

The Social Service Professions Policy: Recommendations from the Child and Youth Care Sector

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1. Introduction

This document is the product of a national consultative process undertaken by NACCW members. It is submitted to DSD and other stakeholders as an official position from the NACCW for consideration at the embryonic stage of the development of a policy on the regulation of the social service professions. It is understood that the policy is intended as a precursor to the development of proposed legislation which will serve the purpose of replacing the current Social Service Professions Act 110 of 1978 as substantively amended in 1998. The NACCW is cognisant of the fact that that the development of such an envisaged policy must involve consultative processes within each stakeholders group who will each produce positions papers such as this one. An integrated perspective will be achieved through national consultative processes which include representatives of all sectors within the social service professions.

2. A Historical Perspective on Post-apartheid Legislative Developments on the Regulation of Social Service Professions

The Social Work Act of 1978 was amended in 1998 after a process of consultation with different stakeholder groupings. The re-drafting process was initiated by the South African Interim Council for social work, as Chaired by

Dr Lionel Louw, in order to align the country's regulatory statute with the paradigm shifts of the post-apartheid social service arena – as primarily elucidated in the White Paper for Social Welfare.

The policy is intended as a precursor to the development of proposed legislation which will serve the purpose of replacing the current Social Service Professions Act

These post-apartheid amendments to the Act constituted (as could be expected) a very substantive re-working of the Act, and the amended statute provided in essence a very different legislative framework from that of the original Act. In the second reading debate of the Social Work Amendment Bill in the national assembly, the then Minister of Welfare and Population Development noted: "[t]he Social Work Amendment Bill marks a radical shift away from previous social services practices which were embedded in an apartheid and discriminatory paradigm to a system based on transformation and the principles of democracy". http://www.info.gov.za/speeches/1998/98922_0x9219811115.htm

It is this Act that is currently in operation, and which is now under revision. However, it must be noted that the

current review process constitutes the second review of this legislation being undertaken in the democratic South Africa.

Whilst the original Social Work Act of 1978 made provision for the regulation of social workers, the amended act followed the intention of the White paper in recognising that South Africa's welfare needs would best be serviced by a range of different social service professions.

Styled on regulatory structures such as that governing the medical professions, the amended Act departed from the model of a single regulatory body, and instead made provision for a very much more complex regulatory structure where an umbrella body (the SACSSP) would operate as the juristic entity under which any number of social service professional groups could be accommodated in self-regulating structures (Professional Boards).

Provision was made in the Act for the social work profession to establish a Professional Board for Social Work upon the implementation of the Act, and for aspirant professional groupings to make application to the Council for recognition as social service professions – which would then allow for the statutory regulation of persons working in these areas.

It must be noted that the Social work Amendment Bill was passed with great optimism regarding its potential for transforming the human resourcing of the social services sector, as seen in the

following comments by Minister Fraser-Moloketi:

“... there is a need to expand human resource capacity through the employment of other categories of social service personnel, such as child and youth care workers. Community development workers, probation workers ...” http://www.info.gov.za/speeches/1998/98922_0x9219811115.htm

It was further noted at the second reading of the Social Work Amendment Bill that:

“[s]ocial workers who have been to date the only workers recognised in the field should not see this Bill as a threat to their existence but rather as an opportunity to take the lead in the commitment to transformation.” http://www.info.gov.za/speeches/1998/98922_0x9219811115.htm

3. Progress on the Post-apartheid Regulation of Social Service Professionals

In accordance with the administrative procedures laid down by Council, in 2000 the NACCW made an application to the SACSSP on behalf of the child and youth care sector, for recognition of child and youth care work as a social service profession. The application required the sector to provide inter alia evidence of the existence of a literature body in child and youth care work, a research base in the profession, and a set of practice interventions and methodologies that are distinct in nature. After due consideration of this application, the SACSSP was satisfied that the child and youth care work sector had provided evidence of its international trend toward being regarded as a profession in its own right, and made preparations for the establishment of a Professional Board for Child and Youth Care Work. This

involved the establishment of a voters roll, an election process and eventually in April of 2004, the inauguration of the Professional Board for Child and Youth Care Work.

The central task for the Professional

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Board for Child and Youth Care Work was to create the opportunity for child and youth care workers to become regulated through the development of a set of regulations to the Act that would govern such a procedure. Despite seventeen drafts of regulations being produced, however, such regulations were not passed by Council. This has led to a current situation where the Professional Board for Child and Youth Care workers exists as a body, but with the expiry of the term of office of its members, the body cannot operate as there are no registered child and youth care workers to make up an electorate as is required by the Act. It is no secret that tension emerged between the Council and the PBCYC in relation to the matter of the regulation of child and youth care workers at both auxiliary and professional levels.

