages.

#### **2.2 Defining a Child**

The CRC as a legal framework that caters for the welfare of a child, in Article 1 provides that, "a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier" (Article 1 of the UNCRC, 1989). The CRC acknowledges that in some States, the duration of childhood differs. This gives

room for countries to regulate their age limits when defining a child. This might be disadvantageous to children as it may be used "to deny children the rights under the Convention" (Ekundayo, 2015:149). The ACRWC defines a child as "every human being below the age of 18 years" (Article 2 of the ACRWC, 1990). This definition is broader than the CRC and offers wider protection of children. Ekundayo (2015), opines on the importance of the ACRWC definition of the child. The ACRWC definition is at a "variance with the definition under the African traditional setting where attainment of a particular age is not the only way in which the duration of childhood can be measured" (Ekundayo, 2015:148). In the traditional African setting, it can be noted that childhood does not end due to a fixed age but is determined by several aspects, like the fulfillment of status (Ekundayo, 2015:148). An example is someone getting married before the age of 18, they automatically lose their status as a child. Ekundayo, (2015:148) posits that "the definition of a child is a communal assessment". Thus, the ACRWC definition of a child is advantageous as it is based on age. It thus offers broader legal protection and affords rights to children up until they obtain the age of 18. South Africa has clearly defined who is a child. Section 28 (3) defines a child as "a person under the age of 18 years" (Section 28 (3) of the Bill of Rights). The Children's Act being the main legal guide on the welfare of a child in South Africa, in Section 1, defines a child as "a person under the age of 18 years". These laws have managed to define a child and it can be observed that all the laws agree on one definition, that a child is an individual below the age of 18 years. This study adopts this definition when looking at issues affecting OVCs in Institutional care. Children find themselves vulnerable due to various factors as well as orphanhood and the next section will discuss who are the OVCs.

### **2.3 Conceptualisation of OVCs**

The Children's Act defines an orphan as "a child who has no surviving parent caring for him or her" (Section 1 (1) of the Children's Act 38 of 2005). UNICEF defines an orphan as a child who is under the age of 18 years having lost one or both parents (NAR, 2020). Kibachio *et al* (2020:21), highlights that the term orphan can be defined in a variety of ways depending on how the definition has been used; "epidemiologically, legal or as a social and cultural definition". Skinner *et al* (2004), define an orphan as a child under the

age of 15, having lost their mother (maternal orphan) or both parents (double orphan). But the most putative definition of an orphan is a "child that has lost both parents through death" (Skinner *et al*, 2004:8). Ngconjana *et al* (2017:8160) highlight that the rising number of OVCs in South Africa has been linked to the upsurge in sickness and death rates amongst adults owing to aspects such as "HIV/AIDS, poverty, crime, violence and motor vehicle accidents". The global statistics thus, in 2015 estimated about 140 million orphans in the world, with Africa having 52 million orphans in total (NAR, 2020:8). The 2020 Orphan Report states that there is a daily rise in the number of OVCs in the world due to man-made or natural causes (NAR, 2020). The global pandemic COVID-19 is a leading factor that has left many children orphans as well as vulnerable. UNICEF report, states that roughly 10,000 children are orphaned daily (NAR, 2020).

Dillion (2007), identifies a different type of orphan which is termed 'a social orphan'. A social orphan is defined as a child who may have surviving parents but is not presently living under their care (Dillion, 2007). The term social orphanhood has been coined to depict children suffering from parental negligence (NAR, 2020:4). The child suffers as a result of the parent's failure to perform their duties and responsibilities. This deprivation makes the child succumb to serious trauma which eventually creates a "feeling of forlornness in terms of being loved, respected, protected and supported", (NAR, 2020:5). The child becomes destitute. A social orphan is a child who resides in an institution, his / her parents being deprived of their parental rights because of alcoholism, neglect, child abuse among other negative attributes (Dillion 2007). Some parents due to various reasons which are not limited to economic hardships place their children at an orphanage. Statistics portray that about 90% of the 2.7 million children that are placed in residential homes around the world are regarded as social orphans, (NAR, 2020). Some of these social orphans are living in the street with their total number unknown. For the purpose of this study, only social orphans will be looked at. A social orphan in this study is considered a vulnerable child. The study will also take into consideration those children who have lost their parents through desertion or if their parents are unable or unwilling to provide care.

A vulnerable child is defined by Skinner (2004), as a child who has no or very limited access to basic needs. These children can have both parents but are denied their basic rights as stipulated in the Children's Act 38 of 2005. Kibachio and Mutie (2018) define vulnerable children as those whose safety, well-being, and growth are, for numerous reasons, threatened. Thus, a vulnerable child can be defined as a child who is under the age of 18 years being at risk of lacking acceptable care and protection (Skinner *et al* 2006). Skinner *et al* (2004) highlight that the term OVC was created to denote children that have been made vulnerable due to HIV and AIDS. This context is restrictive as HIV / AIDS is not the only aspect that leads to child vulnerability. According to Koulis (2017:1), the term "OVC was introduced as an alternative term to 'orphanhood', which could not conceptualise the specific characteristics of OVC and their HIV related problems". Bettmann *et al.* (2015:71), states that the term OVCs describes "groups of children that experience negative outcomes - such as losing access to educational opportunities or experiencing morbidity and malnutrition – at higher rates than their peers". The OVCs are at a greater risk as compared to their peers through factors such as "early death, poor health, educational deprivation, abuse, neglect, exploitation and limited access to basic social amenities" (Bettmann *et al* 2015:71). Skinner (2006) goes on to identify some of the sources of vulnerability as; poverty, hunger, historical disadvantage, and various forms of violence such as physical or sexual. Therefore, the term OVC covers a broader spectrum rather than children directly affected by the HIV pandemic. Most of these vulnerable children find themselves in institutional care.

Nyamukapa *et al* (2010) highlight that, orphans tend to be subjected to more psychological distress as compared to non-orphans. This is due to traumatic events that may have taken place, such as dropping out of school, and lack of parental care, in some instances insufficient care, child labour, physical or sexual exploitation as well as stigma and discrimination (Nyamukapa *et al*, 2010). Their vulnerability is worsened by increased mobility as they move from one guardian to another and also separation from siblings which culminates in greater psychological distress (Nyamukapa *et al*, 2010). Emotional and behavioral problems are prevalent amongst OVCs as they are exposed to factors that may include neglect, abuse, exploitation, lack of love and care from parents (Nyamukapa *et al*, 2010). Separation from the love, protection, and care provided by

immediate family can be regarded as one of the greatest contributors to the vulnerability of OVCs globally (Nyamukapa *et al*, 2010). There is no one size fit all solution for all the children who are at risk of being removed from their families owing to issues such as poverty, disability, disease as well as abuse among other issues. Nyamukapa *et al* (2010), posit that not all OVCs require external interventions as some can be harmful if they are inappropriately targeted. There should be a better understanding of the characteristics and conditions the children are in to determine the required support.

## **2.4 International Legal Frameworks on the Welfare of the OVC**

The legal treaties have established binding principles and norms that have set international and national standards as long a country or State has ratified the particular legal treaty (Akhunzada 2015). The CRC as one of the international treaties that protect the rights of children has been ratified by many States in the world. Thus, the CRC outlines the frameworks of action for all children including the OVCs (Smart, 2003:10). The CRC is underpinned by four major children's rights which are: "non-discrimination, participation, survival and development and best interests of the child" (Kaime, 2005). Children have been the main victims of human rights violations and this has been internationally recognised (Sloth-Nielsen, 1995). It is the responsibility of the global community to protect all children regardless of their nationality, race, gender as well as religion (Article 2, CRC, 1989). Hence legal treaties were enacted to protect children from any form of abuse. The CRC has established binding principles and norms that have set an international standard that member states are required to comply with.

Article 5 of the CRC is indicative of how the global community views the interrelationship between the state, family as well as child, (Sloth-Nielsen, 1995). It states that "State parties shall respect the responsibilities, rights, and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention" (Article 5, CRC, 1989). Sloth-Nielsen, (1995) asserts that children are perceived as part of a unit that has a principal obligation of catering for their wellbeing. In this regard before the

OVCs are institutionalised, the families should be allowed to find a way to help the vulnerable children. Article 9 of the CRC strengthens the family system as it provides that "children should not be separated from their parents against their will" (Article 9 (1), CRC, 1989). This gives children a voice. The article goes on to provide that this can be disregarded when the authorities determine that "such separation is necessary for the best interest of the child" (Article 9 (1), CRC, 1989). A child can only be removed from the care of his/her parents in cases that involve abuse as well as neglect of the child by the parents, (Article 9 (1), CRC, 1989).

Article 19 subsection (1) provides that, State parties should take appropriate statutory measures that can protect children from all forms of abuse (Article 19 (1), CRC, 1989). Article 20 subsection (1), provides that a child found in an abusive circumstance should be provisionally or permanently removed from her family environment. The child "shall be entitled to special protection and assistance provided by the State", (Article 20 (1), CRC, 1989). Article 20 subsection (2) provides that these children under national law should be placed in alternative care, (Article 20 (2), CRC, 1989). Subsection (3) of Article 20 provides a list of alternative care options which include *inter alia*: "foster placement, kafalah of Islamic law, adoption or if necessary, placement in suitable institutions for the care of children", (Article 20 (3), CRC, 1989). It highlights that the alternative care option chosen for the child should consider the child's ethnicity, religion, culture, and linguistic background, (Article 20 (3), CRC, 1989).

## **2.5 Regional Legal Frameworks on the Welfare of the OVC**

The Organisation of the African Unity (OAU), on the 11th of July 1990 adopted the African Charter on the Rights and Welfare of the Child which later entered into force on the 29th of November 1999. South Africa ratified the ACRCW in 2000. South Africa, therefore, is obliged to "ensure that the rights of children in the country are fulfilled" (Centre for Human Rights, University of Pretoria, 2018). Article 16 of the ACRWC provides for the protection of children against abuse and torture. In subsection (1), State parties are obliged to take legislative measures to "protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child" (Article 16 (1), ACRWC, 1990). The

ACRWC also provides for parental care and protection in Article 19. Article 19 (1), provides that every child should be afforded their "right to enjoyment of parental care and protection and having the right to reside with their parents", (Article 19 (1), ACRWC, 1990). It goes to state that, "no child shall be separated from his parents against his will, except when a judicial authority determines in accordance with the appropriate law, that such separation is in the best interest of the child", (Article 19 (1), ACRWC, 1990). A child that has been separated from one or both their parents or families have the right "maintain personal relations and direct contact with both parents on a regular basis", (Article 19 (2), ACRWC, 1990).

The ACRWC also provides that, children separated from their parents whether temporarily or permanently shall be entitled to special protection and assistance from the State, (Article 25 (1), ACRWC, 1990). Article 25 subsection (2) and (3) provides that State parties:

2.
  - a. "Shall ensure that a child who is parentless, or who is temporarily or permanently deprived of his or her family environment, or who in his or her best interest cannot be brought up or allowed to remain in that environment shall be provided with alternative family care, which could include, among others, foster placement, or placement in suitable institutions for the care of children;
  - b. shall take all necessary measures to trace and re-unite children with parents or relatives where separation is caused by internal and external displacement arising from armed conflicts or natural disasters.
3. When considering alternative family care of the child and the best interests of the child, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious or linguistic background", (Article 25 (2) (3), ACRWC, 1990).

Article 25 clearly states that a child found in need of care and protection should be placed in alternative care which will afford them the best care for their upbringing. The care options should take into consideration the child's ethnicity, religion, and linguistic background (Article 25 (2) (3), ACRWC, 1990). This is the same provision in Article 20 (3) of the CRC.

## **2.6 UN Guidelines for the Alternative Care of Children**

The UN Guidelines for the Alternative Care of Children (2009), is an international instrument that is non-binding as it is intended to guide the approach to alternative care for children. The purpose of the guidelines clearly states that it is intended to "enhance the implementation of the Convention on the Rights of a Child and of other international instruments regarding the protection and well-being of children who are deprived of parental care or who are at risk of being so" (Article 1, UN, 2009). There are no binding obligations on concerned parties or States. Article 2 (d), provides that the guidelines "guide policies, decisions and activities of all concerned with social protection and child welfare in both the public and the private sectors, including civil society", (Article 2 (d), UN, 2009). The use of the term 'should' instead of 'shall' or 'must' is used depicts that nothing is mandatory unless it is an existing fully-fledged right especially the ones in CRC.

In article 3, the guidelines provide that the family is fundamental to the child's growth as it provides "the natural environment for the growth, well-being and protection of the children, efforts should primarily be directed to enabling the child to remain in or return to the care of his/her parents, or when appropriate, other close family members" (Article 3, UN, 2009). Alternatively, the State has to provide other appropriate permanent solutions. This may include adoption only if the circumstances permit. Article 5, provides that this measure is only taken in circumstances where the biological family of the child even with appropriate support is unable to provide adequate care for the child. It becomes the responsibility of the State to protect the rights of the child and provide appropriate alternative care (Article 5, UN, 2009). All the decisions taken should be grounded in the best interest of the child principle (Article 6, UN, 2009).

Article 7 further provides that;

"In applying the present Guidelines, determination of the best interests of the child shall be designed to identify courses of action for children deprived of parental care, or at risk of being so, that are best suited to satisfying their needs and rights, taking into account the full and personal development of their rights in their family, social and cultural environment and their status as subjects of rights, both at the time of the determination and in the longer term. The determination process

should take account of, inter alia, the right of the child to be heard and to have his/her views taken into account in accordance with his/her age and maturity” (Article 7, UN, 2009).

Article 11, provides that in cases where a child has to be placed in alternative care, the child has to remain close to their habitual place of residence. This will make it possible to facilitate contact and potential reintegration with their immediate family, (Article 11, UN, 2009). Minimal disruption from educational, cultural and social life should take place during the process of reintegration. Reintegration is a gradual process that has to be supervised.

Article 49 provides that;

“In order to prepare and support the child and the family for his/her possible return to the family, his/her situation should be assessed by a duly designated individual or team with access to multidisciplinary advice, in consultation with the different actors involved (the child, the family, the alternative caregiver), so as to decide whether the reintegration of the child in the family is possible and in the best interests of the child, which steps this would involve and under whose supervision” (Article 49, UN, 2009).

Article 14 emphasises that the removal of a child from their biological families should be done as a measure of last resort. This should be a very short temporary measure in terms of duration, (Article 14, UN, 2009). It also provides that reviews for removal decisions should be conducted frequently. This is to ensure that if the original causes of removal have been resolved, a child should be reintegrated if it is in their best interest. In all this, siblings should not be separated except in instances where this is done in consideration of their best interest. Siblings should maintain contact with each other unless this is against their wishes or interests, (Article 17, UN, 2009). Article 21 is paramount to this study, it depicts that residential care / institutionalisation, should be limited to circumstances whereby it is in the best interest of the child (Article 21, UN, 2009). This study points out the negative effects of this form of alternative care. This is discussed in chapters 4 and 5 of the study. Article 123 provides that "facilities providing residential care should be small and be organized around the rights and needs of the child, in a setting

as close as possible to a family or small group situation", (Article 123, UN, 2009). The States are encouraged to ensure that there are "sufficient carers in residential care settings to allow individualized attention and to give the child, where appropriate, the opportunity to bond with a specific carer", (Article 126, UN, 2009). The guidelines thus enhance the current international, regional and national legislation that provides for the protection and well-being of children that need care and protection.

## **2.7 South African Legal Frameworks on the Welfare of the OVC**

The South African government is a signatory to the UN Convention on the Rights of the Child (CRC, 1989) as well as the African Charter on the Rights and Welfare of the Child (ACRWC, 1990). Amongst all these rights, the best interest of the child is paramount. The South African Constitution (1996) which is the supreme law of South Africa in Section 28 places emphasis on three major children's rights. These are: "the right to family care, parental care, appropriate alternative care; the right to social services; and the right to protection from issues such as abuse, neglect, maltreatment as well as degradation", (van der Walt 2018:619). These provisions oblige the State to provide care for OVCs in their midst. Section 28 (2) provides that, "a child's best interests are of paramount importance in every matter concerning the child" (Section 28 (2) South African Constitution, 1996). Section 28 of the Constitution comes as a benchmark of paramount importance in issues relating to the protection of children in the Republic. The CRC and ACRWC were the foundation for the development of the Children's Act.

