

# **The South African Government's Budgetary Obligations to Tackle the Severely Strained Resource- and-Funding Environment of Inclusive and Holistic Early Childhood Development\***

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## **SUMMARY**

This article assesses the South African government's international, constitutional and legislative budgetary obligations with respect to the development of all children in early childhood. The components of early childhood development (ECD) services are examined as an "essential package" of support to children, including not only education and stimulation but also health, nutrition, social services and support for primary caregivers who need this support in the home environment. This holistic approach requires budgetary collaboration between government and provincial departments to ensure that budgets for this group of children are properly assessed

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and allocated. With the recent assumption of responsibility for South African ECD programmes by the Department of Basic Education (DBE), clarity is needed on how future budgetary allocation will be managed to ensure cooperation with local government, the Department of Health (DOH) and the Department of Social Development (DSD), which was previously in charge of ECD. The expansion of public provisioning of early childhood care and education (ECCE) programmes has cost, capacity and policy implications. It is argued that this expansion necessitates the implementation of a package of services and provisioning from homes and community venues, with the involvement of municipalities in infrastructural development to advance universal access to ECD programmes. However, despite this need for holistic planning and provisioning, the current budgeting for access to inclusive, ECCE is largely inadequate, with little evidence of investigation into new and improved methods of investment and governance.

Internationally, concern has been expressed by the United Nations Committee on the Rights of Persons with Disabilities at the ineffective implementation of relevant policies by the South African government, owing *inter alia* to: acute shortages of staff with expertise on disabilities and insufficient allocation of financial resources; the large number of children with disabilities who are out of school or are studying in specialised schools or classes, in particular children with psychosocial disabilities; and the low quality of education provided and inadequate curriculum content used for children with disabilities, particularly children with psychosocial disabilities, autism spectrum disorders, and sensory disabilities. Urgent attention has still not been paid to this lack of proper implementation.

Domestically, the administration, financing and delivery of partial care and ECCE services are assigned to provincial bodies that are accountable for the planning, funding and oversight of these services. A province can allocate a budget from its equitable share and revenues. Alternatively, a conditional grant may be allocated to the province from the national budget. Decisions to allocate specific amounts for ECD are made at the provincial level and there have been allegations of unpaid subsidies and instances where the government has repurposed funds that were already budgeted for specific purposes. Furthermore, the funding does not fully encompass the broader scope of the education-related essential package of services that the State should provide. In this regard, there is potential to expand the private sector's role in welfare provision to help underfunded NGOs provide essential services. Legislation on ECCE and ECD, in particular where intergovernmental cooperation and monitoring and evaluation of nutritional interventions are emphasised, may remould the current fragmented and disparate policy options into a more coherent legal duty. Such legislation should prioritise nutritional security for children with disabilities who are from poorer families. Furthermore, adequate funding should be directed to ECD programmes, with better coordination and alignment between the national and provincial departments responsible for ECD. This would ensure that resources are effectively used and transparently managed. This may involve revisiting funding models, reviewing subsidy amounts, and establishing mechanisms to hold relevant stakeholders accountable for achieving the desired outcomes. Furthermore, it is crucial to impose stronger legislative duties to enhance accountability by means of an effective financing system, the primary objective of which would be to ensure equitable support for ECD services across South Africa for children with disabilities. For children with disabilities in particular, a coordinated programme is required to address the key components of funding allocation, resource utilisation, accountability and coordination between national and provincial levels and between departmental and ministerial levels.

KEYWORDS: early childhood development, financing, disability

## 1 INTRODUCTION

In this article, the South African government's international, constitutional and legislative budgetary obligations with regard to the early childhood

development of all children<sup>1</sup> are assessed. Evidence indicates that multidimensional barriers to education are particularly challenging for young children with disabilities and their caregivers.<sup>2</sup> We identify the components of early childhood development (ECD) services as an “essential package” of early childhood services and support to children that comprises not only education and stimulation for early learning but also health, nutrition, social services and support for primary caregivers.<sup>3</sup> This holistic promotion of early child development requires budgetary collaboration between government departments.<sup>4</sup> A holistic approach is essential, as a belief that children with disabilities constitute a homogenous group and that there is a binary distinction between children with and without disabilities results in a focus on social barriers that diminishes the important focus on rehabilitation for the individual child; children with disabilities may otherwise be perceived simply as being those in receipt of services.<sup>5</sup>

The literature consistently presents compelling evidence of the numerous benefits derived from investing in ECCE, which include the remarkable ability to counteract the adverse effects of poverty<sup>6</sup> and enhance learning outcomes throughout a child's school journey.<sup>7</sup> Moreover, ECCE has also proved instrumental in improving overall health outcomes, and ultimately augmenting future earning potential.<sup>8</sup> From an economic standpoint, ECCE services contribute to children's academic achievement and their future success in the job market<sup>9</sup> and can also boost economic outcomes through increased earnings.<sup>10</sup> Access to high-quality ECCE services has been

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<sup>1</sup> With a particular focus on children with disabilities. Cf Department of Basic Education (DBE) *ECD Census: 2021 Report* (2022) 4 <https://datadrive2030.co.za/wp-content/uploads/2022/09/ecdc-2021-report.pdf> (accessed 2024-03-04).

<sup>2</sup> World Health Organization (WHO) *World Report on Disability 2011* (2011) 304.

<sup>3</sup> Ilifa Labantwana *The Essential Package: Early Childhood Services and Support to Young Children in South Africa* 2ed (2013) 4 <https://ilifalabantwana.co.za/wp-content/uploads/2017/06/The-Essential-Package-2ed.pdf> (accessed 2024-05-01); Berry, Dawes and Biersteker “Getting the Basics Right: An Essential Package of Services and Support for ECD” in Berry, Biersteker, Dawes, Lake and Smith (eds) *South African Child Gauge* (2013) 26–33 26.

<sup>4</sup> Department of Social Development (DSD) and UNICEF *Guidelines for Early Childhood Development Services* (2006) 13; Berry et al *South African Child Gauge* (2013) 26.

<sup>5</sup> Philpott and Muthukrishna “A Critical Analysis of Key Policies Shaping Services for Young Children With Disabilities in South Africa” 2019 23 *Education as Change* 1–23 23.

<sup>6</sup> Anderson, Shinn, Fullilove, Scrimshaw, Fielding, Normand, Carande-Kulis and Task Force on Community Preventive Services “The Effectiveness of Early Childhood Development Programs: A Systematic Review” 2003 24(3) *American Journal of Preventive Medicine* 32–46 37.

<sup>7</sup> *Ibid.*

<sup>8</sup> Naudeau, Kataoka, Valerio, Neuman and Elder *Investing in Young Children: Early Childhood Development Guide for Policy Dialogue and Project Preparation* (2011) 1–320 30.

<sup>9</sup> Haskins “Beyond Metaphor: The Efficacy of Early Childhood Education” 1989 44(2) *American Psychologist* 274–282 274; Barnett “Long-Term Effects of Early Childhood Programs on Cognitive and School Outcomes” 1995 (5) *The Future of Children* 25–50 25.

<sup>10</sup> Rolnick “Investing in Early Childhood Development Is Smart Economic Development: The Science of Early Brain Development: A Foundation for the Success of Our Children and the State Economy” 2014 *Wisconsin Family Impact Seminars* 1–8 2.

shown to yield substantial benefits for both child and family.<sup>11</sup> By contrast, insufficient funding can hinder the expansion and quality of ECD services, limiting the number of centres that can operate and offer affordable or free services. As a result, children from poor households face the risk of exclusion from ECCE services as they have limited ability to cover the expenses of the fees associated with ECD centres or crèches.<sup>12</sup> Providing access to equitable ECCE requires system-wide reform and prioritised funding for poor households.<sup>13</sup> Investments in early childhood learning must become a key and urgent priority to ensure that young children are academically prepared and set up for long-term success.<sup>14</sup> Failure to invest in high-quality ECCE programmes will lead to a further widening of existing social and economic disparities.<sup>15</sup> ECCE has increased in prominence as part of the global agenda in the 2015–2030 United Nations Sustainable Development Goals.<sup>16</sup> This goal commits countries to ensure that all children have access to quality ECD, care and pre-primary education in order to prepare them adequately for primary education by 2030.<sup>17</sup>

Although the South African Constitution<sup>18</sup> entrenches the rights of all children,<sup>19</sup> and the Children's Act<sup>20</sup> focuses on the rights of children with disabilities and the need for high-quality ECD,<sup>21</sup> sadly, these enactments have not significantly altered the lives of poverty-stricken and disabled young children.<sup>22</sup> Political will and commitment, along with careful planning and budgetary provisioning by the government, are essential to ensure that children have access to the services that the law promises to them.<sup>23</sup> In this regard, there has been increased academic focus on the plight of many South African families concerning the provision of ECCE, in particular

<sup>11</sup> Zubairi and Rose "Bright and Early: How Financing Pre-Primary Education Gives Every Child a Fair Start in Life" 2017 *Their World Report Bright and Early* 1–60 14.

<sup>12</sup> Hall, Sambu, Berry, Giese, Almeleh and Rosa *South African Early Childhood Review* (2019) 1–73 10.

<sup>13</sup> Kim, Robinson, Härmä, Jeffery, Rose and Woldehanna "Misalignment of Policy Priorities and Financing for Early Childhood Education: Evidence from Ethiopia, Liberia, and Mainland Tanzania" 2022 111 *International Journal of Educational Research* 1–12 1.

<sup>14</sup> Bidwell "Exploring Early Education Programs in Peri-Urban Settings in Africa" in *Innovations for Poverty Action* (2014) 1–19 16; Visser, Grossmark, Krüger, Smith, Van Zyl, Willemsse and Wright "The Challenges Experienced by Practitioners from Under-Resourced Early Childhood Development Centres in South Africa: A Single Site Study" 2021 51 *South African Journal of Occupational Therapy* 14–24 15.

<sup>15</sup> Rolnick 2014 *Wisconsin Family Impact Seminars* 2.

<sup>16</sup> Chan "Linking Child Survival and Child Development for Health, Equity and Sustainable Development" 2013 381 *The Lancet* 1514–1515 1514.

<sup>17</sup> United Nations *Transforming Our World: The 2030 Agenda for Sustainable Development* (2015) Goal 4.2.

<sup>18</sup> Constitution of the Republic of South Africa, 1996.

<sup>19</sup> S 28 in particular, but other rights applicable to all persons should be applicable to all children.

<sup>20</sup> 38 of 2005.

<sup>21</sup> S 11 of the Children's Act.

<sup>22</sup> Boezaart "The Children's Act: A Valuable Tool in Realising the Rights of Children With Disabilities" 2011 74 *Journal of Contemporary Roman-Dutch Law* 264–279 264.

<sup>23</sup> S 94(3) of the Children's Act. The norms and standards in reg 23 read together with Part II of Annexure B of the Consolidated Regulations pertaining to the Children's Act; Boezaart 2011 *Journal of Contemporary Roman-Dutch Law* 275.

among legal academics.<sup>24</sup> From a rights perspective, inclusive ECCE is increasingly recognised as a right<sup>25</sup> that, if not explicit, is implicitly read into international law.<sup>26</sup> Fredman argues that the right to equality could be used in South Africa in efforts to combat pervasive disparities in the access to and quality of ECD in South Africa.<sup>27</sup> Significantly, resource-based justifications by the government for the limitations of the right to equality for ECCE cannot justify budgetary deficiencies when it is evident that budgets allow for discriminatory resource distribution.<sup>28</sup>

Despite South Africa's laudatory policies and legislation,<sup>29</sup> it would appear that children with disabilities have been almost entirely overlooked in the budgetary proposals to widen access to ECD.<sup>30</sup> Very marked disparities in access to ECD programmes are evident, depending on the socio-economic status of ECD centres.<sup>31</sup> An examination of the minimum norms and standards in the Children's Act<sup>32</sup> indicates there is little or no planning or provision across ministerial departments for the increased costs that will be occasioned by the South African fiscus if it is to meet its obligations to provide inclusive access to ECCE for all children.<sup>33</sup> The Department of Basic Education (DBE) already has a policy of screening, identification,

<sup>24</sup> Ally, Ozah and Peacock "Renewal and Reform: Special Issue on 'Realising the Rights of Children to Quality Early Childhood Development in South Africa'" 2022 38 *South African Journal on Human Rights* 163–166 163.

<sup>25</sup> UN Committee on the Rights of the Child (CRC) *General Comment No. 9 (2006): The Rights of Children With Disabilities* (27 February 2007) CRC/C/GC/9 <https://www.refworld.org/docid/461b93f72.html> (accessed 2023-08-14).

<sup>26</sup> Fredman, Donati, Richter, Naicker, Behrman, Lu, Cöhrssen, Lopez Boo, Raghavan, Devercelli and Heymann "Recognizing Early Childhood Education as a Human Right in International Law" 2022 22 *Human Rights Law Review* 1–20 2 <https://doi.org/10.1093/hrlr/ngac024>; Fredman, Donati and Naicker "New Beginnings: The Right to Equality and Early Childhood Care and Education" 2022 38(3) *South African Journal on Human Rights* 167–191 168.

<sup>27</sup> Fredman *et al* 2022 *South African Journal on Human Rights* 168.

<sup>28</sup> In *City of Johannesburg v Blue Moonlight Properties* [2011] ZACC 33 par 74, the court held that it was no excuse for the City to state that it had not budgeted for something – if it was obliged to plan and budget for the item; see Heywood "Economic Policy and the Socio-Economic Rights in the South African Constitution, 1996–2021: Why Don't They Talk to Each Other?" 2021 11 *Constitutional Court Review* 1–37 1; Fredman *et al* 2022 *South African Journal on Human Rights* 176.

<sup>29</sup> Department of Social Development *National Integrated Early Childhood Development Policy* (2015) 8–9.

<sup>30</sup> Department of Basic Education (DBE) *Baseline Assessment: Technical Report* (2022) 51 <https://thrivebyfive.co.za/wp-content/uploads/2022/11/Baseline-Assessment-Report-2022-1.pdf> (accessed 2024-05-01); Bekink "The Right of Children With Disabilities to Early Childhood Development: Is South Africa Complying With International Law?" 2022 38 *South African Journal on Human Rights* 192–214 196; Atmore, Van Niekerk and Ashley-Cooper "Challenges Facing the Early Childhood Development Sector in South Africa" 2012 2(1) *South African Journal of Childhood Education* 120–139 (disability not mentioned); Karisa, Samuels, Watermeyer, McKenzie and Vergunst "Priorities for Access to Early Childhood Development Services for Children With Disabilities in South Africa" 2022 12 *South African Journal of Childhood Education* 1–7 1.

<sup>31</sup> DBE *Baseline Assessment* 29 and 51.

<sup>32</sup> S 94(3) of the Children's Act. The norms and standards are provided for in reg 23, read together with Part II of Annexure B, of the General Regulations Regarding Children, 2010, GN R261 in GG 33076 of 2010-04-01, as amended.

