

**POLICY GUIDELINES FOR CHILD AND YOUTH CARE WORKERS
REGARDING PROFESSIONAL ETHICAL BEHAVIOR**

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1. SOCIAL SERVICE PROFESSIONS ACT (ACT 110 OF 1978, AS AMENDED)

The Social Service Professions Act (Act 110 of 1978, as amended) states the following:

Section 15:

- (1) No person shall –*
- (a) for gain, or indirectly; in any manner whatsoever practice the professions in respect of which professional boards have been established, unless he or she has been registered under this Act as a social worker or as a person practicing another profession in respect of which a professional board has been established or is deemed to have been so registered.*
 - (b) give instruction on any aspect of any subject in connection with a profession in respect of which a professional board has been established at a training institution, unless he or she—*
 - (i) has been registered under this Act as a (child and youth care worker)*
 - (ii) is a person who is not permanently resident in the Republic and who, without the approval of the professional board concerned, gives instruction in such aspect of such subject in connection with a profession in respect of which a professional board has been established at such institution in the Republic, as that Board may determine*
 - (c) in any manner pretend to be a (child and youth care worker) whilst he or she has not been registered under this Act*

Section 16:

Any person who contravenes any provision of Section 15 (1), shall be guilty of an offence and on conviction be liable to a fine or to imprisonment for a period not exceeding six months.

Section 17:

- (1) The Council may, on application made in the prescribed manner, register as a (child and youth care worker) any person who holds the prescribed qualification and satisfies the prescribed conditions, and who satisfies the Council that he is a fit and proper person to be allowed to practice the profession of (child and youth care work)*
- (2) The registrar shall issue to any person registered under subsection (1) a certificate of registration in a form approved by the Council and subject to the prescribed conditions.*

Section 17D

- (1) No qualification obtained by virtue of examinations conducted by a training institution situated outside the Republic shall be prescribed in terms of this Act, ... the Council may require a person who holds a qualification referred to in subsection (1) and who applies for registration as a (child and youth care worker) To pass to the satisfaction of the Council ... (in order) to be registered as a (child and youth care worker)*

2. THE SOUTH AFRICAN COUNCIL FOR SOCIAL SERVICE PROFESSIONS (SACSSP) (herein referred to as the Council)

The Council, as *the* statutory body legislated to guide and direct the social service professions in South Africa, recognises its responsibility to promote and ensure ethical behaviour and attitudes on the part of all persons registered with it. The Council commits itself to promoting these standards by availing the Code of Ethics widely amongst its membership and other stakeholders. Registration with this Council compels members to adhere to the code of ethics.

Attempts to ensure ethical behaviour and attitudes include articulating principles, values and standards contained in the Code of Ethics. Awareness is promoted through education, peer

modelling and consultation, development and implementation of methods to help child and youth care workers monitor the ethics of their behaviour and the taking of corrective action when warranted.

Non adherence or non-compliance with this policy code shall result in complaints being lodged with this Council and with these investigative procedures in place which may lead to disciplinary action against the defaulting child and youth care worker.

3. PREAMBLE

This document refers specifically to the ethical conduct of child and youth care workers who are registered in terms of the Social Service Professions Act (as amended).

The scope of practice of child and youth care work and its various levels of operations is set out in the *Regulations for Child and Youth Care Workers*, as aligned to the aforementioned legislation. This policy document is applicable in all situational fields of child and youth care where child and youth care workers are employed and / or practice. It shall be sued also to orientate incumbents new to the field of child and youth care of its values, mission, ethical principles and ethical standards.

This policy document must be viewed in its entirety and forms an integral part of the Regulations for Child and Youth Care Workers.

It is intended that this document shall also guide employers to ensure that child and youth care workers within their employ are registered and practising within an ethical framework. Further it is envisaged that the employer will ensure that organisational policy and practice is neither contradictory nor detrimental to this ethical code.

Contained within this document is an ethical code which directs all child and youth care workers when providing direct or indirect service, educating learners, performing administrative, supervisory, editorial or consultative functions, conducting research, engagement in peer review or social policy, being an expert witness or performing any other role as a child and youth care worker.