OVCs are a very vulnerable group of children who need care and protection. Their best interest must be considered at all times. Heaton (2009), opines that the best interest of the child principle is a golden thread that pertains to the law relating to children. There is no, one standard definition of what should be considered as the best interest of the child due to the variation of cultural ethical principles that interpret it differently (Heaton, 2009). Hope and van Wyk (2019:88), posit that "the best interest of the child standard is difficult to translate into practice as there is no clear definition, leaving it open to interpretation and subjective bias". Ultimately, a child should be afforded protection from any physical and psychosocial harm as there is limited research in what can be regarded as the best interest of the child concerning child protection practice (Hope and van Wyk, 2019). The

child's best interest in every distinct case must always prevail. The best interest of a child is a constitutional right of every child. Section 28(2) of the South African Constitution (1996) is not a stand-alone right but is dependent on section 28(1). Section 28(1) provides that children have a right to a name, citizenship, some form of care, food, shelter, education, protection from abuse, neglect, degradation as well as child labour (Section 28 (1) of the Constitution). Though section 28(2), creates a right that is independent and paramount of those specified in section 28(1). The rights enumerated in these sections give guidelines on how an issue concerning a child should be handled. These guidelines are important as they give direction on the rights of all children which includes the OVCs. The OVCs are protected by these laws from further risks.

van der Walt (2018), posits that the best interest of the child should be of paramount consideration in the placement determination of children in need of care and protection. Every placement should take into cognisance the best interest of the child with regards to the number of children cared for as well as the quality of care provided (van der Walt, 2018). Section 151(8) of the Children's Act, provides that:

“The best interest of the child must be the determining factor in any decision whether a child is in need of care and protection should be removed and placed in temporary safe care, and all relevant facts must for this purpose be taken into account, including the safety and well-being of the child as the first priority”.  
(Section 151(8) of the Children’s Act 38 of 2005)

The Children's Act in chapter 9 provides the regulations to be considered when dealing with children in need of care and protection. It is in the best interest of the child for these regulations to be observed when dealing with the OVCs. Section 150 provides that a child is deemed in need of care and protection when the child:

- a. “has been abandoned or orphaned and is without any visible means of support;
- b. displays behaviour that the parent or caregiver cannot control;
- c. lives or works on the streets or begs for a living;
- d. is addicted to dependence-producing substances 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 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 caregiver of the child as there is a reason to believe that he or she will live 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 caregiver, 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". (Section 150 of the Children's Act 38 of 2005).

The social worker has to investigate these cases and decide whether the child might need care and protection (Section 150(2) of the Children's Act 38 of 2005). As stipulated in the amended section 157 (2), of the Children's Act, a social worker is presumed to be obligated to "investigate the reasons for the removal, take action to prevent those causes from recurring and provide counselling for the child as well as the parent during removal as well as after reunification" (Section 157 (2) of the Children's Act 38 of 2005).

The South African law makes it easy for social workers to identify children in need of care and protection by the provision of mandatory and discretionary reporting of any suspicions of child abuse and neglect. Mandatory reporting must be made when there is a reasonable suspicion that there is a case of abuse or neglect. The mandatory reporting laws are provided in both the Children's Act (Section 110(1) as well as the Sexual Offences and Related Matters Act of 2007 (Section 54(1)(a). Discretionary reporting laws are solely provided for in the Children's Act. Section 110(1) of the Children's Act mandates certain professionals to report any suspicion of child abuse, neglect as well as maltreatment to designated child protection organisations, the Department of Social Services, or to the police officials. Section 110(1) lists the following professionals as mandated to report any suspicion of abuse or neglect:

1. "any correctional official, dentist, homeopath, immigration official, labour inspector, legal practitioner, medical practitioner, midwife, minister of religion, nurse, occupational therapist, physiotherapist, psychologist, religious leader, social service professional,

social worker, speech therapist, teacher, traditional health practitioner, traditional leader or member of staff or volunteer worker at a partial care facility, drop-in centre or child and youth care centre". (Section 110(1) of the Children's Act 38 of 2005).

Section 54(1)(a) of the Sexual Offences and Related Matters Amendment Act compels "a person who knows or who has a reasonable belief or suspicion of any form of sexual abuse against a child ... to report it to a police official" (Section 54(1)(a) of the Sexual Offences and Related Matters Amendment Act, 2007). This makes it easier for social workers to be on the know-how of children who require care and protection. Section 54 (1)(b) of the Sexual Offences and Related Matters Amendment Act, provides that "a person who fails to report such knowledge as contemplated in paragraph (a), is guilty of an offence and is liable upon conviction to a fine or to imprisonment for a period not exceeding five years or both a fine and such imprisonment" (Section 54(1)(b) of the Sexual Offences and Related Matters Amendment Act, 2007). It can be observed that section 110(1) of the Children's Act, pinpoints people who are responsible to report such issues while section 54 of the Sexual Offences and Related Matters Amendment Act compels all citizens in the Republic to report any sexual exploitation of children to the police. It can be noted in both Acts that the reporting should be done in 'good faith'. Hendricks (2014:551) asserts that "the good faith principle is an internationally recognised common-law duty to act honestly, openly and with conscientious impartiality".

Section 110(2) of the Children's Act provides for discretionary reporting of any form of child abuse. The sections provide that, "any person who on reasonable grounds believes that a child is in need of care and protection may report that belief to the provincial department of social development, a designated child protection organisation or a police officer" (Section 110(2) of the Children's Act 38 of 2005). This law provision is laudable as it codifies current morality by reinforcing the general supposition that ordinary members of society have a duty to protect children who need care and protection. Hendricks (2014:550) postulates that "despite progressive children's rights legislation in line with international conventions, the official statistics for crimes perpetrated against this vulnerable population in SA remain alarmingly high". It is very alarming that despite the legal duty to report suspected cases of abuse, many obliged professionals still fail to

comply with reporting (Hendricks 2014). Article 19(2) of the CRC (1989), clearly depicts that the measures that are adopted when dealing with children in need of care and protection should be protective, preventive, it should also involve the identification, reporting, referral, and investigation of all child abuse cases. The African Charter on the rights and welfare of a child in Article 16 echoes these obligations by providing that special monitoring units should be established to provide the necessary support for the children that are abused and their caretakers (Hendricks 2014).

## **2.8 Removal of OVCs to Places of Safety**

Section 151 of the Children's Act provides that if a child is found in conditions that point to that she or he requires care and protection, the individual who finds this child can bring this issue to the attention of the children's court (Section 151 of the Children's Act 38 of 2005). The presiding officer then makes an order that prompts a designated social worker to investigate the issue. During this time, the presiding officer can order that the child be removed and placed in temporary safe care for the safety of the child in some situations. It is thus, the role of the social worker or the police to remove a child from their home to temporary safe care if the child is in danger and this can be done with or without a court order (Section 151 of the Children's Act 38 of 2005). This is dependent on the gravity of the situation at hand. It is paramount that there are rational grounds for believing that the child in question needs care and protection as well as emergency protection (Section 151 of the Children's Act 38 of 2005). de Villers, (2008:35) refers to circumstances that can justify the removal of children from parental care as follows:

- "Better alternatives are available and the damage of removal is likely to be outweighed by the harm of remaining at home.
- Severity of disorder in parent's behaviour or functioning.
- Severity of disorder in children's behaviour or functioning.
- Parental request for placement.
- Unwillingness or ambivalence regarding the care of children.
- Parent's refusal to utilize the services of the welfare organizations and the children's opposition to remain at, or return home". (de Villers, 2008:35)

These are the conditions that can facilitate the removal of the child from parental care. The situation should be severe in that it infringes on the child's constitutional rights, and harms the child's emotional and social well-being, (de Villers, 2008). Removal is carried out when this will be conducive to the positive development of the child, (de Villers, 2008:35).

When the child has been removed, the individual who removed the child has to inform the child's parents, guardians, or caregiver within 24 hours of removal if they are traceable. A designated social worker has to be informed in that 24-hour window period in terms of Section 155(2), to investigate and determine if the child requires care and protection (Section 155(2) of the Children's Act 38 of 2005). During that same window, the matter should be reported to the relevant Department of Social Development (DSD). All the decisions that are made should consider the best interests of the child as well as the child's safety and well-being. Section 152 of the Children's Act provides for the removal of the child in need of care and protection without a court order. Section 152(1), provides that only a designated social worker or police officer has the authority to remove a child from their homes that are presumed not to be safe and put them into temporary safe care without a court order (Section 152(1) of the Children's Act 38 of 2005). This is only carried out in situations whereby the child in concern needs immediate emergency protection and any form of delay might result in the child being harmed, (Section 152(1) (a) (ii) of the Children's Act 38 of 2005).

There is prescribed Form 36, which must be filled in by the police officer or the social worker and has to be submitted to the place of temporary safe care. The designated social worker has to investigate the matter and submit a report within 90 days. The report depicts the child's needs and recommends whether a child to be moved to a CYCC (Section 155 of the Children's Act 38 of 2005). Form 38 is prescribed for use to report the findings of the investigation. This report compiled by the social worker enables the court to determine if the child needs care and protection and provides recommendations on the kind of care that would be most suitable for the child. For a child to be placed in alternative care a court order has to be issued by the presiding officer. The court has to consider the recommendation in the social worker's report (section 155). The court should consider

first a relevant social worker's report on the circumstances that the child is found to be in (van der Walt 2018). In section 156, the court can make orders of what is to happen to the child who is found to require care and protection. When the court confirms that the child requires care as depicted by the findings of the social worker, an order to move the child is made with the consideration of the child's best interest. For this study, the focus is on section 158 which focuses on the placement of OVCs in the CYCC. This section will be discussed under the placement of OVCs in places of safety.

## **2.9 Placement of OVCs in Places of Safety**

The placement of OVCs in orphanages has been happening for a long time in vast geographical areas (Yendok and Somhlaba, 2015). Orphanages have been known as places that cater to the needs of children that have lost their parents, have been abandoned and those whose parents cannot afford to take care of them (Yendok and Somhlaba, 2015). Children who are found to need protection and care according to the Children's Act are placed in alternative care. It can either be foster care or institutional care (CYCC). de Villers, (2008:53) opines that "child placement is done with the assumption that reunification between the children and their biological parents is possible and in the best interests of the children". de Villers, (2008:20) points out the rationale behind placing children in alternative care as:

- "To remove children from situations which could endanger them physically or psychologically.
- To provide healing from past, negative experiences such as abuse or neglect.
- To meet the children's emotional needs in agreement with their age.
- To provide for the children's care, education, and nurture whilst away from home.
- To help the children understand the family situation and the necessity of the placement.
- To prepare for the children's return to their family", (de Villers, (2008:20).

Child placement in alternative care especially the CYCC is to provide safety by removing them from situations that can endanger them, either physically or psychologically. This could eventually provide them with much-needed emotional and educational needs. The

children's homes provide all this preparing them for the time they have to re-integrate back into their biological or adoptive families.

According to section 158 of the Children's Act, a children's court can only take the option of placing a child in a CYCC when there is no other appropriate option such as parents, or the possible caregiver of the child is not suitable, cannot protect the child or control the child's behavior. Section 159 provides that the placement orders issued by the children's court lapse every two years unless the placement is meant to last less than two years. Every two years the children's court reviews the placement order and either extends it or releases the child. The generally assumed duration of placement by most institutions is the one provided by Amendment Section 176 of the Children's Act. It provides that:

- a. "a provincial head of social development may on application by a person placed in alternative care as a child, or by a person acting on his or her behalf, allow that person to remain in [that] alternative care until the end of the year which that person reaches the age of 21 years.
- b. the continued stay in that care is necessary to enable that person to complete his or her [education or training] grade 12, higher education, college education, internship or learnership", (Amendment Section 176 of the Children's Act 38 OF 2005).

This depicts that, children can be placed longer than the anticipated period, dependent on their needs or their best interests being made paramount.

Every child placed in institutional care must be assessed before and after they have been admitted at an institution (Mahery *et al*, (2011)). Assessment of a child can be viewed as a process of examining the child's needs to develop, which comprises of the child's family environment and situation that has a bearing on his or her growth (Mahery *et al*, (2011)). This is per the principle of child participation, as the child is involved in this process of assessment. The child and youth care workers as well as social workers take an active role in this process as they gather the information from the child. This information will equip the child care worker with the background knowledge that will determine the help the child needs especially emotionally and psychologically. During the assessment, the child care and social workers have to uphold the constitutional rights of the child.

Assessment makes the social workers understand the severity of the child's situation and thus plan for the child's future and forms of intervention (de Villers, (2008:46).

### **2.10 Institutionalisation as a Programme that Caters for Welfare of the OVCs.**

According to Browne (2017:1), an institution for children is defined as "a group living arrangement for more than ten children, without parents or surrogate parents, in which care is provided by a much smaller number of paid adult carers". Thus, institutional care can be defined as residential care for large groups of children. These institutions are devoted to taking care of OVCs as well as those children that have been taken away from their biological families due to the risk faced (Browne, 2017). Hall and Sambu (2014) highlight some reasons for the separation of children from their families: abandonment; orphanhood; armed conflict; destitution; disability; offending behaviour of a child; neglect or abusive behaviour of the parent.

Children's homes are regarded as alternative care facilities for children who are identified as requiring care and protection. Section 167 (1) (b) provides that "a child is in alternative care if the child has been placed – (b) in the care of a child and youth care centre following an order of the court in terms of this Act or the Criminal Procedure Act, 1977" (Section 167 (1) (b) of the Children's Amendment Act 41 of 2007). van der Walt (2018:615), defines alternative care as "the care that is provided where the child's biological family is unable to provide adequate care for the child concerned". The Children's Act provides that it is the objective of the Act, (a) "to promote the preservation and strengthening of families". It further provides that, it is the child's constitutional right to (b) (i) "family care or parental care or appropriate alternative care when removed from the family environment", (Section 2 (a) and (b) (i) of the Children's Act 38 of 2005). Potential forms of alternative care are identified as foster care, temporary safety shelters as well as CYCC, (van der Walt, 2018:616). The study focuses on CYCCs (alternative name Children's homes) which are a form of residential care. Browne (2017:1), states that residential care for children is "an organised, routine and impersonal structure to the living arrangements of children (e.g., all children sleep, eat and toilet at the same time) and a professional relationship, rather than parental relationship, between the adults and children". This definition of residential

care is very wide as it can encompass other centres such as prisons, boarding schools, etc. This study will specifically focus on children in Children's homes.

The United Nations estimates that there are about 8 million children worldwide living in orphanages; the actual figure is likely to be much higher, as there are chronic gaps in data (Dybsland, 2011). In developing countries, institutionalisation has become a norm to meet the needs of children in difficult circumstances (Dybsland, 2011). McKenzie (1999), states that Children's homes are a form of residential care for vulnerable children, providing more than material assistance to the children in need, as they also provide companionship, love, teaching, accountability, and a sense of stability (McKenzie, 1999). This is a place where vulnerable children who were likely to lack this important aspect of growing up get the opportunity to experience it. Children's homes thus provide access to education, emotional or psychological support through professional counselling from accredited counsellors.

### **2.11 Institutions as an Unseen Threat to Child development and the Welfare of OVCs.**

van der Walt (2018:618), posits that "children are vulnerable members of society, and the State and its relevant authorities are required to recognise and protect their rights at all times". South Africa ratified relevant International and Regional declarations and conventions obligating it to have national legislation that protects children's rights and makes their best interest paramountcy. Thus, the international and national law provides that child placement in alternative care is regarded as less desirable as compared to maintaining or reunifying a family (van der Walt, 2018(618). Child separation and institutionalization have severe implications that can last for a long time if not a lifetime. Bettmann *et al.* (2015), opines that the early experiences of children have long-term consequences in terms of their personality, intellectual capacity, and social relations. Biemba *et al* (2010) highlight that long-term care of young children in big residential homes is connected with attachment syndromes and developmental delays in social, behavioural, and cognitive functions. According to Browne (2017:2) children who grow up in residential care tend to experience adverse effects which include: "developmental delays; behavioural problems; attachment disorders; lack of life skills; institutionalisation;

and difficulty forming and maintaining healthy relationships". Children that have been placed in institutions tend to lack social, emotional, and intellectual motivation and this hinders their development (Sherr *et al* 2017). These children are prone to violence, neglect, and abuse while still in these institutions which impacts negatively on their lives as they integrate into society. Institutions make them lose touch with their families and communities (Kuehr 2015).

