

# The Role of Social Services in Realising Children's Rights in and through Education

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## Abstract

Section 28(1)(c) of the South African Constitution (1996) unequivocally affirms that children are the only vulnerable group with an explicit right to social services. Nonetheless, the practical realisation of this right remains elusive for many children, leaving them without access to vital social services. Through the theoretical framework of transformative constitutionalism, this article posits that the evolving field of social services provision within school settings presents a promising avenue to champion children's right to social services and a range of other children's rights, and facilitate and promote their access to basic education. Utilising a qualitative research approach with an exploratory case study design, this study investigates whether providing social services through a programme in Botshabelo schools in the Free State effectively promotes the realisation of children's rights. The results show that social services in schools can contribute to realising various children's rights. It is recommended that there should be a symbiotic partnership between the Departments of Social Development and Basic Education with the latter endorsing and expanding the provision of social services within schools. This integration is recommended on the basis that it not only advances crucial human rights for children, such as child protection, social security, and a safe environment, but also shows promise in enhancing the academic performance of learners grappling with challenging circumstances.

**Keywords:** transformative constitutionalism; social services; children's rights; school social work; child and youth care



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## Introduction

The Constitution of the Republic of South Africa (RSA 1996), more specifically the Bill of Rights contained in Chapter 2, provides for the realisation of various human rights. Although all these rights apply to children, some are more relevant to the learner in the educational environment. The research reported attempts to understand how the Thari programme, through its psychosocial services, promotes children's rights during its implementation up until 2022.

Despite the fact that the Constitution affords children the right to social services, the provision of social services in schools is a relatively new development in the South African education system (Reyneke 2020; Vergottini 2019). These services have been provided by social workers mainly in special schools, and recently some school governing bodies (SGBs) have started to employ social workers (Vergottini 2019).

Vergottini (2019) defines school social work as

the application of social work principles and methods within the education system to render holistic social work services to support learners, parents, educators and the school as community, with the main goal of establishing an environment where the learner can reach his or her full potential by addressing the social, emotional, socio-economic and behavioural barriers to learning.

I contend that inclusion of social workers in schools can remove these barriers and promote children's rights in and through basic education.

One of the aims of social services is to protect children (see Section 28 of the Constitution [RSA 1996], the Children's Act, No. 38 of 2005 [RSA 2005], and the Child Justice Act, No. 75 of 2008 [RSA 2009]). The Care and Support for Teaching and Learning (CSTL) programme of the Department of Basic Education (DBE) stipulates that schools and educators have to provide child care programmes and protect children, and that they have to promote access to social welfare services (DBE and MIET Africa 2010). Currently, the promotion of access is focused more on referring children to the Department of Social Development (DSD) or relevant non-governmental organisations (NGOs). Unfortunately, this does not mean that these organisations always attend to the referrals, resulting in many children not receiving much-needed social services.

Besides the explicit right to social services, children have a right to basic education (Section 29 of the Constitution [RSA 1996]). Securing this right requires that learners be protected and supported to fully engage in their academic work. I argue that social services in schools are vital in any endeavour to remove the barriers, whether it be abuse, neglect, or concerns about safety, which prevent children from fully engaging in their academic work.

The Cyril Ramaphosa Foundation identified the need for a programme to help create healthy learning environments that protect children and improve their academic and life success. Thus, the Thari programme was conceptualised and implemented in eight Botshabelo (Free State) schools. The programme includes psychosocial support for school children, Safe Parks<sup>1</sup> and a stakeholder forum (Adopt-a-School Foundation 2017). To the best of my knowledge, this programme remains the only initiative in South Africa offering this distinctive combination of services to schools. The Community Keepers programme shares similarities with the aforementioned programme; however, it diverges in certain aspects. Unlike the Thari programme, Community Keepers does not utilise safe parks and employs social auxiliary workers within school settings instead of child and youth care workers (CYCWs) (Community Keepers 2023; *Eikestad nuus* 2023). Given that this programme delivers social services to schools, I have employed it as a case study to elucidate how the provision of social services within the school environment can effectively secure children's rights.

Some South African scholars have been arguing for the provision of social services in schools (Kemp 2014; Pretorius 2020; Vergottini 2019). However, there is still a gap in the literature when it comes to explaining the scope and content of social services as an immediately realisable right within the education context, and specifically how the realisation of the right to social services could promote other rights of children.

The research problem in this study revolves around the need to understand and address the gap in the literature regarding the provision of social services in schools in South Africa. Despite the constitutional rights afforded to children, particularly in the educational context, there is a lack of comprehensive exploration of the scope and content of social services as an immediately realisable right within the education system. This article aims to show, through the lens of transformational constitutionalism, that children's rights can be fully realised only when there is a symbiotic relationship between the provision of social services and the education system. My hope is that this will provide further momentum towards increasing the number of school social workers in South African schools.