<sup>33</sup> Bekink 2022 *South African Journal on Human Rights* 213.

assessment and support (SIAS) in place, which should be used to manage and assist the teaching and learning processes at ECCE to enable inclusive access to all children. However, as yet, no detailed provision has been made for additional funding in governmental planning or budgetary allocations for screening for the identification of disability.<sup>34</sup>

The recent assumption of responsibility for ECD programmes by the DBE provides an opportunity to effect change in ECCE in favour of inclusive ECCE. With the DBE's increased responsibilities, clarity is needed on how budgetary allocation will be managed to ensure cooperation with local government, the Department of Health (DOH) and the Department of Social Development (DSD).<sup>35</sup> We argue that the cost, capacity and policy implications of expanding public provisioning of ECCE programmes urgently need examination with regard to the implementation of an essential package of services and provisioning from homes and community venues.<sup>36</sup> In addition to ensuring the health and safety of childcare facilities, municipalities may also have a broader obligation to build facilities to advance universal access to ECD programmes.<sup>37</sup> Holistic budgetary planning across government departments is required to offer inclusive ECCE to all South African children.<sup>38</sup> In our analysis of the South African government budgetary provisions, we indicate how the current planning and budgeting to afford current access to inclusive ECCE on a holistic basis is woefully inadequate; new methods of investment and governance need to be explored.

## 2 SOUTH AFRICAN STATE OBLIGATION IN TERMS OF INTERNATIONAL AND REGIONAL LAW

International focus on ECCE started in 1990 with the World Conference on Education in Jomtien, Thailand.<sup>39</sup> This "game-changer" established that education was no longer considered to relate only to primary education, but also to the educational needs of *all* children of whatever ages and abilities, and was encapsulated in the phrase "Education for All".<sup>40</sup> Subsequently, together with the acceptance of the Convention on the Rights of the Child (CRC) in 1989 and the African Charter on the Rights and Welfare of the

<sup>34</sup> Cf s 94(3) of the Children's Act.

<sup>35</sup> Fredman *et al* 2022 *South African Journal on Human Rights* 167.

<sup>36</sup> Brooks, Kotzé, Almeleh and Senona "Assessing the Policy Options for the Public Provisioning of Early Childhood Development Programmes" 2022 38 *South African Journal on Human Rights* 240–260 241.

<sup>37</sup> Peacock "Advancing Early Childhood Development: The Role of Local Government" 2022 38(3) *South African Journal on Human Rights* 285–308 285.

<sup>38</sup> S 11 of the Children's Act; Peacock 2022 *South African Journal on Human Rights* 285.

<sup>39</sup> Pence and Nsamenang "A Case for Early Childhood Development in Sub-Saharan Africa" Working Paper No 51: Bernard van Leer Foundation (2008) 1–55 3.

<sup>40</sup> See Ostveit "The Jomtien Conference in 1990 Was a Game Changer for Education" UNESCO (22 August 2014) <https://world-education-blog.org/2014/08/22/the-jomtien-conference-in-1990-was-a-game-changer-for-education/> (accessed 2024-05-01).

Child (ACRWC) in 1990,<sup>41</sup> the critical relevance of ECCE in Africa was taken on board by international and regional actors when they held a series of key conferences on the continent. The South African government ratified several key international and regional human-rights treaties, thereby signifying its commitment to uphold these rights and to be accountable to the international community in this regard.<sup>42</sup> States Parties are required to refrain from interfering with the enjoyment of economic, social and cultural rights, and to prevent violations of rights by third parties, and, furthermore, to take appropriate legislative, administrative, *budgetary*, judicial and other measures towards the full realisation of rights. When interpreting the provisions in the Bill of Rights, section 39(1) of the Constitution states that international law “*must* be considered”. This refers to binding and non-binding international legal instruments such as treaties, and General Comments made by supervisory bodies. Furthermore, the South African Constitution provides that everyone has the right to a basic education,<sup>43</sup> which is not subject to progressive realisation and should be immediately realised.<sup>44</sup>

In 2000, the *Dakar Framework for Action – Education for All: Meeting Our Collective Commitments* agreed on six education goals to be met by 2015. The first goal is:

“[E]xpanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children.”<sup>45</sup>

In 2007, South Africa ratified the Convention on the Rights of Persons with Disabilities (CRPD). Articles 7, 19, 24, 25, 26 and 28 oblige States Parties: to afford recognition that children with disabilities should be able to enjoy a decent life with full participation in the community; to recognise their right to special services necessitated by virtue of their disability; to ensure that children with disabilities have access to education, health care, rehabilitation and preparation for employment and recreation, free of charge subject to the financial resources of parents, in order to enable them to achieve the fullest possible integration and development. In 2018, concern was expressed by the United Nations Committee on the Rights of Persons with Disabilities at the ineffective implementation of relevant policies owing to:

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<sup>41</sup> Makokoro *The Establishment and Outcomes of African Early Childhood Development Networks and Conferences, 1990–2009* (doctoral thesis, University of Victoria) 2021.

<sup>42</sup> South Africa's ratifications include UNGA *Convention on the Rights of Persons with Disabilities A/RES/61/106* (2007). Adopted: 12/12/2006; EIF: 03/05/2008 (CRPD); see Boezaart 2011 *Journal of Contemporary Roman-Dutch Law*.

<sup>43</sup> S 29(1)(a) of the Constitution.

<sup>44</sup> In *Governing Body of the Juma Masjid Primary School v Essay NO 2011 (7) BCLR 651 (CC)*, the court held that the s 29(1)(a) right to a basic education may be limited only in terms of a law of general application which is “reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom” (s 36 of the Constitution).

<sup>45</sup> UNESCO *The Dakar Framework for Action. Education for All: Meeting our Collective Commitments* Adopted by the World Education Forum, Dakar, Senegal (26–28 April 2000) 8.

- (a) acute shortages of staff with expertise on disabilities and insufficient allocations of financial resources;
- (b) the large number of children with disabilities, in particular children with psychosocial disabilities, who are out of school or are studying in specialised schools or classes; and
- (c) the low quality of education provided, and inadequate curriculum content used for children with disabilities, particularly children with psychosocial disabilities, autism spectrum disorders and sensory disabilities, which does not equip them with the capacity to pursue higher education, employment and an autonomous life after they have completed their schooling.<sup>46</sup>

Urgent attention has still not been paid to this lack of proper implementation.

The UNESCO Tri-Chairs have renewed their focus on ECCE in Africa.<sup>47</sup> The Africa Early Childhood Network (AfECN),<sup>48</sup> a continental network for ECCE collaboration consisting of organisations from civil society, academia, government and the private sector at national and regional levels, hosted the First AfECN International Conference on ECCE in 2018. At this conference, the Nairobi Declaration and Call for Action on Education was issued, which required that “no child should be left behind”.<sup>49</sup> At the same time, the *Continental Education Strategy for Africa* (CESA 2016–25)’s Early Childhood Education and Development Cluster was launched. *Inter alia*, CESA 2016–25 required member states to prioritise “effective planning and allocation of resources for sustainable programming while taking advantage of local contexts and financing”.<sup>50</sup> However, the inequity in programming and spending on ECCE remains concerning, as do discrepancies between African states in the quality of the services provided and the level of inclusion of disability.<sup>51</sup> Equitable access to high-quality ECCE services may contribute to earlier identification of children’s needs and risk factors for developmental delay, and enable the State to offer “integrated support, and complement ongoing early interventions”.<sup>52</sup> A review of progress on CESA 2016–25 blames the lack of political commitment from governments and

<sup>46</sup> UN Committee on the Rights of Persons With Disabilities “Concluding Observations on the Initial Report of South Africa” (2018) CRPD/C/ZAF/CO/1 par 12 and 41.

<sup>47</sup> See ECD in Africa “UNESCO Tri-Chairs in Early Childhood Education, Care & Development” (undated) <https://ecdinafrica.org/unesco-chair/> (accessed 2024-05-01).

<sup>48</sup> See African Early Childhood Network <https://afecn.org> (accessed 2024-05-01).

<sup>49</sup> African Union Nairobi Declaration and Call for Action on Education: Bridging Continental and Global Education Frameworks for the Africa We Want (2018) ED-2018/PACE/ME/1 <https://unesdoc.unesco.org/ark:/48223/pf0000263829> (accessed 2025-08-20).

<sup>50</sup> African Union *Continental Education Strategy for Africa* 2016–2025 (CESA 2016–25) (2016).

<sup>51</sup> UNESCO and African Union “Education in Africa: Placing Equity at the Heart of Policy” (2023) <https://unesdoc.unesco.org/ark:/48223/pf0000384497> (accessed 2024-05-01).

<sup>52</sup> UNICEF “A World Ready to Learn: Global Report on Pre-Primary Education” (2019) <https://www.unicef.org/reports/a-world-ready-to-learn-2019> (accessed 2024-05-01); UNESCO “Right from the Start: Build Inclusive Societies Through Inclusive Early Childhood Education” (July 2021) <https://unesdoc.unesco.org/ark:/48223/pf0000378078> (accessed 2024-04-27).

local organisations for the continued gaps in resources, such as teaching and learning materials for pre-school children.<sup>53</sup>

South Africa's country reports on *Education for All*, in 2008 and 2014, pay scant regard to disability and do not mention ECCE for children with disabilities.<sup>54</sup> One of the main reasons that the goals of *Education for All* have not been achieved, the United Nations Children's Fund (UNICEF) argues, is the lack of fair and sufficient funding globally.<sup>55</sup> Perhaps, tellingly, this is partly due to governments' interpretations of their obligations. South Africa noted in its country report that its "remarkable progress includes promulgating regulations and policies to *progressively* ensure that children, youth and adults have access to some form of educational institution and skills development programmes"<sup>56</sup> (emphasis added). The State's obligation with respect to basic education, which includes ECCE, is immediate, which also requires immediate funding to meet the unmet needs of children with disabilities. The failure to prioritise funding is precisely why the Declaration of the 69<sup>th</sup> OMEP World Assembly and Conference in Opatija, Croatia called on states to invest in ECCE and to comply with their financial commitments concerning the development and sustainability of ECCE.<sup>57</sup> This call came on the back of the findings in UNESCO's Global Report that ECCE remains underfunded, both by governments and donors. Furthermore, the report explains:

"Meanwhile, the costs of providing education services to, for example, remote and underserved populations or people with disabilities are comparatively high. And while relevant information may be available to planners, it is not being used to set targets for marginalized groups and pursue the necessary policies."<sup>58</sup>

In 2019, the Association for the Development of Education in Africa (ADEA), together with the DBE, UNICEF South Africa and the LEGO Foundation, organised the first Continental Conference on Play-Based Learning Skills for the 21<sup>st</sup> Century. This conference sought *inter alia* to integrate play-based learning into approaches and resource allocation for the implementation of three regional and international measures that had been committed to in Agenda 2063,<sup>59</sup> Sustainable Development Goal (SDG) 4 in the 2030 Agenda

<sup>53</sup> Emmanuel "The Challenges, Pragmatic Justification and More Effective Ways of Implementing the Continental Education Strategy for Africa (2016–2025)" 2019 19 *Global Journal of Human Science: G Linguistics & Education* 33–45 34.

<sup>54</sup> Department of Basic Education *Education for All (EFA): 2008 Country Progress Report* (2009) 5, 19 and 46 <https://www.education.gov.za/Portals/0/Documents/Reports/Education%20for%20All%202008%20Report%20-%2030%20Nov%202009.pdf?ver=2009-11-30-104006-550> (accessed 2025-08-20); Department of Basic Education *Education for All (EFA): 2014 Country Progress Report* (2014) 13 and 39.

<sup>55</sup> UNESCO *Education for All 2000–2015: Achievements and Challenges* EFA Global Monitoring Report (2015) xiv and 294.

<sup>56</sup> DBE *EFA 2014 Country Progress Report* 39.

<sup>57</sup> World Organisation for Early Childhood Education (OMEP) *Higher Investment for Early Childhood Care and Education (ECCE) Declaration of the 69th Assembly and World Conference of OMEP, Opatija, Croatia* (20 June 2017).

<sup>58</sup> UNESCO *Education for All: Achievements and Challenges 2000–2015* 293.

<sup>59</sup> African Union *Agenda 2063: The Africa We Want* (2015).

and CESA 16–25. Although ECCE has not been adequately set out in binding international guidelines, there are other interrelated rights and principles on which to rely, such as early intervention, inclusive education and community-based collaboration (CBR).<sup>60</sup>

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) (the African Committee) has played a crucial role in promoting the need for policy shifts on the continent.<sup>61</sup> The African Committee required states to develop national policy frameworks for inclusive ECCE,<sup>62</sup> and in 2014 issued a strategy to promote and protect the rights of children with disabilities in Africa.<sup>63</sup> That strategy, *inter alia*, called on states to improve state compliance with existing commitments to realise the right to education of children with disabilities. The provision of necessary state measures was stressed to include ECCE strategies and programmes catering for children with disabilities, as well as early detection of and screening for disabilities via school health programmes.<sup>64</sup> Furthermore, to improve state compliance on realising children’s right to health care, the strategy stressed the need to educate parents, caregivers and the general public on the scope of practice of different medical and rehabilitation practitioners to better support children with disabilities, and to implement systems for early detection of disabilities during health checks along with the provision of free health care for pregnant women and infants up to the age of seven.<sup>65</sup> This strategy also identified two other areas of concern: (1) the link between poverty and disability, which necessitated measures to create family and caregiver awareness of financial assistance and services, devices and technology for disability-related needs,<sup>66</sup> and (2) the need for awareness and educational measures to address customs, practices and perceptions that stigmatise and discriminate against children with disabilities.<sup>67</sup>

Although in 2014 the African Committee’s concluding observations on South Africa commended the South African state’s use of the ECD subsidy and health-and-disability legislation and policies, the Committee warned that

<sup>60</sup> Nthenge “The Basic Education Act of 2013 as a Tool for Advancing Early Childhood Development and Education for Children With Disabilities in Kenya” 2017 5 *African Disability Rights Yearbook* 3–24 11.

<sup>61</sup> Bekink 2022 *South African Journal on Human Rights* 192.

<sup>62</sup> ACERWC “The Rights of Children With Disabilities: The Duty to Protect, Respect, Promote and Fulfill” Concept Note on the commemoration of the Day of the African Child on 16 June 2012 (2012) [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/ACERWC\\_Rights\\_Children\\_Disabilities\\_2012\\_EN.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/ACERWC_Rights_Children_Disabilities_2012_EN.pdf) (accessed 2024-05-01) par 41.3.

<sup>63</sup> ACERWC *Strategy for Promoting and Protecting the Rights of Children with Disabilities* Fourth Session of the AU Conference of Ministers of Social Development (CAMSD4) Addis Ababa, Ethiopia (26–30 May 2014) CAMSD/EXP/9(IV) <http://www.rodra.co.za/images/documents/treaties/regional/Strategy%20for%20Promoting%20and%20Protecting%20the%20Rights%20of%20Children%20with%20Disabilities.pdf> (accessed 2024-05-01).

