

IN THE THIRD SESSION OF THE SIXTH PARLIAMENT
OF THE FOURTH REPUBLIC OF GHANA

REPORT OF THE
PUBLIC ACCOUNTS COMMITTEE

ON THE

PERFORMANCE AUDIT REPORT OF THE
AUDITOR-GENERAL

ON THE

REGULATION OF RESIDENTIAL HOMES FOR
CHILDREN (ORPHANAGES) BY THE
DEPARTMENT OF SOCIAL WELFARE

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1.0 INTRODUCTION

The Performance Audit Report of the Auditor-General on the Regulation of Residential Homes for Children (Orphanages) by the Department of Social Welfare was presented to Parliament on Wednesday, 20th November, 2013 in fulfilment of article 187(2) of the 1992 Constitution of the Republic of Ghana.

In accordance with Order 165(2) of the Standing Orders of the Parliament of Ghana, the Rt. Hon. Speaker referred the Report to the Public Accounts Committee for examination and report.

2.0 PROCEDURE

- 2.1 To consider the Report, the Committee met with the Hon. Minister for Gender, Children and Social Protection, Nana Oye Lithur and officials of the Ministry of Gender, Children and Social Protection and the Department of Social Welfare (DSW).
- 2.2 On appearing before the Committee, the witnesses subscribed to the Oath of a Witness and answered questions relating to the issues/queries raised in the Auditor-General's Report and on issues of general public interest.
- 2.3 The Deputy Auditor General, Mr. Yaw Sifah and a technical team from the Audit Service were also present at the Committee's sittings to assist in its deliberations.

3.0 **ACKNOWLEDGEMENT**

The Committee is grateful to the Hon. Minister for Gender, Children and Social Protection and the Deputy Auditor-General and their technical team for assisting the Committee in its deliberations.

The Committee further extends its appreciation to STAR-Ghana for supporting the activities of the Committee and to the media (print and electronic), for broadcasting its proceedings.

4.0 **REFERENCE DOCUMENTS**

The Committee made reference to the following documents during its deliberation:

- i. The 1992 Constitution of the Republic of Ghana.
- ii. The Standing Orders of the Parliament of Ghana.
- iii. The Audit Service Act, 2000 (Act 584).
- iv. The Children's Act, 1998 (Act 560).
- v. The Child Right's Regulations, 2002 (L.I. 1705).
- vii. The Guidelines for the Operation of Orphanages in Ghana.

5.0 **BACKGROUND**

The Department of Social Welfare (DSW) is mandated by sections 105 to 114 of the Children's Act, 1998 (Act 560) and the Child Right's Regulations, 2002 (L.I. 1705) to regulate the operations of Residential Homes for Children (RHC), ensure proper care and protect orphans and vulnerable children in RHC.

According to the Auditor-General, a study carried out by the DSW on RHC operating in Ghana in January 2009, showed an increase

in RHC from 55 in year 2005 to 148 in year 2012, with the 148 RHC, housing about 4,500 children.

There were however media reports on child abuse, molestation and neglect by childcare professionals at RHC. This led to the closure of the Peace and Love Orphanage in Adenta, Accra in the year 2009 after Management was accused of child abuse and molestation.

In the light of the above and others, the Auditor-General commissioned a performance audit into DSW's regulation of RHC in accordance with section 13(e) of the Audit Service Act, 2000 (Act 584).

6.0 PURPOSE AND SCOPE OF THE AUDIT

The purpose of the audit was to determine whether the regulation of the operations of RHC by DSW ensures that children in the custody of RHC are properly cared for and protected.

The audit therefore focused on the licensing, inspection and reporting activities of DSW in the Greater Accra, Ashanti, Northern and Western Regional Offices of DSW from year 2008 to year 2012. The audit was conducted from August 2011 to November 2012.

7.0 OBSERVATIONS AND RECOMMENDATIONS

The Committee made the following observations and recommendations during its deliberations:

a. Unlicensed RHC

Section 105 of the Children's Act, 1998 (Act 560) requires a person or a Non-Governmental Organisation (NGO) that wants to

establish a Home for children to apply to the Minister for the Sector for approval. Thereafter, the Home would be inspected by DSW and where the Home meets the required standard, it is approved by the Minister for the Sector through a notice published in the Gazette. Act 560 further states that a Home shall obtain a licence upon approval and payment of approved fees.