Further, this document is not regarded as exhaustive and where situations are not referred to directly, it is recommended that decisions be based on the Regulations as well as guidance of similar situations as given in this Code.

It is anticipated that this Code will incorporate an ethical oath of compliance which will serve to further entrench the worker's commitment to acceptable ethical practices.

Finally, this code applies to the professional work-related activities of the child and youth care worker. It is intended to direct and regulate the professional activities in which a child and youth care worker engages. This implies that there is not intention to direct or regulate the activities which lie outside of this context. However, personal behaviour becomes a concern of the profession if it is of such a nature that it undermines public trust in the profession as a whole or if it raises questions about the child and youth car worker's ability to carry out his or her responsibilities appropriately.

4. WHAT IS A CODE OF ETHICS?

The code of ethics for child and youth care workers is a list of statements which describes the standard of professional conduct required in the daily professional activities. Inherent in these statements is the promotion of good practice and a measure of that which is upheld as being right in the field of child and youth care. It provides direction for good practice in the best interests of the profession, as well as the child, young person and family with whom child and youth care workers work.

The intention is to confirm the ethical standards required in service provision and ensure that child and youth care workers know and understand what standards of ethical behaviour the Council, employers, colleagues, children, young people and their families, as well as the public at large require of them.

5. LEGISLATIVE MANDATES

Child and youth care workers are regulated by certain statutory documents which, inter-alia is listed below:

5.1 Constitution of the Republic of South Africa (Act 108 of 1996)

Chapter 2: The Bill of Rights enshrines the rights of citizens which must be upheld by all.

5.2 Social Service Professions Act, 1978

Section 27(1) (a) of this Act provides the mandate to enact the Code of Ethics.

- 5.3 The United Nations Charter on the Rights of the Child (available on website: <http://www2.ohchr.org/english/law/pdf/crc.pdf>)
- 5.4 The African Charter (available on website: http://www.africa-union.org/official_documents/Treaties_%20Conventions_%20Protocols/a.%20C.%20ON%20THE%20RIGHT%20AND%20WELF%20OF%20CHILD.pdf)
- 5.5 The Beijing Charter (available on website: http://www.nwci.ie/download/pdf/nwci_womens_charter.pdf)
- 5.6 The Child Care Act 74 of 1983 as currently enforced (available on website: www.dsd.gov.za)
- 5.7 The Children's Act 38 of 2005 (available on website: www.dsd.gov.za)
- 5.8 The Minimum Standards :South African Child and Youth Care System:1998

6. ETHICAL VALUES AND PRINCIPLES

The guiding ethical values and principles relate to the general approach as reflected in this Code of Ethics document and to be followed by child and youth care workers in the practice of their profession.

Child and youth care workers, student child and youth care workers and auxiliary child and youth care workers respect the dignity and worth of individuals, families, groups and communities and strive towards providing quality services. Child and youth care workers uphold and protect the fundamental human rights of children, youth and their families and themselves, as enshrined in the South African Constitution, the Bill of Rights, and other legislation as reflected above.

Internationally, the professional field of child and youth care generally accept six situational fields within which ethical standards are formulated. These are: (a) *ethical responsibilities towards self*, (b) *ethical responsibilities towards children, young people and their families*, (c) *ethical responsibilities towards colleagues*, (d) *ethical responsibilities towards employers*, (e) *ethical responsibilities towards the profession of child and youth care*, and (f) *ethical responsibilities towards society*.

These six situational fields and their ethical inherent values shape a Code of Ethics for the professional behaviour of the child and youth care worker. For the sake of ease of application and some conformity to the South African Social Service Professions within the statutory ambit of the South African Council for Social Services Professions, the Code of Ethics already in place serves as the foundation document, but in this document are altered and expanded to ensure that the ethics demanded by the specific and unique nature of child and youth care are enshrined in it.

In the South African context a code of ethics for child and youth care workers encompasses what is the “principle of transformation” and the seventeen (17) practice principles (explained in the glossary) in child and youth care.

7. SITUATIONAL FIELDS INDICATING ETHICAL RESPONSIBILITY

Stated broadly the values upon which the six situational fields* are based are translated below in relation to the Code of Ethics for child and youth care workers under each of the following headings.