I start the discussion by explaining the concepts of “transformative constitutionalism” and “social services”, and then how these services can contribute to the realisation of certain human rights. I provide some background on the Thari programme, after which I discuss the research method, results, conclusions, and recommendations.

## Defining Transformative Constitutionalism

This article is framed within the context of the transformative constitutionalism paradigm (Visser 2020). A constitution creates state institutions, allocates powers to them, and ensures they are not abused (Kibet and Fombad 2017). Constitutionalism,

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<sup>1</sup> Safe Parks are places where children can play in a safe environment under the supervision of an adult. These parks usually have formal programmes to stimulate children.

thus, ensures the protection of fundamental rights and freedoms, the independence of the judiciary, and the separation of powers. It also provides for the review of laws to ensure that they fall within the ambit of the recognised constitution and gives guidelines for changing the constitution (Arendse 2019; Kibet and Fombad 2017). Pre-1994, South Africa was not an egalitarian state; only the white minority had voting rights, and the black majority was subjected to systemic deprivation and discrimination (Moyo 2018). Against this background, the South African Constitution is rooted in a transformative ideology with a rights-based focus and clear goals to change society (Arendse 2019; Rapatsa and Makgato 2016). The Constitution had to provide a transformative direction for the philosophical, legal, political, and constitutional direction of a divided society (Rapatsa and Makgato 2016).

The term “transformative constitutionalism” was coined by Klare (1998, 150). He refers to this concept as a

long-term project of constitutional enactment, interpretation and enforcement committed (not in isolation, of course, but in the historical context of conducive political developments) to transforming a country’s political and social institutions and power relationships in a democratic, participatory, and egalitarian direction. Transformative constitutionalism connotes an enterprise of inducing large-scale change through non-violent political processes grounded in law. (1998, 150)

This means that the South African Constitution was expected to progressively provide direction to redress the harms caused by the former apartheid regime. Section 28(1)(c and d) stipulates: “Every child has a right to (c) basic nutrition, shelter, basic health care services and social services; (d) to be protected from maltreatment, neglect, abuse or degradation” (RSA 1996, 1255). Of particular importance is how, through the progressive implementation of the Constitution, children’s rights could and should be realised when social services are accessible to vulnerable children specifically within the school environment.

## Defining Social Services

There is no clarity on the scope of the social services provided for in Section 28(1)(c) of the Constitution. The first part of this section refers to the right to basic nutrition, shelter and basic healthcare services, which can be described as social and economic rights (Liebenberg 2015). According to Liebenberg (2015), social services include free healthcare services, emergency housing programmes, and basic municipal services such as refuge removal, water, electricity, and sanitation.

However, Sloth-Nielsen (2001) notes that the right to social services could focus on the “social” part in the sense of a community development model provided by various government departments, more specifically social welfare programmes and services provided by the DSD. I agree with the narrower view, especially when considering

Article 19 of the United Nations Convention on the Rights of the Child (CRC) (1989), which South Africa ratified. This article provides that:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. (UN 1989)

In several important pieces of legislation there is indeed a distinct focus on the protection of children through different state interventions on different levels. Article 19(2) of the CRC explicitly prescribes that protective measures be taken to support children by establishing social programmes to that effect. In the case of *Government of the Republic of South Africa and Others v Grootboom and Others* (2000 (11) BCLR 1169 (CC)), the Constitutional Court referred to Section 28 of the Constitution, confirming the state's responsibility to impose obligations upon parents to care for their children and that social welfare programmes could reinforce these obligations. I argue that the social services mentioned in Section 28(1)(c) of the Constitution refer to social welfare services that social workers and other professionals provide. This narrow interpretation of the right to social services is further supported by the Afrikaans text of Section 28(1)(c), which refers explicitly to “maatskaplike dienste”, which is “social welfare services”.

According to the International Federation of Social Workers (2014), social work is

a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledges, social work engages people and structures to address life challenges and enhance well-being.

Therefore, the social work profession can support the implementation of the philosophy of transformative constitutionalism, especially since the social work values of social justice, human rights, and respect for human dignity are enshrined in the Constitution, and the focus is on addressing life challenges that children may experience. Social work services should ensure the promotion of human rights.

## Promoting Human Rights

Besides the Constitution, some of the primary documents that promote the fundamental and inalienable rights of children are the Universal Declaration of Human Rights (UDHR) (UN 1948), the United Nations CRC (1989), the International Covenant on Economic, Social and Cultural Rights (UN 1966), and the African Charter on the Rights and Welfare of the Child (Organization of African Unity [OAU] 1990). These documents make it clear that measures should be taken to ensure that children: (1) are

provided with an environment that will not be harmful to their health and well-being (confirming Section 24(a) of our Constitution); (2) have the right to a name and nationality, access to healthcare, basic nutrition, housing, water, and social security (Sections 26, 27, 28(1)(c)); (3) are protected from maltreatment, neglect, abuse, and degradation (Section 28(1)(d)); and (4) have a basic education (Section 29(1)(a)).

