

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
DEPARTEMENT VAN LANDELIKE ONTWIKKELING EN GRONDHERFORMING**

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SOCIAL SERVICE PROFESSIONS ACT, 1978

(ACT NO. 110 OF 1978)

**RULES RELATING TO ACTS OR OMISSIONS WHICH CONSTITUTE
UNPROFESSIONAL OR IMPROPER CONDUCT OF CHILD AND YOUTH
CARE WORKERS AND RULES RELATING TO CONDUCT OF CHILD
AND YOUTH CARE WORKERS IN PRACTISING AT PROFESSIONAL
AND AUXILIARY LEVELS**

The South African Council for Social Service Professions, after consultation with the Professional Board for Child and Youth Care and with the approval of the Minister, Bathabile Olive Dlamini, Minister responsible for social development, under section 27(1)(a) and (b) of the Social Service Professions Act, 1978 (Act No. 110 of 1978), made the rules in the Schedule.

SCHEDULE

PART A

RULES RELATING TO ACTS OR OMISSIONS OF CHILD AND YOUTH CARE WORKERS AT PROFESSIONAL AND AUXILIARY LEVELS WHICH CONSTITUTE UNPROFESSIONAL OR IMPROPER CONDUCT

Definitions

1. In these Rules any word or expression to which a meaning has been assigned in the Act has such meaning and, unless the context otherwise indicates—

“advertise” means any form of communication, public appearance, or introduction which has or may have the effect, directly or indirectly, of a child and youth care worker’s capacity as such, or practice or services or the efficiency thereof being publicised, or clients being solicited;

“client” means a child or young person, family, group or community, receiving the professional services of a child and youth care worker;

“colleague” in relation to a child and youth care worker means any other social service professional;

“community” means a functionally related aggregate of people who live in a particular geographic area at a particular time, from a social structure and exhibit an awareness of their distinctiveness and own identity as a group;

"employer" means a person who employs, or provides work to, a child and youth care worker and who remunerates, or expressly or tacitly undertakes to remunerate that child and youth care worker, or who permits a child and youth care worker to assist him or her in any manner in the carrying on or the conduct of his or her practice;

"partner" means a colleague with whom a child and youth care worker enters into an agreement jointly to conduct a practice to their mutual benefit and "partnership" has a corresponding meaning;

"profession" means the child and youth care profession; and

"the Act" means the Social Service Professions Act, 1978 (Act No. 110 of 1978).

Scope of application

2. These Rules apply to child and youth care workers at the professional and auxiliary levels.

Acts or omissions that constitute unprofessional or improper conduct

3. Subject to section 21(1) of the Act, the acts or omissions set out in these Rules constitute unprofessional or improper conduct on the part of a child and youth care worker. The acts or omissions set out in these Rules do not constitute an exhaustive list of unprofessional or improper conduct.

Conduct detrimental to profession

4. The following acts or omissions of a child and youth care worker are detrimental to the profession and constitute unprofessional or improper conduct:

- (a) The execution of professional duties in a manner which does not comply with generally accepted standards of child and youth care work;
- (b) conducting oneself in a manner which undermines the prestige, status and dignity of the profession;
- (c) being found guilty of committing an offence involving dishonesty or committing an act of dishonesty in the execution of professional duties;
- (d) refusing, without sufficient reason, to render professional services within the regulated scope of practice which the child and youth care worker undertook to provide, or for which the child and youth care worker was employed;
- (e) employing a person as a child and youth care worker or a student child and youth care worker knowing that such person is not registered in terms of the Act;
- (f) failure to refer a client to a colleague, or another person or body with specialised knowledge in a field, where the matter falls outside the child and youth care worker's scope of practice, field of training or experience or where such referral would in the circumstances, be reasonably considered necessary;
- (g) failure to keep a record of acts performed, services rendered, money managed and fees charged in all matters dealt with;
- (h) the misrepresentation of professional qualifications, affiliations, level of practice or competencies; and

- (i) the offering of direct or indirect compensation or any form of incentive to a person for the referral of clients.

Conduct towards clients

5. The following acts or omissions of a child and youth care worker in relation to clients constitute unprofessional or improper conduct:

(1) The disclosure to a third party of information which concerns the client and which information was obtained in confidence from the client or a deceased person who was a client, in the course of the execution of a child and youth care worker's duties, unless—

- (a) the disclosure of the information is in the client's interest, or is necessary for the proper management of the case of the client concerned or of other cases;
- (b) the child and youth care worker is ordered to disclose the information by a competent court or is otherwise legally bound to do so;
- (c) the child and youth care worker discloses the information with the written consent of the client or if the client cannot give his or her consent, the consent is obtained from—
 - (i) the client's *curator personae*;
 - (ii) in the case of a minor, the minor's parent or guardian;
 - (iii) in the case of a deceased client, the surviving spouse; or
 - (iv) if there is no surviving spouse, a major child of a deceased client or, if there is no major

child, an executor appointed by the Master of the Supreme Court.

(2) The administration of a client's money in an irresponsible or negligent manner.

(3) The receipt of a bribe, or agreement to receive a bribe, in connection with a matter which is directly or indirectly related to the professional duties or practice of a child and youth care worker.