A new problem is created as children transfer their trust and love to their newly found primary caregivers, which are the institution managers and their staff. In the long run, they will tend to think that these primary caregivers love them more than their own families that gave them up (Naqshb *et al* 2012). This hinders the process of reintegration back to their families as family bonds have been weakened or even destroyed (Kuehr 2015). These children tend to feel like outsiders in their own families or communities. van IJzendoom *et al*, (2011) posits that children that are exposed to institutional care are seen to be suffering from structural neglect. This may include, limited physical resources, unstable and unfavourable staffing patterns as well as caregiver-child interactions which are socially and emotionally inadequate. Bettmann *et al*, (2015), argue that due to insufficient caregiver ratios coupled with inconsistent caregiver shift rotations, children in children's homes tend to encounter repeated separation from caregivers. This leads to negative effects such as "agitation, depression, altered cardiac activity" (Bettmann *et al*, 2015:72). There are foreseen development delays, such as physical, hormonal, cognitive as well as emotional development (Bettmann *et al*, 2015:72). This is because, these children are not afforded the form of nurturing and stimulating atmosphere desirable for normal growth as well as healthy psychological development (van IJzendoom *et al*, 2011). It is not easy or practical for this type of nurturing to be given to children as most institutions carry a large number of children and caregivers do not have enough time to give individual attention to each child (van IJzendoom *et al*, 2011). Institutions are homogeneous to age as well as disability. These factors determine which caregiver they are given for a certain period, for instance, infants, adolescents, and teenagers are separated and have their separate caregivers. Caregivers keep on changing as the children grow up (van IJzendoom *et al*, 2011). According to Bettmann *et al* (2015:72), there are "deficiencies in caregiver stability and consistency, as well as in caregiver responsiveness and emotional availability". This

escalates to issues such as high staff turnover portraying that it is a challenge for bonds to be formed and maintained (van IJzendoorn *et al*, 2011). Bettmann *et al* (2015:72) opine that "due to insufficient child-caregiver ratios and inconsistent caregiver shift rotation, children in institutional settings typically encounter repeated separations from caregivers". The children thus struggle to bond and form a lasting relationship with anyone as there is a fear that these people will not be part of their lives (van IJzendoorn *et al*, 2011).

The Department of Social Development (DSD) is responsible for the care of vulnerable groups renders another hindrance. It is the DSD's responsibility to ensure that the OVCs released from institutional care are afforded their constitutional rights (Hall *et al* (2016). The challenges that arise as depicted by Hall *et al* (2016:71), are that social workers are overwhelmed and "do not have the capacity to deal with hundreds of thousands of foster care placements on top of the other services they need to provide" for all the children that need care and protection. They further indicate that the DSD admits the inadequate number of social workers available therefore making the delivery of social services difficult where they are required. This renders the OVC vulnerable as they have no protective shield post-institutionalization. Thus, the DSD encourages relatives to take care of orphaned children, and this can be done under the foster care package (Hall *et al*, 2016). Foster care is for children who are found in need of care and protection but are not available for adoption. There are placed with preferable relatives (Boning and Ferreira, 2013). The DSD assists these families financially and with other services, they will need. This reduces the strain, but still, there are not enough social workers to ensure that the best interest of the child is taken into consideration during this process. Hall *et al* (2016:71) postulate that "according to DSD, the ratio of social workers needed ... at the end of 2014 ... estimated at 1:94 and this ratio holds only if the social workers do nothing but process and review foster care placements". The question remains whether the best interest of the child is taken into consideration during these processes.

## 2.12 Post Institutional Care of the OVC

The Children's Act in Section 2 acknowledges the importance of family as well as the rights of parents to care for their children (Section 2 of the Children's Act of 2005). Munthali (2019) claims that the family affords the best atmosphere in which a child can grow. This is because it provides an environment that is nurturing, loving, and caring and also facilitates better development outcomes for the child (Munthali, 2019). A sense of religion as well as cultural identity is cultivated thus ensuring that family values are embraced (Munthali, 2019). It is in the best interest of the child to be raised by their biological families. The CRC in Article 9 provides that, the unnecessary separation of a child from his or her biological family is a violation of their fundamental right to know and be cared for by his or her parents. As it is the fundamental responsibility of parents to care for their children (Article 9 (1) of the CRC, 1989).

The OVC needs a continuum of care that begins with the child's biological family, in fact, the birth parents (Carter and Breda, 2016). Children are to grow up in the nurturing care of their biological families which provides sufficient "love, a sense of belonging, a lifelong connection to a community of people, shared history and culture" (Cox *et al*, 2015:5). It is unfortunate that poverty, disease as well as other issues are putting families at risk, thus, threatening their ability to protect and provide for the holistic needs of their children, (Cox *et al*, (2015). Though families face a host of challenges, it can still be highlighted that OVCs are best served by strengthening the capacity of their biological families to care for them. Cox *et al* (2015:6) posit that "if a child is separated from parental care, reunification is considered the best option if it is deemed safe and appropriate for the child". Lau *et al* (2003) opine that States are obligated to put reasonable efforts in preventing the unnecessary removal of children from their biological families as well as to facilitate the return to their families in the event removal has occurred. Thus, reunification has to be promoted.

The amended Section 187 of the Children's Act states that "a child in need of care and protection should be removed with the view that reunification between the child and the biological parents is possible and is in the child's best interest" (Section 187 of the Children's Act 38 of 2005). The main thrust is ultimately stabilising the family

circumstances and reuniting the child with their biological parents. Reunification / or reintegration can be defined as a process whereby a child is transitioned back to his or her biological family (Delap and Wedge, 2016). It can also be viewed as "the process of a separated child making what is anticipated to be a permanent transition back to his or her family and community (usually of origin), in order to receive protection and care and to find a sense of belonging and purpose in all spheres of life", (Delap and Wedge, 2016:1). According to Delap and Wedge (2016:1), reunification goes "beyond the mere physical reunification of the child with the family to consider a longer-term process of formation of attachments and support between the reunified child and his / her family and community". This transition is a process and not a one-time event, steps have to be followed to ascertain that the child is afforded the most appropriate environment that will allow for growth and development. Cox *et al* (2015:6) identify these steps as firstly "assessing the root causes for the separation and determining how best to address these". The next step is "preparation of the child and the family" then "facilitating access to appropriate services and support and ongoing monitoring", (Cox *et al*, 2015:6).

Reunification services resolve the issues that led to the removal of the child in the first place (de Villers, 2008). The process of reunification begins the moment a child is placed in alternative care. This helps the child as well as the family to adjust to the new circumstance of separation. This is done by making sure that there is continuous contact between the children and their immediate families (de Villers, 2008). Section 157 (b) (i) and (ii) of the Children's Act, addresses the issue of reunification, depicting its paramountcy. It provides that under the supervision of the designated social worker, the child, parent or caregiver should access the reunification services (Section 157 of the Children's Act 38 of 2005). This should be done in consideration of the best interest of the child. Kleijn (2006), opines that reunification services ought to comprise of a documented plan, that stipulates how the reunification services are to be conducted. de Villers (2008) argues that this is highly impossible as social workers fail to adhere to the stipulated schedules in the plan. There is a lot of administrative work as well as court appearances. It can be noted that reunification only takes place when there are no imminent threats to the child's safety. Thus, when a child has no immediate family to reunify with, a host family is secured for this purpose.

Frimpong-Manso and Bugyei (2019) posit that some reunifications are a success as the children involved tend to enjoy a stable home environment while it is evident that a significant number of these children have a fallback and they have to return to alternative care. This happens because the children fail to get the needed support to adjust to life after being institutionalised by their families. Frimpong-Manso and Bugyei (2019) state that a study conducted in the UK concluded that 35% of the children who exited care, re-entered within five years. This is because, when children return home, they tend to experience issues such as poor parenting, neglect as well as re-abuse, (Frimpong-Manso and Bugyei, 2019). This damages children's emotional as well as social well-being. Eventually diminishing the ability of these children to establish a secure relationship with anyone due to repeated separation from their primary caregivers.

### **2.13 Holiday Placement as part of the Reunification Process**

Going on holidays can be regarded as an essential part of the reunification process. Children in institutional care have to keep in contact with their families and going home during holidays allows them to bond with family members. During most public holidays the children are allowed to go visit their families. Whenever a child goes for holiday placement, a Leave of Absence is applied and the form (LOA) is filled per section 168 of the Children's Act. A leave of absence is defined by Mahery *et al*, (2011:39) as, "when a child temporarily leaves the care of the person, scheme or centre that was appointed by the court to look after the child. The child may be returning to the care of the parents or a family member. Leave of absence cannot exceed six weeks at any given time". Section 168 of the Children's Act gives guidelines on how these placements are to be conducted. It provides that, the leave of absence is authorised by the person the child was placed under, and in the case of a CYCC, it is the manager of the centre with the help of the residential and placement social worker (Section 168 of the Children's Act 38 of 2005). It is paramount that the child returns to the CYCC, on expiry or cancellation of the leave of absence. If a child fails to return, the penalty of non-compliance is either a fine or imprisonment for up to 10 years and sometimes both (Mahery *et al*, (2011:40). The Leave of Absence form highlights where the child is going, the background of the child concerning where he /or she is going, and the reasons why the child is applying for this

leave. Upon return, the child is evaluated to try and understand how they felt about their holiday placement. This helps with the process of reunification. The social workers can evaluate and note if the child is mentally ready for re-integration

#### **2.14 The Availability of Post Institutional Support to OVCs**

de Villiers (2008:85) opines that it is paramount that children are reunited with their biological families the moment it can be acknowledged that the initial threat that led to the removal of the child ceases to exist. They further highlight that, "if reunification services are properly and regularly carried out, they can gradually heal the parent-child relationship to the extent that it sometimes becomes possible to return the children to their families". This can be done earlier than the pre-determined period of stay in alternative care. Reunifications are paramount and they can only be successful when both the child, the parent, and the family at large are engaged in the reunification process. Family reunification services are paramount and have to accommodate all parties involved. This encourages lasting efforts of reunification. The social worker that is facilitating the reunification process has to investigate the root causes that led to the placement of the child into an institution and take precautionary measures to avoid the child being placed again after reunification. The reconstruction services should allow child participation as provisioned in the Children's Act. Reunification is still possible when both the child and the parents are to get involved in the decision-making process as well as be committed to working hand in hand with the designated social worker handling their case. de Villiers (2008) concurs highlighting that the reconstruction social worker has to focus more on strengthening as well as supporting families during the period when their children are still in care. This can allow parents to reunite with the child sooner than anticipated. This is a very noble proposition; however, it fails to materialize because reconstruction social workers have high caseloads and might not be able to put more attention on strengthening families (Potgieter and Hoosain, (2018).

de Villiers (2008), posits that the central point of reconstructive services is to enable continuous interaction between parents and their children. This should be done while helping parents to develop their proficiency in parenting and realizing coping mechanisms to avoid reunification and adaptation difficulties when the children return. It is unfortunate

that reconstruction services rendered are unreliable and highly inadequate (de Villers, (2008:85). In their argument, they highlight that there are very few social workers employed by either organizations or the DSD leading to heavy workloads that make it difficult for social workers to give adequate time to each case they have. The social workers must help the families and children establish mutual relationships that will promote the chances of successful reunification. Manukuza (2013), posits that the circumstances are intensified by the presiding officers at the Children's Court who occasionally discard the recommendations that have been made by the statutory social workers regarding placing and reunification of the child concerned. de Villers, (2008:33) highlight that, children and their families have to receive reunification services. This should be done before and after reunification. Social workers facilitate the process of reunification by doing case reviews. (de Villers, (2008:33) "states that reunification services should include a documented plan stipulating the rendering of reunification services. Unfortunately, the amount of administration and court appearances often prevent the social worker from adhering to the stipulated time frames as formulated in the plan". Case reviews are supposed to be completed for every child that has been placed in alternative care. This allows the social workers the child's progress as well as the role of the parents in working towards reuniting with their children.

### **2.15 Challenges Faced by OVCs During and after Reunification**

Economic hardships bring a constraint to reunified children as they tend to experience challenges in areas such as accessing education which leads to school dropouts thus increasing the presumed risk of child labour as well as early marriage (Frimpong-Manso and Bugyei, 2019). This is not the only challenge OVCs experience, they also suffer from reverse stigma. They are stereotyped as children from institutions making it difficult for them to fit in. Frimpong-Manso and Bugyei (2019) depict that many children re-enter formal care after reintegration as the problems that made them leave home at first are still there as they return home. This is fuelled by the fact that parents and children have various challenges. These may include alcohol and drug abuse, mental health problems, child behaviour challenges as well as financial difficulties (Frimpong-Manso and Bugyei, 2019). They further attribute that there is too much pressure from NGOs and donors to

lessen institutional care and attain targets within a short time frame. This has given rise to rushed reintegration without suitable preparation. Children are thus forced to return to their families who are not ready to receive them back as well as to assume their parental obligations. This does not comply with the best interest of the child principle. This is more of a result-oriented approach rather than focusing on what is in the best interest of that particular child. This is the reason behind the re-institutionalisation of OVCs.

Another major challenge faced during reunification is that they struggle to cope with the dire living circumstances that they find in their private homes which is contrary to the lavish life they got accustomed to at the care facilities (Frimpong-Manso and Bugyei, 2019). They further highlight that reunified families tend to receive less support but more scrutiny post-reunification. Parents of reintegrated children are found to be underutilising services at their disposal, even when they are offered as they are afraid of being accused of being unable of caring for their children. Another constraint is that of human and financial limitations as they are never adequate. This can be attributed to the fact that follow-up support generally lacks due to reintegration programmes being offered by NGOs are short-term solutions, (Frimpong-Manso and Bugyei, 2019).

## **2.16 The Effectiveness of Post-Institutional Support**

Post-institutional support is effective to a certain extent. Sibanda and Lombard (2015:344), posit that it is a challenge for the social workers to effectively implement the provisions of the Children's Act during reunification and offer post-institutional support due to human resource challenges. They highlight that these challenges stem from "the shortage of social workers, which inevitably leads to high caseloads", (Sibanda and Lombard (2015:344). The consequences of this have been depicted to cause serious delays in responding to the needs of the children and in worst cases, there will be delays in emergency response. de Villiers (2008:23) concurs that due to these heavy caseloads, social worker seems to only find time to handle emergencies rather than preventing them. They go on to state that, these heavy caseloads hinder social workers from "delivering intensive early intervention and prevention services", (de Villiers (2008:23). This will afford the social worker time to assess their clients' "development and education needs, provide support and empower clients during prevention and early

intervention services" (de Villiers (2008:23). Kleijn (2004:93), argues that the social welfare system is problematic in South Africa. Kleijn cited the high turnover of social workers. Most people wish that their current social worker would not disappear or be changed. One case can be handled by a handful of social workers in less than three years (Kleijn (2004:93). This depicts that every new social worker on the case has to re-investigate and eventually it takes a long time for a case to be resolved. Kleijn (2004:93) suggests that the government ought to provide more resources and funding as a way to improve prevention and early intervention services that can allow keeping children with their parents. This can solve a lot of problems and the principle of the best interest of the child will be observed.

## **2.17 Conclusion**

The fundamental thrust of chapter 2 was to critically review existing literature on the inefficiencies of the orphanage system with regards to the integration of orphans and vulnerable children into mainstream society. The chapter defined the OVCs and highlighted that the research will mainly focus on the experiences of a social orphan during reunification. A social orphan is a child who has been made vulnerable due to neglect and desertion. The chapter went further to depict the challenges these OVCs come across during reunification, portraying the causes as well as the effects of institutionalisation. Local and international Legal Frameworks were evaluated to depict their role in protecting the rights and welfare of the OVCs. It was evident that in all matters concerning the welfare of the OVCs, the best interest of the child is supposed to be put into consideration.

## **CHAPTER 3**

### **Research Methodology**

#### **3.1 Introduction**

This chapter focuses on the research methodology and methods that are employed in this dissertation. The chosen research methodology was very helpful in establishing facts and analysing the information to reach a conclusion to the research questions. The researcher has systematically identified the problem by establishing the cause and effect in an attempt to garner a feasible solution to the challenges that are being faced by the OVCs during and after reunification. The chapter outlines the research design, the choice of methodology, the sources of data, sampling as well as the data collection methods.

#### **3.2 Research Design**

Goundar (2012), defines research as a logical enquiry on new useful information on the issue under study. Research is set to decipher solutions to social and scientific problems using objective and systematic analysis. Research aids the discovery of hidden truths (Goundar, (2012). Jamshed (2014:87), define research methodology as "a strategy or architectural design by which the researcher maps out an approach to problem-finding or problem-solving". This study will lead to new contributions to the existing knowledge.

Research design can be viewed as a strategy that is used to respond to a research question that the researcher will use to integrate different research components logically (Saunders *et al*, 2009). It is the glue that holds the research study together. van Wyk, (2012:4), posits that "the research design articulates what data is required, what methods are going to be used to collect and analyse this data, and how all of this is going to answer your research question". This research design will make it easier to answer the what, how, and why questions. This research employed an exploratory qualitative research technique with the aid of the socio-legal framework exploring the integration of OVCs, into the mainstream society from St Monica Children's home. Exploratory research investigates a problem that is not clearly defined. Exploratory research focuses on exploring specific issues of the research instead of providing final or conclusive responses

to the research questions and objectives (Pride and Ferrell, 2007). van Wyk, (2012:8), views an exploratory study as "the most useful (and appropriate) research design for those projects that address a subject about which there are high levels of uncertainty and ignorance about the subject, and when the problem is not well understood".

