

CMR NOORD / NORTH

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CMR NORTH EMERGES FROM LEGAL BATTLE WITH CPO STATUS FULLY REINSTATED.

Today, on 20 October 2022, in the case between CMR North and the Department of Social Development (DSD), the High Court ruled in favour of CMR North, by ordering the full reinstatement of the organisation's child protection organisation (CPO) status, with immediate effect.

Ds Danie Janse van Rensburg, Chairperson of the CMR North Board, states that this positive outcome represents much more than a confirmation that there was no legal basis for the revocation of the organisation's CPO status to begin with. "It also serves as another victory in the recent battle of unfair onslaughts on the reputation of the organisation, all of which we are confident will be satisfactorily resolved, as soon as justice has taken its full course in all these matters", he says.

In practise, a CPO is a non-profit welfare organisation that is registered with the DSD, as prescribed by the Children's Act, with the mandate to render both non-statutory and statutory child protection services. Non-statutory welfare services typically include prevention programmes, family preservation programmes, as well as community development programmes aimed at alleviating poverty and creating awareness around child protection, violence against women and children etc. Statutory services include applying the administrative functions of the law to address child abuse and neglect, such as sexual, physical or emotional abuse, or deliberate neglect.

Dr Ronel Aylward, General Manager of CMR North explains that by law, any person who becomes aware of the potential abuse or neglect of a child, must report it, and this must be investigated by the DSD, the police or a CPO, in accordance with strict protocol. Should these investigations indicate that a child may be in real danger, steps have to be taken to safeguard the child, until such time that all the processes have been followed and the Children's Court decides on a final outcome. Having CPOs in our communities who can act **immediately** when a child may be a victim of abuse, is a way to ensure these children have a voice, that someone hears and sees them, bringing them new hope when their lives appear to be hopeless", she says. "This reinstatement of our CPO status has literally untied our hands, so we can continue being there for these children and families, when they most need it".

As per procedure, a CPO status is designated for a period of five years before it is reviewed for reinstatement, which means the CMR North's CPO status is now valid until 2025 before it

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Lotus Gardens
065 815 2240

Lynnwood
012 348 0003

Moot
065 818 5489

VOS Community Centre

012 341 2318
Wierdapark

012 654 6026
Wonderboom
012 567 4551

NORTH WEST:

Brits
012 252 3207

Hartebeespoort
(Satellite office
of CMR Brits)
064 956 6770

LIMPOPO:

Louis Trichardt
015 516 5115

Messina (Musina)
063 864 5276

Warmbad (Bela Bela)
014 736 2557



will be reviewed again. Usually, CMR North has submitted its business plan and budget for consideration by the DSD every year and grant funding has been allocated accordingly, but in the last year, no funds were allocated. So, whilst CMR North can now legally continue to render child protection services, the DSD has not committed to reallocating any funds, but requested an investigation from the Human Rights Commission (HRC) instead.

This investigation is predominantly motivated by the recent smear campaign against CMR North, fuelled by unfounded allegations of misconduct in numerous cases. One such case that has enjoyed significant media attention, is that of Abrie Raaths, in which CMR North has inaccurately been noted as responsible for Raath's conviction, due to a misrepresentation of how the child protection processes actually work- without indicating that CMR North is **just one role player** in such a process. Ever since, Raath's bail application in a bid to overturn his life imprisonment sentence for his daughter's rape has been denied by the court, but the accusations against CMR North have not been retracted by the media.

Subsequently, CMR North is also seeking legal recourse for the defamatory statements made against the organisation by the "Justice for Raaths" group and its associates, requesting a full retraction as well as compensation for the damages suffered as a direct result. Just one negative spin-off from this, was the unfair "cross-examination" of CMR North by Derek Watts from Carte Blanche about elements of the case such as the J88, which are by law, not even within the scope of responsibility of a social worker, as it is typically handled by the medical examiner and the police. As a result, one of CMR North's major donors has suspended their sizable funding.

Ds Janse van Rensburg says that much of the negative publicity given to CMR North has been motivated by the statement that the organisation refuses to comment, but this has never been fully contextualised. Says Ds Janse van Rensburg. "Most of these media members refrained from the higher truth, which is that due to the nature of this organisation, it is both ethically and legally bound from publicly commenting on these cases, regardless of what others are saying or doing".

He explains that there also seems to be an argument that CMR North has been implicated in a multitude of cases and as the saying goes: "where there is smoke, there is fire". In reality though, the organisation handles an average of 600 new child protection cases per year. If anything, when one considers the number of complaints versus the number of cases handled, it is rather a testimony to the sterling work that CMR North has done over the years.

At the same time, it must be taken into consideration, that no family is ever truly and fully cooperative when it is identified that their children are in need of child protection services. It is critical to understand that the work of an organisation such as CMR North is strictly regulated, similar to organisations that render medical services or even financial services, to put it simply. "We will never be so conceited as to say that our social workers never make mistakes, and as such, every complaint that is lodged, is fully investigated and handled accordingly" says Dr Aylward. "But what we are saying is that the systems and processes that are in place, have purposefully been designed to ensure that the fate of a family or child can never be in the hands of one single person or entity".

As such, in the same way that CMR North has cooperated with the DSD during any quality assurance audits in the past, it welcomes an investigation by the HRC. "Whilst our CPO status has now been reinstated, such an investigation will no doubt help ensure that the confidence in our organisation is also fully reinstated", says Dr Aylward. In fact, the judge's ruling about the matter, is reassuring. "It is perhaps apposite that the matter be so referred so that besides the complaints made against CMR North, the conduct of the DSD and any other relevant parties may be also investigated," said Judge Millar in his ruling.

Going forward, CMR North will continue to bring hope to the communities within which it operates, through its three key programmes, which include: family preservation programmes, community development and poverty alleviation, as well as statutory child protection services. Regardless of the CMR North's win in court today, the latter may however continue to become increasingly challenging, not only due to the lack of grants, but also due to the DSD's recently announced institutional realignment project (IRP). As stated by Lesego Makghato from Sunday Independent on 22 September 2022: "Thousands of people dependent on non-profit organisations (NPOs) will have to fend for themselves following the Gauteng DSD's decision to reduce their reliance on NPOs".

In the light of these developments, CMR North will in all likelihood have no choice but to aggressively source funding from alternative sources. "We would like to extend a heartfelt thank you to all our donors who have supported us unconditionally as we had to weather an unprecedented storm, and who remain with us, as the tide is turning", concludes Ds Janse van Rensburg.