The Committee observed that at the time of the audit, 82 out of 85 RHC in the four sampled Regions (Greater Accra, Ashanti, Northern and Western) were operating without the required licenses whilst the licenses of the remaining 3 homes had expired. The Committee further observed that an audit survey of 31 unlicensed RHC showed that the RHC were operating with either a Certificate of Incorporation from the Registrar General's Department or an NGO Certificate of Recognition from DSW. Ironically, 71% of the 31 unlicensed operators were unaware of the need to obtain a license from DSW because in their opinion, the NGO Certificate of Recognition was enough mandate for them to operate RHC.

The Hon. Minister for the Sector informed the Committee that following the audit, 45 RHC have been closed down in accordance with section 114 (1) of the Children's Act. However, none of the operators of the Homes closed down have been prosecuted because DSW is currently working with some of the Homes to ensure that they operate within the accepted standards. She indicated that taking cognisance of section 21 of the Children's Act, 1998 (Act 560), the Ministry has placed a moratorium on unlicensed RHC since the beginning of year 2014. Under the moratorium, unlicensed RHC would be supported by DSW to improve their service delivery as a pre-requisite to qualify for a

license. In this regard, training sessions have been organised by DSW to aid service improvement of RHC. She further indicated that after the expiration of the moratorium in 2015, any person operating a residential home/orphanage without a licence would be prosecuted.

The Committee appreciates the efforts by DSW to ensure that children in unlicensed RHC are not displaced if the Homes are closed down. The Committee therefore urges DSW to carry out periodic educational campaigns to sensitise prospective Home operators on the need to obtain proper approval before operating a residential home.

The Committee takes strong exception to the moratorium granted to offenders by the Minister. The Committee therefore recommends that never again should the Minister grant such a moratorium but rather ensure that in future, offenders are prosecuted.

b. Lack of Data on Operating RHC

RHCs are required by the Guidelines for the Operation of Orphanages in Ghana to prepare and submit Annual Reports to DSW. In the Annual Reports, RHC are to provide information such as the name of the residential home, location, postal address, aims and objectives, among others.

The Committee however observed that RHC in the sampled Regions failed to adhere to this requirement, thus depriving DSW of the required data to enable it track the activities of the RHC as well as the well-being of children in their custody. As reported by the Auditor-General, in 8 of the 10 private Homes visited, a total

number of 23 children could not be accounted for in year 2011. The home managers informed the audit team that the children had been re-united with their families. Unfortunately, officials of DSW could not confirm whether these children have truly been re-united with their families.

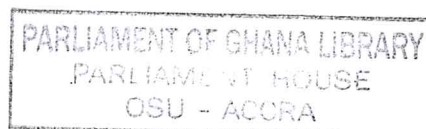
To ensure that RHC adhere to the requirement of submitting Annual Reports to DSW, the Hon. Minister informed the Committee that DSW has notified RHC of the need to submit Annual Reports to DSW. Again, Residential Home Managers have been educated on the standard operational guidelines on information storage. RHC with challenges in data creation are also assisted by DSW through its monitoring visits.

She further indicated that with the support of Orphanaid NGO, DSW completed a census of all RHC across the country in year 2006. DSW therefore has data on all RHC at its Head Office which is upgraded annually. Currently, DSW is halfway through the profiling of every child in each RHC.

The Committee is of the opinion that inadequate data on RHC would result in the inability of DSW to monitor the operations of RHC effectively. It would also be unable to account for children in RHC within a particular year.

As a matter of urgency, the Committee urges the Ministry of Gender, Children and Social Protection to identify a period within the year and direct RHC to submit their Annual Reports. The Committee also recommends that disciplinary action should be taken against any RHC which does not meet the deadline for submission of Annual Reports by DSW.

The Committee further urges DSW to share the national data on children in RHC with its Regional and District offices to enable them undertake effective monitoring. DSW should also as a matter of urgency, furnish the Committee with a Report to confirm whether the 23 children who could not be accounted for by home managers in the year 2011, have been re-united with their families.



c. Monitoring and Inspection of RHC by DSW

According to L.I. 1705, after a license has been issued to a home, the approved residential home shall be inspected quarterly by officials of DSW and accompanied by a public health nurse. The Committee however noted that DSW failed to conduct quarterly inspection of RHC in the four sampled Regions to ensure that they operate within standards. The few times that officials of DSW inspected the activities of RHC, they were not accompanied by public health officials. Again, most officers of DSW did not have an activity plan detailing how often inspection of RHC should be conducted.