Children as a vulnerable group often need assistance to realise their constitutional rights, and to achieve this, they should receive integrated social welfare services. These services should be provided on various levels, namely prevention, early intervention, statutory/residential/alternative care, and reunification and aftercare. The services can be provided in the form of programmes on life skills, parenting, substance abuse, awareness, and social support services (family preservation, individual and family therapy and counselling) (DSD 2013).

Below I explain how the Thari programme contributed, through their services, towards ensuring the realisation of children's rights.

## Thari Programme

In light of the high levels of poverty, unemployment, family life destruction, racial and gender discrimination, alcohol and drug abuse, gender-based violence (GBV), and extreme violence in communities and schools, the Adopt-a-School Foundation, a subsidiary of the Cyril Ramaphosa Foundation, embarked on a pilot programme in 2017. The aim was to support women and children in eight schools (four primary schools and four secondary schools) in Botshabelo, a township in the Free State province of South Africa, to help build safer school communities (Adopt-a-School Foundation 2017). Building safer communities is in line with one of the priorities of the National Development Plan (National Planning Commission 2012). Action plans to ensure safer school communities include schools needing a safety plan and implementing prevention programmes (DBE 2015).

Violence and exploitation against and among children do not occur only in schools but also at home and in their communities. Because of experiences of violence and trauma, many children become violent themselves, giving rise to a spiral of ever-increasing violence in South African school communities (Artz et al. 2016; Richter et al. 2018). Because of these issues, the Thari programme sought to support children so that they would be exposed to less violence and eventually achieve better academic outcomes.

The schools selected for the programme were seen as underperforming, with high levels of violence, gang activity, and a high number of learners with various psychosocial problems. The programme consisted of three pillars: psychosocial support, Safe Parks, and the creation and strengthening of a forum that focused on awareness campaigns on abuse and the exploitation of women and children (Adopt-a-School Foundation 2017, 2018).

Services to children in the schools were mainly provided by CYCWs, supported by social workers. The scope of services for CYCWs in the auxiliary category of registration with the South African Council for Social Service Professionals (SACSSP) encompasses the delivery of fundamental developmental care to children and youth. This involves safeguarding their physical, emotional, spiritual, cognitive, and social needs. Additionally, CYCWs are tasked with applying behavioural management and support techniques, aiding in the implementation of programmes, participating in developmental assessments, conducting life-space work (including life-space counselling), engaging in administrative duties, facilitating developmental play, and advocating for the rights of children (SACSSP n.d.).

In line with their scope of practice, the main task of the CYCWs was to (1) assess learners who were referred to them by the school-based support team (SBST) and educators, (2) contain harmful situations by using basic counselling skills and doing home visits, and (3) when necessary, refer children to the Thari social workers or social workers at the DSD (Adopt-a-School Foundation 2019; National Association of Child Care Workers [NACCW] 2018).

From the above, it can be reasonably deduced that children in this programme had access to social services as part of the programme.

## Method

### Overview

The data used in this article formed part of a broader study that followed an explorative and descriptive sequential mixed-method (QUAL-*quan*) case study design (Creswell 2014). A qualitative case study involves the comprehensive description and analysis of a circumscribed phenomenon, such as a programme, individual, institution, or social unit (Merriam 1998; Yazan 2015). In this instance, the Thari programme served as the focal case under investigation. In the article, I report on the part of the qualitative study that investigated the psychosocial and other services provided to children in the participating schools. The research problem that directed the overall study was to analyse the efficiency of the three pillars on which the Thari programme was based and the implications for future service delivery in schools in Botshabelo and across the country. The research question related to this article was to determine whether the social services that the Thari programme provided in the schools had promoted the realisation of children's human rights.

### Data Collection and Sampling

Table 1 explains the data collection and sampling protocol relevant to the discussion in this article. Because of ethical reasons, children were not included in the part of the study that focused on the delivery of psychosocial services by the programme; I did not want to re-traumatise already traumatised children. Information was thus obtained from

Thari management, educators, CYCWs, and forum members. Documents provided to me on the programme were also used as part of the evaluation.