<sup>64</sup> ACERWC *Strategy for Promoting and Protecting the Rights of Children With Disabilities* par 6.3, items 5 and 6.

<sup>65</sup> ACERWC *Strategy for Promoting and Protecting the Rights of Children With Disabilities* par 6.4, items 1, 3 and 4.

<sup>66</sup> ACERWC *Strategy for Promoting and Protecting the Rights of Children With Disabilities* par 6.1.

<sup>67</sup> ACERWC *Strategy for Promoting and Protecting the Rights of Children With Disabilities* par 6.2.

it was not enough to address, *inter alia*, barriers facing children with disabilities, such as inadequate data and limited monitoring frameworks.<sup>68</sup> The African Committee, therefore, urged the State to put in place measures, in line with the ACRWC and the CRPD, to dismantle these barriers and to realise these children's rights. To realise the right to *inclusive* education, the African Committee requested that the government implement dedicated measures, explaining that, instead of *integration*, *inclusive* education is necessary. This involves catering

“for the children's specific needs by re-evaluating its education curriculum to address challenges faced by children with disability, incorporating special needs education in teachers and other personnel involved in the education system training, and providing and improving basic infrastructures suitable to children with disability.”<sup>69</sup>

However, disappointingly, the concluding observations did not comment on the gaps in ECCE provision for children with disabilities in South Africa, or elaborate on other aspects of ECCE provision for all children – despite the prominence of ECCE in its schema. South Africa conceded, in its first report to the Committee:

“While much effort has been made to address disability as a barrier to primary education, there is a significant policy gap in making similar provision for state-funded, regulated and otherwise supported ECD for children with disabilities. The DSD and DBE are responding to this gap through the national ECD plan of action currently in development.”<sup>70</sup>

South Africa's second report did not comment on this aspect other than to indicate that it had consulted with the disability sector in drafting the National Inclusive Early Childhood Development (NIECD) Policy.<sup>71</sup> A report to the African Committee identified that while policy documents are, in some instances, “comprehensive” in identifying the relevant measures needed to dismantle barriers to the participation of children with disabilities, the non-binding effect of policy documents (unlike legislation) undermines accountability for the lack of implementation and inadequate allocation of resources for these undertakings.<sup>72</sup> The Committee called on South Africa to “safeguard children's right to basic nutrition in its health programs and

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<sup>68</sup> ACERWC *Strategy for Promoting and Protecting the Rights of Children With Disabilities* par 45, 50.

<sup>69</sup> ACERWC *Strategy for Promoting and Protecting the Rights of Children With Disabilities* par 53.

<sup>70</sup> Department of Women, Children and Persons With Disabilities *South Africa's Initial Country Report on the African Charter on the Rights and Welfare of the Child* (2013) 124.

<sup>71</sup> Minister of the Department of Social Development *South Africa's Second Country Report to the African Committee of Experts on the Rights and Welfare of the Child on the African Charter on the Rights and Welfare of the Child* (2018) par 32.

<sup>72</sup> Alternate Report Coalition – Child Rights South Africa (ARC–CRSA) “Complementary Report to the African Committee of Experts on the Rights and Welfare of the Child: A Response to South Africa's Second Country Report to the African Committee of Experts on the Rights and Welfare of the Child on the African Charter on the Rights and Welfare of the Child” (2017) [https://www.chr.up.ac.za/images/centrenews/2018/files/alternative\\_report\\_to\\_acerwc.pdf](https://www.chr.up.ac.za/images/centrenews/2018/files/alternative_report_to_acerwc.pdf) (accessed 2024-05-01) par 67.

actions”, noting the high rates of malnutrition in the country<sup>73</sup> and that nutrition insecurity is a widespread reality for many children with disabilities in low to middle income countries.<sup>74</sup>

The Committee on the CRPD did not comment on or make recommendations in relation to article 23 of the CRPD in its Concluding Observations on South Africa. However, in commenting on article 19 (on living independently and being included in the community),<sup>75</sup> the Committee recommended that the South African state

“adopt an action plan at the national, regional and local levels to develop community support services in urban and rural areas, including providing personal assistance, grants and support to families of children with disabilities and parents with disabilities, covering support for assistive devices, guides and sign language interpreters.”<sup>76</sup>

In 2016, the African Committee published *Africa’s Agenda 2040: Fostering an Africa Fit for Children*,<sup>77</sup> a 25-year agenda for change seeking to implement the ACRWC effectively. Its sixth aspiration, that “every child benefits fully from quality education”, in part focuses on the fact that children who lack early stimulation and who are exposed to stress at an early stage may not develop their full potential.<sup>78</sup> To mitigate this challenge, the agenda urges states to offer improved nutrition and stimulation in the early years as investments in children’s health and education. The aspiration urges states to implement measures to ensure that by 2040, “[a]ll children receive early stimulation and learning opportunities from birth onwards” and that “[p]re-school education is prioritised and increasingly made compulsory for all children”.<sup>79</sup>

In 2021, the African Committee identified the measures of progress made by states in meeting the sixth aspiration, including “[t]he adoption of policies on Early childhood education, Free and compulsory education and education for girls by States Parties”; and “initiatives to improve education in Africa”, including CESA16–25.<sup>80</sup> Unfortunately, in this report, the Committee failed to mention recalcitrant States Parties specifically. It did, however, identify

<sup>73</sup> ACERWC *Strategy for Promoting and Protecting the Rights of Children With Disabilities* par 33.

<sup>74</sup> Hume-Nixon and Kuperi “The Association Between Malnutrition and Childhood Disability in Low- and Middle-Income Countries: Systematic Review and Meta-Analysis of Observational Studies” 2018 23 *Tropical Medicine and International Health* 1158–1175 1159.

<sup>75</sup> Republic of South Africa *Initial Report to the Committee on the Rights of Persons with Disabilities* (24 November 2014) CRPD/C/ZAF/1 par 191ff; Committee on the Rights of Persons With Disabilities *Concluding Observations on the Initial Report of South Africa* CRPD/C/ZAF/CO/1 (23 October 2018).

<sup>76</sup> Committee on the Rights of Persons With Disabilities *Concluding Observations: South Africa* par 35(c).

<sup>77</sup> ACERWC “Africa’s Agenda 2040: Fostering an Africa Fit for Children” (2016) [https://www.acerwc.africa/sites/default/files/2022-06/Agenda\\_2040\\_for\\_Children\\_Rights\\_in\\_Africa\\_OK\\_A4\\_english-1.pdf](https://www.acerwc.africa/sites/default/files/2022-06/Agenda_2040_for_Children_Rights_in_Africa_OK_A4_english-1.pdf) (accessed 2024-05-01).

<sup>78</sup> ACERWC [https://www.acerwc.africa/sites/default/files/2022-06/Agenda\\_2040\\_for\\_Children\\_Rights\\_in\\_Africa\\_OK\\_A4\\_english-1.pdf](https://www.acerwc.africa/sites/default/files/2022-06/Agenda_2040_for_Children_Rights_in_Africa_OK_A4_english-1.pdf) 18.

<sup>79</sup> ACERWC [https://www.acerwc.africa/sites/default/files/2022-06/Agenda\\_2040\\_for\\_Children\\_Rights\\_in\\_Africa\\_OK\\_A4\\_english-1.pdf](https://www.acerwc.africa/sites/default/files/2022-06/Agenda_2040_for_Children_Rights_in_Africa_OK_A4_english-1.pdf) 19.

<sup>80</sup> ACERWC “Day of the African Child DAC-2021” (2021) <https://www.acerwc.africa/sites/default/files/2022-06/DAC-Concept-Note-2021-English.pdf> par 21–22.

persistent challenges such as “[l]ow national allocation of GDP to education”,<sup>81</sup> of which many countries are guilty<sup>82</sup> – but not South Africa.<sup>83</sup> While the report identifies the continued need to guarantee access to education for 12 years, it does not mention ECCE or disability as priorities.<sup>84</sup>

The Committee on the Rights of the Child, in its General Comment providing guidance on public budgeting to realise children’s rights, identifies that States Parties should undertake “all appropriate legislative, administrative and other measures”, and delineates a duty to ensure:

- “(a) Laws and policies are in place to support resource mobilization, budget allocation and spending to realize children’s rights;
- (b) The necessary data and information about children are collected, generated and disseminated to support the design and implementation of appropriate legislation, policies, programmes and budgets to advance the rights of the child;
- (c) Sufficient public resources are mobilized, allocated and utilized effectively to fully implement approved legislation, policies, programmes and budgets;
- (d) Budgets are systematically planned, enacted, implemented and accounted for at the national and subnational levels of the State, in a manner that ensures the realization of children’s rights.”<sup>85</sup>

The legislative measures referred to include the obligation, in relation to public budgets, of “reviewing existing legislation, and developing and adopting legislation that aims to ensure that budgets are sufficiently large for the realization of children’s rights at the national and subnational levels”.<sup>86</sup> The identification of proportional spending (directly and indirectly) on measures to realise children’s rights, which includes particular groups of children such as those with disabilities, is key to a state determining whether or not it is fulfilling children’s socio-economic rights to the “maximum extent of ... available resources”.<sup>87</sup> One therefore expects that the South African government can identify which proportion of spending in the ECD sector relates to children with disabilities. Furthermore, an analysis of the legal and

<sup>81</sup> ACERWC <https://www.acerwc.africa/sites/default/files/2022-06/DAC-Concept-Note-2021-English.pdf> par 40.

<sup>82</sup> See World Bank Group “Two-Thirds of Poorer Countries Are Cutting Education Budgets Due to COVID-19” (22 February 2021) <https://www.worldbank.org/en/news/press-release/2021/02/22/two-thirds-of-poorer-countries-are-cutting-education-budgets-due-to-covid-19> (accessed 2024-05-01).

<sup>83</sup> South Africa allocates a comparatively high seven per cent of its GDP to education (World Bank Group “Government Expenditure on Education, Total (% of GDP) – South Africa” (2020) <https://data.worldbank.org/indicator/SE.XPD.TOTL.GD.ZS?locations=ZA> (accessed 2023-02-15)).

<sup>84</sup> ACERWC <https://www.acerwc.africa/sites/default/files/2022-06/DAC-Concept-Note-2021-English.pdf> par 59.

<sup>85</sup> Committee on the Rights of the Child *General Comment No 19 (2016) on Public Budgeting for the Realization of Children’s Rights* (Art 4) (2016) CRC/GC/19 par 21.

<sup>86</sup> Committee on the Rights of the Child *General Comment No 19* par 23.

<sup>87</sup> See Rugierro “Article 4: States Parties’ Obligations” in Vaghri, Zermatten, Lansdown and Ruggiero (eds) *Monitoring State Compliance With the UN Convention on the Rights of the Child. Children’s Well-Being: Indicators and Research Vol 25* 414, emphasising guidance from the Committee on the Rights of the Child (*General Comment No 5, General Measures of Implementation of the Convention on the Rights of the Child (arts 4, 42 and 44, par 6)*, (2003) CRC/GC/2003/5 par 51).

policy framework on ECD in relation to children with disabilities should identify whether these frameworks support the necessary resource mobilisation, budget allocation and spending to meet the State's obligations.

The planning of budgets (prospective) relies in part on monitoring and accountability for past spending (retroactive). In this vein, the DSD, in a 2015 pilot study into the economic cost of disability for households in South Africa, recognised that an assessment of "budgeting and actual spending on disability" is overdue, and such an assessment should accurately detail budgeting and spending in *each* government department. The DSD further recommended:

"Scenario analyses should also be developed to provide initial estimates of what it would cost the state to close some of the key gaps in CRPD-compliant services in healthcare, education and transport. These would inform CRPD-compliant budgeting at the national level in South Africa and could be used to help develop a CRPD-compliant cost-budget model for the country."<sup>88</sup>

In light of current law reform to domesticate the CRPD in South Africa, such an analysis is overdue.

### 3 SOUTH AFRICAN LEGISLATIVE AND POLICY FRAMEWORK ON FINANCING OF ECCE FOR CHILDREN WITH DISABILITIES

This section considers the South African context, articulating the funding sources available for ECCE for children with disabilities, the barriers faced in the requirements to register ECD centres and meet infrastructural compliance, the role of private sector support, privatisation and parental fees, and persistent data gaps in relation to disability-disaggregated information.

#### 3.1 Funding sources

In South Africa, the relationship between access and funding in the ECD sector is complex. While access to ECD services is crucial for children's development and ensuring an equitable start in life, the level of access is often influenced by the availability of adequate funding. The significance of funding for ECCE cannot be overstated when it comes to achieving access. Over the past two decades, it appears that access to ECD programmes across South Africa has seen a consistent and significant increase. In 2018, approximately 38 per cent of children up to the age of six were enrolled in non-grade R ECD programmes, which means there were about 3 million children spread across 2.3 million households participating in ECD programmes.<sup>89</sup> One of the reasons that most children are kept at home and

<sup>88</sup> Department of Social Development *Elements of the Financial and Economic Costs of Disability to Households in South Africa: A Pilot Study* (2015) 66.

<sup>89</sup> Wills, Kotzé and Kika-Mistry "A Sector Hanging in the Balance: Early Childhood Development and Lockdown in South Africa" (2020) Rise Working Paper Series 20/055 [https://riseprogramme.org/sites/default/files/2020-11/RISE\\_WP-055\\_Wills\\_Kotze\\_Kika-Mistry.pdf](https://riseprogramme.org/sites/default/files/2020-11/RISE_WP-055_Wills_Kotze_Kika-Mistry.pdf) (accessed 2024-05-01) 3.

do not have access to ECD services has been the cost of enrolment at centres. Approximately one-fifth of unenrolled children aged two to five years do not attend an ECD centre because of the cost.<sup>90</sup>

A key policy goal for South Africa is to ensure that all children in South Africa have access to high-quality ECD services.<sup>91</sup> The Children's Act states that ECD must be properly resourced, coordinated and managed.<sup>92</sup> It also explicitly requires the prioritisation of funding of ECD programmes "in communities where families lack the means of providing proper shelter, food and other basic necessities of life to their children; and to make early childhood development programmes available to children with disabilities".<sup>93</sup> This mandatory aspect was due to be changed into a discretionary duty in a proposed amendment bill, which, fortunately, was not passed.<sup>94</sup> That said, the analysis below shows there is a lack of evidence that priority is given to ECD programmes being made "available" to children with disabilities. Moreover, the legislation does not go as far as requiring inclusive ECCE, nor does it require "accessibility" to children with disabilities – aspects which, arguably, place a more onerous duty on the State to ensure universal inclusive ECCE than is warranted by mere "availability". Most concerning is that provincial governments "may" provide and fund ECD programmes,<sup>95</sup> which leaves them "off the hook" in terms of accountability for this fiscal responsibility.<sup>96</sup>

The ECCE sector is divided into two phases: prior schooling (birth to four years) and the schooling phase (five to nine years), also called the Foundation Phase (Grade R and Grades 1–3).<sup>97</sup> The Grade R year, although part of formal schooling, is approached informally.<sup>98</sup> The primary providers of ECCE services are private individuals and organisations, with the State playing a significant role in subsidising these services when the ECD provider is officially registered and approved by the government.<sup>99</sup>

The implementation of an effective system for ECD service delivery requires adequate resourcing, including financing, human resources,

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<sup>90</sup> Moses "Enrolment in Early Childhood Care and Education Programmes in South Africa: Challenges and Opportunities" Ilifa Labantwana and RESEP Working Paper (2021) 4.