The Hon. Minister informed the Committee that the Head Office of DSW undertakes quarterly monitoring visits of RHC in the country whilst District Social Welfare Officers are responsible for frequent monitoring of the activities of RHC at the District level. She indicated that the challenge confronting DSW is the lack of the needed manpower at the District level to undertake periodic inspections.

To ensure that District Social Welfare Officers carry out the monitoring and inspection of RHC effectively, the Hon. Minister

informed the Committee that DSW was developing a Comprehensive Composite Activity Plan that would spell out the activities and statutory functions of a Social Welfare Officer at the District level. The Plan would be ready for implementation by the end of this year. She further indicated that with the realignment of Social Welfare Officers to the Local Government Service, the Ministry of Gender, Children and Social Protection was collaborating with the Local Government Service to ensure that the staff strength of DSW is augmented at the District level.

The Committee urges the Ministry of Gender, Children and Social Protection to ensure that DSW expedite action on the formulation of the Composite Activity Plan and also ensure that public health officers accompany DSW Officers in their monitoring and inspection visits.

d. High Rate of Adoption in Ghana

The Committee noted with grave concern, the absence of a clear system of adoption in the country which has resulted in an increasing rate of adoption. The Committee noted for instance that a child in the West Mamprusi District of the Northern Region was given out to a foreigner for adoption by a Home Manager without the knowledge of DSW.

The Hon. Minister indicated that the Ministry of Gender, Children and Social Protection is also concerned about the increasing rate of adoption in the country. She informed the Committee that the ~~current adoption process in the country is decentralised. As a~~ result, District Officers/Courts are able to grant adoptions without the knowledge of the Head Office of DSW. She mentioned that over 60 to 70 per cent of adoption cases are inter-country.

In a particular year for instance, 150 children were taken out of the country. The preceding year also saw 300 children taken to a particular country outside Ghana for adoption.

To arrest the situation, the Ministry of Gender, Children and Social Protection placed a moratorium on adoptions in May 2013 to enable the Ministry ensure that RHC comply with the necessary legislations on adoption before any adoption takes place. She also indicated that the Ministry has presented a memorandum to Cabinet for approval for ratification of the Hague Convention on inter-country adoptions. With the support of UNICEF, the Ministry is creating a Central Adoption Authority that will be responsible for adoptions in accordance with the Hague Convention.

Furthermore, the Ministry in its quest to review the adoption processes in the country is proposing an amendment to the Children's Act, 1988 (Act 560) to define a child that can be adopted. Again, the Ministry is preparing a draft Adoption and Foster Care Regulations to take care of licensing of RHC and the increase in licensing and adoption fees.

To prevent human trafficking of children in the name of adoption, the Committee urges the Ministry of Gender, Children and Social Protection to ensure that the various interventions put in place by the Ministry are implemented as early as possible to protect children in RHC.

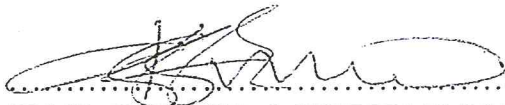
8.0 CONCLUSION

The Committee noted that DSW has put measures in place to implement the recommendations of the Auditor-General. In doing so, DSW has taken into consideration the best interest and welfare

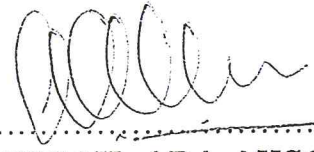
of the child as provided for in the Children's Act of 1998 (Act 560) to ensure that RHC operate within the required standards and also, children in RHC are not displaced. The Committee therefore urges the Ministry of Gender, Children and Social Protection and DSW to ensure that all necessary procedures and protocols are followed to bring about the necessary reforms in the Sector.

To this end, the Committee recommends to the House to adopt its Report on the Performance Audit Report of the Auditor-General on the Regulation of Residential Homes for Children (Orphanages) by the Department of Social Welfare.

Respectfully submitted.



HON. KWAKU AGYEMAN-MANU
(CHAIRMAN, PUBLIC ACCOUNTS
COMMITTEE)



ABIGAIL ABA ANSO
(CLERK TO THE COMMITTEE)

JULY 2015