**Table 1:** Data collection and sampling protocol

<b>Methods of information collection</b>	<b>Sampling method</b>	<b>Group and sample size</b>	<b>Inclusion and exclusion criteria</b>
<b>Interpretation of documents</b>			All available documents such as reports on programme planning, progress, evaluation, etc.
<b>In-depth, face-to-face interviews</b>	Purposive sample	Interview 1: Programme manager—Botshabelo Interview 2: Thari social worker Interview 3: School H—secondary school principal	Staff from the Thari-programme working in Botshabelo  The principal of the school must be involved in the programme
<b>Semi-structured group interviews</b>	Purposive sample	Group interview 1: CYCWs (9) Group interview 2: Primary school principals (4) Group interview 3: Primary school SBST teachers (8) Group interview 4: Secondary school SBST teachers (8) Group interview 5: Stakeholder forum (4)	All CYCWs  Teachers from SBST—Chairperson and one other available educator from each school  Available members of the committee

## Data Collection

Semi-structured individual and group interviews were conducted and audio-recorded. The data was used to develop questionnaires for the quantitative study (not reported herein). Because purposive sampling was employed, the data should not be generalised to other populations (Babbie and Mouton 2001). Participants included two SBST members from four primary schools and four secondary schools. In addition, nine CYCWs, two managers from the Thari programme (both social work service providers), four forum members, and one principal from a secondary school were interviewed. I also considered documentation from the Adopt-a-School Foundation that related to the programme. Except for the Thari managers, all participants were from Botshabelo.

## Qualitative Content Analysis and Coding Framework

Interviews were recorded, transcribed, and uploaded onto ATLAS.ti (version 22). Qualitative content analysis was applied to search for examples of how the Thari programme, through social services, promoted various children's rights, especially the

right to basic education. The steps followed in the analysis were as follows: deciding on the research question, selecting material, building a coding framework, dividing the material into units for coding, trying out the coding frame, making modifications, performing the main analysis, and interpreting and presenting the findings (Schreier 2012).

For the coding framework, the Bill of Rights described in Chapter 2 of the Constitution was drawn upon to identify the main categories, specifically pertaining to children. In some cases, I included sub-categories to reduce the material and focus on the elements of those rights that will contribute to ensuring the right to basic education.

### **Trustworthiness and Credibility**

The quality constructs of Lincoln and Guba (1985), namely authenticity, dependability, confirmability, and transferability, were followed as principles for ensuring the study's trustworthiness, reliability, and validity (Braun and Clarke 2013). The research was recorded and presented authentically and reliably, and the researcher's bias and viewpoints did not impact the results. Triangulation was also applied, which consisted of detailed descriptions in conveying results, member checking, and an audit trail to ensure adherence to the abovementioned quality constructs.

### **Ethics**

Ethical clearance was obtained from the General Human Research Ethics Committee (GHREC) of the University of the Free State (UFS-HSD2021/0735/21). The ethical guidelines of Rubin and Babbie (2011) were followed as strategies for ethical conduct. These included informed consent, voluntary participation, avoidance of harm, privacy/anonymity/confidentiality, compensation, high-risk group, debriefing of participants, contributions of sponsors, and storage of information/data.

### **Results and Discussion**

My coding frame consisted of various children's rights. By applying qualitative content analysis, I identified seven rights as themes (Schreier 2012). These themes are shortly discussed to show how the psychosocial programme contributed to ensuring the realisation of the rights of children.

Although I discuss the themes separately, they overlap. The interrelation of the themes will become clear to the reader as the discussion progresses and should be read as such. Quotations were edited for readability, but I ensured the meaning stayed the same.

### **Sections 12(1)(c) and 24(a): The Right to an Environment That Is Not Harmful**

Various sections in the SA Constitution guarantee physical and emotional integrity in an environment that is not harmful to the health and well-being of children, including an environment that is free from violence.

According to Thari reports (Adopt-a-School Foundation 2017), the children in the programme experienced a school environment that was harmful to their physical and emotional health, and intervention was needed to protect the children, especially from gangs. Voks,<sup>2</sup> a CYCW, was one of many participants who identified the problem of gangsterism in the community:

And there are challenges because sometimes gangs are really at the top, they are at home in gangs and at school in gangs. (Voks—CYCW)

Trevor, an SBST member of a secondary school, mentioned incidences of gang rape, which contributed to the victims' dropping out of school. This situation is a far cry from the right to basic education (as advocated in Section 29(1)(a)) and a school environment that is not harmful to the children's health. Although these rapes had not taken place on school premises, some of the perpetrators, who were gang members, were active in the schools, contributing to the trauma of the victims. Some of these girls did not want to return to school and needed social services to help them deal with the trauma. Trevor explains:

We have gang rapes in this area; that's a common thing. We are dealing with such and it also contributes to dropout. Most of these learners that were gang raped end up not feeling confident enough to come to school again. (Trevor—SBST—SS<sup>3</sup>)

The Thari programme provided prevention programmes, sports, and educational activities (chess and Scrabble) in schools and at the Safe Parks, which were situated at the schools. Since children were constructively kept busy, they had less time for gang activities, resulting in less school violence. A CYCW elaborates:

When we were there [referring to working in a secondary school], we had networks where we shared different topics, and we were giving them tasks and not treating them like they are in gangs. We were showing them the positive side, so there are many things that they can do, they can play sports, they can help students in school, like to learn at the Safe Park, like educational activities, chess and Scrabble, so that they can do this and they don't have time to do their gangsterism duties. So it worked, when they were at school we managed to keep them busy. (Maximum—CYCW)

The programme also provided psychosocial support for learners who experienced violence at home and who were generally angry and violent. Bongi testifies that Thari interventions had decreased the likelihood of violence among learners and made them happier. This, in turn, had contributed to an environment that is not harmful to children and their educators. Bongi states:

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<sup>2</sup> In order to uphold confidentiality, pseudonyms have been employed for all participants. It is important to note that these pseudonyms do not correspond to any specific individuals in the community; rather, they were chosen by the participants themselves.

<sup>3</sup> Secondary school.

[Creating safe schools] helps because, like we said, some of these kids they watch pornography or some of them they were watching their parents while they did their fighting, they became angry and then they fight with others, as well as teachers, then we refer them to Thari and then they attend sessions and those sessions work a lot at my school. ... [S]ometimes they have activities where they play. While playing with others, they become a little bit happier, and then it helps a lot, those sessions. (Bongi—SBST—PS<sup>4</sup>)

Considering the points raised above, it is evident that broader community challenges must be addressed to protect children's right to a safe environment fully. While social services in schools can contribute to a safer environment, a comprehensive approach to community development is essential for effectively securing children's safety. Given the limited reach of school-based social workers in the community, it is vital to implement integrated services provided by the Department of Social Development and non-governmental organisations (DSD 2006).

### **Section 27(1)(a): The Right to Have Access to Healthcare Services, Including Reproductive Healthcare**

The Thari programme supported children in gaining access to healthcare services. Bongi, an SBST member, gave an example of a child whose parents had neglected to take her to the clinic to receive her medication, resulting in poor health. Children who experience poor health and do not have access to healthcare services could do poorly in school or drop out (Masitsa 2006). It is easier for healthy children to access education than for children with ill health. Thus, barriers to health services act as barriers to education, and their removal should be prioritised in any attempt to realise children's basic rights. Bongi shares the following:

I still remember it was 2019, yes, [learner's name] was in grade three, she was not coming to school, and then she defaulted her treatment because the parents didn't care, and then Thari took over, and then they always carry her to the clinic, she is in grade six now, and she is healthy. (Bongi—SBST—PS)

Star, one of the forum members, also refers to mental health needs when children and their mothers are victims of gender-based violence. GBV is rooted in gender inequality and involves physical, psychological, and sexual violence against women. Some authors include economic violence as a form of GBV (Kerr 2023). Thari statistics reveal that the various forms of GBV had received attention in their programme (Adopt-a-School Foundation 2022b). A forum member explains that the programme addressed

mental health [referring to a question on healthcare services that are provided]. The other programme is a victim empowerment programme that deals with gender-based violence. So, all sorts of gender-based violence. (Star—Forum member)

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<sup>4</sup> Primary school.

Based on the information presented above, it can be inferred that the Thari programme successfully granted access to healthcare services for some vulnerable children. However, it is essential to note that while these services were extended to certain learners, available data does not specify the programme's overall effectiveness in ensuring that all eligible learners needing such support were reached. This provision aligns with the Policy on Screening, Identification, and Support (SIAS) (DBE 2014). An in-depth evaluation of the programme's reach and impact on a broader scale is necessary to ascertain its efficacy in fulfilling this right.

### **Section 27(1)(c): The Right to Have Access to Social Security, Including, If They Are Unable to Support Themselves and Their Dependents, Appropriate Social Assistance**

According to Patel (2023), 47% of South Africans rely on social grants. Of these, 18 million are permanent beneficiaries, and 10 million receive the temporary Social Relief of Distress Grant introduced during the Covid pandemic. Since poverty is so high in the country, it is critical that people eligible for grants actually receive these grants, especially the child support grants for the care of children. In this regard, Thari supported children in getting birth certificates to enable them to apply for various grants. (Also, see the discussion under Section 28(1)(c).) Bongi explains:

Because some children don't have documents, they can't get grants because of the birth certificate, they don't have birth certificate and parents don't care, and then through Thari we get the birth certificate for the children, they get their grant. (Bongi—SBST—PS)

The research findings spotlight the notable proportion of South Africans dependent on social grants due to their impoverished circumstances. This underscores the imperative of ensuring that those who meet the eligibility criteria for social grants receive the support they require, particularly as poverty can be a significant obstacle to effective learning (DBE 2014).

