

Government fails children with mental health disabilities

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We note the statements made this morning by Prof Melvyn Freeman, Chief Director of the Non-Communicable Diseases Cluster at the National Department of Health. Prof Freeman explained that the Department lacks resources to provide for children with mental health disabilities, including children with conduct disorder. However, these statements are contrary to what the National Department of Health claims in an affidavit in legal proceedings with the Centre for Child Law (“CCL”) on the provision of appropriate services to children with severe conduct disorder.

The CCL has been monitoring the treatment of children with severe conduct disorder for the last ten years. While we have litigated in the past on this issue – the response by the various Departments (Department of Health, Department of Social Development and Department of Basic Education) has been insufficient. In 2016 the CCL we launched new litigation aimed at resolving this issue at a systemic level.

Children with severe conduct disorder are sent “from pillar to post” by a system that cannot adequately care for them. Mainstream residential facilities, such as child and youth care centres (“CYCCs”), struggle to manage children with severe conduct disorder. These facilities do not have the programmes and cannot maintain environments necessary to meet the needs of these children. Mental health care facilities have also been found lacking and cannot adequately care for children severe conduct disorder. In addition, it is difficult for families to cope with such children on their own.

Research indicates that the best assistance for children with severe conduct disorder is the establishment of CYCCs specifically dedicated to the children’s care needs, which encompass their health, psychosocial and education needs. Such assistance is envisioned in the Children’s Act which states that the government *must* provide alternative accommodation for children in need of care and protection which *must*

provide therapeutic care, which may include care for children with psychological difficulties.

The Departments of Health, Social Development and Education must collaborate to provide children with severe conduct disorder with the care they need. While there are broad policies in place – none adequately address the issues of children with severe conduct disorder. The Department of Health claims that it has “sufficient health policies and strategic plans to address the health needs of all children requiring health care services”...”including children suffering from mental illnesses and those that require care, treatment and rehabilitation for profound disruptive behaviour disorders”.

The failure of the government to provide adequate polices translates to numerous problems on the ground. CYCCs are not adequately resourced or provided with trained staff. Staff are therefore unable to cope with these children, and in some cases, these children end up in the criminal justice system unnecessarily.

Often children with severe conduct disorder end up in long term care at mental health institutions which are designed for acute cases and short term care. The impact on the child is significant as they become institutionalised and fail to acquire the relevant developmental skills to cope. Failing to place children in the correct facility has a significant cost to the taxpayer as well. Caring for a child with severe conduct disorder in a dedicated CYCC would cost in the region of R16 000 per month, whereas caring for the same child at a mental health care facility will cost in the range of R78 000 per month.

In our current case, the CCL represents a number of children from various provinces who have been at the receiving end of the systemic failure of government to adequately provide for them. The litigation is ongoing.

Ends.

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