



# STELLENBOSCH MUNICIPALITY

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## STREET PEOPLE POLICY

Draft  
10/26/2018

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## **1. Abbreviations**

CBO:	Community Based Organisation
CD:	Community Development Section
CDS :	Community Development Strategy
CWP:	Community Works Programme
ECD:	Early Childhood Development
FBO:	Faith Based Organisation
GiA:	Grant in Aid: Stellenbosch Municipal Annual Grant Programme
IDP:	Integrated Development Plan
M & E:	Monitoring and Evaluation
NGO:	Non-Governmental Organisation
SASSA:	South Africa Social Service Agency
SSI:	Stellenbosch Safety Initiative
WC024:	Stellenbosch Municipal Area

## 2. Definitions

**“Assessment Centre”**: means a facility which provides psycho-social assessment and development of a street person’s personal development plan, provides counselling and referrals, refers people to relevant services.

**“Family”**: means individuals who, either by contract or agreement chooses to live together and function as a unit in a social and economic system. The family is envisaged as the primary social unit, which ideally provides care, nurturing and socialisation for its members. It seeks to provide them with physical, economic, emotional, social, cultural and spiritual support.

**“Life-skills Training”**: means training in skills that enhance social, emotional, psychological and spiritual functioning, for example, assertiveness training or stress management.

**“Mental Illness”**: means mental illness as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)

**“Prevention Programmes”**: means developmental programmes for children, youth and adults and may be provided at schools, in households or at the community level.

**“Shelter”**: means a residential facility providing temporary accommodation, care, social work services and opportunities for education and training to self-referred people living on the streets. Shelters facilitate the process of social reintegration of street people.

**“Social Services Professional”**: includes probation officer, development worker, child and youth worker, auxiliary worker and social security worker who are registered as such in terms of the Social Service Profession Act, Act No. 110 of 1978.

**“Social Worker”**: means a person who is registered as a social worker in terms of the Social Services Profession Act, Act No. 110 of 1978.

**“Street Adult”**: means any person who is over the age of 12 years and older who, for any reason, finds themselves living and working on the streets. Street adults are further sub-divided as follows: Adult: 18 years - 55 year and Aged person: 60 years and over.

**“Street Child”**: means a child who because of abuse, neglect, poverty, community upheaval or any other reason, has left his or her home, family or community and lives, begs or works on the streets; or because of inadequate care, begs or works on the street but returns home at night. Street Children are further sub-divided as follow: Infant: 0-2 years, Toddler/Pre-school child: 2-7 years and Children: 7-12 years.

**“Street People”**: means people, who for any reason use the outdoors as a place of abode for a lengthy period of time. Cognisance is taken of the fact that the definitions of ‘child’, ‘youth’ and ‘adult’ for legal purposes are contained within the Criminal Procedures Act and the justice system. The term, ‘street’ includes all areas open spaces and river banks.

**“Street People Database”**: means the comprehensive collection of confidential records of street people, itemising personal details, what services they have already accessed ,how frequently, what services they still need to access and the length of time they have lived on the streets.

**“Street Youth”**: means a person over the age of 12 years and under the age of 18 years who for any reason finds him/herself living on the street.

### 3. Problem Statement

- 3.1. According to the March 2015 Human Science Research Council's review, we cannot understand homelessness by only focusing on the concept of home or shelter. It is important that we also consider the psycho-socio economic drivers and outcomes of homelessness. These include factors such as substance abuse, family dysfunction and conflict, mental and physical health issues, and criminal affiliation. Among others, socioeconomic factors include poverty, unemployment, and a lack of social security and housing. These factors may be both the drivers and outcomes of homelessness.
- 3.2. Homelessness is not unique to Stellenbosch or South Africa for that matter. Street people exist in cities around the world. A study in 2010 suggested that there are between 100 000 to 200 000 street people in South Africa's urban and rural districts. According to the statistics of a local Stellenbosch organization working with people living on the street it is estimated that on any given day 150 people will find themselves on the streets of Stellenbosch Central near transport hubs where economic opportunities exist. These statistics do not include the other communities within the municipal area. (Franschhoek, Klappmuts and others).
- 3.3. Living on the street makes street people more vulnerable to abuse and live with the problems of illiteracy, substance abuse, hunger and malnutrition, inadequate shelter, sexual exploitation, criminal abuse, physical and mental health problems.
- 3.4. Many people on the streets of Stellenbosch town are not living on the street, but have taken to begging on the street as an easy way of accessing money. Some are from local communities and others travel daily from surrounding areas like Kuilsrivier as Stellenbosch is perceived as a place where students and tourists are easy targets for begging.
- 3.5. A further worrying component is persons with criminal intent who operate under the guise of homelessness in order to plan and execute criminal activities.
- 3.6. The behaviour of people living on the street negatively impacts on both service delivery to residents and costs to the administration of The Greater Stellenbosch. The Stellenbosch Municipality by-law relating to Streets, Public Places and the Prevention of Noise Nuisances regulates this anti-social behaviour in public spaces. Violations of the by-law by street people acts to overburden law enforcement agencies. The current bylaw is seen as unconstitutional as it criminalizes poverty.
- 3.7. The issues facing street people are complex and multi-faceted. The most obvious responses to the existence of street people, such as providing money and "hand outs" directly to street people, often exacerbate the problem. This is especially apt for Stellenbosch with a large student and tourist population.