- A. Responsibility for self**
- B. Responsibility to children, young people and their families**
- C. Responsibility to Colleagues**
- D. Responsibility to the Employer or Employing Organisation**
- E. Responsibility to the Profession**
- F. Responsibility to Society**

The following ethical standards are relevant to all the situational fields listed above, irrespective of their practice setting:

A. CHILD AND YOUTH CARE WORKER’S RESPONSIBILITY FOR SELF DEVELOPMENT

Self-awareness

Child and youth care workers shall uphold the Professional Conduct that lead to their constantly improving, using in practice, and maintaining personal competence, knowledge and skill through ongoing training, education and supervision and / or personal counselling. They uphold as important their own professional conduct and their own physical and emotional well-being. They value self-awareness and self-knowledge as a means to their growing professionalisation.

The child and youth care worker shall ensure that he / she plans and embraces a lifestyle which provides a balance to work, personal recreation and physical well-being between their social and family life.

Burn-out

Child and youth care workers must recognise situations in which they find themselves at risk or situations which possibly require specialised therapeutic services. Child and youth care workers must be aware of, in themselves, the signs and indicators which point to possible burn-out, and must take the necessary steps to reduce burn-out and deal with its effects.

Continuous Professional Development (CPD)

Child and youth care workers shall maintain and update themselves with knowledge, skills and attitude through study, reading, personal development and participation in and attending workshops, including those approved by the Professional Board of Child and Youth Care under the auspices of the SACSSP, that lead to Continuing Professional Development (CPD) points.

Supervision

Child and youth care workers shall seek regular, consultative supervision, which shall be which shall be separate from on-line supervision. This shall be for the purposes of personal growth, self-awareness and professional competence.

B. CHILD AND YOUTH CARE WORKERS' ETHICAL RESPONSIBILITY TOWARDS CHILDREN, YOUNG PEOPLE AND THEIR FAMILIES:

- B.1.i. The child and youth care worker *shall, above all, whether directly or indirectly, do no harm to the child, youth or family (or community):*
- shall not participate in practices that are disrespectful, degrading, dangerous, exploitive, indoctrinating, intimidating, damaging or physically harmful to clients
 - shall ensure that services are non- discriminatory
 - shall ensure that the boundaries between professional and personal relationships with the child are explicitly understood and respected, and that the child and youth care worker's behaviour is appropriate to the difference
 - Upholds in professional operational practice the Rights of the Child, the Seventeen Practice principles as well as the minimum standards for practice as alluded in Section 7 of this Code.
- ii the child and youth care worker must uphold the principle that the child and youth care worker's primary professional responsibility is to the child in his / her ecological setting. Therefore the child and youth care worker must be aware that not only the family, but also other people and experiences influence the development and attitudes of children and youth in that setting.
- iii The child and youth care worker must be aware that when conflicts arise between parent/child/family/significant other and youth care worker concerning generally accepted professional and / or developmental practices, the child and youth care worker shall make every attempt to clarify the issues for the parent through education and communication.
- v. The child and youth care worker must keep the best interest of the child and total development as the primary concern, even though it is recognised that working with children may satisfy some personal emotional needs
- vi. The child and youth care worker must believe that everyone has the right to feel that she/ he is a worthwhile human being and treats each child, youth and their family with respect and dignity.
- vii. The child and youth care worker shall not mentally, physically or emotionally abuse children and youth in any way, nor is wittingly party to such abuse. The child and youth care worker shall not use any form of corporal punishment. Productive management of behaviour is characterised by positive discipline and guidance, within a restorative framework.