<sup>91</sup> Moses and Van der Berg "Evaluating the Demand, Supply and Impact of Early Childhood Development Programmes in South Africa" 2023 *Development Southern Africa* 1153–1173 1153.

<sup>92</sup> S 192(b) of the Children's Act.

<sup>93</sup> S 93(4)(a) and (b) of the Children's Act.

<sup>94</sup> Clark, Holness, Nyamadzawo and Moogi "Implementing Early Childhood Education for Children With Disabilities in South Africa and Kenya" 2024 13 *African Journal of Disability* a1326 1–12 5.

<sup>95</sup> S 93(1) of the Children's Act.

<sup>96</sup> Department of Basic Education and UNICEF *Study on Children with Disabilities from Birth to Four Years Old* (2015) 7.

<sup>97</sup> Mahlo *Experiences of Learning Support Teachers in the Foundation Phase, with Reference to the Implementation of Inclusive Education in Gauteng* (doctoral dissertation, University of South Africa) 2011 13.

<sup>98</sup> Meier, Lemmer and Niron "Problems and Prospects in Early Childhood Education Provisioning in Turkey and South Africa" 2017 52 *Journal of Asian and African Studies* 1–14 4.

<sup>99</sup> Moses and Van der Berg 2023 *Development Southern Africa* 2.

infrastructure, materials and support services.<sup>100</sup> The focus of this article is not on advocating for the government to assume responsibility for financing ECD services, but rather on examining the adequacy of what is currently available. Overall, ECD services cater for children aged up to six years. In particular, children aged four years and below typically attend ECD centres. The primary funding for ECD was predominantly allocated at provincial level by the DSD, prior to the DBE's taking on this function. The DSD previously took on the role of financing the ECD programme and overseeing the welfare-service providers involved.<sup>101</sup> From April 2022, the ECD function underwent a transition, shifting from the DSD to the DBE, which took over responsibility for the ECD grant.<sup>102</sup>

ECD generally comprises programmes offered by public schools, registered community-based ECD facilities, and unregistered community-based ECD facilities.<sup>103</sup> There is little data on non-centre-based ECD programmes. The financing of ECD services involves two primary sources: first, parents/caregivers who willingly contribute financially to provide ECD services,<sup>104</sup> either because they can afford to invest in their children's early education or because they require childcare services while they work;<sup>105</sup> in addition, the government plays a role by funding some ECD services, paying lip service to the importance of ECCE and its impact on child development and later outcomes. In many cases, a combination of parental contributions and government funding is used to finance ECD services. The funding of training for those on learnerships in the social sector is also an integral part of the financing for ECD.<sup>106</sup>

The Public Finance Management Act (PFMA)<sup>107</sup> requires the Minister of Finance to table an annual Division of Revenue Bill and an annual national budget, and to present the annual Division of Revenue Bill and the national budget at the beginning of each financial year. The Act was promulgated as part of financial and budget reform.<sup>108</sup> The primary focus of the Act is on promoting efficient and effective management of state resources, with an emphasis on ensuring accountability for achieving desired outcomes.<sup>109</sup> This

<sup>100</sup> Berry *et al* 2013 *South African Child Gauge* 34.

<sup>101</sup> Department of Basic Education "Implications for ECD Shift to Basic Education" (2019) <https://www.education.gov.za/ECDFunctionShift2021.aspx> (accessed 2023-02-22) par 4.

<sup>102</sup> Parliamentary Monitoring Group "ECD Grant Expenditure in Q4 2021/22 Hearing With National Treasury & Department of Social Development; With Minister" (7 September 2022) <https://pmg.org.za/committee-meeting/35487/> (accessed 2024-05-01).

<sup>103</sup> UNICEF Basic Education Budget Brief: South Africa (2020); Meier *et al* 2017 *Journal of Asian and African Studies* 449.

<sup>104</sup> Wills and Mistry "Supply-Side and Demand-Side Approaches to Financing Early Childhood Care and Education in South Africa" Ilifa Labantwana and Resep ECD Working Paper Series (2021) 4.

<sup>105</sup> Chikutuma *The Quality of Early Childhood Development Programmes in Harare Primary Schools in Zimbabwe* (doctoral thesis, University of South Africa) 2013 3.

<sup>106</sup> Makhubele and Baloyi "Challenges Impeding the Successful Implementation of Early Childhood Development Programmes in South Africa: Implications for Practice" 2018 16 *Gender and Behaviour* 10773–10783 10780.

<sup>107</sup> S 6(1)(e) of Act 1 of 1999.

<sup>108</sup> Mkhize and Ajam "The New Budgeting Approach in South Africa: A Critical Assessment" 2016 41(4) *Journal of Public Administration* 761–775 762.

<sup>109</sup> Mkhize and Ajam 2006 *Journal of Public Administration* 765.

Act is said to have shifted the government from an input-based to an output-based budgeting system, which underscores the importance of accountability for achieving results.<sup>110</sup> An output-based budgeting system prioritises the attainment of specific outcomes and results, where funding decisions are determined by the expected results and outcomes of the programmes or services being funded.<sup>111</sup> The implementation of effective and inclusive ECCE should produce a multitude of positive outputs.

The primary sources of government funding for ECCE are the Departments of Social Development (DSD) and Basic Education (DBE) at provincial level.<sup>112</sup> Government support for ECD has taken two forms in South Africa. This has either been an expansion of Grade R in public schools funded by the DBE or through subsidies that were formerly given by the DSD to private community-based ECD facilities.<sup>113</sup> This also covers programme funding for non-profit organisations (NPOs) in respect of ECD programmes, most of which are not centre-based. Most tasks pertaining to the administration, financing and delivery of partial care and ECCE services are assigned to the provincial MECs. Provinces are accountable for the planning, funding and oversight of these essential services.<sup>114</sup>

Provincial departments have two potential sources of government funding for the provision of ECCE services; first, a province can allocate a budget from its own equitable share and revenues; alternatively, a conditional grant may be allocated to the province from the national budget.<sup>115</sup> In the budgetary procedure, ECD contends for resources alongside other national and provincial imperatives.<sup>116</sup> If ECCE is considered a priority by the national government, additional resources may be allocated to the provincial equitable share to enable provinces to fund it adequately.<sup>117</sup> Decisions to allocate specific amounts for ECD are made at the provincial level.<sup>118</sup> However, this phenomenon at times allows funds initially allocated at national level for a specific purpose to be reallocated by provincial governments, which have the budgetary discretion to make such

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<sup>110</sup> Sambo "The Role of the Budgeting Approach in South Africa: Critical Considerations to Enhance Service Delivery" 2022 30 *Administratio Publica* 1–20 3.

<sup>111</sup> *Ibid.*

<sup>112</sup> Atmore *An Interpretive Analysis of the Early Childhood Development Policy Trajectory in Post-Apartheid South Africa* (PhD thesis, University of Stellenbosch) 2019 39.

<sup>113</sup> Department of Basic Education, Department of Social Development and UNICEF "Tracking Public Expenditure and Assessing Service Quality in Early Childhood Development in South Africa" (2011) <https://www.unicef.org/southafrica/reports/tracking-public-expenditure-and-assessing-service-quality-early-childhood-development> (accessed 2014-03-05) 1.

<sup>114</sup> Carter and Barberton "Developing Appropriate Financing Models to Enable the Scale-Up of ECD Services" Ilifa Labantwana Technical Report (2014) <https://ilifalabantwana.co.za/wp-content/uploads/2017/06/Developing-appropriate-financing-models-to-enable-the-scale-up-of-ECD-1.pdf> 8.

<sup>115</sup> *Ibid.*

<sup>116</sup> Carter and Barberton <https://ilifalabantwana.co.za/wp-content/uploads/2017/06/Developing-appropriate-financing-models-to-enable-the-scale-up-of-ECD-1.pdf> 3.

<sup>117</sup> S 214 of the Constitution.

<sup>118</sup> DBE, DSD and UNICEF <https://www.unicef.org/southafrica/reports/tracking-public-expenditure-and-assessing-service-quality-early-childhood-development> 5.

decisions.<sup>119</sup> Furthermore, in addition to the issue of reallocated funds, there have been allegations of unpaid subsidies, and instances where the government repurposes funds that were already budgeted for specific purposes. These practices have raised concerns about the effective and transparent use of allocated resources, thereby affecting the intended support for various programmes and services.<sup>120</sup>

Each provincial DSD has offered financial support in the form of a subsidy for registered ECD centres. The ultimate goal of the ECD subsidy is to ensure equitable access for all eligible children. This subsidy is presently calculated at R17<sup>121</sup> per child per day, although the amount may vary by province, and is directed to children aged from birth to four years.<sup>122</sup> However, the current subsidy value is insufficient to ensure adequate wages for ECD practitioners.<sup>123</sup> The amount is also low compared to current inflation rates in South Africa. In March 2023, annual consumer price inflation rose to 7,1 per cent from the previous month's rate. The consumer price index also saw a 1 per cent increase on a month-on-month basis in the same period.<sup>124</sup> The key factors driving the 7,1 per cent annual inflation rate were rising costs in food and non-alcoholic beverages, housing and utilities, transport, and miscellaneous goods and services.<sup>125</sup> In light of the increase in the cost of daily necessities, the amount of R17 per day per child should also increase. In addition, the amount of subsidy per child may be unfairly contrasted to the heavily subsidised schooling sector, where approximately three-quarters of users pay no fees.<sup>126</sup> Comparing these two, the ECD sector experiences limitations in both the reach and depth of subsidies provided by the government. The same 75 per cent no-fee payment funding policy, if applied to the ECD sector, would greatly improve access. Furthermore, the ECD subsidy is means-tested, and so only children from households below a certain income level qualify for it.<sup>127</sup> The means test used for determining eligibility for the subsidy is based on the combined incomes of a child's parents. Therefore, the ECD subsidy is exclusively available to children whose parents' or caregivers' combined income falls below a specific threshold. Consequently, this subsidy benefits only ECD centres catering for the poorest families.<sup>128</sup>

The DBE has several provincial flows for ECD funding. The most important of these are the funding for Grade R in schools, and the subsidies for community-based Grade Rs registered as "independent schools". This may take the form of a per-child subsidy or a salary for a Grade R

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<sup>119</sup> *Ibid.*

<sup>120</sup> Vorster "Government Pushes Early Childhood Development Centres and Welfare Organisations to the Brink" 2020 *Daily Maverick* 20.

<sup>121</sup> Parliamentary Monitoring Group <https://pmg.org.za/committee-meeting/35487/>.

<sup>122</sup> *Ibid.*

<sup>123</sup> *Ibid.*

<sup>124</sup> South African Statistics "Consumer Price Index" (March 2023) <https://www.statssa.gov.za/publications/P0141/P0141March2023.pdf> (accessed 2024-05-01).

<sup>125</sup> *Ibid.*

<sup>126</sup> Wills *et al* [https://riseprogramme.org/sites/default/files/2020-11/RISE\\_WP-055\\_Wills\\_Kotze\\_Kika-Mistry.pdf](https://riseprogramme.org/sites/default/files/2020-11/RISE_WP-055_Wills_Kotze_Kika-Mistry.pdf) 2.

<sup>127</sup> *Ibid.*

<sup>128</sup> Atmore *An Interpretive Analysis* 39.

practitioner. The amount of the per capita learner subsidy is based on the number of Grade R learners and the income quintile ranking of the school (quintile referring to the ranking or category of the school determined by the socio-economic status of the community served by that school).<sup>129</sup>

Another source of funding, the ECD Conditional Grant, has also been used.<sup>130</sup> The ECD Conditional Grant was introduced to enable provincial governments to fund expanded access to ECD services and facilitate improvements in ECD infrastructure, so ensuring that they meet the necessary requirements for full registration.<sup>131</sup> The Conditional Grant must be spent on the purpose for which it is allocated and is therefore subject to increased accountability. The DBE is now managing and implementing the Conditional Grant.<sup>132</sup>

The Care Dependency Grant has become a catch-all net for services that should be provided by other government departments; for example, the provision of assistive devices falls under the purview of the Department of Health, while education falls under the Department of Education.<sup>133</sup> Caregivers of children with disabilities in South Africa should have access to interventions, including adequate and appropriate education and health care, assistive devices, and spaces for play and recreation.<sup>134</sup> However, it is acknowledged that in South Africa, public services are largely inadequate or not readily available for families with children who have disabilities.<sup>135</sup> The grant is often the only financial lifeline and intervention for these children and their families.

The grant for children with profound intellectual disabilities is another source of funding. This grant was created in compliance with a court order that mandated the provision of suitable support for this cohort of children.<sup>136</sup> As a result, the grant targets a relatively small proportion of learners, its primary objective being to deliver specialised assistance to this specific group of children. In this regard, the provision of subsidies by the State to the Western Cape Forum for Intellectual Disability was delayed<sup>137</sup> and fell short of fulfilling the State's constitutional obligation to fulfil the necessary

<sup>129</sup> Carter and Barberton <https://ilifalabantwana.co.za/wp-content/uploads/2017/06/Developing-appropriate-financing-models-to-enable-the-scale-up-of-ECD-1.pdf> 9.

<sup>130</sup> Its main purpose is to provide for infrastructure and maintenance.

<sup>131</sup> Parliamentary Monitoring Group <https://pmg.org.za/committee-meeting/35487/>.

<sup>132</sup> *Ibid.*

<sup>133</sup> Trafford and Swartz "The Care Dependency Grant for Children With Disabilities in South Africa: Perspectives From Implementation Officials" 2023 40(2) *Development Southern Africa* 259–272 267.

<sup>134</sup> Trafford "People Don't Understand What We Go Through!": Caregiver Views on South Africa's Care Dependency Grant" 2023 *African Journal of Disability* a1114 1–12 1.

<sup>135</sup> For example, Modula "The Support Needs of Families Raising Children With Intellectual Disability" 2022 11 *African Journal of Disability* a952 2–9 5; Philpott and Muthukrishna "A Critical Analysis of Key Policies Shaping Services for Young Children With Disabilities in South Africa" 2019 23 *Education as Change* 1–23 14.