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4. Background to the Policy Development Process

In 2008 the SACSSP published on their website a Bill being drafted to replace the Social Services Professions Act. It appears that this bill had been in a preparatory phase for some period of time prior to this document being made available. The title of the proposed bill was the Social Service Practitioners Bill. A later draft of this Bill was termed the Social Service Professions and Occupations Bill, and made allowance for the regulation of ‘professions’ and ‘occupations’, making a distinction between the two in respect of levels of sophistication and development.

Following a change in parliamentary procedure, the process of the development of a policy that will inform the development of legislation on the regulation of persons working in the social development field is required, and is the responsibility of the DSD.

5. Point of Departure of the NACCW in Respect of the Development of the Policy

In putting forward the NACCW position in respect of the policy in question, the NACCW considers the following to be important considerations:

- Although current legislation has provided a framework for progressive and forward-thinking developments in respect of the regulation of social service professionals other than social workers, twelve years after the passing of this legislation only social work is regulated. The matter of a possible resistance to the regulation of other social service professions is therefore noted.

- The SACSSP put a draft bill into public circulation that departed substantively from the tenets of the current Act, allowing for regulation of different levels of professions – i.e. professions and occupations. The current Act allows for the regulation of different levels of regulation within a profession – e.g. auxiliary and professional levels of regulation.

The central task for the Professional Board for Child and Youth Care Work was to create the opportunity for child and youth care workers to become regulated through the development of a set of regulations to the Act.

- The policy development process should take into account and accurately reflect the post-apartheid history of the efforts towards establishing regulatory frameworks for social service professionals.
- The policy ought to make explicit its underlying assumptions, beliefs and values.

6. Elements of the Policy

The NACCW considers that the following elements to be essential in the policy:

- A problem statement to delineate the scope of influence of the policy.
- A framework describing existing national and international legislation.
- Comparative research providing guidance on how other countries have addressed similar problem situations.

- A vision, values, principles and definitions under which the policy will operate.
- Clarified roles and responsibilities of stakeholders including state departments, institutions, spheres of government, practitioners and professionals.

7. Rationale for the Development of a Policy on Social Service Professions

The following are considered to be the reasons for developing such a policy from the NACCW perspective:

- This policy is necessary to enhance multidisciplinary team work amongst social service professionals and improve the coordination of services to communities.
- It should serve to promote a vision for social services which puts the needs of the clients first and balances the needs for self-determination of each profession.
- The policy should assist to develop a comprehensive welfare workforce with clear roles and responsibilities being delineated.
- The policy is needed to provide services promised by new legislation e.g. the Children's Act, the Child Justice Act, the Prevention of and Treatment for Substance Abuse Act and the Older Person's Act.
- This policy of this nature will address the needs of the service recipients including children, persons with disabilities, older persons, families, and youth.
- It will serve to address the needs of the social welfare workforce in relation to working conditions.

- This policy will serve to promote the use of a genuine developmental approach that is empowering clients, practitioners and providers.
- The policy should assist in achieving recognition of the value of the workforce by the Department of Labour.
- The policy will be able to address issues around the education of the welfare workforce relating to integrated and flexible career paths, the recognition of prior learning and the promotion of education that matches the needs of the clients.
- The policy will be able to promote the necessity for the establishment of a representative social service council that provides equal opportunities for all categories of social service practitioners including current and emerging professions.

8. The NACCW Vision for the SSP Policy

The vision which the policy ought to encapsulate embraces the following:

- A response to the needs of the social service workforce.
- An inclusive approach to all established, emerging and aspirant social service groupings – such as child and youth care workers, social workers, probation officers, community care workers, youth workers and ECD workers.
- A recognition of the potential strength of service delivery possible through the provision of services drawing on different expertise sets.
- A sense of the paramount importance of providing quality service to the community.

- An openness to the development of social service professions currently either emerging or as yet aspirant.
- The support for the development of professional categories of workers wherever possible within social service disciplines.
- The active promotion of multi-disciplinary teamwork.
- The upholding of ethical standards of practice within the social service professions.

The development of a policy that will inform the development of legislation on the regulation of persons working in the social development field is required

- The development of common regulatory standards.
- The promotion of the positive role of and confidence in the regulatory body in the views of the practitioner groupings.