- viii The child and youth care worker is committed to supporting each child's optimum social, spiritual development, emotional, cognitive and physical development within a safe, healthy and enriched environment
- ix The child and youth care worker *recognizes and respects the expectations and life patterns of children and their families:*
- he / she designs individualised programmes of child, youth and family care to determine and help meet the psychological, physical, social, cultural and spiritual needs of the clients
 - designs programmes in keeping with the child's developmental status, understanding, capacity and age
- x. The child and youth care worker *recognizes that there are differences in the needs of children, youth and their families:*
- Meets the needs of children, youth and their families on an individual basis in individualised therapeutic child and youth care programmes.
- xi. *Recognizes that competent child and youth care programmes require collaboration. Such service is a cooperative effort drawing upon the expertise of many; including child and family members and significant others in the professional multi disciplinary team*
- refers the child to other professionals and/ or seeks assistance to ensure appropriate services when necessary and according to the ethical rules of referral
 - participates with the child, young person and significant others in assessment, observation, evaluation and review.
 - observes, assesses, and evaluates services/ treatments for contribution to or within the multi-disciplinary team and with other professionals
- xii. *Recognizes the child's membership within a family and community and facilitates the participation of significant others in programmes with the child:*
- Regards the family and the community as fundamentally the best place in which a child can be reared and develop.
 - Uses / applies interventive practices and especially separation only as temporary treatment as the child and youth care worker work professionally towards the integration of the child with family, community or the best community - based alternative.

B.2 Confidentiality

Confidentiality must be understood in the context to privacy. Cognisance should also be taken of the fact that the right to privacy is enshrined in Chapter 2 of the Constitution of South Africa.

Confidentiality is a core ethical principal which pertains to professionalism.

The ethical standard is aimed at protecting the privacy of child and their families must be held in the highest regard.

Contravening or breaching the relevant standard shall be regarded as unethical / unprofessional conduct and shall lead to disciplinary steps against the child and youth care worker who contravenes the standard.

Children and their families are likely to share necessary information with the CYCW irrespective of how embarrassing this may be. The child and youth care worker must provide the assurance that any knowledge or information shared between the child and the youth care worker, the child and their family will be kept between the parties. The CYCW ensures openness and the development of trust, which enhances the healing and development process.

The right to privacy is premised on two dimensions, namely **the right against intrusion and the right to confidentiality**.

- **The *right against intrusion*** means that **people have the right to keep** certain information about themselves away from others, to keep secrets and to prevent others from prying into their affairs. This dimension regulates the extent to which child and youth care workers can encroach on the child's/ families' sphere of privacy, particularly when providing services, conducting research or evaluation.
- The ***right to confidentiality*** means that people have the right to maintain control over information the child and his/her family chooses to share with a child and youth care worker. This regulates the extent to which information a child/family shares with the child and youth care worker should be kept confidential or private between the child and youth care worker and the child and his/her family.

B.2.3 DIVULGENCE OF CONFIDENTIAL INFORMATION BY A CHILD AND YOUTH CARE WORKER:

- Irrespective of the legal and ethical duties in regard to sharing of information, every child and youth care worker realises that to respect a child's right to privacy is to respect the child.
- Child and youth care workers shall at all times honour the privacy of individual, families, groups and the communities (see section 14 of the *Constitution*, Act 108 of 1996). Once private and confidential information is shared, ethical implications of divulgence of confidential information shall apply.
- Child and youth care workers shall discuss the nature of confidentiality and limitations of their right to confidentiality with children, their families as well as with significant others.
- Child and youth care workers review with children and their families the circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. This discussion occurs as soon as possible, *early* in the child and youth care worker- child relationship and as needed throughout the course of the relationship.
- The child and care worker and the child and his/her family should enter into a written contract whereby there is mutual agreement on confidentiality and disclosure of information.

B.2.4 CONFIDENTIALITY WITHIN A MULTI-DISCIPLINARY SETTING:

- The child and care worker shall only divulge information to other professionals who are also obliged to uphold a code of ethics, with the proviso that this is on a need to know basis only. In all instances, the consent of the young person and his / her family must be obtained, notwithstanding extenuating circumstances.
- The clinical leader must be respected as the Chair and leader of the multi-disciplinary team. The clinical leader shall, if possible, be a social service professional or at the very least subscribe to a code of ethics commensurate with the social service field.

- As a guide, the multi-disciplinary team whose mandate is case-conferencing, shall comprise of relevant and registered professionals who participate directly in the planning for the growth and development of children and youth referred for case-conferencing. Any other person who enters this meeting the CYCW shall ensure that they sign an agreement of confidentiality prior to such entry.

B.2.5 CONFIDENTIALITY AND THE MEDIA

- Child and youth care workers must protect the confidentiality of the identification or any information about children, their families or significant others, when responding to queries from the media or any photographic print or electronic media and shall further uphold any legal requirements relating to the identification of children, youth and their significant others.
- Notwithstanding the above, the protocol of the employing organisation shall also prevail.