#### **4. Purpose and Focus**

- 4.1. The purpose of this policy is to manage Street People in the Stellenbosch Municipal area as part of an integrated and holistic approach to community development.
- 4.2. The central focus of this policy document is to define how Stellenbosch Municipality can play a *meaningful, enabling, collaborative and facilitating role* in managing the social and economic challenges linked to the phenomenon of Street People in the Greater Stellenbosch

#### **5. Desired Outcomes**

- 5.1. This Policy seeks to articulate the Stellenbosch Municipality's role in identifying and providing street people with the necessary developmental assistance to access accommodation, health services, skill-development services, employment, social grants and aid in facilitating the reintegration or reunification of street people into families, community and society.
- 5.2. The Policy clarifies the roles and responsibilities of role-players in Stellenbosch Municipality as well as external NGOs and service providers working for or on the Municipality's behalf.
- 5.3. The Policy provides for the establishment and support of a local network of service providers to assist with the implementation of this policy.

#### **6. Declaration**

Stellenbosch Municipality will seek to develop programmes and projects that would enable relevant municipal service departments and civil society institutions to adequately manage the men, women and children that live on the streets of the municipality. It is our declared endeavour to employ a holistic, developmental and integrated approach in the programmes and projects directed at Street People.

Stellenbosch Municipality therefore supports the following:

- 6.1. It is the right of the Street People of Stellenbosch to live with dignity and to be granted the opportunity to develop to their full potential.
- 6.2. It is the right of residents of Stellenbosch to live and work in their communities without being subjected to socially unacceptable behaviour such as harassment or criminal activity.
- 6.3. Stellenbosch Municipality will ensure that service departments of the municipality deal with Street People in a responsible and dignified manner in order to gain their trust and respect.
- 6.4. Stellenbosch Municipality will promote collective networking and cooperation between role-players and stakeholders involved in working with street people.
- 6.5. Stellenbosch Municipality believes that a cash economy with easy access to money on the streets combined with low educational levels perpetuates the unwillingness/inability to obtain or keep meaningful employment and thus subscribe to a give responsibly campaign through which immediate social relief can be obtained.

## 7. Policy and Strategic Intent

This policy aligns with a number of overarching strategy documents and policies that inform the Municipality's priorities.

### 7.1. Integrated Development Plan

7.1.1. The Integrated Development Plan (IDP) is the Municipality's overarching framework strategy that shapes the policies, programmes and budget priorities of the administration for the next five years. The Street People Policy is aligned with IDP's Strategic Focus Area aimed at achieving 'Dignified Living'.

7.1.2. Street people are a particularly vulnerable group and thus require a concerted effort to ensure they are recognised as part of the community we serve and thus included in the services we plan for.

### 7.2. Municipal Community Development Strategy

7.2.1. The Municipal Community Development Strategy is an approved plan of Stellenbosch focussing on the needs of vulnerable persons and communities. It consists of 6 goals, one of which is goal 2 focuses on "to facilitate and coordinate the development and sustainment of networks and partnerships". These networks and partnerships are aimed at addressing the needs of vulnerable persons within our communities.

### 7.3. Stellenbosch ECD (Early Childhood Development) Policy

7.3.1. Section three of the policy identify the results of not being able to access ECD facilities as among others, stunting, poor school performance and poverty. All of which contributes to persons being vulnerable, struggling to find meaningful employment and susceptible to disease, substance abuse and involvement in criminal activities. Factors that can be attributed to people landing up on the streets.

### 7.4. Stellenbosch Municipal Grant in Aid (GiA) Policy

7.4.1. Section 6.2.6 makes provision for financial support through the GiA policy to organisations that provide a comprehensive response to the prevention, reduction, outreach and stabilisation of street people. Organisations or bodies that provide a continuum of services and that collaborate with businesses, government departments and other organisations are preferred. Street people programmes listed in Category A shall fall under this category if provision is made for overnight stay.