Tongco, (2007:147), asserts that "data gathering is crucial in research, as data is meant to contribute to a better understanding of a theoretical framework". To address the research objectives, this research employed a qualitative research method with a combination of both primary and secondary sources. Pathak *et al* (2013:192) highlight that a qualitative research technique is used to grasp people's views, attitudes, relations, conduct, and experiences. It gives a voice to the people who fall under the preferred group. Creswell *et al*, (2011), concurs with Pathak *et al* as they state that, qualitative research focuses on people's view and understanding of the world, out of their own experiences. Qualitative research is "non-numerical, descriptive, applies reasoning and uses words" (Goundar, (2012:9). The aim is to derive meaning and feelings while describing the issue under study. According to Creswell and Poth (2016), qualitative research "begins with assumptions and the use or interpretive/theoretical frameworks that inform the study of research problems addressing the meaning individuals or groups ascribe to a social human problem". Kothari, (2004) states that qualitative research aims at determining the fundamental motives and desires of a human phenomenon with the aid of in-depth interviews. It is concerned with individual attitudes, sentiments, and behaviour.

#### According to Goundar

The word qualitative implies an emphasis on processes and meanings that are not rigorously examined or measured (if measured at all), in terms of quantity, amount, intensity, or frequency. Qualitative researchers stress the socially constructed nature of reality, the intimate relationship between the researcher and what is studied, and the situational constraints that shape inquiry. In contrast, quantitative studies emphasize the measurement and analysis of causal relationships between variables, not processes. Inquiry is purported to be within a value-free framework, (Goundar, (2012:19).

The qualitative and quantitative research methodologies denote the kind of data produced during the research process. Quantitative data is in numerical form, while qualitative data is in prose or textual form. Qualitative research is based on interpretivism, (Goundar, (2012). This is because reality is socially created, it is forever changing. Creswell *et al* (2011), opines that qualitative research is concerned with understanding the developments and the social-cultural framework. It can be observed that qualitative research, unlike the quantitative counterpart is an extremely subjective research discipline, that is intended to look past the statistics to garner an understanding of impressions, feelings, and viewpoints, (Goundar, (2012).

Goundor (2012:21), posits that "gaining such insight into the hearts and minds of people is best acquired through the use of smaller, highly targeted samples". Therefore, this research is in the form of a case study. A case study research design has been selected as an instrument that will assist the researcher in gaining an understanding as well as acquiring the socio-legal knowledge under investigation. Heale *et al*, (2018) define a case study as an "intensive study about a person, a group of people, or a unit, which is aimed to generalize over several units". It focuses on a smaller population. Creswell *et al*, (2011:75) assert that a case study is a "systematic inquiry into an event or set of related events which aims to describe and explain the phenomenon of interest". They further define it as an empirical enquiry that examines a contemporary phenomenon within its natural or real-life setting. Orphans and vulnerable children are a very broad group and selecting a case study streams it down to a manageable group that will represent the challenges that the OVCs are facing during and after reunification. Case studies strive to depict an understanding of how participants interact or relate with each other in certain situations how meaning is derived from the phenomenon under study. A case study gives a voice to the powerless and voiceless members of the community such as children and marginalized groups, (Creswell *et al*, 2011). The researcher gets to understand the dynamics of the situation at play by answering the 'how' and 'why' questions. A carefully chosen case constitutes the 'dewdrop' that reflects the world. Therefore, the study narrowed it down to children being integrated into mainstream society from one particular orphanage. In this case, it has been narrowed down to St Monica Children's home.

### **3.3 Sources of Data**

#### **3.3.1 Primary Sources**

Ajayi (2017:3) defines primary data as "original and unique data, which is directly collected by the researcher from a source such as observations, surveys, questionnaires, case studies, and interviews" according to his requirements. Data collection can be viewed as a methodical way of gathering data, that is regarded as relevant to the research purpose or questions. Mertens (2018:33), states that qualitative data collection "brings complex ethical issues to the surface". This is due to the personal nature the methodology employs. Qualitative data collection demands the researcher to work closely with participants bringing forth the "complexities associated with cultural norms, beliefs, values and behaviors" (Mertens, 2018:33). Primary sources of data are paramount in this study and this is the original data that the researcher collected. This is in the form of interviews that were conducted among the child care workers and social workers at St Monica's Children's Home. This is data that has not been stored, published, or analyzed before. It has been selected because it is more authentic, reliable, and objective as it is not edited to suit a particular outcome (Ajayi, 2017). This type of data is more valid as compared to secondary data.

#### **3.3.2 Secondary Sources**

The research also made use of the desk research methodology. This refers to secondary data that can be collected without fieldwork. Goundor (2012:19), postulates that "secondary research (also known as desk research) involves the summary, collation and/or synthesis of existing research". The researcher reviewed previous research findings to garner a broader understanding of the field of study. Heaton (2008:34), states that secondary sources of data involve "the re-use of pre-existing qualitative data derived from previous research studies". This is data that has already been collected and stored and, in some cases, published. This data comprises material or transcripts of semi-structured interviews, some responses to open-ended questionnaires among other stored data forms. Heaton (2008), opines that secondary analysis can be used to investigate new or additional questions or verify the findings of previous research. Ajayi (2017:3), depicts that "secondary data is easily accessible but are not pure as they have undergone

through many statistical treatments". Secondary data can be obtained from archived books and articles in the libraries. Jonhston (2017), asserts that secondary data analysis is when stored data that was collected for primary purposes by a different researcher is re-analysed. Secondary data was used to compare the primary data findings with those that is already recorded. This data was obtained from published literature, surveys conducted by the Department of Social Development, reports, and documents from St Monica Children's Home. This source of data has several advantages such as its readily available and accessible, it is not expensive to acquire, moreover, it made the researcher aware of potential challenges that can be encountered.

### **3.4 Target Population**

This is the group from which a certain number of individuals are selected, for a research study. They share similar characteristics. A target population is defined as "the group of individuals or participants with the specific attributes of interest and relevance", (Asiamah *et al*, 2017:1610). In a qualitative study, the target population is determined by focusing on participants that have the best experiences and thoughts on the challenges that the OVCs are facing during and after reunification (Asiamah *et al*, 2017). To determine the target population for this qualitative inquiry, the researcher identified and eliminated individuals of the general population who did not possess the ability to share the desired experiences and opinions in ample clarity and depth. The researcher focused on the caregivers who work with the OVCs daily instead of selecting all the employees at the children's home. Asiamah *et al*, (2017:1610) define the general population as the "largest group of potential participants of a qualitative study". In the current research study, the sample was selected according to experience, expertise concerning the integration of OVCs into mainstream society.

### **3.5 Sampling**

Tongco, (2007) asserts that the gathering of data is a very crucial research tool that leads to a better understanding of the theoretical framework. Marshal (1996:522) posits that "choosing a study sample is an important step in any research project since it is rarely practical, efficient or ethical to study the whole population". Hajimia (2014), states that

sampling is a process of selecting several individuals for a study. These individuals represent the group they have been selected from. Creswell *et al*, (2011:79) assert that sampling refers to "the process used to select a portion of the population for study". The purpose of sampling is to gather data on a particular population, in this case, child care workers and social workers from St Monica Children's Home, were interviewed to derive suppositions about this particular population. Sampling allows the researcher to obtain the "richest possible source of information to answer the research questions", (Creswell *et al*, 2011:79). Creswell *et al*, (2011:79) highlight that generally qualitative research is based on "non-probability sampling and purposive sampling rather than probability or random sampling approaches". Non-probability sampling "uses non-randomized methods to draw the sample", (Showkat and Parveen, 2017:6). It mostly involves judgment, (Showkat and Parveen, 2017:6). Non-probability sampling can be in the form of: "convenience sampling; purposive sampling; quota sampling and snowball sampling", (Showkat and Parveen, 2017:7). This study made use of non-probability sampling techniques, in particular, purposive sampling.

Creswell *et al*, (2011:79) define purposive sampling as a process whereby participants are selected due to some characteristics, they possess making them the holders of the data that is required for the issue under study. Tongco, (2007:147) defines purposive sampling also known as judgmental sampling as the "deliberate choice of an informant due to qualities the informant possesses". Showkat and Parveen, (2017:7) opine that "the researcher chooses the participants as per his/her own judgment, keeping back in mind the purpose of the study". With this type of sample, the researcher "hardly knows whether the cases selected do represent the population or not", (Showkat and Parveen, 2017:7). Hajimia (2014) defines purposive sampling as the process where the researcher chooses a sample based on the knowledge or experience of the group to be sampled. It does not need underlying theories and a specific number of informants (Tongco, 2007). Tongco, (2007) further highlight that it is up to the discretion of the researcher on what needs to be known, the type of informants by virtue of their knowledge bank or experience as well as the number that is deemed reasonable to gather the data that is required. According to Tongco, (2007), the purposive sampling technique is effective when the researcher aims to investigate a certain cultural realm with well-informed professionals. The domain

selects participants according to their knowledge of the subject matter. Purposive sampling enables the employment of judgment in hand-picking cases that enable the researcher to respond to questions to achieve the desired goals. It should be noted that only the sample selected is the one precise to the study requirements of the study.

### **3.6 Sample Size**

According to Marshal (1996:523), "the size of the sample is determined by the optimum number necessary to enable valid inferences to be made about the population". Isaacs (2014:320), depicts that, "an appropriate sample size for a qualitative study is the one that answers the research questions". Therefore, there is no formula set or criterion to calculate the possible sample size. The sample for this research study included, five child care workers from St Monica Children's Home, and one residential social worker that works hand in hand with the fore mentioned institution. All the participants were female employees of the children's home who are in their early and late thirties in age. The respondents are all females, as all the child care workers and social workers that are employed by the institution are all females. This sample is chosen since the participants know the subject matter. They work with these children on a day-to-day basis. The sample size is small because the demography of employees at the institution is small. There is a total number of fourteen (14) child care workers and two (2) residential social workers at St Monica Children's Home.

### **3.7 Pilot Study**

Kim (2011:191) defines a pilot study as a "feasibility study that comprises small-scale versions of the anticipated research to answer methodological questions and to guide the development of the research plan". It prepares for the main study, ensuring that methods and ideas would work in practice, (Kim, 2011). Before the study was undertaken, the researcher conducted a pilot study to determine the feasibility of the chosen research instrument (interviews), to find out if there can be practical issues and difficulties that could be encountered during the study and how they could be resolved before the commencement of the full study. The method of data collection that was used during the pilot study was the use of in-depth interviews guided by a semi-structured interview guide.

Due to the study sample being very small, only one caregiver and one social worker were recruited. They were re-interviewed as they also formed part of the chosen sample. The pilot study helped the researcher restructure the interview schedule. The social worker's responses were more aligned to reunification, while the caregiver focused more on the upbringing of the OVCs. This supported the decision to include both caregivers and social workers in the study.

### **3.8 Research Instrument**

#### **3.8.1 Interviews**

The researcher made use of interviews and, with the advent of the global pandemic, Coronavirus (COVID 19), interviews were conducted telephonically. An interview is an important "qualitative research method in which the researcher collects data directly from the participants", (Showkat and Parveen, 2017:2). Creswell *et al*, (2011:87) defines an interview as "a two-way conversation in which the interviewer asks the participants questions to collect data and to learn about the ideas, beliefs, views, opinions, and behaviors of the participant". They further highlight that an interview in a qualitative study is a form of conversation that provides the researcher with empirical data by asking participants to retell their situation. The aim of qualitative interviews according to Creswell *et al*, (2011:87), is "to see the world through the eyes of the participant, and they can be a valuable source of information, provided they are used correctly". The participant's construction of knowledge and social reality can only be understood by obtaining rich descriptive data about the social issue under study. MacDonald, (2012:42) highlights that, interviews allow the chosen participants to describe their situation. Interviews are regarded as a theoretical approach to data collection which allows an engaging form of enquiry, (MacDonald, 2012:42). This is the most appropriate data collection method when doing an inquest on human experiences. Interviews offer the researcher "access to people's ideas, thoughts, and memories in their own words rather than the words of the researcher", (MacDonald, 2012:42). An interview is a face-to-face verbal communication whereby the researcher tries to elicit information from the respondents and in most cases through direct questioning, (MacDonald, 2012:42). Interview questions must be

formulated carefully to allow participants maximum opportunity to address the issues that are affecting them, (MacDonald, 2012).

Isaacs (2014:320), argues that interviews can be either semi-structured or in-depth, this is when a list of comprehensive open-ended questions is used to cover main inquiry areas. This allows a degree of deviation on the part of the interviewee to provide a contextual probability which may be vital in studying the respective phenomenon, (Isaacs, 2014:320). In-depth interviews may be described as personal and semi-structured discussions. Kumar (2019), argues that in-depth interviews may be regarded as the understating of participant perception through personal meetings between researcher and respondent to understand participants' perceptions. This enables to depict feelings, emotions, and views of participants concerning post institutional care of the OVC as they get into mainstream society after institutional care. Semi-structured interviews consist of various important questions that may shed light on the issue under discussion. It also allows both interviewer and respondent to swerve in pursuit of greater detail (Gill *et al*, 2008). Furthermore, Gill *et al* (2008), argues that it enables the respondents to get insight on what is to be included in the discussion. The flexibility enhances the expansion of responses provided which are deemed important by respondents, though it might not have been formerly alleged as important by the interviewer. Gill *et al* (2008), also assert that interviews are deemed suitable in situations where the interviewer has little information of the subject under study or in situations where comprehensive perceptions are important from these respondents.

The prospective sample was approached and written consent was obtained before the interviews took place. They were given detailed information about the objectives of the study. The interviews were conducted in the participants' language (isiZulu) when it was deemed necessary, this was done to ensure that the participants fully understood the aims, purpose, and objectives of the study. Jamshed (2014:87), depicts that, "these types of interviews are conducted once only, with an individual or with a group and generally cover the duration of 30min to more than an hour". To be able to achieve optimum interview time, an interview guide aided in expropriating many responses from respondents more systematically and comprehensively, (Jamshed, 2014:87). This kept

the interview focused on the desired line of study. The question guide comprised of core questions and associated questions that were related to the main question. The recording of the interview sessions by writing the responses down allowed interview data to be captured more effectively. Creswell *et al*, (2011:89) state that one way to record interviews is by writing the answers down, but this can be time-consuming and distracting.

### **3.9 Data Management Strategies**

Data management strategies allow for the recording of the movement of data following the progressive stages that begin with collecting, storing, cleaning, reduction, reviewing, and archiving, (Borghi *et al*, 2018). According to Borghi *et al* (2018:2), "Research data management (RDM), is a term that encompasses activities related to the storage, organization, documentation, and dissemination of data, is central to efforts aimed at maximizing the value of the scientific investment and addressing concerns related to the integrity of the research process". Marlina and Purwandari (2019), posits that RDM ensures the availability of data access and preservation for a long term. Borghi *et al* (2018:2), concurs that, RDM practices "make the research process more efficient, facilitate collaboration, and help prevent the loss of data". Data collected was only handled by the researcher to preserve the reliability, validity, and quality of the presented information. This also ensures the desired participants' confidentiality. The records on notes taken, impressions of the data were kept in a research diary. The analysis views were also noted during the research process. The researcher took notes during interviews. This was after consent was granted by participants, making sure all the issues uttered can be available for analysis. The data was arranged in themes making it easier for the researcher to analyse it and compile the final document that will be available for future study purposes on the challenges that the OVCs are facing during and after reunification.

### **3.10 Data Analysis Strategies**

Creswell *et al* (2011:100) assert that qualitative data analysis is an interpretive philosophy that examines the "meaningful and symbolic content of qualitative data". They further highlight that the main goal in analysing qualitative data is to summarize what the

researcher has heard or seen during data collection. This can be in the form of "common words, phrases, themes or patterns" (Creswell *et al*, 2011:100). This makes it easier to understand and interpret emerging information. This is because qualitative data consists of words and observation rather than numbers and statistics. The aim is to interpret rather than measure the raw data. Content analysis was used to evaluate the information collected from personal interviews. Creswell *et al*, (2011:101), define content analysis as a "systematic approach to qualitative data analysis that identifies and summarizes message content". They further posit that data is analysed from different angles to identify keys that will enable the understanding and interpretation of raw data. The thrust is to decipher similarities and differences in the data. The data that was collected was divided into themes and sub-themes, to allow comparisons. Content analysis is advantageous as it eases the condensing and streamlines the collected data. It also helps in constructing results being evaluated through the use of quantitative research practices, (Erlingsson, 2017). With the aid of content analysis, the researcher can structure the qualitative data that has been gathered in a way that fulfills the research purposes. Thus, content analysis makes use of codes that are structured to respond to the what, who, where, or when questions, (Erlingsson, 2017). This is a flexible means of data analysis. Creswell *et al*, (2011), highlight that this is most suitable for analysis of data from interviews. Isaacs (2014) states that interviews are recorded using, either a digital or analogue voice recorder and which are then transcribed. Data analysis is built on the foundation provided by Interview transcripts, (Isaacs,2014). The data collected from the field was cautiously and methodically processed to depict the key aspects of the data. This helped to facilitate the comparisons and prepare them for further analysis and interpretations. This process involved editing, classification, and presenting the data gathered from the field. This data has been closely scrutinized to make it error-free thus being reliable.