B.2.6 CIRCUMSTANCES UNDER WHICH CONFIDENTIAL INFORMATION COULD BE DIVULGED:

Child and youth care workers could divulge confidential information that comes to their attention whilst carrying out their duties in the following instances:

- **Subpoenas issued by court to child and youth care workers to disclose confidential information regarding the child, his/her family or significant others**

The effect of private privilege is that the court is deprived of relevant evidence and therefore the tendency is towards the restriction of occasions where privilege is claimable.

This is the reason why the court will not recognise the privilege between a child and youth care worker and the child/family/significant other; but that between a lawyer and his client as this is common law and is reflected in section 201 of the *Criminal Procedure Act*, Act No 51 of 1977.

- Child and youth care workers shall not disclose confidential information to third – parties before having obtained written consent from the child/family. In addition the child and youth care worker is convinced that it is in the best interests of the child to do so (eg for treatment purposes).
- Child and youth care workers shall not disclose identifying information when discussing children and their families for teaching or training purposes unless the required prior written consent is obtained as indicated above. Disclosure identifying information is unethical when discussing children/families with consultants unless the child/family consented to disclosure of confidential information.
- Child and youth care workers shall protect the confidentiality of deceased children/persons in line with the abovementioned guidelines provided in this Code.

OPTIONS AVAILABLE:

The following options are available to the child and youth care worker in instances where confidential information is to be disclosed:

- a. the child and youth care worker shall inform the child/family/significant other that he / she has to disclose the confidential information due to subpoena issued by the court of and not of their own volition. The child and

youth care worker shall inform the child/family/significant other as fully as possible, about the disclosure of confidential information and the potential consequences, **before** any disclosure is made.

- b. if a child and care worker is subpoenaed or ordered to divulge confidential information *by a competent court* or is otherwise legally bound to do so: he/she should indicate that such information is divulged under protest (see Annexure ... for copy of letter of protest)
- c. when a court of law orders a child and youth care worker to disclose confidential information without the consent of the child/family/significant other and such disclosure could cause harm, the child and youth care worker should request that the court withdraws the order or omits / writes the order as narrowly as possible so that the least amount of confidential information without consent is disclosed, or maintain the records under seal; and /or make it unavailable for public inspection and / or that the case be heard in camera.
- d. to bring a high court application challenging the subpoena, where legally advisable to do so.
- e. to inform the child/family/significant other that disclosure is required and advises him or her to bring a high court application challenging the subpoena, where legally advisable to do so.
- f. with the informed and written consent of the child/family/significant other. In instances where the child cannot give consent, from another legally authorised person on behalf of the child (executor), parent, and/or a major sibling of the child. In the case of a minor child, consent shall be obtained from his/her parents or guardian.
- g. if the child/family is suing a child and youth care worker, he or she is entitled to disclose information about the said matter *only* in so far as it is necessary to defend him or herself.
- h. when disclosure is necessary to prevent serious, foreseeable and imminent harm or danger to a child/family or other identified person or a community, thus justifying disclosure on the grounds of necessity
- i. in all and in any such instances, child and youth care workers should disclose as little confidential information as possible in order to achieve the desired purpose. Only information that is directly relevant to the purpose for which the disclosure is made should be revealed. This shall be on a need-to-know basis only.

B.2.7 ACCESS TO RECORDS / INFORMATION

This section is guided by the *Access to Information Act (Act 2 of 2000)*

B.2.7.1 ACCESS TO INFORMATION BY CHILD AND YOUTH CARE WORKERS

The child and youth care worker, shall have access to the full contents of the files and records of the child or youth who is allocated to them as their primary focus of care. The full contents of the files /

records shall include inter-alia report/s from any other social service professional including social worker, psychologist, occupational therapist, and the court, which is made available.

Notwithstanding same, the onus is on the child and youth care worker to request for interpretation from the relevant professional as listed above. In so doing, the child and youth care worker shall not release any information; all the ethical principles of confidentiality shall prevail.