Further, the vision of the policy ought also to take into account the socio-economic and demographic realities of South African society. Two specific features have particular significance – the youthful nature of the South African population, and the exceptionally high rate of HIV infection amongst South Africans. The vision of the policy should, given these factors, incorporate a focus on the way in which the social development needs of the South African population will best be served on a human resource level.

9. Categorization of Social Service Practitioners

It must be noted that the current Act and the different drafts of the Bill proposed by the SACSSP have put different perspectives into the public arena for debate and discussion in relation to the way in which the regulation of workers within the social service field should be regulated. Two different perspectives on this are as follows:

- Different professional boards have the responsibility of ‘managing’ their own profession, as per the current Act.
- Different areas of work within the social services arena are defined as either ‘professions’ or ‘occupations’.

The NACCW considers that the policy ought to outline the importance of creating an Act that will allow for different groupings of social service workers to develop and grow – in numbers of workers, complexity of the area of work and sophistication of its knowledge and practice base. The policy should thus provide different levels of categorization – such as ‘professions’ and ‘occupations’ – in order to support growth and development of the different groups, rather than to connote differing levels of ‘status’ or respect being awarded to different groups. The NACCW thus only supports this kind of differentiation if it serves the purpose of supporting growth and development of the different groupings.

Should the above be achieved, the different categories would need to be carefully defined in the legislation, and the change in category from one to the other would need to be provided for. The NACCW therefore thoroughly rejects the notion of defining a category in terms of a particular grouping – e.g. an occupation is defined as child and youth care work

and a profession as social work as was the case in one draft of the Bill produced by the SACSSP.

However, should such differentiation take place the policy should make allowance for appropriate participation and representation of all groupings of workers regardless of their classification, in the decision-making bodies that are provided for.

Child and youth care is currently recognized as a profession in the regulations to the Social Services Professions Act. Whilst the sector appreciates that fellow social services sectors may consider the paradigm that makes allowance for dual classification between different professions to be advantageous to their development, the child and youth care sector – for this and many other reasons – does see itself as a profession, and wishes to retain this classification under new legislation. It is therefore aligned to a single classification paradigm which will be articulated below.

However, the sector does not wish this position to disadvantage the development processes within other professions which may consider themselves better served by a dual classification paradigm. It therefore remains open to the possibility of other sectors supporting a dual classification system, but should such a paradigm be adopted, does not wish to be set back in the development of child and youth care work by being classified as an occupation.

On a note of caution, the struggle of the child and youth care sector to develop and be recognized as a profession – even in the context of being recognized as a profession, and having its own Professional Board constituted – should be very carefully considered by all sectors as decisions with regard to the regulatory framework are taken.

10. Child and Youth Care Work as a Profession

Although a distinction between different levels of groupings as suggested in the terms ‘occupation’ and ‘profession’ may be considered necessary and advantageous by some roleplayers, should this be the case the NACCW is strongly against the categorization of child and youth care work as an occupation, and believe the views of the sector to weigh heavily in this regard. It further notes that child and youth care work has already been established as a profession in terms of the current Act, and that being categorised as an “occupation” will thus be a retrogressive step which will disadvantage the sector.

It must also be noted that increasingly internationally child and youth care work is being recognized as a profession. The Policy should promote the recognition of all emerging professions and occupations and encourage consultation from a particular sector on how it would wish to be categorized. This should follow a spirit of equality in the recognition of categories of practitioners.

There should also be space created for the future recognition of currently unknown professions, and categories should be flexible so that should provision be made for the regulation of occupations, these could be developed into professions. It would be essential to clearly define all social service practitioner groups including e.g. social workers, child and youth care workers, probation workers, community development workers and early childhood development workers.

11. The Objects of the Policy

The advancement of social justice should be the primary objective of a social service professions policy. This justifies

a developmental approach where the Department of Social Development is obligated to ensure that the welfare sector is developed and that multi-disciplinary functioning of social service practitioners is strengthened.

The Policy should have further clear objectives as follows:

- The promotion of the progressive realization of professionalization amongst different groupings of social service workers – in accordance with the various possible rates of development of the different professions. This should include the

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considerations of making provision for financial support for the development of workers, employment opportunities, etc.

- The promotion of multi-disciplinary functioning and teamwork in the interest of the integrated service delivery.