### **3.10.1 Editing**

The telephonic interviews were conducted mostly in the English language and IsiZulu was used to make the participants understand the questions better. Some participants responded in IsiZulu and this was later translated into the English language. Translation might have led to some of the original impressions being lost. During the interviews, the

responses were noted down as well as impressions perceived. The interviews were then transcribed to allow for easy analysis. During editing, the researcher checked the clarity of responses that were given and, in some cases, had to call back the participants to clarify their utterances.

### **3.10.2 Classification**

Data collected from the interviews were analysed using content analysis. It was then grouped into common themes. The research questions for the study facilitated the development of themes during interviews and analysis of data collected. Three major themes emerged which were further divided into sub-themes. These themes are interrelated and allude to content found in another theme.

### **3.10.3 Presentation of data**

The findings of the research study are presented and discussed in chapter four of this study.

## **3.11 Validity and Reliability of the Study**

Bashir *et al* (2008), asserts that both qualitative and quantitative research studies aim to discover the ultimate truth. Qualitative research aims to understand and describe human experiences. It is highly impossible to evade the subjective experience, (Bashir *et al*, 2008). Brink (1993) posits that validity and reliability are vital features of every research. Golafshani (2003:601), states that "validity and reliability are two factors which any qualitative researcher should be concerned about while designing a study, analysing results and judging the quality of the study". They differentiate good and poor research enabling other researchers to credit and trust the research findings. This is very important in a qualitative study as the researcher's bias can cloud the understanding of data leading to research findings being questionable, (Brink, 1993).

Validity in the research focuses on the accuracy and truthfulness of the research findings, (Brink, 1993). Golafshani, (2003), opines that the quality of a research study is closely linked to the generalizability of the findings and increases the trustworthiness or validity of the research. Reliability focuses on the "consistency, stability and repeatability of the

informant's accounts as well as the investigators' ability to collect and record information accurately", (Brink, 1993:35). This means the same results should be obtained when the same methods of data collection are used. Qualitative data unlike its quantitative counterpart is difficult to determine validity and reliability. Some scholars as noted by (Golafshani, 2003), argue that validity and reliability do not apply to qualitative research. Noble and Smith (2015:34), opines that "qualitative research is frequently criticized for lacking scientific rigor with poor justification of the methods adopted, lack of transparency in the analytical procedures and the findings being merely a collection of personal opinions subject to researcher bias". Demonstrating the validity and reliability of this research study is challenging as there is no standard of judgment that has been universally accepted. To establish the validity and reliability of the study, the researcher employed the strategies suggested by Noble and Smith (2015) which are:

1. "Accounting for personal biases which may have influenced findings;
2. Acknowledging biases in sampling and ongoing critical reflection of methods to ensure sufficient depth and relevance of data collection and analysis;
3. Meticulous record keeping, demonstrating a clear decision trail and ensuring interpretations of data are consistent and transparent;
4. Establishing a comparison case/seeking out similarities and differences across accounts to ensure different perspectives are represented;
5. Including rich and thick verbatim descriptions of participants' accounts to support findings;
6. Demonstrating clarity in terms of thought processes during data analysis and subsequent interpretations;
7. Engaging with other researchers to reduce research bias;
8. Respondent validation: includes inviting participants to comment on the interview transcript and whether the final themes and concepts created adequately reflect the phenomena being investigated;
9. Data triangulation, whereby different methods and perspectives help produce a more comprehensive set of findings". (Noble and Smith, 2015:34-35)

### **3.12 Conclusion**

The thrust of this chapter was to describe the chosen methodology. The research methodology for this research study has been designed to carry out the study systematically. A qualitative research design was employed to make sense of the human experiences and recognise the challenges that the OVCs are facing during and after reunification. The data has been collected using a semi-structured telephonic interview guide. This helped in coming up with feasible solutions to the identified problem. The qualitative study is subjective thus there are no statistical measurements.

## **Chapter 4**

### **Data Presentation and Analysis**

#### **4.1 Introduction**

The integration of the OVCs back into their previous societies has emphasized the inadequacies of the orphanage system. Research indicates that OVCs in orphanages are not ready for life after institutionalization. This study investigated whether post-institutional support takes into consideration the best interest of the child principle. It evaluates the challenges they experience during this time and the root cause of these challenges. The study sought to answer questions that relate to the challenges experienced by orphanages in particular St Monica Children's Home in providing the skills needed for reunification. The study also responds to questions on post-institutional support and challenges faced during this phase of the children's lives. This chapter thus summarizes the qualitative data that has been gathered from the six telephonic interviews, from the case study, and secondary data to answer the research questions brought forth at the inception of the study. The chapter summarizes what the researcher has heard in terms of common words, phrases, and themes that aided in the understanding and interpretation of the emerging data. It further examines the foreshadowed problems, exploring the inferences that were predetermined on the challenges that are faced by the OVCs during and after integration into mainstream society. Socio-legal empirical research theory and content analysis were employed to assess the information which was collected from the telephonic interviews. This chapter is organized according to themes that answer the who, what, when, and where questions. Which were categorized during the interview sessions guided by the posed research questions. The key aspects were highlighted in color to easily group and compare them. During editing and classification, the data was scrutinized to ascertain the reliability of the presented data. The names of respondents used in this chapter are all pseudonyms to protect the identity of the respondents.

## 4.2 Response Rate

Non-probability sampling in the form of purposive sampling was used to select the respondents by virtue of their knowledge and experience. The response rate was 100 percent. All the selected participants were willing to take part in the study. Their responses will be discussed in this chapter.

## 4.3 Presentation and Analysis of Data Collected

### 4.3.1 Demographic Profiles of Participants

Respondents were all employees of St Monica Children's Home. They are all experienced child care workers and social workers with vast years of experience ranging from five to ten years of working experience. This is a knowledgeable group of professionals on the possible challenges that are faced by OVCs during and after reunification. A purposive sampling technique was employed to hand-pick respondents that fit the criteria needed to respond to the research questions to achieve the desired aims of the research. The institution has a total of fourteen child care workers and five were selected by the institution to be the respondents of this study. One residential social worker was selected out of the two that are employed by the institution.

Table 4.1 below sets out the demographic profile for each of the participants.

**Table 4.1: Demographic profiles.**

Participant	Age	Gender	Race	Work experience	Education
Participant 1	33	Female	Black	6 years	Diploma in Child & youth care work
Participant 2	32	Female	Black	5 years	Certificate in Child & youth care work
Participant 3	40	Female	Black	10 years	Student child & youth care work
Participant 4	39	Female	Black	5 years	Diploma in Auxiliary child care

<b>Participant 5</b>	38	Female	Black	10 years	Student child & youth care work
<b>Participant 6</b>	38	Female	Black	6 years	Degree in Psychology

All the six respondents are single black women who are between the ages of 30 and 40 years, with some having children of their own. The respondents are all females, as all the child care workers and social workers that are employed by the institution are all females. This has a negative impact on the boy child, though the children's home releases them to other institutions or reunification at the age of 12 years. The only male people they come across are the office staff and other general employees. This age group was selected as they have more years of experience in the field. They know a lot about the upbringing of children in CYCC and the reintegration process. It can be asserted that the level of education and expertise in work practice, go hand in hand. The six respondents are either fully qualified or pursuing a qualification in the profession. Four of the respondents are fully qualified in a program that is aligned to child care and protection, while the other two are still studying hoping to be a fully qualified child and you care workers. Table 4.1 depicts the diverse areas of study the participants undertook. All the participants with their level of education are fully aware of the children's rights provided in the Children's Act and work according to the provisions.

**4.4 Themes**

Three themes emerged during the telephonic interviews and compilation of secondary data.

**Table 4.2: Themes and sub-themes of the research findings.**

	<b>Theme</b>	<b>Sub-theme</b>
<b>Theme 1</b>	Challenges encountered by <i>institutions</i> during and after placement of OVCs into institutions	1.1 Placement of OVCs in places of safety. 1.2 Challenges encountered by institutions during and after placement

<b>Theme 2</b>	Challenges encountered by both <i>OVCs and institutions</i> during and after reunifications.	2.1 Institutions during reunification 2.2 OVCs during reunification
<b>Theme 3</b>	The shortcomings of post-institutional support.	3.1 The availability of post-Institutional support to OVCs.

The themes were methodically divided into sub-themes to depict the key aspects of the collected data. This facilitated easy analysis and interpretation. These themes are interrelated and a theme can allude to the contents of another theme.

**4.5 Discussion of Themes:**

**4.5.1 Theme 1: Challenges Encountered by Institutions During and after Placement of OVCs into Institutions**

Children who need care and protection are placed in alternative care. It can either be foster care or institutional care (CYCC). This study focuses on challenges faced by children placed in CYCC. Section 151 of the Children's Act provides for conditions that lead to children being removed from their homes and placed in CYCC. It gives guidelines to be followed for a favourable removal and placement under Section 158 of the Children's Act. This is carried out by observing the best interest of the child. The interviews highlighted challenges that are faced during the process but focused mostly on challenges faced after placement. This is because they have a big impact on the reunification of OVCs. The participants depicted that the placement and upbringing of children in CYCC is not an easy task. There are many challenges since these children are coming from different backgrounds and have varying needs

**4.5.1.1 Sub-theme 1.1: Placement of OVCs in Places of Safety**

The CYCCs are actively involved during the placement of a child. The residential social workers and child and youth care workers in CYCC play a pivotal role in the process. From the interviews conducted it was evident that, before the child is placed, the CYCC conducts their assessment on the child unless it's an emergency placement and even for those, the assessment is conducted during the initial days of placement. When the

respondents were asked about the importance of this process. They responded as follows:

**Table 4.3: Placement of OVCs**

Participant	Response
<b>Participant 1</b>	We have to know what problems the child has been facing, <i>lokhu kuzosisiza ukuthi sazi ukuthi soyiphatha ngayiphi indlela</i> (this will help us know how to deal with the child). We will be able to understand some of the behavioural qualities they will do.
<b>Participant 2</b>	We conduct assessment before the child is placed with us. The child has to understand the reasons he/she is being removed from home and placed with us at the children's home. We also have to understand who these children are so we can be able to help them.
<b>Participant 3</b>	Assessment makes us understand the situation the child is coming from and we will find a way to assist the child.
<b>Participant 4</b>	Social workers conduct the assessments.
<b>Participant 5</b>	This is done by the social workers.
<b>Participant 6</b>	Assessment is very important as we try to gather as much needed information on the child's life. This helps us determine the nature of risk the child is in, are there any possible dangers that can harm the child. This will make us determine the needs of the child. You see, when the child is placed with us, it is our role to make the child feel comfortable and understand that this is just a temporary home, they still have to go back home. So, an assessment will make us know if the child will be safe returning home or we will have to reunify the child with a different caregiver or relative.

From the interviews, it was evident that assessment of the child will help answer the questions: What has been happening? What is happening now? What might happen? How likely is it to happen? How serious will it be? If these questions posed are answered,

it will guide the reunification process of the child from the onset of placement. This information is not only gathered by the children's home, they work hand in hand with the placement/reconciliation social worker. This social worker is the one referred to as the designated social worker in the Children's Act. With the help of the residential social worker, the reconciliation social worker facilitates the reunification process. Most of the participants, noted the importance of assessment as, allowing the children's home to have background knowledge of the children placed with them. Participants 1 and 2, highlighted that this will make them know how to help these children. Participant 6, stated that assessment allows the social workers to determine the nature of risk that the child is in. this will help them eliminate possible dangers that can harm the child.

#### **4.5.1.2 Sub-theme 1.2: Challenges Encountered by Institutions during and after Placement**

de Villers, (2008:53) opines that "child placement is done with the assumption that reunification between the children and their biological parents is possible and in the best interests of the children". Child placement in alternative care especially in CYCC provides safety by removing them from situations that can endanger them, either physically or psychologically. This could eventually provide them with much-needed emotional and educational needs. The children's homes provide all this preparing them for the time they have to re-integrate back into their biological or adoptive families. Institutions and OVCs encounter a lot of challenges during this period. Some of these challenges are highlighted in table 4.4 below:

**Table 4.4: Challenges encountered by institutions during and after placement**

Participant	Response
<b>Participant 1</b>	We provide umbrella skills to children. The children follow a specific routine that is prescribed by the children's home. Every cottage has a roster that the children follow. Every day they do different house chores such as cooking, cleaning and general tidying up. This does not apply to every child but those 13 years and above. 12 years and below do minimal tasks as there are employees who takes care of these duties.

<b>Participant 2</b>	It's not fair for the child to start doing chores late, some come here doing chores already but when they come, they have to stop because the age does not permit them.
<b>Participant 3</b>	The policies are not good for <i>lezi ingane</i> (these children), <i>ingane iyazi ukuziwashela yona qha</i> (a child does their laundry) but when they get home, they have to wash for the whole family. Unfortunately, these children see it as abuse instead as normal day to day life. When it comes to cooking, there are no duties, the child has to cook on a day-to-day basis. Every time they come from holiday placement, they will be complaining that they were abused and do not want to go back there again.
<b>Participant 4</b>	It's common for the children to come complaining saying they would hear their relatives saying 'just leave her, uyazazi ingane zase home' (you know the children from a children's home). This makes the children lose their self-esteem.
<b>Participant 5</b>	These children are treated like eggs. We have to make sure they are very comfortable and happy at all time even though sometimes this does not help them become better people. We simple have to follow the policies.
<b>Participant 6</b>	The main challenge that we come across as an institution is that of trying to help the children with their emotional problems. The children placed with us come from troubling backgrounds, they have suffered a lot and we still have to prepare them for aftercare (reunification). The process involves the children having contact with their families. They either communicate with their families telephonically or home visits. We call the home visits holiday placements. So, children are prepared for these home visits by the child care workers. The preparation involves teaching them house chores that they will have to do when they get home. This is not an easy task as some children are not willing to take part, they eventually do because these are part of their conditions to

	stay at the children's home. The child care workers create a replica family environment that will make them learn better these life lessons.
--	--

The main challenge as highlighted from the information gathered from the six interviews conducted is that, from day one of placement they have to start preparing the child for reunification. This is paramount as some children are placed for a short period. The family home has to be free from any form of danger or threats to the growth and development of the child before they can be reunified with their biological families. The child care workers highlighted that it is their role or responsibility to make sure that they create a family-like environment for the children. Every cottage has two child care workers who work on a five-day shift and take care of 15 children. The girls and boys are separated, they stay in different cottages. For cottages designated for boys two child care workers are stationed at a given time as there are regarded as a demanding group. The boy child gets the much-needed care though not having a male figure as a caregiver impacts negatively on them. They have no role model to emulate, and the female caregivers might not be in a position to impart some roles a boy child should learn from males. Participant 1, highlighted that they provide "umbrella skills" to children. When probed what this meant, she explained that the skills they teach children such as house chores suit the children's home best but not the real family situation. These were the same sentiments that were shared by the other child care workers. They all stated that they teach the children house chores dependent on age. Children below the age of 10, do not perform any household chores. The children's home has employees that do everything for this age group. The 10 – 12 age group does not do much, but tidy up the spaces and pick up papers. Their meals are provided, laundry is done for them among other things. Then from the age of 13 years until they leave the children's home, they start teaching them how to prepare meals, do their laundry, and general tidying up of the place. For meal preparation, there is a duty roster that they follow. Participant 3, highlighted some flaws with this system. She highlighted that this works well for the children's home but these children are not learning much about reality. The children's home tries, by all means, to make the children comfortable but forgets that the situation outside of these homes is different. This creates a big obstacle, as the child seems not ready for reunification. They enjoy the simple and

easy life they are accustomed to in the children's home. The relatives see these children as lazy and fail to understand that it is the system that is failing them. The system is not all to blame. St Monica's Children's Home accommodates, children from different races and cultures, so they have to balance their policies to accommodate this diversity. It's only the black children who seem to be disadvantaged the most by the system. This is due to the nature of the lifestyle associated with this group. They are stricter when it comes to the upbringing of their children compared to the other races. This leads to stereotyping and labelling of these children. Participant 4, stated that it is common for the children to complain saying they would hear their relatives labelling them as children from a Children's home and are not well mannered. This makes the children lose their self-esteem.