B.2.7.2 ACCESS TO INFORMATION BY AUXILIARY AND STUDENT CHILD AND YOUTH CARE WORKERS

The auxiliary and student child and youth care worker may have limited access to relevant file material via and in the presence of their appointed field supervisor *only*. The field supervisor shall interpret such information to the auxiliary or student child and youth care worker as is necessary for the purposes of operational practice. Information thus required by the auxiliary CYCW and the auxiliary child and youth care worker is bound by all the ethical principals of confidentiality as set out in the Code.

B.2.7.3 ACCESS TO INFORMATION BY CHILDREN, YOUNG PEOPLE AND THEIR FAMILIES

The child and youth care worker must be aware that in terms of the *Access to Information Act (Act 2 of 2000)*, the child/family may not be denied reasonable access to information directly related to him/herself/them as the child/family, is regarded as a '*personal requester*' who has a personal interest in such information because such information is about him/her/them.

In situations where the child/family requests access to records/files, the following shall apply:

- the child and youth care worker shall obtain such request in writing prior to disclosure
- The child and youth care worker shall provide the child /family with reasonable access to records concerning only the child him/herself or the family themselves. All these parties/persons shall do so whilst present, and in the presence of any other professional designated by a multi-disciplinary team if necessary,
- child and youth care workers who are concerned that child's/family's access to their records could cause serious misunderstanding or harm should provide assistance in interpreting the records and consultation with the client regarding the records and should do so with the professional from within the team, whilst protecting the confidentiality of other individuals identified or discussed in such records
- all requests for disclosure *and* the rationale for withholding some or all of the records should be documented in the child's file
- children / families may only be provided with copies of the documents in the file, not originals. This is particularly important in instances where there may a complaint or court case against the child and youth care worker, original documents will be required to be presented in court or the relevant tribunal handling the complaint. Copies should be certified as true copies of the original.
- should a court of law or a tribunal instruct a child and youth care worker to provide the court or the tribunal with the file of a specific child/family, the child and youth care worker is not obliged to hand over the complete file but should make copies of relevant documentation available to the court or tribunal, unless ordered otherwise by such court of law or tribunal.

- by virtue of Section 42 (1) of the Child Care Act 74 of 1983 a child and youth care worker shall disclose information despite the fact that it will constitute an infringement of the privacy and confidentiality of other people. For example, in section 42(1) of the *Child Care Act*, Act No 74 of 1983, and child and youth care worker is obliged to report child abuse. The principle of confidentiality is limited by the fact that the balance of convenience weighs towards protection of the minor's right and interests than the principle of confidentiality. The same principle applies to other mandatory legislation, eg the *Domestic Violence Act*.
- Should the child or young person indicate any discrepancy in his / her perception of the accuracy of the contents of the file / report, the child / young person is entitled to, in the presence of the child and youth care worker, correct or add to (in writing) to the record his/her experience or version as a separate written comment which is then included in the file material. The addition as stated must be dated, and signed by the supervisor of the professional concerned.

B.2.8 GUIDELINE OF RECORDS TO BE KEPT BY CHILD AND YOUTH CARE WORKERS

The child and youth care worker shall ensure that all relevant record keeping is professionally maintained. Such record keeping shall include *inter-alia*:

- ✓ daily logs and observations on an individualised basis
- ✓ incident reports and critical incident reports
- ✓ administration of medication and medical applications
- ✓ individualised assessment reports
- ✓ clothing records
- ✓ behavioural contracts
- ✓ contracts of agreement with regard to confidentiality between the child/family
- ✓ records/minutes of meetings with significant others, including outcome of discussions with the multi-disciplinary team, schools/school visits, correctional services, justice, etc
- ✓ hospital records
- ✓ school reports and correspondence to and from school; records of interaction between the child and youth care worker and the child's school
- ✓ records of family visits
- ✓ records of objectives and outcomes with regard to family preservation programmes
- ✓ copy if child's identity document, birth records
- ✓ record of pocket money administration
- ✓ record of administration of funds on behalf of the child if legally required
- ✓ individual/family development plan
- ✓ care plans

B.2.9 CONFIDENTIALITY IN PRACTICE SETTINGS

- (a) Child and youth care workers must ensure that they manage the confidential affairs of the child/family in a manner that optimises privacy. Child and youth care workers shall be reported for unprofessional conduct should information be lost or overheard by / released to persons who are *not* in a professional relationship with the particular child/family.
- (b) Child and youth care workers should respect confidential information shared by colleagues in the course of their professional relationship, interactions and transactions.