<sup>136</sup> *Western Cape Forum for Intellectual Disability v Government of the Republic of South Africa* 2011 (5) SA 87 (WCC).

<sup>137</sup> Kruger "A Critical Appraisal of Western Cape Forum for Intellectual Disability v Government of the Republic of South Africa 2011 5 SA 87 (WCC)" 2015 18 *Potchefstroom Electronic Law Journal* 756–773 762.

socio-economic rights.<sup>138</sup> The funding from the Department of Health indicated that it was not explicitly viewed by the State as a way of fulfilling its duty to provide education, and the subsidies were limited to funding NGOs willing to care for the children.<sup>139</sup> This means that the funding does not fully encompass the broader scope of education-related services that the State should provide. A different ideology is urgently needed – one that assesses the inclusion of children with disabilities in ECCE, not as a way of accommodating those children who are different from the norm, but rather as a multi-faceted transformation of the ECCE system to enable all children to be accommodated.

Global evidence of the adverse costs of not investing in ECD programmes for children with disabilities articulates the need to reverse the trend of underspending on children’s disabilities, and for a redirection and a channelling of public-health funding on newborn and child health towards “disability focused early childhood development programmes”.<sup>140</sup>

Olusanya *et al* explain that the emphasis in the SDGs on inclusive education and ECD for children with disabilities requires prioritisation of these children.<sup>141</sup> However, they remark:

“Priority consideration goes beyond symbolic reference to children with disabilities in policy documents simply to portray inclusiveness. It must be reflected in the share of resource allocation for early childhood development globally.”<sup>142</sup>

Monitoring of actual government spending on children with disabilities in ECD is currently inadequate in South Africa and significant improvement is needed in this regard. UNICEF called for an analysis of the employment of “sector-wide strategies, programmes and budgets to determine whether they include concrete actions to support young children with disabilities and their families” in ECD; to date, the budgetary analysis has not been undertaken.<sup>143</sup>

### 3 2 Registration onus to access government funding

The Children’s Act requires compliance with the national norms and standards set out in section 94 and other prescriptions.<sup>144</sup> The Act further indicates that a “provider of an early childhood development programme only

<sup>138</sup> Kruger 2015 *PELJ* 760.

<sup>139</sup> *Ibid.*

<sup>140</sup> The Global Research on Developmental Disabilities Collaborator “Accelerating Progress on Early Childhood Development for Children Under 5 years With Disabilities by 2030” 2022 10(3) *The Lancet: Global Health* E438–E444 E442 [https://doi.org/10.1016/S2214-109X\(21\)00488-5](https://doi.org/10.1016/S2214-109X(21)00488-5).

<sup>141</sup> Olusanya, Storbeck, Cheung and Hadders-Algra obo Global Research on Developmental Disabilities Collaborators (GRDDC) “Disabilities in Early Childhood: A Global Health Perspective” 2023 10(155) *Children* 1–11 5 [doi:10.3390/children10010155](https://doi.org/10.3390/children10010155).

<sup>142</sup> *Ibid.*

<sup>143</sup> World Health Organization (WHO) and United Nations Children’s Fund (UNICEF) *Early Childhood Development and Disability: A Discussion Paper* (2012) 32 <https://iris.who.int/handle/10665/75355>.

<sup>144</sup> S 93(2) of the Children’s Act.

qualifies for funding” if the provider complies with the national norms and standards.<sup>145</sup> ECD centres have been regulated and financially supported through the DSD only if they meet stringent registration criteria.<sup>146</sup> Being registered with the DSD (and now with the DBE) offers a significant advantage for ECD centres, as it allows them to qualify for a subsidy. This subsidy helps cover the costs of providing nutritious food to the children, paying salaries to staff members, and acquiring essential educational materials.<sup>147</sup> The process of registration entails complying with the minimum requirements outlined in the Children’s Act.<sup>148</sup>

To achieve registration, an ECD centre must adhere to the specified infrastructural conditions, including conditions on the centre’s location, quality of infrastructure and the management and operation of the ECD facilities. According to the DSD guidelines, ECD centres are expected to have top-notch infrastructure that ensures a safe and healthy learning environment for children.<sup>149</sup> Unfortunately, many centres find it extremely challenging, if not impossible, to meet these registration requirements and specified norms and standards.<sup>150</sup> Registered centres, even after they meet these onerous regulations, still do not have adequate funding to meet their needs. Furthermore, ECD centres in impoverished and rural communities are disproportionately affected by these registration constraints<sup>151</sup> as they are more likely to be unable to fulfil these stringent registration requirements.<sup>152</sup> Many centres located in townships also face difficulties in fulfilling these requirements, resulting in a lack of financial support.<sup>153</sup> The national audit on ECD centres revealed that most facilities remain unregistered with the DSD because of their inability to meet set standards.<sup>154</sup> Finally, the availability of these subsidies is contingent upon the allocation of funds in the Department’s budget.<sup>155</sup> Only a small fraction of ECCE

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<sup>145</sup> S 94 of the Children’s Act.

<sup>146</sup> Shabangu *Food Safety Practices, Nutrition Knowledge and Menu Adequacy at Non-Registered Early Childhood Development (ECD) Centres in the Ntuzuma Area, Durban, South Africa* (PhD thesis, Durban University of Technology) 2023 1 2.

<sup>147</sup> Thorogood, Goeiman, Berry and Lake “Food and Nutrition Security for the Preschool Child: Enhancing Early Childhood Development” 2020 *South African Child Gauge* 96–110 102.

<sup>148</sup> S 96 of the Children’s Act and the norms and standards set out in Annexure B, Part II to the Act; and reg 23-29 of the General Regulations Regarding Children 2010.

<sup>149</sup> National Development Agency “ECD Infrastructure” Policy Brief (October 2016) [https://www.nda.org.za/assets/resources/CF824421-4FA0-41EE-AB69-4DB10CD0384A/Infrastructure\\_in\\_ECD.pdf](https://www.nda.org.za/assets/resources/CF824421-4FA0-41EE-AB69-4DB10CD0384A/Infrastructure_in_ECD.pdf) (accessed 2023-10-14).

<sup>150</sup> Thorogood *et al* 2020 *South African Child Gauge* 102.

<sup>151</sup> Thorogood *et al* 2020 *South African Child Gauge* 103.

<sup>152</sup> Proudlock, Nyathi and Jamieson “Legislative developments in 2019/2020” 2020 *South African Child Gauge* 12–19 13.

<sup>153</sup> Blose and Muteweri “Tapping into Leadership in Early Childhood Development Centers: Learning From the Lived Experiences of Principals in South African Townships” 2021 11 *SAGE Open* 1–10 1.

<sup>154</sup> Department of Social Development *Audit of Early Childhood Development (ECD) Centres: National Report* (31 July 2014).

<sup>155</sup> Giese, Dawes, Tredoux, Mattes, Bridgman, Van der Berg, Schenk and Kotzé “Thrive by Five Index Report: Revised August 2022” (2022) <https://thrivebyfive.co.za/wp-content/uploads/2022/11/Thrive-by-Five-Index-report-Revised-August-2022-FINAL.pdf> (accessed 2024-05-01).

operators receive the limited state subsidies, which are provided based on the number of children attending on a per-day basis.<sup>156</sup>

The South African state spends roughly 7 per cent of GDP on all levels of education,<sup>157</sup> which is significantly more than global averages; for upper middle- and middle-income countries, the average is 4 per cent.<sup>158</sup> This figure excludes the large amounts spent on education by the private sector and civil society.<sup>159</sup> It would seem that the shorter- and longer-term effects of these services are overlooked.<sup>160</sup> Current investment in ECCE in South Africa is inadequate to ensure access to high *quality* ECD services for the approximately four million poverty-stricken children under the age of six.<sup>161</sup> Greater investment and more coordinated financing is needed from both government and private sector.<sup>162</sup> It appears that not only has there been limited funding available in the ECD sector, but funding has also been characterised by a charity mindset and a set of typical stakeholders such as government departments and NGOs.<sup>163</sup>

### 3 3 Private sector funding

The substantial poverty, unemployment and inequality in South Africa justify an increased role for the private sector in social delivery. The ECD Social Impact Bond Innovation Fund (IBIF) was one of the first social impact bonds (SIBs) to be launched in the developing world, and one of only a handful globally that focused on ECD.<sup>164</sup> SIBs are collaborations between governments, NGOs and private investors to develop and implement social programmes that are measured and evaluated. If the programme achieves predetermined social outcomes and performance targets, then an outcome funder representing a government entity (and often additional non-governmental funders too) repays with interest an original investment made upfront by a private investor that financed the delivery of the programme – typically, an NGO. However, if the programme does not achieve set targets, the outcome funder pays a pro-rata portion of what has been achieved, and in the unlikely case that the programme completely fails to provide a service

<sup>156</sup> Wills *et al* [https://riseprogramme.org/sites/default/files/2020-11/RISE\\_WP-055\\_Wills\\_Kotze\\_Kika-Mistry.pdf](https://riseprogramme.org/sites/default/files/2020-11/RISE_WP-055_Wills_Kotze_Kika-Mistry.pdf) 11.

<sup>157</sup> World Bank Group <https://data.worldbank.org/indicator/SE.XPD.TOTL.GD.ZS?locations=ZA>.

<sup>158</sup> *Ibid.*

<sup>159</sup> Trialogue *Business in Society Handbook* (2019) <https://trialogue.co.za/companies-in-sa-spent-r10-2-billion-on-corporate-social-invest-in-2019/> (accessed 2023-09-25).

<sup>160</sup> Of the 1,5% of GDP spent on ECD in 2018, only 6,5% (of that amount) was spent on early learning, nutritional support and responsive parenting (Ilifa Labantwana and Kago Ya Bana “A Plan to Achieve Universal Coverage of Early Childhood Development Services by 2030” (2018) <https://ilifalabantwana.co.za/wp-content/uploads/2018/11/ECD-Vision-2018-digital2.pdf> (accessed 2023-09-01)).

<sup>161</sup> Khan, Theobald and Kruger *Social Impact Bonds in South Africa: The Risks and Returns of Innovative Finance for Social Change* (2021) 26 [https://www.researchgate.net/publication/351022488\\_Social\\_impact\\_bonds\\_in\\_South\\_Africa\\_The\\_risks\\_and\\_returns\\_of\\_innovative\\_finance\\_for\\_social\\_change](https://www.researchgate.net/publication/351022488_Social_impact_bonds_in_South_Africa_The_risks_and_returns_of_innovative_finance_for_social_change) (accessed 2025-08-20).

<sup>162</sup> Khan, Theobald and Kruger 2021 *Social Impact Bonds in South Africa* 33.

<sup>163</sup> *Ibid.*

<sup>164</sup> Khan, Theobald and Kruger 2021 *Social Impact Bonds in South Africa* 21 and 26.

to anyone, outcome funders will not disburse any funds. The risk of performance failure is borne by private investors, with the outcome funder paying only if the desired social outcomes are achieved. The IBIF offers important lessons on the feasibility of SIBs as instruments to achieve these social outcomes.

The IBIF is the first ECD-focused fund of its type in the Global South; it was implemented as a public-private partnership to determine the feasibility of this method to finance ECD initiatives in South Africa. This initiative was launched in 2018 to improve the cognitive and socio-emotional development of more than 2 000 children in the low-income communities of Atlantis and Delft in the Western Cape province of South Africa over the course of three years. It was envisaged that the fund would support an existing home-visiting programme targeting three- to five-year-olds that was delivered by the Foundation for Community Work (FCW) through its Family in Focus (FIF) programme.<sup>165</sup> The FCW has been operating for over 40 years within the ECD sector in the Western Cape and is a long-term partner of the Western Cape DSD. The DSD concluded a matched funding arrangement with ApexHi Charitable Trust, a private-sector outcome funder, to augment the available funding for the programme. Private investors funded FCW's ECD programme over a three-year period and were to be repaid with a return on their investment by the government department and private outcome funders, if and when improved social outcomes were achieved over the three-year bond term. This type of impact-bond funding model is a novel method of providing financing, bringing public and private-sector investment bodies together in a joint project with an outcomes-based funding mechanism. This may lead to finances being deployed more usefully and productively to achieve a desired goal. South Africa's social-welfare policy framework is committed to welfare pluralism, which implies the promotion of social welfare by multiple actors. Unfortunately, this is often manifested by an over-reliance by the State on NGOs.<sup>166</sup>

By contrast, SIBs have the potential to expand the private sector's role in welfare provision, and to help underfunded NGOs provide essential services. However, currently, it appears that SIBs have appealed mainly to philanthropic rather than traditional investment capital.<sup>167</sup> Where investors for profit are engaged, they are frequently assisted largely by philanthropic capital in the case of ECD, which means that tax breaks are given to these foundations, whereas the lost tax revenue could have been employed in the provision of public services, including the provision of ECD.<sup>168</sup> Governments

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<sup>165</sup> Khan "The risks and returns of innovative finance for social change" 1–39 12 <https://datadrive2030.co.za/wp-content/uploads/2022/09/Intellidex-the-IBIF-SIB-report-1.pdf>.

<sup>166</sup> Patel "Developmental Social Policy, Social Welfare Services and the Non-Profit Sector in South Africa" 2012 46 6 *Social Policy & Administration* 603–618 604.

<sup>167</sup> Iovan, Lantz and Shapiro "Pay for Success Projects: Financing Interventions That Address Social Determinants of Health in 20 Countries" 2018 108 *American Journal of Public Health* 1473–1477 1474.

<sup>168</sup> Brown "The Hidden Costs of Social Impact Bonds" 2019 *Nonprofit Quarterly* <https://nonprofitquarterly.org/the-hidden-costs-of-social-impact-bonds/> (accessed 2023-09-25).

(and taxpayers) need to be willing to pay for higher-quality ECCE.<sup>169</sup> If not, SIBs in ECD will not achieve the desired outcomes. Governments also need to bear in mind that spending more on young children and those with disabilities now is a precondition for a thriving society later.<sup>170</sup> These future gains will need to be factored into the calculations of governments and investors.

### 3 4 Privatisation and parental funding

Private funding of ECCE refers to expenditures made directly by households on the education of their own children<sup>171</sup> – usually tuition paid for by parents. A significant characteristic of the ECD sector is its heavy reliance on the financial capacity of parents and caregivers to pay fees.<sup>172</sup> This constitutes the largest source of funding for ECD in South Africa.<sup>173</sup> Focusing on data from the General Household Surveys (2017–18),<sup>174</sup> Wills and Kika-Mistry found that fees were charged for over 80 per cent of children aged up to six years attending ECCE programmes, excluding grade R.<sup>175</sup> This high dependence on parental contributions poses challenges for access and equity, as families with limited financial means face barriers in accessing high-quality ECD services. These findings underscore the necessity of enhancing state financing for ECD in order to separate children's ability to access ECD from the financial capability of their parents to pay fees.