Participant 2, also noted that another failure is the inability to teach the children to be independent. These children depend too much on the protection of the children's home and therefore they fail to discover themselves. She voiced concerns that the children are not allowed to do anything or go anywhere without the supervision of the child care worker. The child care worker should be by their side from the time they wake up to get ready for school until they retire for bed in the evening. They do not walk to school but transport is provided to go there which is not a problem. The problem is that the child care worker on duty has to open the doors for the bus they use, for the children to board. It is as if the children are incapable of doing that. They then accompany them to school. When they get to the designated schools, the child care worker still has to open the doors for the bus and asks them to come out making sure they took all their belongings. After school it is the same process, she has to go and collect them from school. This is inexplicable since these children are transported by common transport which is a bus that belongs to the children's home. From the side of the children's home, it is clear that this is a protective measure to ensure that every child gets to school safe and returns safely as well. Participant 2, also gave another scenario that, when the children have to go into town, the malls even to the salons they have to accompany them. It does not matter how old the child is, even those exiting their teens are accompanied. Another scenario given, is when the OVCs have to play games outside, the child care worker has to be part of the play session. Participant 5, stated that "these children are treated like eggs". The question

then arises, how will these children learn to be independent? This is a different lifestyle from that of children in mainstream communities. How will these children be able to smoothly integrate back into their communities and behave just like every other child of their age? These are really serious concerns that were raised. It is very questionable if all these policies are in the best interest of the child.

Yendok and Somhlaba (2015:28), note that there are negative implications for placing children in orphanages as there is notable evidence of "poor cognitive, physical, and psychological development" in these children's homes. Adverse conditions that are not limited to a "poor stimulating environment, poor caregiving, strict routines, frequent absence of caregivers, stigma and administration restraints" have been perceived as affecting the emotional wellbeing of these children negatively (Yendok and Somhlaba, 2015:28). The caregivers were thus asked if there is special training they are given to deal with emotional and psychosocial issues that may arise as they take care of the children. The participants unanimously responded that there is no special training from either the children's home or the Department of Social Development. When asked how they dealt with the situations, they noted that, if they feel the situation is beyond their capability, they refer the child to the social worker. The children's home has a social worker and an auxiliary social worker who offer counselling services to the children and families. The residential social workers help the children and when they feel it's above their capabilities, the children are referred to outside agencies, where they can get specialized intervention from the reconciliation social worker, or other psychological services. These therapy sessions will help them recover from issues of abuse among others that are troubling them. They also offer group therapy to children who have similar issues so they can help each other overcome these issues as a group.

#### **4.5.2 Theme 2: Challenges Encountered by both OVCs and Institutions during and after Reunifications.**

Placement should be done with the hope of reunification. In situations where children face issues that pertain to abuse and neglect, their removal from the toxic environment is crucial (de Villers, 2008). But these children and their immediate families require reunification. Interviews conducted depicted the following challenges encountered by

OVCs and institutions during reunification. These will be discussed under the sub-themes: institutions during reunification and OVCs during reunification.

#### 4.5.2.1 Sub-theme 2.1: Institutions during reunification

Reunification is paramount to children placed in CYCCs. They are accommodated at children's homes for a certain period and have to return to their families or previous communities. Children are thus prepared for reunification from the day they are placed into an institution. From the six interviews conducted it can be universally acknowledged that the caregivers and residential social workers give these children the skills that are essential for life after spending time in a children's home.

**Table 4.5: Institutions during reunification**

Participant	Response
Participant 1	We help the children to understand that the home is not their permanent place and will have to go back home one day. So, they need to be ready. This is mostly handled by the social workers.
Participant 2	Children are given a leave of absence when they go home during holidays. This is facilitated by the reconstruction social worker.
	The children's home sometimes invites the families to come and spend time with the children at the home, so they get to know each other.
Participant 3	The residential social worker deals with the disengagement program
Participant 4	Children go home during holidays and spend time with their families
Participant 5	The children's home has extra rooms to allow families to spend more time with the children in the institution. This allows them to know each other better.

<p><b>Participant 6</b></p>	<p>Some children especially orphans have nowhere to go, the Children's Home has a program that we call 'host a child'. What the program is about, is that, we need to find families that can show love, affection to many of our children who have nowhere to go. Every child regardless of their background need this. We invite people through our website to apply to become a host family, some have been hosting children for a long time now. Then some are parents or the extended families of the children in our care and take along their children's new found friends to their homes during holidays especially Christmas holiday</p>
	<p>Not everyone who applies becomes a host family, they have to go through screening. This is done by social workers so as to determine whether they can offer or provide individual love, care as well as kindness to a child. The host family should be able to dedicate time to the child. The screening involves home visits, interviews and completion of necessary documentation and all other screening requirements</p>
	<p>Some of these children don't know what it means to be loved by a real family and this is beneficial as we sometimes note behavioural, as well as emotional changes and you see them being able to, now socialize with other children. They now feel like they belong somewhere and there is hope for them</p>
	<p>We try by all means to place every child, though some remain when we fail to find a family for them or when it's not safe for them to go back to the community. As you know some children are placed due to abuse and some, when their lives are in danger. So, if the perpetrator is still on the loose, it is not safe for the child to go back to the community.</p>

Reunification is a process and not an event. Child and youth care workers and social workers play a very pivotal role during this transition. This is because they are the ones that interact with these children daily. They have to try and build a strong relationship with the children in their care as it is beneficial for the child to feel a sense of love and belonging. When children are placed at places of safety, the DSD, makes it possible for them to keep in touch with their biological families. This allows a smooth flow of the reunification process. From the interviews, it was evident that children at St Monica's Children's Home are in contact with their families. They depicted that their main goal is to reunite the children in their care with their families or extended families and in some instances the community. They maintain telephonic contact between the children and their parents or extended families. They also highlighted that the children go back to their family homes during school holidays and some even during weekends. This helps them to create relations or bonds that are important for their growth. They get to know that they belong somewhere and what is expected of them from the community.

The residential social worker at St Monica Children's Home is the one responsible for holiday placements as part of the reunification process with the assistance of the reconciliation or placement social worker. This is then approved by the manager of the children's home. Whenever a child goes for holiday placement, a Leave of Absence is applied and the form (LOA) is filled per section 168 of the Children's Act. When participant 6 was asked, what happens to the OVCs who have no family to take them for holiday placement. She highlighted that the children's home has a program called 'host a child'. This allows children with no immediate families or those with homes that still face the risks that led to their removal to be placed during school and public holidays with host families. The children get to receive love just like the children which were placed with their biological families. When probed on the criteria they use to select these host families, she stated that not every family qualifies. The prospective families are assessed to ascertain the safety of the child during the placement. Hosting an OVC is a very good thing. The children who do not have an immediate family get the opportunity to spend time in a real home and receive the love that is not divided amongst 14 other children in the children's home cottages. In some cases, it was noted that these children find their forever homes during these placements. The main goal for this program according to participant 6 is to

try and provide children who are orphans especially, a cultural experience. She highlighted that these programs have a very big impact on these children's growth and mental stimulation. Participant 6, further noted that some of these children, due to their backgrounds, lost their self-esteem due to stigma thus they tend to feel left out and unworthy. Thus, the 'host a child' program makes them rediscover their self-worth and start valuing themselves. This has shown positive results even in their academic lives as they tend to excel as they want to impress their host families as well as determine their future.

At St Monica's Children's Home, before a child goes for holiday placement with a family unknown to them for the first time, or for those children who came when they were very young and have no recollection of their families, the families are given accommodation at the children's home for some days. This allows them to spend time with the child and build a relationship. This is paramount as the child has to gain trust, feel comfortable and safe with the family since they will be spending time together during the holiday placement. It is unfortunate that not every child gets placement, some children remain at the children's home during school holidays. This is an emotionally challenging period for these children. They tend to think that there is something wrong with them. This is an emotional and psychological drawback and derails their progress eventually delaying the process of reunification. Participant 6 noted that it is in the best interest of the child that they remain in the protective nest of the children's home until the threat has been removed. They will only start the process of reunification when it is safe to do so.

#### 4.5.2.2 Sub-theme 2.2: OVCs during Reunification

**Table 4.6: OVCs during reunification**

Participant	Response
Participant 1	There are identified as that child who was raped by her uncle for instance. That child that stays in a home. That child that does not have parents.

	We encourage children to take part in decision making, saying their opinions at all time as well as maintaining eye contact. This is seen as being rude amongst the black families.
<b>Participant 2</b>	Our children are to blame sometimes, they love feeling sorry for themselves, they feel like there are not the same as other children and decide sideline themselves. It's very sad, they create things in their heads for the fear of being left out.
<b>Participant 3</b>	Sometimes they refuse to go for holiday placement. They complain of the poverty that is there and too much work. They prefer to remain at the home because the life is better.
<b>Participant 4</b>	When they return from holiday placement, you get to notice that they did not enjoy the holiday. They would complain over the food they ate, the house chores they had to do and other restrictions they came across. Sometimes before the holiday placement, they will tell you, I don't want to go to aunt so and so, she is too strict and make me work a lot but would prefer to go to uncle so and so because he loves me and spoils me
<b>Participant 5</b>	<p>The challenge is that some of these kids, <i>baza bebencane kakhulu</i>, (they came when they were very young) they don't even remember any member of their families, then <i>abanye sebehlele isikhathi eside lana</i>, (others have been here for a very long time) It becomes hard for them to relate with their families.</p> <p>The main challenge I have noticed when they go for holiday placement is that, they forget that here at St Monica, we are sponsored and we afford things those other children staying with their parents are not having. For example, when it comes to food, we can make them eat eggs and meat every day, but at home they cannot afford this. They now fail to understand reality. They now think there are not being loved enough</p>
<b>Participant 6</b>	The Children's Home encourages the children to talk about anything and express their feelings. This is not universally accepted by all

	cultures especially the black African culture which is rigid to change. A child gets into a dilemma of not knowing what is right or wrong. What works for one culture does not automatically work for the other culture. This hinders the process of reunification
--	--

The process of reunification for the OVCs is very stressful. Participant 5, pointed out that some of these children are placed in children's homes when they are very young and have no memory of their life before placement. While others might have the know-how of where they come from, they have stayed in the children's home for a very long time, and they adopt the lifestyle expected or associated with the children's home. There is nothing wrong with that, the only challenge is that it creates an obstacle that hinders the reunification process. Some of the children are not even interested in going home for the holiday placement. According to the child care workers, the lifestyle they have at the children's home is utterly different from what they have to live by at their homes. The children's home affords them with all their basic needs and what can be regarded as luxuries in the mainstream communities. When the children go for holiday placement, they expect to have the same amenities and complain when they cannot be granted what they believe are necessities.

This is a challenge as the purpose of these holiday placement are to teach or orient the children to the real-life that every other child that is not institutionalized is succumbed to. It was noted that some of these children do not want to go for these placements as they do not want to miss out on the luxuries associated with the children's home. The problem noted was not only associated with basic needs but also house chores. The children's home is very flexible, chores are done according to a roaster and they get to have their free time. When they go for holiday placement, there are no roasters, they have to do chores every day. Some of the children are not happy with this. Then the children who are below the age of 13 suffer the most. They practically do not partake in any chores at the children's home. When they go for holiday placement, children of their age are already cooking, cleaning, and doing laundry. When they have to do these chores, they feel it as a form of abuse. They even say that they do not want to go to those relatives and would prefer relatives that are not too strict. This is a hindrance to the process of reunification.

The children are expected to learn who they are and where they come from so, they can lead a normal life after the final reunification. Holiday placement as a reunification process is supposed to teach them what is culturally expected of them and how to live in the community without being stigmatized.

Stigma and labelling are other hindrances to the reunification process. The stigma comes from both the families and the community at large. Some families instead of treating these children just like any other child, tend to feel sorry for them and overprotect them. Participant 1, noted this as a huge problem. Instead of the child healing from their trauma, they re-live it as there is a constant reminder of their past. It becomes a challenge for these children to fit in. Participant 1, stated that it's either they lie about their identity so they 'fit in' and some even adopt outrageous behaviour to avoid the stigma. This affects their emotional and psychological states. She also pointed out that we cannot put all the blame on the families and communities. Participant 2, noted that OVCs stigmatize themselves sometimes. They feel like there is something wrong with themselves and tend to self-isolate. Some do not want it to be known that they are placed at the children's home. This is mostly those who are now in high school. They demand that the transport drops them a distance from school and picks them up away from the school too. They put pressure on themselves to 'fit in' rather than accepting their identity or situation which their fellow schoolmates will also understand. They fear people's perceptions and self-pity. How will people accept them and look at them if they knew their lives and background! This is an indication of low self-esteem.

The other challenge that affects the process of reunification is cultural differences. The children placed at St Monica Children's Home come from different cultural and racial backgrounds. The children tend to adopt some aspects from other cultures that clash with their own cultures. The children's home has its own culture, mostly inclined to the western culture which is regarded as universal. Participant 1, points out that, the children's home promotes child participation with regards to decision making. The children are taught to maintain eye contact when expressing their views at all times. She highlighted that this is regarded as rude in most black African communities. Participant 6, also expressed that, the children's home encourages the children to talk about anything and express their

feelings. This is not universally accepted by all cultures especially the African culture which is rigid to change. A child gets into a dilemma of not knowing what is right or wrong. What works for one culture does not automatically work for the other culture. This hinders the process of reunification.

#### 4.5.3 Theme 3: The Shortcomings of Post-Institutional Support.

##### 4.5.3.1 Sub-theme 3.1: The Availability of Post-Institutional Support to OVCs.

**Table 4.7: The availability of post-institutional support to OVCs.**

Participant	Response
Participant 1	When the children are about to be released for after care, we remind them of the values they have to carry. How they should handle themselves.
	We also have what is called a memory box. We ask the families to send things that have an impact on the child, like pictures, toys they used to play with, clothing items of value and put in a box. These things should make the child recall their life before coming to the children's home. They also write letters. Other children and employees also write letters or put things of value in the box. We then have a farewell party and the child will get to open the box.
	The children struggle to adapt to life outside of the children's home because of the difficult life they come across. They resort to bad habits so they can fit in or sometimes to make a living. When we meet them in town, there are ashamed and pretend not to know us.
	Some of them come back to ask for assistance, when they don't have basic needs, bus fare, food, fees and also jobs.
	Reconstruction social workers are mostly seen during placement and the final reunification. They have no bond with the children they placed.

<b>Participant 2</b>	They don't know anything about the streets, they only went out in during holiday placement, so they struggle to fit in. They fear of what will happen and how will they settle with their families.
<b>Participant 3</b>	There is not enough support given. Reconstruction social workers do not do case reviews and seem to forget about the children.
<b>Participant 4</b>	There is not much support.
<b>Participant 5</b>	We help them go back home by teaching them what they need to know. The other things are done by the social workers.
<b>Participant 6</b>	The challenge these children face during after care is not having anyone to assist them emotionally as well as financially. Most of them trust the children's home employees that people around them.
	The other challenge with the reconstruction is that social workers are overloaded and do not have time to visit these children to determine their well-being. Further they rarely visit these children during placement and this is exacerbated by the fact that these children do not trust them to ask for help.

The life skills are re-instilled in the child's life during their final year of placement. The child care workers mentioned that they create a memory box. They explained that a memory box is a box created to put things that hold the utmost value to the child and will make them feel at ease. The family members are asked to put anything in the box that will remind the child of their life together. The other children and child care workers at the children's home also do the same. This box is opened the day they conduct a farewell party for the child. Participant 1, noted that this is a very emotional time. The child has fears of not knowing what their future holds and how they will manage without the protective nest of the children's home. de Villers et al, (2008:85) states that "children have their own fears regarding their parents' ability to maintain a good relationship with them". This can force them to be returned to alternative care if reunification fails. Reconstruction services try to diminish the threats that were identified during statutory removal of the child before the parents can receive legal custody of their children.

de Villers *et al*, (2008:85) argue that the process of reunification is very complex, and "in many cases the initial conflict, problems and fears return". These are the same sentiments outlined by the child care workers. They stated that children are re-integrated back to their communities but due to unfavorable circumstances they find at home, they struggle to adjust. If they are still of age, they are once again placed in an institution. Participant 1, stated that these children struggle to 'fit in', they feel as if there are different from the rest of the children in the mainstream society. She highlighted that, for those children who struggle to adapt after reunification two things happen. They start engaging in behavioral traits that can be regarded as immoral such as prostitution, gangsterism, and other criminal acts, as a way to generate money and maintain the lifestyle they had in the children's home. She noted that, when it happens that they cross paths, the children pretend not to know them. This is because they know that the path, they have chosen is not the one they were taught and are ashamed of what they have become. The other group of struggling children reaches out to the children's home and tries to find assistance. The child care workers listed the following as some of the things they get assisted with:

- Financial assistance – (to cover basic needs like monthly bills and transport fares)
- Food parcels
- Bursaries (outsourced for high fliers when they are in grade 11)
- Internships (outsourced)
- Enrolment at tertiary institutions

The children's home tries to make the lives of these children as comfortable as possible when they have been integrated back into the community. It is unfortunate that during aftercare (after reunification), these children have nowhere and no one to fall back on. The reconstruction social workers as highlighted are overwhelmed and struggle to be much of an assistance. Participant 1, stated that reconstruction social workers are mostly seen during placement and the final reunification. They have no bond with the children they placed in CYCCs. She further highlighted that according to some complaints they have received from the children, are that, after being reunited with their families, they hardly see their designated social workers or do not see them at all after reunification.