12. The Proposed Structure of the Regulatory Body

The NACCW notes that the current Act allows for the establishment of an umbrella regulatory body with the broad function of supporting the dignity and integrity of all groupings regulated by the Act. Subsidiary bodies are responsible for the profession-specific regulatory functions. This is a structure effectively employed in other professional areas –

most notably the medical professions – and whilst it undoubtedly has some inherent structural tensions, these are not unhealthy.

It must be noted that this structure has worked well in respect of the Professional Board for Social Work, and the delineation of areas of function in respect of the current Act appear to have been effective in delineating the areas of functioning of the two different bodies in the overall regulatory function. It is also evident that the effectiveness of this dual-level structure is dependent upon the full representation (with voting rights) of members of the professional boards on the supreme regulatory body.

It is therefore proposed that the policy outlines a proposed dual-level structure and ensures that the key issue of representation on the supreme body is clearly articulated. The supreme body should be structured in such a way as to promote representation of relevant stake holders on this body – from the outset of the recognition of any social service grouping. The NACCW further supports the representation of youth on the umbrella body.

It is further suggested that the umbrella body should select its executive members and that the Minister should appoint the Chairperson of this body.

13. The Powers and Functions of the Umbrella Body

The policy should set out clearly the powers and functions of all role players in the social service sector including those of the supreme body, whose role it is to promote:

- The interests and integrity of occupations and professions.
- A multi-disciplinary teamwork approach to social service delivery.
- The integration of social service

- professions and occupations.
- The development of occupations and professions.
- Co-operation between the different social service professions and occupations.

The umbrella body should further:

- Determine the standard of professional conduct in consultation with the professional groupings.
- Respect the integrity of all social service occupations and professions, and provision should be made in the policy to ensure that this is the case.
- Develop policy on financial matters, and the education and training of all social service professionals.

The policy should also set out clearly the powers of the supreme body with regards to registration, education, training and development. As far as registration powers are concerned, a balance of the powers of the two levels of regulatory bodies should be encapsulated in the policy. There should be clear registration criteria set out for all social service practitioner groups and decisions should only be undertaken with consultation and recommendations from the respective boards.

The umbrella body should be required to advise the Minister. The policy should cover the fact that such advising should take place after consulting with the subsidiary bodies and the sectors. It should also make allowance for dispute resolution procedures to be used in the event of a dispute occurring between the umbrella body and the subsidiary bodies. This is imperative to prevent deadlocks resulting in a delay in progress.

14. The Powers and Functions of the Subsidiary Bodies

The roles, powers and composition of the subsidiary bodies should be set out in the policy – and the policy should be

clear that the primary role of the latter should be to regulate their particular profession – within the ambit of the overall regulatory framework as entrusted to the supreme body.

If the policy distinguishes between social service professions and occupations then the policy should set broad criteria for the recognition of a profession or an occupation.

The NACCW therefore thoroughly rejects the notion of defining a category in terms of a particular grouping – e.g. an occupation is defined as child and youth care work and a profession as social work as was the case in one draft of the Bill produced by the SACSSP.

15. Proposed Categories of Registration

It is suggested that the policy recognize that allowance must be made for registration options as follows within any one social service sector:

- Students
- Auxiliary level workers
- Professional level workers.

16. International Child and Youth Care Work Definition

Increasingly child and youth care work is being internationally recognized as a profession. The following is a paraphrased version of the international definition of child and youth care work:

“Professional child and youth care

practice focuses on children and youth within the context of the family, the community and the life-span. Applying the developmental-ecological perspectives emphasizes the interaction between persons and their physical and social environments including residential care settings.

Child and youth care practice takes place “in the moment” and integrates developmental, preventive and therapeutic requirements into the life-space of children, youth and families. Focusing on direct care, it includes the following acts:

- designing and implementing programmes and planned environments in child and youth care contexts,
- managing behaviour of children,
- contributing to the development of knowledge and practice in child and youth care work,
- participating in supervision, administration, teaching, research, consultation, and advocacy in child and youth care contexts,
- assessing service recipients’ and programme needs”.

17. In Conclusion

It is the view of the NACCW that the policy which will act as the precursor to the drafting of a bill in the area of the regulation of social service personnel should draw its primary paradigm from the policy governing social service delivery in South Africa. It is clear that additional numbers and personnel are required to implement the new social development legislation, and, referring back to 1998, it remains true that;

“[t]he transformation of council will mean that scarce human and other resources are distributed more evenly as there will be more workers available to do the vast amount of work that is required to be done.” (Minister Fraser-Moleketi) http://www.info.gov.za/speeches/1998/98922_0x921981115.htm ■