In the South African context, as occurs globally, families of children with disabilities have an increased risk of poverty and lower economic well-being than counterparts who care for children without disabilities.<sup>176</sup> This is in part due to the higher financial costs associated with caring for a child with a disability.<sup>177</sup> Budgeting for the ECCE of children with disabilities may therefore need to be different, as it could incur higher costs than for children without disabilities. This means that the R17-per-child subsidy in South Africa, currently inadequate for all targeted children in ECD, will be woefully

<sup>169</sup> Khan *et al* *Social Impact Bonds in South Africa* 33.

<sup>170</sup> *Ibid.*

<sup>171</sup> Belfield *Financing Early Childhood Care and Education: An International Review* 2006 Paper for 2007 Global Monitoring Report on Education for All 2.

<sup>172</sup> Atmore *et al* 2012 *South African Journal of Childhood Education* 120–139 136.

<sup>173</sup> Atmore "Early Childhood Development in South Africa – Progress Since the End of Apartheid" 2012 21(2) *International Journal of Early Years Education* 152–162 158.

<sup>174</sup> Statistics South Africa *General Household Survey* (2019) <https://www.statssa.gov.za/publications/P0318/P03182018.pdf>.

<sup>175</sup> Wills and Kika-Mistry "Early Childhood Care and Education Access in South Africa During COVID-19: Evidence From NIDS-CRAM" 2022 39(5) *Development Southern Africa* 781–799 782.

<sup>176</sup> Grech "Disability and Poverty: Complex Interactions and Critical Reframings" in Grech and Soldatic (eds) *Disability in the Global South: The Critical Handbook* (2016) 217–235 231. See Bixby "Disability Is Not a Burden: The Relationship Between Early Childhood Disability and Maternal Health Depends on Family Socioeconomic Status" 2023 64(3) *Journal of Health and Social Behavior* 354–369 355 <https://doi.org/10.1177/00221465231167560>.

<sup>177</sup> Hanass-Hancock, Nene, Deghaye and Pillay "These are not Luxuries, it is Essential for Access to Life": Disability Related out-of-pocket Costs as a Driver of Economic Vulnerability in South Africa" 2017 6 *African Journal of Disability* 1–10 2; Clasquin-Johnson and Clasquin-Johnson "How Deep are your Pockets?" Autoethnographic Reflections on the Cost of Raising a Child with Autism" 2018 7 *African Journal of Disability* 1–8 5.

inadequate to cater adequately for children with disabilities who meet the means test. For those who do not meet the means test, a picture emerges of families of children with disabilities being unable to cope with their financial obligations without public and private support to meet their commitments.

Interestingly, in relation to social rights such as social security, many states like South Africa have the propensity to privatise public services that they are required to provide to children (e.g. to businesses, NGOs and non-profit and for-profit organisations), trading ECCE as a public good for marketisation.<sup>178</sup> However, we are reminded that this option does not reduce “the State’s obligation to ensure for all children within its jurisdiction the full recognition and realization” of their rights.<sup>179</sup> Accordingly, privatisation includes the responsibility “to ensure that non-state service providers operate in accordance with the CRC provision”, and it indirectly obliges the State to ensure that non-state service providers respect the CRC, including through the imposition of a permanent monitoring mechanism.<sup>180</sup> In the ECD sector then, even non-state providers of ECCE, such as private and NGO providers, would be obligated to ensure that their services include children with disabilities.<sup>181</sup>

### 3 5 Continued data gaps on ECD for children with disabilities

Recently available data can be found in the DBE’s Baseline Assessment Report and the Thrive by Five Index Report. Unfortunately, these reports fail to focus sufficiently on disability and to disaggregate data on the basis of disability type. In addition, they do not contain any identification of the disability-specific funding constraints.

#### 3 5 1 *The Baseline Assessment report*

The Baseline Assessment was based on a sub-sample of Early Learning Programmes (ELPs), with a total of 545 ELPs from all nine provinces participating.<sup>182</sup> The data collected through the Baseline Assessment aimed at a deeper understanding of various aspects, including resourcing, operations, management, financing, human resourcing, registration status

<sup>178</sup> UN Committee on the Rights of the Child “Day of General Discussion: The Private Sector as a Service Provider and Its Role in Implementing Child Rights” Annex II of *Report on the Thirty-First Session* (2002) CRC/C/121 162 <https://docs.un.org/en/CRC/C/121> and <https://www5.austlii.edu.au/au/journals/AUChnRightsNews/2002/6.pdf> (accessed 2025-08-20).

<sup>179</sup> Ruggiero in Vaghri *et al* (eds) *Monitoring State Compliance with the UN Convention on the Rights of the Child* 413–424 420.

<sup>180</sup> UN Committee on the Rights of the Child *General Comment No 5* par 42–44.

<sup>181</sup> Note that the neoliberal agenda in relation to the marketisation of ECCE in other countries such as Australia has had a mixed reception. See Woodrow and Press “The Privatisation/Marketisation of ECEC Debate: Social Versus Neoliberal Models” in Miller, Cameron, Dalli and Barbour (eds) *The Sage Handbook of Early Childhood Policy* (2018) 537–550 538.

<sup>182</sup> DBE *Baseline Assessment* 6.

and infrastructure of ELPs.<sup>183</sup> This article only reviews the report's funding, registration and infrastructure sections in its bid to interrogate the current financing position of ECD.<sup>184</sup>

During the data collection for the Baseline Assessment, the ECD function was under the DSD. All ELPs were required to be registered with the DSD as both a partial care facility and an ECD programme. However, various barriers hindered ELPs from achieving registration as partial care facilities. Of the ELPs that participated in the Baseline Assessment, only 56,7 per cent were registered as such, while 9,9 per cent were conditionally registered, and 9,8 per cent were in the process of registering with the DSD. In addition, 17,8 per cent of the ELPs were not registered with the DSD.<sup>185</sup> The assessment found that provinces followed different approaches to ECD programme registration, but the overall proportion of ELPs registered as ECD programmes reflected a similar trend to the partial care registration. About 93,2 per cent of ELPs were registered as NPOs with the DSD. The difference in the likelihood of registration of an ELP as an NPO as opposed to registration as a partial care facility indicates that the reason for not being registered is often due to structural hindrances rather than refusal.<sup>186</sup>

The data from the report indicated that to be registered with the DSD, ECD programmes need to have various safety measures in place. The report showed that one critical difference between registered and unregistered ELPs was the possession of an environmental health certificate obtained from the municipality. The acquisition of this certificate played a significant role in the registration process. The report also highlighted the need for comprehensive assistance and guidance to ensure that ELPs comply with the necessary regulations and standards, thus ultimately enhancing the safety and quality of early-learning environments.<sup>187</sup>

The DSD established the ECD Employment Stimulus Relief Fund, which allowed ELPs to apply for COVID-19 relief funds.<sup>188</sup> The payment of the relief funds was, however, problematic as only 44,4 per cent of the total funds available had been spent by March 2022.<sup>189</sup> By the time of data collection, the report indicated that 80,9 per cent of ELPs indicated that they had applied for relief funds, but only 34 per cent had received the funds.<sup>190</sup> It has been argued that "the COVID-relief funds were very significant for ECD practitioners, especially since over two-thirds of ECD practitioners responded that they were the main breadwinner in their household".<sup>191</sup> We also note that if, as a result of the negative impact of a pandemic, a government could establish alternative relief funds to alleviate problems in financing for ECD practitioners, then it should be able to establish funding to

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<sup>183</sup> DBE *Baseline Assessment* 6.

<sup>184</sup> *Ibid.*

<sup>185</sup> DBE *Baseline Assessment* 13–14.

<sup>186</sup> *Ibid.*

<sup>187</sup> DBE *Baseline Assessment* 2022 15.

<sup>188</sup> DBE *Baseline Assessment* 2022 6.

<sup>189</sup> DBE *Baseline Assessment* 2022 20.

<sup>190</sup> DBE *Baseline Assessment* 2022 21.

<sup>191</sup> *Ibid.*

provide access to ECCE for children in need – in particular for children with disabilities.

The Baseline Report also investigated issues of funding and financing for ECD. The assessment emphasised that the ECD sector was financially vulnerable as a result of its heavy reliance on the fees charged for children enrolled in their care. About 91,8 per cent of ELPs indicated that their funding came from fees they charged. Parents, at times, would not pay the fees, which constituted a financial risk to the ECD sector's sustainability. If fees were unpaid, this affected the centre's operations.<sup>192</sup> The report indicated that 78,8 per cent of the ELPs were still committed to granting children access to ECD services – even where no payments had been made. The report also surveyed the fee amounts payable per month that centres charged for children in different age groups. It indicated that fees varied, with children above two years old being charged R800–R3500 per month. On average, the difference in fees between age groups was relatively small, but more significant differences emerged when comparing different quintiles, e.g. quintiles 1, 4 and 5. These variations illustrated how fees charged by ELPs varied based on the location and socio-economic context<sup>193</sup> of those to whom they offered services.

Another important issue raised by the report is the number of ECD providers that received subsidies from the government. Only 58 per cent of ELPs indicated that they received a subsidy from the DSD. Although some government initiatives can provide support for staff payment – such as the Community Works Programme, the Extended Public Works Programme,<sup>194</sup> the DBE learnership programme, and the Youth Employment Service initiative – 95,2 per cent of ELPs stated that they do not benefit from these initiatives.<sup>195</sup> There is still a desperate need to open this source of finances for the ECD sector. As part of its recommendations, the report highlighted that there should be enhanced funding for ELPs, as there was evidence of significant reliance on fees paid by parents, which affected the financial viability and service quality of ELPs.<sup>196</sup> To ensure better developmental outcomes for children, it is crucial for the government to expand access to the ECD subsidy and to find ways to supplement parents' payments. The report also recommended that the ECD subsidy amount needed to be revised. The current inadequate amounts affect the ECD practitioners who receive salaries below the minimum wage. The overall effect of inadequate funding is that a centre will not be able to put in place the prescribed staff-to-child ratios. A comprehensive review of the ECD subsidy amount is needed to allow ECD centres to meet salary needs and other costs.

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<sup>192</sup> DBE *Baseline Assessment 2022* 29.

<sup>193</sup> *Ibid.*

<sup>194</sup> The Expanded Public Works Programme and Community Work Sub-Programme contribute to supporting ECD, although a significant portion of this funding is not entirely “new” funding.

<sup>195</sup> DBE *Baseline Assessment 2022* 29.

<sup>196</sup> *Ibid.*

The findings of the Baseline Report on funding and financing highlight the loopholes already identified in the literature.<sup>197</sup> Funds are a necessity but most ECD centres do not have them; as a result, they charge fees to help cover the daily costs of salaries, meals and other necessities.<sup>198</sup> A heavy reliance on parents' or a caregiver's ability to pay the stipulated ECD fees<sup>199</sup> leads to inconsistent income, as fees can only be received when parents are able to pay, which greatly influences access to services.

### 3 5 2 *Thrive by Five Index Report*

The data and findings presented in this report were reflective of the population of four- to five-year-old children enrolled in ELPs across South Africa.<sup>200</sup> Out of the 1.2 million children in this age group, approximately 45–55 per cent were attending various types of ELP.<sup>201</sup> The report indicated that inequality and exclusion usually begin during early childhood.<sup>202</sup> The insufficient and uneven access to early learning opportunities for young children in South Africa plays a significant role in sustaining the country's high unemployment rates and inequality. For many disadvantaged children, their early experiences create substantial obstacles to succeeding in school and long-term economic inclusion, thus perpetuating cycles of poverty and exclusion across generations.<sup>203</sup> According to the Index Report, about 57 per cent of children attending ELPs in South Africa fail to “Thrive by Five”. These children are therefore not on track for cognitive and/or physical development and face significant barriers hindering their chances of realising their full potential.<sup>204</sup>

The report found that achieving meaningful improvements in access to, and the quality of, ELPs required a significant increase in investment in ECCE. It indicated that, currently, ELPs in South Africa only receive 1–2 per cent of the government's annual education budget,<sup>205</sup> which reaches just 13 per cent of poor children aged up to five years.<sup>206</sup> In mid-2018, South Africa's total population was estimated at 57.7 million people, of which 19.7 million were children under 18 years old. Consequently, children constitute 34 per

<sup>197</sup> Mbarathi, Mthembu and Diga “Early Childhood Development and South Africa: A Literature Review” (2016) Technical paper No. 6 (2016) 1–35 16 <https://appliedpovertyreduction.wordpress.com/wp-content/uploads/2015/01/early-childhood-development-2016-literature-review-edited-4-final1.pdf> (accessed 2024-05-01).

<sup>198</sup> Kotzé *Social Gradients, Early Childhood Education and Schools Performing Above the Demographic Expectation: Empirical Insights Into Educational Issues* (doctoral thesis, University of Stellenbosch) 2017 74.

<sup>199</sup> Wills and Kika-Mistry 2022 *Development Southern Africa* 782.

<sup>200</sup> Giese *et al Thrive by Five Index Report* 1.

<sup>201</sup> Giese *et al Thrive by Five Index Report* 4.

<sup>202</sup> Giese *et al Thrive by Five Index Report* 6.

<sup>203</sup> *Ibid.*

<sup>204</sup> Giese *et al Thrive by Five Index Report* 4.

<sup>205</sup> Ilifa Labantwana and Kago Ya Bana <https://ilifalabantwana.co.za/wp-content/uploads/2018/11/ECD-Vision-2018-digital2.pdf> (accessed 2024-05-01) 4.

<sup>206</sup> DBE *Baseline Assessment* 24.

cent of the overall population.<sup>207</sup> Research has shown that the number of resources directed to ECD programmes is often insufficient and children aged under five years often receive less spending relative to other age groups.<sup>208</sup> To create a more equitable, accessible and promising future for all children, a substantial boost in funding for ECCE is essential. Adequate investment is needed, such as through SIBs, to enable ELPs to expand their reach to a broader population of young children, especially those from disadvantaged backgrounds. Prioritising ECCE and investing more substantially in this critical phase of child development will lead to significant strides in reducing inequality and enabling children to thrive and reach their full potential.<sup>209</sup> However, the Index Report does not give much detail on funding, which conforms with research suggesting that financing for ECD is historically sparse.<sup>210</sup> The absence of detailed funding information for children in disadvantaged quintiles in the report highlights a significant gap in our knowledge.

## 4 BUDGETING AND MONITORING OF THE ESSENTIAL PACKAGE

### 4.1 Budgeting for nutrition

A lack of support for the needs of children with disabilities, including those with feeding difficulties, is evident in lower- and middle-income countries (LMICs), including in ECCE programmes.<sup>211</sup> The eligibility of children with disabilities for supplementation from nutrition programmes and access to social security is a key priority.<sup>212</sup> An assumption is made that children with disabilities fail to thrive because of their disability, but, in fact, it is frequently a result of a lack of adequate nutrition.<sup>213</sup> ECD subsidies exclude children who are not centre-based (not attending playgroups, receiving home visits, or receiving any ECCE support). Upscaling the training of social workers and ECD staff on nutrition and the expansion of the CSG (child support grant) through automatic coverage for all babies born at public facilities were offered as options to address malnutrition and stunting, particularly for children from birth to 36 months who are currently not covered as a result of

<sup>207</sup> Hall "Demography of South Africa's Children" (2019) *South African Child Gauge* 216–220 216.