The existing educational framework, however, does not equip educators with the training or mandate to facilitate the application and receipt of social grants for learners and their families (DBE 2014). This responsibility does not fall within the purview of a school social worker as part of their primary role. Nevertheless, when a school social worker identifies the pressing need for this support, the school gains a valuable resource that can help connect learners and their families with external agencies to navigate the complexities of securing social grants (Vergottini 2019). This collaborative approach bridges the gap between education and social security, ultimately providing much-needed support to those in need.

### **Section 28(1)(a): The Right to a Name and a Nationality from Birth**

As mentioned above, the programme supported some learners in getting access to birth certificates and identity documents. These documents protect children's right to a name

and nationality. Sarah, a CYCW, explains that they referred these children to the Department of Home Affairs. Other participants mention that they physically accompanied the children in cases where the parents were not able to. Sarah explains:

[W]hen we make home visits, maybe we see ... the condition or the situation, then you refer to the relevant stakeholder. ... If it is identity document, we refer to Home Affairs.  
(Sarah—CYCW)

Learners must possess an identity document (ID) in order to write the National Senior Certificate Examination (NSCE) (DBE 2021). In the *Moko* case (*Moko v Acting Principal of Malusi Secondary School 2020 ZACC 30, 2020*), the Constitutional Court held that participating in the NSCE is part of the realisation of the right to education. Since Thari supported learners in obtaining IDs, they promoted their right to a basic education.

### **Section 28(1)(c): The Right to Basic Nutrition, Shelter, Basic Healthcare Services and Social Services**

Although the programme did not provide basic nutrition, it helped the SBST to identify learners who needed basic nutrition. As discussed under Section 27(1)(c) above, one of the services of Thari was to support learners in gaining access to social grants. However, these funds were not always used to provide for children's schooling and nutritional needs. Lucy, an SBST member, refers to the financial abuse of children in cases where parents did not use the child support grant for its rightful purpose. She reveals that, in some instances, the school had supported families with food from the school feeding scheme. The CYCWs conducted home visits and worked with parents to ensure that they use grant money optimally so that children can benefit and receive basic nutrition at home. Lucy states:

Abuse can be financial. Some of the learners that are getting grants money are not used properly to assist the learners, especially for school. You find that the money is used mostly, maybe, for buying liquor. You know the parent or whoever is responsible does not do what they're supposed to do with the grant that the kids are getting. Like Mr X has said, there is lot of hunger, we end up using the food that you have at school to give to the learners to go and feed themselves at home. We give them supper sometimes and you know, sometimes you find that that's the only meal that they get, you see, so we identify such learners and then because of the feeding scheme we also provide food; after we have cooked, they come with containers. We find that we don't only provide for the learners that way, we also provide for those that are at home. (Lucy—SBST—SS)

To ensure that children received social services, Thari provided basic support. In the interviews, one of the managers says that, although the CYCWs used the term "counselling", the service they provided can be described as "containment" instead of standard counselling. Peter, one of the CYCWs, explains that they would usually ensure that the child is safe and, when necessary, refer to more formal social services. During

this process, the CYCW would continue to provide support and do home visits. Peter says:

First of all, we provide counselling. In fact, the CYCW has a one-on-one session with the child. During the sessions we conduct, we determine if he or she is safe. If the matter is huge, we refer the matter to the relevant stakeholder [internal social worker or external service providers]. Then continue doing home visits and sessions to see if there is any progress. (Peter—CYCW)

Since the CYCWs did many referrals, and the programme did not have full-time social workers available, some children still needed to be referred to outside agencies. The forum provided this backup to ensure that children in need of specialised social services were catered for. In the *Jacobs* case (*Jacobs v Chairman, Governing Body, Rhodes High School, and Others* 2011 (1) SA 160 (WCC)), the Court said that schools should build networks with social services. Such networks were built by the Thari programme through their assistance of schools towards accessing social services networks. A forum member explains:

Yes, so through the forum Thari has access to a great many service providers. That is what they have now with them, the services are in their basket in comparison to without the forum, they will still be perhaps having difficulty to access health and social services but through the forum they have had access to even greater number of service providers. (Kingston—Forum member)

While it is acknowledged that the programme fell short of directly providing basic nutrition and financial support to learners, it successfully delivered basic social services. However, a noteworthy criticism is the use of semi-skilled CYCWs to offer “counselling services” that may not have matched the standards set by trained social workers or CYCWs in the professional category. CYCWs are authorised to participate in life space counselling, also recognised as Life Space Crisis Intervention, focusing on counselling that addresses the child’s immediate environment, especially during moments of crisis (Long, Wood, and Fecser 2001). There may be instances where they offered “counselling” that deviated from this defined scope of practice. Furthermore, limited full-time social workers in the programme posed potential challenges to the overall quality of services rendered.