Projects/programmes must include the following but are not limited to:

- (i) Provision of basic services (overnight facility, shower, morning and evening meals
- (ii) Provision of social work services inclusive of referrals
- (iii) Family re-integration services
- (iv) Social support
- (v) Community work programme
- (vi) Facility maintenance (Infrastructure and operational equipment)

## **8. Policy Parameters**

- 8.1. The policy affects all street people living in the Stellenbosch Municipality municipal area.
- 8.2. This policy aims to provide a municipal wide collaboration between the municipality and external role players on the way in which all parties will approach and manage street people within WC024.
- 8.3. This policy does not apply to street children. The Street People Programme will collaborate with the Early Childhood Development programme and Provincial Government of the Western Cape, to deal with street children as it is necessary. This collaboration is guided by the Children's Act, Act 38 of 2005.
- 8.4. The policy has transversal implications as its provisions apply to projects and programmes run by the Community and Protection Directorate, Local Economic Development Department (CWP Unit), Parks, Sport and Recreation Section and Solid Waste Department.
- 8.5. This policy shall guide the work of NGOs or CBOs conducting projects on behalf of, or in partnership with the Stellenbosch Municipality.

## **9. Role players and stakeholders**

- 9.1. The Community Development Section, Community and Protection Services Directorate
  - 9.1.1. The Community Development Section (CD) will be the main champion of the implementation of this policy.
  - 9.1.2. CD will work with Provincial Health Department and NGO's to develop a referral network for street people that have mental or physical health problems.
  - 9.1.3. CD will work with CWP Unit to facilitate access to temporary job creation opportunities for street people in collaboration with local service providers.
  - 9.1.4. CD shall facilitate partnerships with role-players in the sector.
  - 9.1.5. CD shall lead and facilitate internal partnership to provide holistic, integrated services to street people.
- 9.2. Protection Services Department, Community and Protection Services Directorate
  - 9.2.1. The Law Enforcement & Security Section works with CD to address anti-social behaviour as and when it is seen in street people. They will also collaborate with the SSI in this matter.
  - 9.2.2. Law Enforcement & Security Section is responsible for by-law enforcement.
- 9.3. Other Relevant Stakeholders include inter alia:
  - Internal Stakeholders
    - 9.3.1. Finance Directorate
    - 9.3.2. Human Settlements Directorate
    - 9.3.3. CWP Unit
    - 9.3.4. Tourism Unit
    - 9.3.5. Communications Department



9.3.6. Portfolio Councillor, Ward Councillors and committees

External Stakeholders:

9.3.7. NGOs

9.3.8. CBOs

9.3.9. Provincial Department of Social Development

9.3.10. Provincial Department of Health

9.3.11. South African Police Services

9.3.12. Faith-Based Organizations

9.3.13. Tertiary or research institutions

9.3.14. Donors

9.3.15. Tourism bodies

9.3.16. Media

## 10. Regulatory context

10.1. The United Nations Convention on the Rights of Persons with Disability

10.1.1. States parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk.

10.2. The Constitution of the Republic of South Africa, Act No 108 of 1996

10.2.1. Chapter 2 of the Constitution, the Bill of Rights, “enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedoms human rights for everyone in South Africa”. This is particularly important for street people who are extremely vulnerable to abuse.

10.3. The Social Assistance Act, Act No. 59 of 1992 as amended 2008.

10.3.1. The Social Assistance Act makes provision for access to government social assistance services through the South African Social Security Agency (SASSA).

10.3.2. This Act applies to adults living and working in the street in the sense that it makes provision for the processes to access old age pension, disability and/or other grants.

10.4. The Promotion of Equality and Prevention of Unfair Discrimination Act, Act No 4 of 2000

10.4.1. Chapter 5 Section 28 makes it very clear that all entities delivering services to members of public must adopt viable action plans for the promotion and achievement of equality in respect of race, gender and disability. This has reference not only to attitude and behaviour, but also on physical accessibility and non-discrimination.

10.5 Stellenbosch Municipal Street By-law (04/06/2010), Provincial Notice 6756 makes anti-social behaviour, drinking, urinating, defecating and sleeping in public places and begging among others an offence.

## 11. Policy Directives

Through a consultative process, the following was determined as the directive for a Stellenbosch Street People Policy:

<b>GOAL: MAKE STELLENBOSCH STREETS SAFE</b>	
<b>Strategy 1: Education and Awareness</b>	
Possible Actions	Role Players
<ol style="list-style-type: none"> <li>1. Adopt the Give Responsibly Campaign</li> <li>2. Clear Policies</li> <li>3. Digital / Physical coupon system</li> <li>4. Homeless fund</li> <li>5. Job Network – where people can advertise for available work</li> <li>6. Community education re the type of questions to ask if approached by person for money that would assist to develop a Stellenbosch profile</li> <li>7. Clear information and education about available services at schools, churches, tourism offices, hospitality industry</li> <li>8. Clarity on legal issues</li> <li>9. Trained and informed Law Enforcement Officers</li> <li>10. Updated database of available services and organisations available on municipal website and at tourism offices</li> </ol>	
<b>Strategy 2: Empowering people to be self-sufficient</b>	
Possible Actions	Role Players
<ol style="list-style-type: none"> <li>1. Homeless fund</li> <li>2. Job Network – where people can advertise for available work</li> <li>3. Community Works Programme</li> <li>4. Effective screening of who wants to work</li> <li>5. Database shared between organizations</li> <li>6. Skills Training (Abet, gardening)</li> <li>7. Lifeskills and job readiness training</li> <li>8. Mentorship</li> </ol>	
<b>Strategy 3: Preserve Human Dignity</b>	
Possible Actions	Role Players
<ol style="list-style-type: none"> <li>1. Local Collaborative Network of people and organizations wanting to be involved</li> <li>2. Clarity on Legal issues</li> <li>3. Trained and informed officers</li> <li>4. Adopt a street person</li> <li>5. Database shared between organizations</li> <li>6. Street Shelter</li> <li>7. Night Shelter</li> <li>8. Feeding programme</li> <li>9. Foster Family support</li> <li>10. Showers and Facilities</li> <li>11. Assessment Intake Centre</li> <li>12. Referral of all children on the street to DSD and their partners</li> <li>13. Referrals for specialised services for substance abuse and mental and physical health issues</li> </ol>	

14.	Access to Social Work Services	
15.	Applications for admission to old age homes	
16.	Reward Programme that will allow access to ID documents and material resources	
17.	Family re-unification programme	
<b>Strategy 4: Prevention</b>		
<b>Possible Actions</b>		<b>Role Players</b>
1.	Strengthening the ECD Programme	
2.	Holiday Programmes for children	
3.	Strengthening families	
4.	Single parent support groups	
5.	Accessible Social Services and access to SASSA grants	
6.	By-law enforcement	

## 12. Roles and Responsibilities

In order to achieve a holistic integrated approach to the management and care of people living on the streets of Stellenbosch, collaborative efforts are required from a variety of different role players and stakeholders. These include, but are not limited to:

### 12.1. Street People and Families:

- Accept responsibility for personal development.
- Actively participate in available programmes and services.
- Take responsibility to care for family members and participate in re-unification programmes
- Understand the principle of having to contribute towards access to social relief in some or other way

### 12.2. Stellenbosch Municipality:

- Utilize Grant in Aid funding in line with the applicable policy to fund a collaborative approach inclusive of network development and maintenance, and holistic programme implementation (social work services inclusive of an assessment centre, street people database development and maintenance, profiling of people on the street, empowerment and job creation programme, networking and collaboration of all programmes).
- Facilitating job creation through CWP
- Creating awareness of the issue and ensuring that the local communities are educated about the initiatives for Street People, so that donations and support are not given directly to Street People, but channelled to local service providers serving people on the street.
- Consistent enforcement of all by-laws
- Ensuring that all municipal staff are trained on the issue of street people in order to deal with the phenomenon in a dignified way
- Promote collective networking and cooperation between role-players and stakeholders involved in working with street people
- Ensuring that people who are found to exhibit anti-social behaviour or by-law transgressions are dealt with in terms of the prevailing municipal and SAPS sanctions
- Availing under-utilised municipal infrastructure to benefit collaborative street people programmes
- To agree on the respective roles of provincial and local government
- Encourage inter-departmental cooperation within provincial government

- 12.3. Service providers / Institutions:
- To facilitate job creation for persons living on the street
  - To create and develop partnerships between NGO's, the private sector, the public sector and Local Government
  - To actively support and facilitate training and education of all relevant staff members
  - To work towards a municipal wide approach to addressing the issue and not just focus on individual mandates and agendas
  - Establish a local network of service providers for accountability
  - To not duplicate services
- 12.4. The Community and Society
- To raise awareness and promote education in the communities about the issues affecting street people including the effect of hand-outs
  - To support existing structures and organisations delivering services to persons living on the streets
  - To volunteer their time
- 12.5. Business and Tourism industry
- Encourage business to assist in development strategies
  - Assist with the creation of a job network
  - Establish funding partnerships around strategic interventions
  - Promote Stellenbosch as a non-begging community
- 12.6. Faith based organisations and religious institutions
- Impact on spiritual dimension of street people
  - Support service organisations
  - Encourage members to volunteer
  - Promote Stellenbosch as a non-begging community
- 12.7. Media
- Assist with education and awareness strategies in community

### **13. Policy Review**

- 13.1. The policy will be reviewed and updated every two years or in light of evidence that indicates that this policy is not meeting the outcomes set out in section six.
- 13.2. Street people forums, networks, structures and other affected parties may consult with CD on the efficacy of this policy and the extent to which it achieves its aims.