<sup>208</sup> Carter and Barberton <https://ilifalabantwana.co.za/wp-content/uploads/2017/06/Developing-appropriate-financing-models-to-enable-the-scale-up-of-ECD-1.pdf> 20.

<sup>209</sup> DBE *Baseline Assessment* 37.

<sup>210</sup> Carter and Barberton <https://ilifalabantwana.co.za/wp-content/uploads/2017/06/Developing-appropriate-financing-models-to-enable-the-scale-up-of-ECD-1.pdf> 20.

<sup>211</sup> Klein, Uyehara, Cunningham, Olomi, Cashin and Kirk "Nutritional Care for Children With Feeding Difficulties and Disabilities: A Scoping Review" 2023 3(3) *PLOS Global Public Health* e0001130 1–19 2.

<sup>212</sup> Klein *et al* 2023 *PLOS Global Public Health* 2.

<sup>213</sup> Groce, Kerac, Farkas, Schultink and Bieler "Inclusive Nutrition for Children and Adults With Disabilities" 2013 1(4) *Lancet Global Health* e180–e181 e181 [https://doi.org/10.1016/S2214-109X\(13\)70056-1](https://doi.org/10.1016/S2214-109X(13)70056-1).

challenges with birth registration and delays in access to the grant.<sup>214</sup> The correlation between ECCE attendance and access to nutrition was illustrated by the finding that a four-year-old child not attending school and receiving only the CSG grant is more likely to have skipped a meal than a similar child from a poor household attending an early-learning programme and in receipt of the CSG.<sup>215</sup>

The challenge with continued reliance on the CSG as a main source of government support for child nutrition is that households still experience frequent periods of food insecurity even when they receive the grant.<sup>216</sup> The lack of coherence and convergence between recipients of the CSG grant and the ECD subsidy continues despite the call of the NIECD Policy for alignment to support vulnerable families.<sup>217</sup> CSG recipients should automatically qualify for the ECD subsidy.<sup>218</sup> Where children do not attend an ECD centre, CSG or ECD subsidy data point to the need for other interventions for that child. The offer of nutritional support at ECD centres is not a silver bullet as it does not offer the entire nutritional requirements of children, and disparities in nutritional offerings at ECD centres, in particular along the rural divide, remain.<sup>219</sup> The Department of Health conceded that the increase in the budgetary allocation for nutrition remains paltry and that it is primarily spent on supplementary feeding; and that actual expenditure may not translate into appropriate interventions owing to inadequate surveillance, monitoring and weak implementation.<sup>220</sup> The Department's roadmap on nutrition did not address the nutrition of children with disabilities, although its Nutrition Guidelines to ECD centres acknowledge the need for children with disabilities to play on an equal basis with others and the need for a varied diet and adaptation where needed (crochery and cutlery, food texture, and quantity of food eaten).<sup>221</sup>

An evaluation of 18 national interventions to address child nutrition found that all but one were exclusively mandated by one of three government departments despite the existence of the Integrated Nutrition Programme,

<sup>214</sup> Barberton, Carter and Abdoll "Nutrition and Food Security for Children Under Five Years Old" (2015) 1–60 52 <https://www.gtac.gov.za/pepa/wp-content/uploads/2021/11/Food-Security-for-Children-Under-5-Technical-report.pdf> (accessed 2024-05-01).

<sup>215</sup> World Bank and Department of Basic Education "South Africa Public Expenditure and Institutional Review for Early Childhood Development" (2022) 117 [https://documents1.worldbank.org/curated/en/099192001242341964/pdf/P1756791e5e59bd\\_e1ad6714d311b6261dd284d0e6d65.pdf](https://documents1.worldbank.org/curated/en/099192001242341964/pdf/P1756791e5e59bd_e1ad6714d311b6261dd284d0e6d65.pdf) (accessed 2024-05-01).

<sup>216</sup> Carson-Porter *Feeding Practices of Mothers With Children Attending Early Childhood Development Centres in the Xhariep District* (master's thesis, University of Free State) 2021; Majaha *Assessing the Nutrition Situation in Early Childhood Development Centres in Zandspruit and Orange Farm, Gauteng Province, South Africa* (master's thesis, University of Stellenbosch) 2018.

<sup>217</sup> Thorogood *et al* 2020 *South African Child Gauge* 102.

<sup>218</sup> *Ibid.*

<sup>219</sup> Makanjana and Naicker "Nutritional Status of Children 24–60 Months Attending Early Child Development Centres in a Semi-Rural Community in South Africa" 2020 18(1) *International Journal of Environmental Research and Public Health* 1–12 10 <https://doi.org/10.3390/ijerph18010261>.

<sup>220</sup> Department of Health *Roadmap for Nutrition in South Africa 2013–2017* (2013).

<sup>221</sup> Department of Health *Nutrition Guidelines for Early Childhood Development Centres* (2006).

which calls for intergovernmental and multi-sectoral collaboration.<sup>222</sup> The evaluation rated government-provided options for nutrition at ECD centres and clinics as performing better than community-based options.<sup>223</sup> In line with this finding, the expansion of access to ECD centres was a key recommendation, as children would receive a guaranteed quota of nutritious meals per day if they attended an ECD centre.<sup>224</sup> This recommendation discounts the need for diversity in ECCE offerings. Burger *et al* suggest that a partnership between ECD centres and public-health clinics could offer more comprehensive coverage than each intervention on its own, particularly as many children do not attend ECCE centres.<sup>225</sup>

Stronger intergovernmental cooperation for nutrition continues to be vaunted as one of the solutions to ensure the effective implementation of infant-and-young-child nutrition at a community level.<sup>226</sup> It is necessary to draft legislation on ECCE and the development of children, in particular, where intergovernmental cooperation and clear monitoring and evaluation of nutritional interventions could offer a model of reporting lines, and remould the current fragmented and disparate policy options into more coherent legal duties. Such legislation should prioritise nutritional security for children with disabilities. It may be possible to amend the Children's Act, where necessary, or to introduce a new self-standing Act to govern the provision of ECCE services in all their facets and with a guarantee of the essential package of services, including nutrition. Dishearteningly, the groundbreaking study by The International Bank for Reconstruction and Development/The World Bank on *South Africa Public Expenditure and Institutional Review for Early Childhood Development* does not, except for a reference to the CDG, consider budgetary implications for children with disabilities accessing ECCE services (both centre and non-centre based).<sup>227</sup>

## 4 2 Support for primary caregivers

Supporting families is crucial as human-rights and development instruments recognise families as indispensable partners in the process of securing

<sup>222</sup> Department of Planning, Monitoring and Evaluation 2015 *Nutrition Interventions for Children From Conception to Age Five* Policy Brief Series: Evidence for Policymaking and Implementation [https://evaluations.dpme.gov.za/images/gallery/Nutrition\\_Interventions\\_For\\_Children%20from%20Conception%20to%20Age%205.pdf](https://evaluations.dpme.gov.za/images/gallery/Nutrition_Interventions_For_Children%20from%20Conception%20to%20Age%205.pdf) (accessed 2025-08-20).

<sup>223</sup> Department of Planning, Monitoring and Evaluation 2015 *Nutrition Interventions* 5.

<sup>224</sup> Department of Planning, Monitoring and Evaluation 2015 *Nutrition interventions* 7.

<sup>225</sup> Burger, Du Plessis, Gangaidzo and Wills *Priority Areas for Reducing Stunting in South Africa: Examining the Implications of Recent International Evidence* (2022) 1–48 25 <https://ilifalabantwana.co.za/wp-content/uploads/2022/08/Ilifa-Labantwana-Reducing-Stunting-in-SA-report-V05.pdf> (accessed 2025-08-20).

<sup>226</sup> Du Plessis, McLachlan and Drimie "What Does an Enabling Environment for Infant and Young Child Nutrition Look Like at Implementation Level? Perspectives From a Multi-Stakeholder Process in the Breede Valley Sub-District, Western Cape, South Africa" 2018 18 (240) *BMC Public Health* 1–10 9.

<sup>227</sup> World Bank and DBE *South Africa Public Expenditure and Institutional Review for Early Childhood Development* <https://documents1.worldbank.org/curated/en/099192001242341964/pdf/P1756791e5e59bde1ad6714d311b6261dd284d0e6d65.pdf> (accessed 2025-08-20).

children's rights and fostering enduring development.<sup>228</sup> Support for primary caregivers is one component of the essential package. South Africa has policies<sup>229</sup> that emphasise the vital role that caregivers play in promoting children's well-being and development by attentively responding to their needs, ensuring their safety, providing stimulating environments, and offering nurturing care.<sup>230</sup> Caregivers of children with disabilities often confront an array of challenges, including stigma and discrimination, elevated levels of stress, and physical fatigue.<sup>231</sup> Caregivers play a crucial role in providing essential personal care, and therefore, the significance of their work cannot be overstated.<sup>232</sup> This highlights the importance of ongoing support from the State to ensure adequate, widespread, available and high-quality essential support services.<sup>233</sup>

The Social Assistance Act<sup>234</sup> gives access to social security to children with disabilities through the Care Dependency Grant (CDG). The CDG supports parents taking care of a child with disabilities at home and is a monthly cash transfer paid to a parent or a primary caregiver of a child aged 1 to 18 years<sup>235</sup> who requires permanent care or support owing to a moderate to severe disability; the caregiver's income must be below the means-test income threshold.<sup>236</sup> If the caregiver is unmarried, their annual earnings should be less than ten times the annual amount of the CDG.<sup>237</sup> In 2018, the value of the CDG was R1 860 per month<sup>238</sup> and was increased to R2 110<sup>239</sup> in 2020. This increase, though not substantial, is a step in the right direction in terms of supporting caregivers, as research has shown that the CDG is used by caregivers to purchase better quality food, pay costs of

<sup>228</sup> Martin, Hall and Lake "Supporting Families in South Africa: A Policy Map" in *South African Child Gauge* (2018) 113–128 113.

<sup>229</sup> See the NIECD; Department of Social Development *National Child Care and Protection Policy* (2019) [https://www.gov.za/sites/default/files/gcis\\_document/202102/national-child-care-and-protection-policy.pdf](https://www.gov.za/sites/default/files/gcis_document/202102/national-child-care-and-protection-policy.pdf); Department of Social Development *Revised White Paper on Families in South Africa* (2021) GN 586 in GG 44799 of 2021-07-02.

<sup>230</sup> Mkhwanazi, Makusha, Blackie, Manderson, Hall and Huijibregts "Negotiating the Care of Children and Support for Caregivers" 2018 *South African Child Gauge* 70–80 74.

<sup>231</sup> Zuurmond, Nyante, Baltussen, Seeley, Abanga, Shakespeare, Collumbien and Bernays "A Support Programme for Caregivers of Children With Disabilities in Ghana: Understanding the Impact on the Wellbeing of Caregivers" 2019 *Child: Care, Health and Development* 45–53 50.

<sup>232</sup> Molefe, Secular and Koen "Conceptual Framework for Support of Caregivers of Children Diagnosed With Intellectual Disabilities in Gauteng" 2022 45 *Curationis* 1–11 7.

<sup>233</sup> Molefe *et al* 2022 *Curationis* 2.

<sup>234</sup> 13 of 2004.

<sup>235</sup> McKenzie and Hanass-Hancock "People With Disabilities and Income-Related Social Protection Measures in South Africa: Where Is the Gap?" 2017 6 *African Journal of Disability* a300 1–11 3 <https://doi.org/10.4102/ajod.v6i0.300>.

<sup>236</sup> For the care dependency grant, the amount earned for a single parent must be below R20 800 per month or R41 600 if married.

<sup>237</sup> Martin, Richter, Aber, Mathambo and Godfrey *Government-Funded Programmes and Services for Vulnerable Children in South Africa* (2010) 28–29.

<sup>238</sup> Legal Aid South Africa "Care Dependency Grant (CDG)" (undated) <https://legal-aid.co.za/2018/09/26/care-dependency-grant-cdg/#:~:text=Care%20Dependency%20Grant%20%28CDG%29%20The%20Care%20Dependency%20Grant,up%20to%2018%20years%2C%20requiring%20full-time%20home%20care> (accessed 2023-10-2022).

<sup>239</sup> Hall "Income poverty, unemployment and social grants" 2020 *South African Child Gauge* 159–165 165.

transport to health facilities and purchase medicines.<sup>240</sup> However, it is estimated that the CDG is reaching only a quarter of children with severe disabilities,<sup>241</sup> leaving the other 75 per cent with no source of assistance. Calculating a take-up rate for the CDG is challenging because of the absence of reliable data on the total number of children with disabilities or those facing chronic illnesses requiring permanent care or support services. By April 2019, approximately 150 000 children were beneficiaries of the CDG.<sup>242</sup> However, a comprehensive and systematic review of the social grants database has not been published to date, and this means a lack of quantification of the limitations concerning the data's validity or reliability. However, the number of those with no support is very high and addressing this calls for urgent action.

To qualify for the grant, a disabled child is required to undergo a medical assessment to determine the seriousness of the disability<sup>243</sup> and to determine whether the child is eligible. However, there are frequently delays in the diagnosis of disability, which may be detected only at a later stage in the life of the child,<sup>244</sup> and in the implementation of interventions.<sup>245</sup> Early detection of disabilities is crucial to ensure that children receive the required treatment at the earliest opportunity.<sup>246</sup> Late detection has been attributed to poor training of medical service providers and therapists available at the clinics, who have the responsibility to refer children for specialised care.<sup>247</sup>

The legislative requirements for "permanent care" have also been seen as an additional layer of complexity in the assessment process.<sup>248</sup> They involve considerations that go beyond a binary diagnosis and are dependent on subjective judgements influenced by factors such as individual abilities, cultural norms and the availability of resources.<sup>249</sup> Trafford and Swartz have suggested amendments to the legislation to enable a distinction between temporary CDGs designed for shorter-term illnesses and the requirements of children with permanent impairments.<sup>250</sup>

Trafford explains that "access [to CDG grants] is ad hoc and reliant on chance meetings with specific individuals rather than happening along a

<sup>240</sup> Trafford 2023 *African Journal of Disability* a1114.

<sup>241</sup> Martin, Proudlock and Berry "The Rights of Children With Disabilities to Social Assistance: A Review of South Africa's Care Dependency Grant" in Proudlock (ed) *South Africa's Progress in Realizing Children's Rights: A Law Review* (2014) 84–98 89.

<sup>242</sup> Hall and Proudlock "Child Support Grants" (2024) <http://www.childrencount.uct.ac.za/indicator.php?domain=2&indicator=10> (accessed 2025-08-20).