It is important to recognise that financial constraints, particularly for programmes not funded by the government, can pose significant limitations. Despite these challenges, the services provided by the programme played a crucial role in ensuring the more comprehensive promotion of the rights enshrined in Section 28(1)(c). By addressing various social services needs and supporting vulnerable children in accessing these services, the programme made strides in safeguarding their fundamental rights within the constraints of available resources.

### **Section 28(1)(d): The Right to Be Protected from Maltreatment, Neglect, Abuse or Degradation**

Educators and social service professionals are expected to protect children from neglect and abuse (DBE 2014; DSD 2006). Lucy mentions that many of the children in the programme experience abuse in their homes. According to Section 110 of the Children's Act, abuse should be reported to a child protection agency so that they can provide social services. As mentioned previously, Thari ensured that when abuse was identified, children were referred for further services. Lucy says:

Ja, most of them are there [referring to teenage pregnancy and HIV/AIDS], just to add a few [that] has not been mentioned: abuse; there is abuse in the home, most of our learners are complaining about this. (Lucy—SBST—SS)

Bongi adds that some children experienced sexual abuse. She also confirms that the programme ensured that these children received medical attention and that the cases were referred to the authorities and the DSD for further services. She says:

Like for instance, you have sexual [abuse], you suspect, as a teacher, that this child has been raped, so we just refer that child to Thari people and then they will refer such child to the clinic maybe or even so that it can be investigated. [Referring to parents not being at home,] Sometimes that is why we find our children being raped in some cases, sometimes they fall pregnant, so that is in most cases prioritised for those cases through Thari and then they take it to the relevant stakeholders. (Bongi—SBST—PS)

Educators and social service professionals play a pivotal role in safeguarding children from neglect and abuse, as mandated by educational and governmental policies. The accounts of Lucy and Bongi underscore the prevalence of abuse, including sexual abuse, among programme participants. It is commendable that the Thari programme ensured timely reporting of abuse to relevant authorities, medical attention for affected children, and referrals to the DSD for further support.

However, while these efforts are laudable, they also illuminate the ongoing need for a comprehensive approach to address the underlying causes of abuse and provide sustained support to vulnerable children. Collaborative initiatives between education and social services systems are vital for the holistic protection and well-being of children facing various challenges. Ensuring these efforts align with policies and practices is crucial for upholding the rights and welfare of every child.

### **Section 29(1)(a): The Right to a Basic Education**

As discussed above, ensuring the mentioned rights contributes to ensuring a child's right to basic education. Dineo, a primary school educator, asserts that the programme supported educators regarding the learners' need to feel safe. She notes that having social services at the school allowed more teaching time since there was a dedicated person who could attend to learners' emotional needs. Social service professionals are

trained to deal with trauma, such as the rape of a child, while educators are not. Establishing a school culture that supports learners in dealing with trauma will also contribute to increased academic performance (Blitz, Yull, and Clauhs 2020). Dineo states the following:

The first thing, it [the availability of CYCWs] creates time for us because if we have enough time so that we can interact with these children, then the child will always feel safe, will always feel protected and always feel having a parent behind, so before this programme, we didn't have enough time with these children, because we had to deal with social needs, we have to touch the physical part, for recreation, we had to touch other parts we are not expected to attend to, like, for instance, you can see this child has been raped but there is nothing we can do, there is nothing, you know nothing about it. Because even when you call the parents and ask them and the parents will ask you why you say this child has been raped. (Dineo—SBST—PS)

Mpumelelo confirms that the programme supported the school in identifying children who experienced psychosocial challenges at home. After their home visits, the CYCWs would give feedback to the school, which the SBST, with the help of Thari, would use to develop suitable intervention plans. In this way, teachers had more time to focus on their core function of teaching, while learners received the support they needed. The expectation is that this type of arrangement would improve the quality and quantity of the education that children receive. Referring to learners living in child-headed households, Mpumelelo explains as follows:

I think it impacts the learner performance here. ... With the CYCW here, I can really indicate that it has also assisted a lot because there are some other points we could not identify. But they have also assisted the school in identifying some of the problems at home that were basically some psychosocial challenges that learners experience. So, these CYCW that is on the premises, he is also assisting. And as we are busy going on with learning and teaching. But they are attending to those, and they give a report on a monthly basis in terms of how can they be able to assist there. (Mpumelelo—SS principal)

Rita, the Thari manager, who is also a social worker, explains how Thari helped to ensure children's right to basic education. According to her, many violent learners who brought weapons to school were children with learning difficulties who experienced severe challenges at home and felt abandoned. The feedback from the CYCWs after home visits brought insight into the learners' environment and helped educators to better understand the children. This changed the attitude of educators, resulting in their being more empathetic and having better relationships with learners. In turn, since learners felt safer in school and experienced adult support, they could focus on their academic work. Rita states:

When you check all of these children [those who bring weapons to school] ... most of them either have learning difficulties, serious social problems at home, nobody looking after them. ... We discuss cases with the SBST so that they can actually understand what

[name of child's] problem is. And I think also even the attitude kind of changed, you know. And when you get to school you would get feedback, like, guess what, [name of child] passed his maths exam or test and that. And so, you can see that also the attitude was creating the unsafety and, you know, there was just that misunderstanding between the children and the educators. As adults, you know, you want to punish and things must be right. So, now they were able to really get into this child's world and see what is happening. And yes, I think it did contribute a lot. (Rita—Thari manager)

In conclusion, the discussion underscores the crucial role of social services in upholding the right to a basic education, as enshrined in Section 29(1)(a). The programme has proved instrumental in enhancing learner performance and fostering consistent school attendance (Adopt-a-School Foundation 2022a). Notably, the programme's substantial support for educators in addressing learners' safety and emotional well-being, facilitated by dedicated professionals skilled in managing trauma and psychosocial challenges, has been instrumental in ensuring a conducive educational environment.

Educators and programme managers emphasise how these efforts have improved academic performance, regular attendance, and higher retention rates. By enhancing the quality and quantity of education children receive, the programme aligns with Section 29(1)(a) and contributes to realising their right to a basic education. This underscores the importance of a comprehensive approach to create a conducive learning environment and promote educational well-being.

## Limitations

The Thari programme, while demonstrating significant successes, raises several crucial limitations and areas for critical assessment. One such concern pertains to the sustainability of the positive changes achieved over time, emphasising the necessity for long-term planning and resource allocation to safeguard children's rights consistently.

Moreover, the programme's scope and reach may have limitations, potentially leaving unmet needs within the community. This prompts a critical evaluation of whether the programme effectively reaches all needy children to ensure that no vulnerable child is left without support.

Furthermore, the results lack insight into the programme's collaboration with local law enforcement agencies, which is particularly crucial when addressing complex issues such as gang violence. A critical analysis should explore the effectiveness of the programme's coordination with relevant authorities in addressing multifaceted challenges.

Additionally, the programme's inability to provide direct basic nutrition and consistent financial support for children's needs raises questions about the comprehensiveness of the services offered, necessitating a comprehensive assessment of these limitations.

The programme's use of "containment" instead of standard counselling and the absence of full-time social workers point to potential shortcomings in its capacity, warranting a critical perspective to understand their impact on providing comprehensive social services to children, especially in addressing urgent cases.

## Conclusions and Recommendations

The provision of social services, exemplified by the Thari programme in this case study, plays a pivotal role in safeguarding and securing various children's rights. These services serve as protective measures against neglect and abuse, effectively identifying cases of harm and ensuring that children are referred to child protection agencies, thus upholding their right to protection (Section 25(1)(c)).

Although school social workers do not offer healthcare services, their presence ensures that learners can access necessary health services (Section 27(1)(a)), thereby promoting the right to healthcare.

The findings underscore how the availability of social services empowers educators to address learners' emotional and psychosocial needs, thereby cultivating a safe and supportive learning environment. This, in turn, reinforces children's right to a basic education (Section 29(1)(a)).

Social services facilitate access to social grants and financial assistance for children and their families, particularly in economic hardship. When school social workers ensure that families receive support, it ensures that children have the means to meet their basic needs, aligning with their rights to basic nutrition, shelter, and appropriate social assistance (Section 28(1)(c)).

Furthermore, social services within school settings adopt a holistic approach to cater to the diverse needs of children, recognising that various factors influence a child's well-being. By offering an array of services, from counselling to referrals to external agencies, school social workers actively contribute to a comprehensive strategy for child welfare.

The conceptual framework for this study, transformative constitutionalism, underpins the understanding that legal and social changes are essential for realising constitutional rights and social justice. In this context, the Thari programme serves as a prime example of a school social service initiative that significantly contributes to the realisation of various children's rights by delivering essential social services. By actively engaging in providing these services, Thari aligns with the principles of transformative constitutionalism, emphasising the dynamic role of social services in effecting change and upholding the rights enshrined in the Constitution. This reflects a broader commitment to advancing social justice and creating a transformative impact on the lives of children, ultimately driving positive change within the context of constitutional principles.

The findings show that learners benefit when there is a symbiotic relationship between the provision of social services and the education system. This relationship can improve children's right to basic education, as evidenced by the research.

The first recommendation is that programmes such as Thari be implemented in more schools and that the DBE and DSD join hands to protect and promote children's right to social services. Secondly, more schools should employ social workers since they contribute to removing barriers to learning. This would ultimately lead to improved academic achievement in schools and the support of various rights, specifically the right to basic education.

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