Potgieter and Hoosain, (2018:442) state that "the social worker is not always accessible". This makes their lives difficult as they need a support structure especially during the first year of reunification. Potgieter and Hoosain, (2018:442) cite that these children are re-integrated into situations where poverty is rife and, in an environment, where there are high rates of unemployment. They have no one to help them with their problems and their only hope is to contact the children's home. This is a huge blow as these children are not empowered with the skill that will enable them to become independent beings, they always put their trust and depend on someone.

Successful reunification is the result that is expected for every case. Successful reunification is defined by Sauls and Esau (2015:14) as "when the children and families were understood to have adapted to being home, post-institutionalization, in which the child and family members were able to practice the skills they have been furnished with before reunification". They also defined it as "experiencing no future removals and the family complying with the social worker's expectations". Potgieter and Hoosain (2018:445) posits that "If the family lacks support, the designated social worker should identify supportive systems for the parents to help facilitate their journey towards successful and sustainable family reunification". This is in the best interest of the child.

#### **4.6 Conclusion**

The chapter has highlighted the possible reasons why the OVCs struggle to re-integrate back into their previous communities. From the six interviews conducted aided by the secondary data, it was evident that the life skills imparted into the lives of the OVCs are both good and bad for their development. There are not ready to lead a life without supervision and outside assistance. The chapter thus summarized the sentiments of the interview participants.

## **Chapter 5**

### **Conclusions and Recommendations**

#### **5.1 Introduction**

This chapter provides a summary of the main findings that emerged during the research process. In chapter 2, the researcher reviewed the literature on the integration of the OVCs into society focusing on their constitutional rights provided in the international, regional, and local legal frameworks. In chapter 3, the researcher highlighted the qualitative research process which led to the findings in chapter 4. These findings were integrated with the literature. This chapter will thus present the key findings of chapter 2 and chapter 4 of this research study. The chapter will firstly highlight the objectives to depict whether the intended outcomes of the research study were achieved and then give recommendations.

#### **5.2 Summary**

This section of the chapter will highlight the research objectives and depict whether the intended outcomes of the research study were achieved. The key findings of the study will be identified and presented concurrently with the conclusions.

##### **5.2.1 Research Goals and Objectives.**

The overall objective of this research study was to investigate the experiences of OVCs at St Monica Children's Home, as they transition back into their previous communities. To measure if the goal was achieved, the researcher further formulated objectives as follows:

##### **5.2.1.1 To Determine the Challenges Experienced in Institutions in Providing OVCs with the Skills Needed to Integrate into Society.**

This objective was achieved through a literature study in chapter 2 and the interviews in chapter 4. The main challenge that is faced by the child care workers in providing OVCs with the skills they need for integration is the unavailability of specialized training or developmental training that will educate them on how to deal with emotional issues that may arise. Children placed in their care come from different backgrounds and some from

broken homes. They are faced with emotional problems that will need the child care workers to help out with. They need to make the child overcome what they went through. This is not that easy for them as they have to refer these children to outside help. This affects the emotional development of children as they have to share their painful past with strangers.

The child care workers also have challenges with the institution policies which do not afford the children room to grow and become independent. The child care worker has to be with them at all times and the children have no room to just become children. During playtime, an adult has to supervise them which is contrary to the society that they have re-integrate into.

From these findings, it can be concluded that child care workers are struggling to instil the necessary skills for reunification. The children are given the skills that they can use but are not taught to be independent. They are dependent on the assistance of others. This makes the reunification process challenging for both the families and the children. The families perceive these children as lazy, while the children on the other hand view the treatment they get from home as abuse. Thus, it can be concluded that Biemba *et al* (2010), had a valid observation that highlights that long-term care of young children in big residential homes is connected with attachment syndromes and developmental delays in social, behavioural, and cognitive functions. The children have transferred their trust and love to the institution and its employees and struggle to relate without them. Statutory social work becomes potential harm to children as there is an attachment crisis. The OVCs thus struggle to figure out where they truly belong.

#### **5.2.1.2 To Determine Whether Post-Institutional Support is Available to Enable Children to Integrate into Society.**

This objective was achieved and discussed in chapter 4. Post institutional support is only available after the final reunification. In chapter 4, the researcher highlighted that reunification is a process and not an event. It starts the day that the child gets placed in an institution. If the process is smooth and a success, post-institutional support becomes easier. The objective was to determine whether post-institutional support was available

to OVCs. From the interviews, it was evident that post-institutional support is to a certain extent available. It was highlighted that social workers try to reach out to the children, though fail to support them fully due to heavy caseloads. They do not have time to focus on one child. Some children rarely saw their social workers after reunification, while some last saw them the day they returned them home. The process is flawed from the moment the child is placed at an institution. The placement of social workers who are supposed to keep close contact with these children, fail to do that. Another issue that was raised is that there is a high turnover of social workers. The children have to get help from a new person every time. This means there are challenges with continuity. The children thus, resort to returning to their previous institutions to request assistance.

It can thus be concluded that post-institutional support is not beneficial to the children. Failure to offer support to the OVCs by the social workers is making them prone to vulnerability. Social workers should not neglect these children as the vulnerability cannot be regarded as developmental. The social workers should empower and render support to the whole family during the process of reunification to make these OVCs less vulnerable. This will make the lives of these children easier when they are fully reintegrated into society.

### **5.2.1.3 To Establish whether Post-Institutional Support is Effective.**

This objective was achieved during the empirical study. Interviews were conducted to determine whether post-institutional support is effective. The findings depicted that post-institutional support is not that effective. The children reunified with their families fail to 'fit in'. They are returned to their family home which is characterized by poverty, lack of support, and elements of abuse, and at the same time, do not receive the much-needed support from the social workers. The social workers are overwhelmed with heavy caseloads leading to burn out and eventually to high social worker turnover. This creates continuity and trust problems. Thus, social workers struggle to make adequate time to cater to the needs of all the children assigned to them. This is a serious obstacle to the post-reunification process. It can thus be concluded that the issue of heavy caseloads affecting social workers the most should be urgently addressed.

#### **5.2.1.4 To Determine whether Post-Institutional Support Considers the Best Interest of the Child Principle.**

This objective, which is very paramount to this study was achieved during the empirical study. It was evident that from removal, placing of OVCs, to offering reunification services, the best interest of the child principle is observed. In all situations that violate the best interest of the child principle, the child is removed and placed at a place of safety. The challenge arises after the final reunification. Some of their constitutional rights are violated as there is no one to provide for these provisions. The families might still be facing some problems and fail to notice that they are infringing on the constitutional rights of the child. Thus, children re-live the life they had before removal. Another challenge that the OVCs face is stigmatization and labelling in the communities there are re-integrated into. There are seen as 'those children from an orphanage'. This makes the children lose their self-confidence, self-esteem, and self-worth.

It can be concluded that the failure of the social worker to support the child after reunification is not in the child's best interest. The children, after post-institutionalization are neglected and have no one to turn to, thus making them more vulnerable.

### **5.3 Discussion**

The research concludes that institutions are creating a dependency syndrome that makes it difficult for the OVCs to adjust to life outside the children's homes. The challenges identified have long been faced but still, they exist. This suggests that nothing much has been done to deal with these issues. Initially, the child comes from an unfavourable environment and placed in an institution full of children who are also from disturbing backgrounds. The child struggles to grow emotionally as well as psychologically. This accentuates their vulnerability. Unfortunately, the policies implemented to safeguard the lives of the OVCs in the institution does more harm than good. The children are not capable to lead an independent life after reunification. They still feel the need to get assistance from the institutions they were placed in.

The social workers, on the other hand, are overwhelmed with heavy caseloads and high turnover and there is nothing much they can do. The only way to afford the OVCs with

their constitutional rights and observe the best interest principle is for the Department of Social Development to see the need to have a high number of statutory social workers who can be able to deal with the challenges the children face in their homes before they are even removed and placed in places of safety. They say 'prevention is better than cure,' thus, dealing with the statutory issues before the need to remove the children is better than trying to reunify them after they have spent part of their life in an institution. They lose their self-identity during the process and struggle to connect with everyone else.

#### **5.4 Recommendations**

As a response to the conclusions discussed above, the researcher has divided the recommendation into two sub-headings.

- How the Department of Social Development and institutions can create favourable conditions for reunifications.
- How the community can create favourable conditions for reunification.

The recommendations are based on the suggestions that were provided by the child care workers and the social worker during interviews. Strategies that have been used internationally and discussed in the literature review (chapter 2) will be highlighted.

Then the researcher will propose areas for further study.

##### **5.4.1 How the Department of Social Development and Institutions can Create Favourable Conditions for Reunifications.**

The researcher makes the following recommendations to enable the Department of Social Development and institutions that cater to the needs of care and protection for the OVCs, to implement and create conditions that are favourable for reunification.

- *Removal and placement of OVCs in places of safety.* The Department of Social Development should invest more in preventing the removal of children from their biological homes. They should employ a huge number of statutory social workers who will not be overwhelmed with a high number of caseloads and fail to conduct proper investigations into issues that are perceived not favourable for the growth

of the child. The issue of heavy caseloads affecting social workers should be urgently addressed. The Department of Social Development should have a bigger allocated budget to allow them to employ as many social workers as possible to lessen the burden on the social workers. There is a much-needed essential service in the child care and protection field.

- *Assessments.* Then social workers should conduct a proper assessment for the children who are found to be in need of care and protection. This will enable them to identify the root cause of the problem and deal with it instead of removing the child. Removal of the child is very traumatic and affects their self-esteem, identity, and sense of guilt. The children will perceive as if they are bad since they are the ones removed instead of who or what is causing the problem.
- *Family preservation.* The Department of Social Development should make section 7 (1) (d) and most importantly (f) of the Children's Act, paramount when deciding what happens to a child that is found to need care and protection. The section provides that:
  - 1) "Whenever a provision of this Act requires the best interests of the child standard to be applied, the following factors must be taken into consideration where relevant, namely-
    - d) The likely effect on the child of any change in the child's circumstances, including the likely effect on the child of any separation from-
      - i) Both or either of their parents; or
      - ii) Any brother or sister or another child, or any other care-giver or person, with whom the child has been living;
    - f) The need for the child-
      - i) To remain in the care of his or her parent, family, and extended family; and
      - ii) To maintain a connection with his or her family, extended family, culture or tradition;" (Section 7 of the Children's Act 38 of 2005)

- *Reunification services.* Social workers should stick to the scheduled reunification procedure to allow the children to adjust and accept their situation. They should try and reunify the children at the earliest possible time as parental care is regarded as the best means of care. The reconciliation social workers should do more to make this move in the children's life much easier. Reunification is only possible when the conditions that led to removal no longer exist.

When children go for holiday placement at their homes, the reconciliation social worker should take this opportunity and conduct home visits and assess the situation. This can be taken as an opportunity for the social workers or social auxiliary workers to instill parental skills that will enable successful reunification at the earliest convenience.

- *Policies followed by institutions.* Child care and safety are paramount but should allow for the growth of the child to develop naturally. Children should be given room for free play without too much supervision which eventually leads to too many restrictions. This allows them to experience real childhood and learn to be independent and decisive in life. This is a very essential skill for their life and especially their life after reunification. In real life parents cannot supervise every move their children make; thus, institutions should emulate that. They should allow children to be themselves and discover themselves.
- *Training of child care workers.* There is a need for child care workers to be given developmental training frequently in areas of counselling and psychology. This will allow them to be able to deal with the emotional challenges the children face during their placement in the children's home. This is because the children tend to transfer their trust to them.

#### **5.4.2 How the Community can Create Favourable Conditions for Reunification.**

- *Community training.* The community is an essential part of the reunification process. When the OVCs leave the institutions, they are re-integrated back into the community. The main challenge they face is stigmatization and labelling. The

researcher thus suggests that the Department of Social Development creates an educational program that educates communities about the life, trauma, and emotional challenges that OVCs that are placed in places of safety face. They should be made aware that these children are just like any other child and should not be treated differently. When they show compassion, they are not helping these children but opening the wounds they have been trying to recover from. The communities should stop feeling sorry for the children but treat them normally. This will aid the healing and reunification process.

#### **5.4.3 Recommendations for Future Research**

- This research study should be repeated in another child and youth care centre in a different community. This can be done in high-density areas, small towns, or rural areas to verify the findings of this research.
- A similar study can be conducted at a larger scale to include reconciliation/placement social workers as well as OVCs as participants to depict the challenges that are faced during reunification.
- Another study can focus on the community, how receptive are they towards the plight of reunifying OVCs who have spent part of their life in a child and youth care centre.

## References

- Agee, J., 2009. Developing qualitative research questions: a reflective process. *International journal of qualitative studies in education*, 22(4), pp.431-447.
- Ajagbe, A.M., Sholanke, A.B., Isiauwe, D.T. and Oke, A.O., 2015. Qualitative inquiry for social sciences.
- Ajayi, V.O., 2017. Primary Sources of Data and Secondary Sources of Data. *Benue State University*.
- Akhunzada, Z.U., 2015. Legal framework and institutional arrangements for protecting the rights of children in Khyber Pakhtunkhwa. An unpublished M. Phil thesis submitted to the University of Peshawar.
- Amusan, L., 2018. Child Rights in ECOWAS. *Journal of African Union Studies*, 7(1), pp.49-65.
- Andrews, G., Skinner, D. and Zuma, K., 2006. Epidemiology of health and vulnerability among children orphaned and made vulnerable by HIV/AIDS in sub-Saharan Africa. *AIDS care*, 18(3), pp.269-276.
- Ashford, C., 2010. Socio-Legal Perspectives on Gender, Sexuality and Law. *Liverpool Law Review*, 31(1), pp.1-12.
- Asiamah, N., Mensah, H.K. and Oteng-Abayie, E.F., 2017. General, target, and accessible population: Demystifying the concepts for effective sampling. *The Qualitative Report*, 22(6), p.1607.
- Bashir, M., Afzal, M.T. and Azeem, M., 2008. Reliability and validity of qualitative and operational research paradigm. *Pakistan journal of statistics and operation research*, pp.35-45.
- Bekink, M., 2012. " Child divorce": a break from parental responsibilities and rights due to the traditional socio-cultural practices and beliefs of the parents. *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad*, 15(1).

- Bettmann, J.E., Mortensen, J.M. and Akuoko, K.O., 2015. Orphanage caregivers' perceptions of children's emotional needs. *Children and Youth Services Review*, 49, pp.71-79.
- Biemba, G., Beard, J., Brooks, B., Bresnahan, M., Flynn, D. and Simon, J., 2010. The scale, scope and impact of alternative care for OVC in developing countries.
- Böning, A. and Ferreira, S., 2013. An analysis of, and different approach to, challenges in foster care practice in South Africa. *Social work/maatskaplike werk*, 49(4).
- Borghini, J., Abrams, S., Lowenberg, D., Simms, S. and Chodacki, J., 2018. Support your data: A research data management guide for researchers. *Research Ideas and Outcomes*, 4, p.e26439.
- Brink, H.I., 1993. Validity and reliability in qualitative research. *Curationis*, 16(2), pp.35-38.
- Browne, E. (2017). Children in care institutions. K4D Helpdesk Report. Brighton, UK: Institute of Development Studies.
- Carter, J. and Van Breda, A., 2016. The design of a protocol for assessing prospective foster parents in South Africa. *Social Work*, 52(2), pp.208-226.
- Charter, A., 1990. African Charter on the Rights and Welfare of the Child. AU. Addis Ababa.
- Child Welfare Information Gateway. (2018). Placement of children with relatives. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.
- Clark, B., 2002. From Rights to Responsibilities-An Overview of Recent Developments Relating to the Parent/Child Relationship in South African Common Law. *Comp. & Int'l LJS Afr.*, 35, p.216.
- Cox, A., Gesiriech, S., Olson, K., Porter, K., 2015. The Continuum of Care for Orphans and Vulnerable Children. Faith to Action Initiative
- Creswell, J.W. and Poth, C.N., 2016. *Qualitative inquiry and research design: Choosing among five approaches*. Sage publications.