<sup>243</sup> S 7(b) of the Social Assistance Act.

<sup>244</sup> Department of Women, Children & People with Disabilities (DWCPD), DSD and UNICEF *Children With Disabilities in South Africa: A Situation Analysis: 2001–2011* (2012) 11.

<sup>245</sup> Van der Spuy and Pottas "Infant Hearing Loss in South Africa: Age of Intervention and Parental Needs for Support" 2008 47 *International Journal of Audiology* S30–S35, cited in Karisa et al 2022 *South African Journal of Childhood Education* 4.

<sup>246</sup> DWCPD, DSD and UNICEF *A Situation Analysis 2001–2011* 11.

<sup>247</sup> Slemming and Balton "Child Disability and the Family" in Makiwane, Nduna and Khalema (eds) *Children in South African Families: Lives and Times* (2016) 280–306 280.

<sup>248</sup> Trafford 2023 *African Journal of Disability* a1114.

<sup>249</sup> *Ibid.*

<sup>250</sup> *Ibid.*

predictable pathway”.<sup>251</sup> The study also highlights that there has been no clarity on the thresholds used to determine acceptance or rejection of applications made, as different assessors apply different methods. Trafford also highlights the issue of poor communication between the South African Social Security Agency (SASSA) officials and medical doctors, which has made access to the CDG difficult.<sup>252</sup> In addition to funds, accessible support in relation to transport has been another issue for parents in recent decades.<sup>253</sup> Lastly, the study established that there was inadequate public service provision, which has seen caregivers spending their own frequently limited money to cater for transport, medication and other items, as their expenses rapidly deplete the grant received. There is clearly a lack of serious political and financial investment by government to improve the functioning of the existing CDG system.<sup>254</sup>

### 4 3 Stimulation for ECCE

South Africa currently faces a concerning shortage of teachers with training in disability-specific skills.<sup>255</sup> Initial teacher-education programmes do not train teachers in specific support for children with disabilities.<sup>256</sup> Children living in poorer households are unlikely to be exposed to high-quality early-learning programmes and such children are the ones most unlikely to receive stimulation at home.<sup>257</sup> Poverty and race are both limiting factors for the stimulation received in the home.<sup>258</sup> Furthermore, informal ECCE programmes and centres are frequently of poor quality, with a lack of learning materials, qualified teachers, resources, and adequate funding.<sup>259</sup> The World Health Organization (WHO), United Nations Children’s Fund (UNICEF) and World Bank have created a nurturing care framework (NCF) plan to help children, focusing on families and their communities, strengthening services, and monitoring progress to transform the potential of marginalised children with disabilities.<sup>260</sup> The NCF acknowledges how important it is to empower caregivers to address the need, *inter alia*, to stimulate young children with disabilities.<sup>261</sup> The function shift to the DBE prompts the need to consider the importance of strengthening the

<sup>251</sup> Trafford 2023 *African Journal of Disability* a1114.

<sup>252</sup> *Ibid.*

<sup>253</sup> Gibbered and Hankwebe “Transport Experiences of People With Disabilities During Learnerships” 2022 11 *African Journal of Disability* a936.

<sup>254</sup> Trafford 2023 *African Journal of Disability* a1114.

<sup>255</sup> McKenzie, Kelly, Moodley and Stofile “Reconceptualising Teacher Education for Teachers of Learners With Severe to Profound Disabilities” 2020 *International Journal of Inclusive Education* 205–220 208.

<sup>256</sup> Kelly and McKenzie *Teacher Education: An Analysis of the Availability of Teacher Education Addressing the Educational Needs of Learners With Severe to Profound Sensory or Intellectual Impairments* (2018) 28.

<sup>257</sup> Statistics South Africa *Education Series Volume IV: Early Childhood Development in South Africa 2016* (2018) 65; DBE *ECD Census 2021* 170.

<sup>258</sup> Statistics South Africa *Education Series Volume IV* 66.

<sup>259</sup> Karisa *et al* 2022 *South African Journal of Childhood Education* 1119.

<sup>260</sup> WHO, UNICEF and World Bank Group *Nurturing Care for Early Childhood Development: A Framework for Helping Children Survive and Thrive to Transform Health and Human Potential* (2018) 12 <https://nurturing-care.org/about/what-is-the-nurturing-care-framework/>.

<sup>261</sup> *Ibid.*

engagement of families and communities of children with disabilities. To this end, there is a need for the DBE, DSD and DOH to hold consultative meetings with families and communities of children with disabilities on how best to stimulate children with disabilities where families live in poverty.<sup>262</sup> Internet service including data needs to be available in communities, including technological advances such as cellphone applications to monitor children's developmental milestones.<sup>263</sup> Karisa *et al* suggested that home-based and mobile ECD programmes and toy libraries could help provide less expensive means of nurturing care, support and stimulation to children with disabilities in their homes and communities.<sup>264</sup>

Community-based rehabilitation (CBR) has been one of the major approaches to addressing the needs of children with disabilities in LMICs.<sup>265</sup> This approach empowers children and their families by bringing together communities and both government and non-government health, education, vocational, social and other services.<sup>266</sup> CBR programmes can help create a link between centre-based services and the home environment. Therapy interventions for young children include therapeutic activities based on play and other activities and functional training to work on skills required for independence in everyday activities.

## 5 THE INADEQUACY OF THE GOVERNMENT'S BUDGETS

President Ramaphosa's State of the Nation Address unintentionally indicated<sup>267</sup> that the 2024 South African budget had not allocated sufficient funds to adequately meet all children's rights to high-quality ECD services.<sup>268</sup> The allocation of R157 million to ECD in 2024/25 was welcomed, but much more action and funding are required to ensure that provincial education departments are able to provide the support needed to register many more ECD programmes. Funding for provincial education departments, which contributes substantially to the total ECD subsidy budget, will be reduced in real terms for the fourth consecutive year as the budgeted share will grow at an average rate of 3,2 per cent between 2023/24 and 2025/26, which is far below the consumer price index. The ECD subsidy has continued to be fixed at R17 per child per day for the sixth consecutive year and the subsidy

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<sup>262</sup> Karisa *et al* 2022 *South African Journal of Childhood Education* 1119.

<sup>263</sup> Kitsao-Wekulo *et al* "Development and Feasibility Testing of a Mobile Phone Application to Track Children's Developmental Progression" 2021 16(7) *PLoS One* e0254621 1–12 10.

<sup>264</sup> Karisa *et al* 2022 *South African Journal of Childhood Education* 1119.

<sup>265</sup> Yousafzai *et al* "Moving Beyond Prevalence Studies: Screening and Interventions for Children With Disabilities in Low-Income and Middle-Income Countries" 2014 99(9) *Archives of Disease in Childhood* 840–848 840.

<sup>266</sup> WHO and UNICEF *Early Childhood Development and Disability: A Discussion Paper* 21–27.

<sup>267</sup> South African Government "President Cyril Ramaphosa: 2024 State of the Nation Address" (8 February 2024) <https://www.gov.za/news/speeches/president-cyril-ramaphosa-2024-state-nation-address-08-feb-2024> (accessed 2024-03-04).

<sup>268</sup> Ilifa Labantwana "A Setback for Children: Our 2024 National Budget Speech" (22 February 2024) <https://ilifalabantwana.co.za/a-setback-for-children-our-2024-national-budget-statement/> (accessed 2024-03-04).

reaches only about a third of all eligible children attending an ECD programme,<sup>269</sup> with those not qualifying numbering over 1 million children attending 50 000 unregistered township and rural ECD programmes. The Department of Basic Education (DBE) retained R197 million to pilot a nutrition support programme for poorer ECD centres in 2024/25, which it is hoped will result in sufficient funding for the delivery of nutrition to all young children in registered and unregistered ECD programmes. One in four children under five is experiencing “stunting” in South Africa, requiring a sustained effort from government and the private sector to improve access to nutritious food in low-income communities.<sup>270</sup>

Unfortunately, the CSG remains below the poverty line.<sup>271</sup> Child poverty rates increased in 2021, and the below-food-inflation increases to the CSG over the last three years are likely to lead to a further increase in child food poverty.<sup>272</sup> The food poverty line of R760 per month quantifies the cost to an individual of meeting the absolute minimum nutritional requirements for survival.<sup>273</sup> The 2024 budget increases the CSG by 5 per cent from R505 to R530 per child per month, while food price inflation reached 11 per cent in 2022 and 9 per cent in 2021. The 2024 government budget envisaged an R80 billion reduction in expenditure over the next three years, while the cost of food and childcare continues to rise. This austerity budgeting directly undermines young children’s access to health care, supportive caregiving, nutritious food, clean water and high-quality early learning and care opportunities.

The State is obliged to take reasonable measures within its available resources to progressively realise the right to social assistance.<sup>274</sup> This means that the State may not take any retrogressive (backwards) steps that deprive or reduce existing entitlements; it must make continual progress in moving towards the full realisation of each of the rights; and must ensure that vulnerable groups such as children are prioritised in its plan.<sup>275</sup> In this regard, it has been argued that the ECD subsidy needs to increase to R46 per eligible child per day by 2029 and the CSG from R530 to above the food poverty line,<sup>276</sup> which is currently R760 per month.<sup>277</sup> By 2016, the UN Committee on the Rights of the Child noted that the poverty rate for children was the highest of all age groups and the amount of the CSG fell below the actual cost of meeting the needs of a child living in poverty; and this situation

<sup>269</sup> DBE *ECD Census 2021* 7 and 33.

<sup>270</sup> Hall, Proudlock and Budlender *Reducing Child Poverty: A Review of Child Poverty and the Value of the Child Support Grant* (2023) 1 [http://childrencount.uct.ac.za/uploads/publications/CSG%20Review\\_Full%20report\\_web.pdf](http://childrencount.uct.ac.za/uploads/publications/CSG%20Review_Full%20report_web.pdf) (accessed 2024-04-04).

<sup>271</sup> *Ibid.*

<sup>272</sup> *Ibid.*

<sup>273</sup> *Ibid.*

<sup>274</sup> S 27(2) of the Constitution; and see *Government of the Republic of South Africa v Grootboom* [2000] ZACC 19; 2001 (1) SA 46; 2000 (11) BCLR 1169.

<sup>275</sup> Chenwi “Correcting the Historical Asymmetry Between Rights: The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights” 2009 9 *African Human Rights Law Journal* 23–51 43; Hall *et al Reducing Child Poverty* 15.

<sup>276</sup> The “food poverty line” is defined as the estimated cost of buying the minimum daily food to meet energy needs (Hall *et al Reducing Child Poverty* 2).

<sup>277</sup> Hall *et al Reducing Child Poverty* 1.

has not improved since 2016. In 2019, the African Committee on the Rights and Welfare of the Child noted that the amount of money offered through the CSG was insufficient to address the issue of poverty and inequality, as it remained an amount below the food poverty line; and this gap will continue to widen unless the amount is raised more substantially.<sup>278</sup>

Progress towards meeting the SDGs for inclusive ECCE is therefore not clearly delineated in South Africa, and budgetary commitment to ECCE in relation to children with disabilities remains elusive and opaque. Moreover, inclusive ECCE, if accepted as being included in the State's immediate obligation to provide basic education, would require immediate disability-inclusive budgeting. Such a forecast on spending would need to include increased spending on the children with disabilities who are currently excluded from ECD programme admissions (enrolments, meaning those on waiting lists) as well as those children and families who require out-of-centre options such as playgroups and home visits.

## 6 CONCLUSION

The implementation of an effective system for ECD service delivery requires adequate resourcing, including financing, human resources, infrastructure, materials and support services.<sup>279</sup> The financing of ECCE in South Africa remains a complex and challenging issue. While the government recognises the importance of ECD and its potential to influence children's development, there are very significant gaps and disparities in funding and resource allocation and a lack of accountability and transparency in relation to spending on children with disabilities. ECD services rely heavily on parent fees, making access difficult for many children from disadvantaged backgrounds. Government subsidies are generally inadequate and frequently do not reach the most vulnerable children, with a data gap remaining for children with disabilities.

The government has focused on the functional shift of ECD services from the DSD to DBE in recent years,<sup>280</sup> which has meant that inclusive ECCE has fallen off the agenda. No concrete data has emerged with which to track government progress in extending ECCE to children with disabilities in South Africa. The government has not been held sufficiently accountable to the peremptory provision in the Children's Act that requires it to make ECD programmes "available" to children with disabilities, although it does not require accessibility and reasonable accommodation. The Children's Amendment Bill of 2023,<sup>281</sup> recently published for comment by the DBE, does not expand on or strengthen provision of inclusive ECD for children with disabilities, bar a requirement that norms and standards must relate to

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<sup>278</sup> *Ibid.*

<sup>279</sup> Berry *et al* 2013 *South African Child Gauge* 34.

<sup>280</sup> Parliamentary Monitoring Group *Comprehensive Progress Report on ECD Function Shift: DBE briefing; With Deputy Minister* (6 June 2023) <https://pmg.org.za/committee-meeting/37162/> (accessed 2024-05-01).

<sup>281</sup> DBE *Children's Amendment Bill, 2023* in GN 2493 of GG 50648 of 2024-05-14.

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“support for children with disabilities”.<sup>282</sup> This is a vague phrase that does not adequately and expeditiously cater for inclusive ECD; it disregards the holistic rehauling that is required of ECD in this regard.

There is therefore a dire need to develop and implement indicators on progress made towards inclusive ECCE, as well as for the necessary funding allocation required to meet the projections of the unmet demand for ECCE for children with disabilities. Clear legislative enactment of inclusive ECCE is needed, setting out the mechanisms that will monitor the implementation of ECCE, including the representation of persons with disabilities. In this regard, we submit that legislation should be drafted on ECCE and the development of children. This should be done either by amending the Children’s Act, where necessary, or by introducing a new self-standing statute to govern the provision of ECCE services, including the essential package of services, to *all* children – including, specifically, children with disabilities, and giving clear guidance on stakeholders’ obligations.

To promote equitable access and enhance the quality of ECD services, there is a need for increased investment from the national and provincial governments. Adequate funding should be directed to ECD programmes, with dedicated priority budgeting and spending on children with disabilities. Furthermore, better coordination and alignment between the national and provincial departments responsible for ECD is needed to ensure that resources are effectively used and transparently managed. This may involve revisiting funding models, reviewing subsidy amounts, and establishing mechanisms to hold relevant stakeholders accountable for achieving desired outcomes, and may include stronger legislative duties to enhance accountability. The establishment of a robust and effective financing system with the primary objective of ensuring sustainable and equitable support for ECCE services across South Africa is crucial for supporting ECD and, particularly for children with disabilities. To this end, a coordinated programme is required. This system should holistically address the key components of funding allocation, resource utilisation, accountability, and coordination between national and provincial levels and between departmental and ministerial levels.

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<sup>282</sup> Clause 6(b) seeks to substitute s 94(2)(d) of the Children’s Act.