(4) Discrimination against a client on the basis of social origin or economic status, sex, race, religion, sexual orientation, disability, culture, language, nationality or history.

(5) The performance of an act belonging to a professional field other than that of child and youth care work, including the performance of psychometric and eco-metric tests for purposes of diagnosis and therapy, unless the child and youth care worker is properly qualified or legally authorised, to perform the act.

(6) Preventing a client from procuring advice or assistance from another person who is authorised by law to advise or treat persons concerning their social welfare.

Supersession

6. A child and youth care worker may not render services to a client who is already receiving services from another child and youth care worker, unless—

- (a) the said colleague is not available and the required service cannot or should not be kept in abeyance;
- (b) it is within the context of multi-disciplinary teamwork of which the colleague is part of; and

- (c) the services of that colleague have been terminated.

Conduct towards employer and partner

7. The following acts of a child and youth care worker towards an employer or a partner constitute unprofessional or improper conduct:

- (a) The breach of a contract of service;
- (b) conduct that would justify dismissal in accordance with labour legislation;
- (c) practicing or carrying out child and youth care services from the premises of a child and youth care practice without the prior written consent of the council or contrary to a condition subject to which consent was granted;
- (d) practicing or carrying out a business, trade, work or profession, apart from the child and youth care profession, from the premises of a child and youth care practice, without the prior written consent of the council or contrary to a condition subject to which consent was granted;
- (e) practicing in partnership with a person who is not registered in terms of the Act; or
- (f) employing a person who is not registered in terms of the Act to perform child and youth care work.

Advertising

8. (1) A child and youth care worker may not advertise his or her services in a manner that implies a comparison between the services, knowledge, skill or efficiency of such child and youth care worker and those of a colleague or another professional person or welfare body.

(2) Conduct by a child and youth care worker that is in contravention of sub-rule (1) constitutes unprofessional or improper conduct.

Display of certificate

9. A practising child and youth care worker who fails to produce or display the registration certificate issued in terms of the Act, when reasonably requested to do so by any person, is guilty of unprofessional or improper conduct.

PART B**RULES RELATING TO CONDUCT OF CHILD AND YOUTH CARE WORKERS IN PRACTISING THEIR PROFESSION (CODE OF ETHICS)****Conduct expected of child and youth care worker**

1. For the purposes of section 27(1)(a) of the Act the conduct set forth in these Rules constitutes the conduct expected of a child and youth care worker in practicing the profession.

Principles

2. The following are principles that a child and youth care worker must adhere to when practising the profession of child and youth care work:

(a) Every child—

- (i) has a unique individual value, potential, rights and a right to professional social services irrespective of origin, gender, beliefs, ethnicity, disability, socio-economic or legal status;
- (ii) has the right to acquire competencies that are holistic and developmentally appropriate; and
- (iii) is best raised in a family or if this is not possible, in a setting that best approximates that of a family.

(b) A child and youth care worker—

- (i) has a responsibility to apply the unique knowledge, practice and skills of the profession to the developmental benefit of the client;
- (ii) must render services professionally; and
- (iii) must recognise personal and professional limitations and take these into account in practice.

Duties of child and youth care worker

3. A child and youth care worker must—

- (a) use the knowledge base of the profession in evaluating its practice and to support the profession in order to maintain and raise its dignity, value and integrity;
- (b) challenge unacceptable child and youth care work practice and uphold those that are acceptable;
- (c) protect the child and youth care profession from unfounded criticism which could bring the profession into disrepute;
- (d) remain actively involved in the formulation, development, determination and implementation of professional policy; and
- (e) base child and youth care practices on sound child and youth care knowledge, theory and practices, and keep abreast of relevant developments and participate in research.

Relationship with clients

4. A child and youth care worker must—

- (a) strive towards the client's optimal use of the child and youth care worker's abilities;
- (b) recognise the uniqueness of each client;
- (c) maintain a professional relationship with the client;
- (d) acknowledge the right of the client to participation and self-determination;
- (e) take into account the client's rights, preferences and objectives when restructuring and rendering service, even in the absence of the client;
- (f) maintain the client's right to confidentiality;
- (g) not refuse services to a client on the grounds that the client's behaviour or beliefs are contrary to the values of the child and youth care worker;
- (h) inform and prepare the client for a decision regarding the termination of service to the client; and
- (i) participate in, contribute to, and respect in practice the decisions of a multi-disciplinary team.

Relationship with employer

5. A child and youth care worker must acknowledge and respect the employer's authority as far as it is compatible with the ethical conduct of child and youth care workers.

Relationship with child and youth care worker institutions

6. A child and youth care worker must co-operate with child and youth care worker institutions whose policies, procedures and operations are directed towards adequate service-rendering and encouragement of professional practices consistent with ethical conduct.

Relationship with community

7. A child and youth care worker must—

- (a) enhance and promote service rendering to the community under all circumstances by utilising and developing resources in the community; and
- (b) be aware of, initiate, develop and change social policy consistent with professional practices.

Application

8. These rules apply to child and youth care workers at the professional and auxiliary level.