Creswell, J.W., Ebersohn, L., Eloff, I., Ferreira, R., Ivanankova, N.V., Jansen, J.D., Nieuwenhuis, J., Pietersen, J., Plano Clark, V.L., van der Westhuizen, C., 2011. *First steps in research: eighth impression*. Van Schaik publishers.

De Bruin Cardoso, I., Bhattacharjee, L., Cody, C., Wakia, J., Tachie Menson, J. and Tabbia, M., 2020. Promoting learning on reintegration of children into family-based care: implications for monitoring approaches and tools. Experiences from the RISE learning network. *Vulnerable Children and Youth Studies*, 15(2), pp.114-123.

de Villiers, A., 2008. *The role of the social worker in the reunification of foster children with their biological parents* (Doctoral dissertation, Stellenbosch: Stellenbosch University).

Delap, E., Wedge, J. 2016. Guidelines on Children's Reintegration. Inter-agency Group on Children's Reintegration

Department of Social Development, 2019. National Child Care and Protection Policy: working together to advance the rights of all children to care and protection. Social Development.

Dhludhlu, S. and Lombard, A., 2017. Challenges of statutory social workers in linking foster care services with socio-economic development programmes. *Social Work*, 53(2), pp.165-185.

Dillon, S., 2007. The missing link: a social orphan protocol to the United Nations Convention on the Rights of the Child. *Hum. Rts. & Globalization L. Rev.*, 1, p.39.

Dybsland, N., 2011. Children's Institutions: A study of Children's Homes in Addis Ababa, Ethiopia (Master's thesis, Norges teknisk-naturvitenskapelige universitet, Fakultet for samfunnsvitenskap og teknologiledelse, Geografisk institutt).

Ekundayo, O., 2015. Does the African Charter on the Rights and Welfare of the Child (ACRWC) only underlines and repeats the Convention on the Rights of the Child (CRC)'s provisions? Examining the similarities and the differences between the ACRWC and the CRC. *International Journal of Humanities and Social Science*, 5(7), pp.143-158.

Erlingsson, C. and Brysiewicz, P., 2017. A hands-on guide to doing content analysis. *African Journal of Emergency Medicine*, 7(3), pp.93-99

Frimpong-Manso, K. and Bugyei, A.G., 2019. The challenges facing children reunified with their families from an orphanage in Ghana. *Children & Society*, 33(4), pp.363-376.

Gill, P., Stewart, K., Treasure, E. and Chadwick, B., 2008. Methods of data collection in qualitative research: interviews and focus groups. *British dental journal*, 204(6), pp.291-295

Golafshani, N., 2003. Understanding reliability and validity in qualitative research. *The qualitative report*, 8(4), pp.597-607.

Goldman, P.S., van Ijzendoorn, M.H., Sonuga-Barke, E.J., Bakermans-Kranenburg, M.J., Bradford, B., Christopoulos, A., Cuthbert, C., Duchinsky, R., Fox, N.A., Grigoras, S. and Gunnar, M.R., 2020. The implications of COVID-19 for the care of children living in residential institutions. *The Lancet Child & Adolescent Health*, 4(6), p.e12.

Goundar, S., 2012. Research methodology and research method. *Victoria University of Wellington*.

Graham, N., Davies, M. and Godden, L., 2017. Broadening law's context: Materiality in socio-legal research. *Griffith Law Review*, 26(4), pp.480-510.

Hajimia, H., 2014. Research Method-Sampling. *Data & Analytics, Technology, News*.

Hall, K. and Sambu, W., 2014. Children's access to services. *ChildGauge*, p.2017129.

Hall, K., Skelton, A. and Sibanda, S., 2016. Social assistance for orphaned children living with family. *South African Child Gauge*, pp.68-74.

Heale R, Twycross A. 2018 What is a case study?

Heaton, J., 2008. Secondary analysis of qualitative data: An overview. *Historical Social Research/Historische Sozialforschung*, pp.33-45.

- Heaton, J., 2009. An individualised, contextualised and child-centred determination of the child's best interests, and the implications of such an approach in the South African context. *Journal for Juridical Science*, 34(2), pp.1-18.
- Hendricks, M.L., 2014. Mandatory reporting of child abuse in South Africa: Legislation explored. *SAMJ: South African Medical Journal*, 104(8), pp.550-552.
- Hope, J. and van Wyk, C., 2019. Integrating the best interest of the child standard into emergency child protection practice. *Child abuse research in South Africa*, 20(2), pp.88-101.
- Isaacs, A.N., 2014. An overview of qualitative research methodology for public health researchers. *International Journal of medicine and public health*, 4(4).
- Jamieson, L., Mahery, P. and Scott, K., 2013. Children's Act Guide for Child and Youth Care Workers. *Children's institute*.
- Jamshed, S., 2014. Qualitative research method-interviewing and observation. *Journal of basic and clinical pharmacy*, 5(4), p.87.
- Johnston, M.P., 2017. Secondary data analysis: A method of which the time has come. *Qualitative and quantitative methods in libraries*, 3(3), pp.619-626.
- Kaime, T., 2005. The Convention on the Rights of the Child and the cultural legitimacy of children's rights in Africa: Some reflections. *African Human Rights Law Journal*, 5(2), pp.221-238.
- Kennedy, D.M., 2016. Is it any clearer? Generic qualitative inquiry and the VSAIEEDC model of data analysis. *The Qualitative Report*, 21(8), pp.1369-1379.
- Kibachio, D.N. and Mutie, P.M., 2018. Challenges Affecting Orphans And Vulnerable Children (OVCS) In Embu County. *International Journal of Sociology*, 1(1), pp.18-36.
- Kim, Y., 2011. The pilot study in qualitative inquiry: Identifying issues and learning lessons for culturally competent research. *Qualitative Social Work*, 10(2), pp.190-206.
- Kleijn, W.C., 2006. *A developmental approach to statutory social work services* (Doctoral dissertation, University of Pretoria).

Kothari, C.R., 2004. *Research methodology: Methods and techniques*. New Age International.

Koulis, E., 2017. The UN Convention on the Rights of the Child.

Kuehr, M., 2015. Rwanda's Orphans—Care and Integration During Uncertain Times. *Stability: International Journal of Security and Development*, 4(1).

Kumar, R., 2019. *Research methodology: A step-by-step guide for beginners*. Sage Publications Limited.

Lau, A.S., Litrownik, A.J., Newton, R.R. and Landsverk, J., 2003. Going home: The complex effects of reunification on internalizing problems among children in foster care. *Journal of abnormal child psychology*, 31(4), pp.345-358.

MacDonald, C., 2012. Understanding participatory action research: A qualitative research methodology option. *The Canadian Journal of Action Research*, 13(2), pp.34-50.

Mahery, P., Jamieson, L. and Scott, K., 2011. *Children's act guide for child and youth care workers*. Children's Institute, University of Cape Town.

Manukuza, K.B., 2013. *Legal placement of orphaned children in related foster care: the perspectives of social workers* (Doctoral dissertation).

Marlina, E. and Purwandari, B., 2019. Strategy for research data management services in Indonesia. *Procedia Computer Science*, 161, pp.788-796.

Marshall, M.N., 1996. Sampling for qualitative research. *Family practice*, 13(6), pp.522-526.

McKenzie, R.B., 1999. Rethinking orphanages. *Rethinking orphanages in the*, 21, pp.1-20

Mertens, D.M., 2018. Ethics of qualitative data collection. *The SAGE handbook of qualitative data collection*, pp.33-48.

Mohamed, K., 2016. Combining methods in legal research. *The Social Sciences*, 11(21), pp.5191-5198.

Munthali, C.A., 2019. Reintegrating children from institutional care a feasibility study on model for Malawi. Retrieved March, 18, p.2019.

Muzingili, T. and Gunha, P., 2017. Structural challenges of holiday placement programmes for children in SOS's children village, Zimbabwe. *African Journal of Social Work*, 7(1), pp.9-16.

Nalle, V.I.W., 2015. The relevance of socio-legal studies in legal science. *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada*, 27(1), pp.179-182.

Naqshb, M.M., Sehgal, R. and ul Hassan, F., 2012. Orphans in orphanages of Kashmir and their psychological problems. *International NGO Journal*, 7(3), pp.55-63.

NAR, C., 2020. 2020 Orphan Report. Human Rights.

Ngconjana, U., Kwizera, A.S. and Umejesi, I., 2017. Livelihoods in child headed households and state intervention: a case study of the orphans and vulnerable children (OVC) in East London, South Africa. *Gender and Behaviour*, 15(1), pp.8160-8180.

Noble, H. and Smith, J., 2015. Issues of validity and reliability in qualitative research. *Evidence-based nursing*, 18(2), pp.34-35.

Ntuli, B., Mokgatle, M. and Madiba, S., 2020. The psychosocial wellbeing of orphans: The case of early school leavers in socially depressed environment in Mpumalanga Province, South Africa. *Plos one*, 15(2), p.e0229487.

Nyamukapa, C.A., Gregson, S., Wambe, M., Mushore, P., Lopman, B., Mupambireyi, Z., Nhongo, K. and Jukes, M.C.H., 2010. Causes and consequences of psychological distress among orphans in eastern Zimbabwe. *AIDS care*, 22(8), pp.988-996.

Parliament of South Africa, 2005. South African Children's Act 38 of 2005. Gazette No. 28944, Notice No. 610.

Pathak, V., Jena, B. and Kalra, S., 2013. Qualitative research. *Perspectives in clinical research*, 4(3).

Potgieter, A. and Hoosain, S., 2018. Parents' experiences of family reunification services. *Social Work*, 54(4), pp.438-451.

Pride, W. and Ferrell, O.C., 2007. *Marketing (LL Version)*. Cengage Learning.

Reynolds, L.J., 2014. 'Low-hanging fruit': Counting and accounting for children in PEPFAR-funded HIV/AIDS programmes in South Africa. *Global public health*, 9(1-2), pp.124-143.

Satici, S.A., 2016. Psychological vulnerability, resilience, and subjective well-being: The mediating role of hope. *Personality and Individual Differences*, 102, pp.68-73.

Sauls, H. and Esau, F., 2015. An evaluation of family reunification services in the Western Cape: Exploring children, families and social workers' experiences of family reunification services within the first twelve months of being reunified. *Western Cape Government: Directorate Research, Population and Knowledge Management*. [Online] Available: [https://www.westerncape.gov.za/assets/departments/socialdevelopment/an\\_evaluation\\_of\\_family\\_reunification\\_services\\_in\\_the\\_western\\_cape\\_final\\_report\\_26\\_1\\_1\\_2015.pdf](https://www.westerncape.gov.za/assets/departments/socialdevelopment/an_evaluation_of_family_reunification_services_in_the_western_cape_final_report_26_1_1_2015.pdf)

Saunders, M., Lewis, P. and Thornhill, A., 2009. *Research methods for business students*. Pearson education.

Schiff, D.N., 1976. Socio-legal theory: social structure and law. *The Modern Law Review*, 39(3), pp.287-310.

Sherr, L., Roberts, K.J. and Gandhi, N., 2017. Child violence experiences in institutionalised/orphanage care. *Psychology, Health & Medicine*, 22(sup1), pp.31-57.

Showkat, N. and Parveen, H., 2017. In-depth interview. Quadrant-I (e-Text).

Showkat, N. and Parveen, H., 2017. Non-probability and probability sampling. *Media and Communications Study*, pp.1-9.

- Sibanda, S. and Lombard, A., 2015. Challenges faced by social workers working in child protection services in implementing the Children's Act 38 of 2005. *Social Work*, 51(3), pp.332-353.
- Skinner, D., Tsheko, N., Mtero-Munyati, S., Segwabe, M., Chibatamoto, P., Mfecane, S., Chandiwana, B., Nkomo, N., Tlou, S. and Chitiyo, G., 2004. Defining orphaned and vulnerable children (Vol. 2). HSRC Press.
- Skinner, D., Tsheko, N., Mtero-Munyati, S., Segwabe, M., Chibatamoto, P., Mfecane, S., Chandiwana, B., Nkomo, N., Tlou, S. and Chitiyo, G., 2006. Towards a definition of orphaned and vulnerable children. *AIDS and Behavior*, 10(6), pp.619-626.
- Sloth-Nielsen, J., 1995. Ratification of the United Nations Convention on the Rights of the Child: Some implications for South African law. *South African Journal on Human Rights*, 11(3), pp.401-420.
- Spiegel, P.B., 2004. HIV/AIDS among conflict-affected and displaced populations: Dispelling myths and taking action. *Disasters*, 28(3), pp.322-339.
- Tongco, M.D.C., 2007. Purposive sampling as a tool for informant selection. *Ethnobotany Research and applications*, 5, pp.147-158.
- UN, 2009. UN guidelines for the alternative care of children.
- van der Walt, G., 2018. Alternative care in South Africa. *Obiter*, 39(3), pp.615-651.
- van IJzendoorn, M.H., Palacios, J., Sonuga-Barke, E.J., Gunnar, M.R., Vorria, P., McCall, R.B., Le Mare, L., Bakermans-Kranenburg, M.J., Dobrova-Krol, N.A. and Juffer, F., 2011. I. Children in institutional care: Delayed development and resilience. *MONOGRAPHS of the Society for RESEARCH in Child Development*, 76(4), pp.8-30.
- van Wyk, B., 2012. Research design and methods Part I. *University of Western Cape*.
- Williams, C., 2007. Research methods. *Journal of Business & Economics Research (JBER)*, 5(3).

Windsor, J., Benigno, J.P., Wing, C.A., Carroll, P.J., Koga, S.F., Nelson III, C.A., Fox, N.A. and Zeanah, C.H., 2011. Effect of foster care on young children's language learning. *Child development*, 82(4), pp.1040-1046.

Yendork, J.S. and Somhlaba, N.Z., 2015. "Exiled life, or home away from home?" Exploring Ghanaian orphan narratives of orphanage placement. *Africa Today*, 62(2), pp.27-42.

## Appendices

### Appendix 1: Consent form



**UNIVERSITY OF KWAZULU-NATAL  
SCHOOL OF LAW**

Dear Respondent,

**Master of Philosophy in Child Care and Protection**

**Researcher:** Blessing Magumise (+27 63 353 6964)

**Supervisor:** Ms Rowena Bernard (+27 31260 1534)

I Blessing Magumise a Master of Philosophy in Child Care and Protection student, at the School of Law in the University of KwaZulu Natal, invites you to participate in a research project entitled: **The integration of orphans and vulnerable children into society. A case study of St Monica Children's Home, Bluff.** The overall objective of this research study is to investigate the experiences of orphans and vulnerable children (OVC) from St Monica's Children's Home, as they transition back into their previous communities.

I hope to conduct this study and obtain results through your participation. The outcome of the interview seeks to suggest possible solutions that institutions, the Department of Social Development and other organizations dealing with OVCs can emulate to change the children's lives prior, during as well as after integration.

Your participation in this research study is voluntary. You may refuse to participate or withdraw from the study at any time with no negative consequence. There will be no monetary gain from participating. Confidentiality and anonymity of records identifying you as a participant will be maintained by the School of Law at UKZN.

If you have any questions or concerns about completing the questionnaire or about participating in this study, you may contact me or my supervisor at the numbers listed above.

The interviews should take about 30 minutes. I hope you will be willing to be interviewed.

Sincerely

Investigator's signature\_  \_\_\_\_\_

## Appendix 2: **Interview guide**

### 1.1 Demographic profile

- 1.1.1 Please provide the following information: age; gender, ethnicity, marital status, level of education and position held.

### 1.2 Challenges experienced in providing OVCs with the skills needed to integrate into society.

- 1.2.1 Do OVCs experience challenges in integrating back into the society?
- 1.2.2 What challenges have you encountered in providing children with the skills needed to integrate into society?
- 1.2.3 In your opinion what are the most important issues affecting these children as they transition back into mainstream society?
- 1.2.4 Is there any special training that you require to be able to deal with the psychosocial needs of the children in your care?

### 1.3 The availability of post-institutional support to OVCs.

- 1.3.1 Are post-institutional support available to children to be able to integrate into society? What are these?
- 1.3.2 Are there policies that guide this process?
- 1.3.3 How do you prepare children for integration into the community?
- 1.3.4 What can be done to make the transition less strenuous on the children?

### 1.4 How effective is this support?

- 1.4.1 Is the support provided effective in assisting children to integrate into society?
- 1.4.2 Are there shortcomings? What are these?
- 1.4.3 What more can be done to improve the services offered during post-institutional care?

### 1.5 Post-institutional support and the best interest of the child principle.

- 1.5.1 Is the best interest of the child taken into consideration when children:
  - 1.5.2 Are placed in an orphanage?
  - 1.5.3 During integration?
  - 1.5.4 During post-institutional care?

## Appendix 3: **Ethical Clearance letter**