- (c) Child and youth care workers shall ensure that their colleagues understand a child and youth care worker's obligation to respect confidentiality and any relevant exception to this.
- (d) It is imperative for a child and youth care worker to seek recorded and informed consent of the child/young person prior to disclosing confidential information with colleagues or other professional. This may also include information given during the child and youth care workers consultative supervision.

B 2.10 CONFIDENTIALITY AND RECORD-KEEPING

- Child and youth care workers must take reasonable steps to ensure that all records are kept in a secure location and that records are not available to others who are not authorised to have access
- The child and youth care worker shall confirm that the administrative staff dealing with, for example, filing or typing of reports shall have signed a declaration of confidentiality with the organisation (see Annexure ... for an example thereof).
- Child and youth care workers shall take an initiative in obtaining declarations of confidentiality in multi-disciplinary settings / or the process of sharing of information, in those instances where such participants are not bound by a professional code of ethics
- Child and youth care workers must take reasonable precautions to ensure and maintain the confidentiality of records and information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and any other electronic or computer technology.
- Disclosure of identifying information shall be avoided whenever possible and recipients of confidential reports and information shall be informed beforehand of their arrival, and of their confidential nature.
- Child and youth care workers shall transfer or dispose of clients' records in a manner that protects confidentiality and is consistent with State statutes governing records.

B.3 PROFESSIONAL RELATIONSHIPS

Child and youth care workers shall at all times have an open professional working relationship with children, young people and their families' and significant others. This professional relationship shall be characterised by being goal oriented, time bound, therapeutic, and contractual.

Children and their families shall be involved in all issues and decisions which affect them, such as the nature and anticipated course of intervention, rights, preferences, confidentiality and whether other team members will be involved, as well as their roles and functions and where appropriate.

All development treatment plans shall be written into an overall care plan and subsequently into an individual or family development plan. This is a socially binding contract on all parties to which the child and youth care worker is obligated to fulfil his/ her tasks or practice, and defines the goals/task – oriented practice of the professional relationship.

B.3.1 COMMUNICATION BETWEEN CHILDREN/FAMILIES AND THE ORGANISATION

The lines of communication within the organisation shall be clearly stated and explained in order that the children, young people, their families and significant others understand they may have access to the supervisor, manager, director or any relevant other authority structure. It is recommended that organisations also have a policy in place clarifying the lines of

communication which shall be discussed with children, young people, their families and significant others at the beginning of a child and youth care work relationship.

- Child and youth care workers shall answer clients' questions in a clear, truthful and transparent manner and to avoid misunderstandings or misconceptions regarding child youth care interventions where necessary consultation/information should be obtained from the multi-disciplinary team to address concerns of the children/family
- The child and youth care worker shall be instrumental in involving the child, young person and family in documenting any developmental planning tasks as referrals; oral and / or written information, and uses language that is reasonably understandable to the child
- **INTERPRETATION SERVICES:** When interpretation services are utilised and the interpreter is not a professional bound by a code of ethics, the interpreter should sign a declaration of confidentiality. In order to ensure confidentiality, the interpreter must NOT be someone who is known to the child/family unless indicated by the family.

B.3.2 SELF- DETERMINATION OF THE CHILD OR YOUNG PERSON

The child and youth care worker shall:

- Show respect for the child, young person and family's right to decide whether or not to co-operate in any programme or with the child and youth care worker or with other member(s) of the multi disciplinary team, even in the case statutory order must be shown. Implications of such refusal should be explained to those concerned, including the significant others. Exceptions to this ethical principal may be in instances where failure to co-operate could according to professional opinion (especially that of the multi disciplinary team) result in irrevocable harm.
- empower children and their family systems to utilise their abilities, strength and their own resources optimally.
- must respect the families' rights to make decisions for their children, and uphold their beliefs and practices whenever possible. The particular cultural child rearing practices and home language are respected and upheld.

B.4 INAPPROPRIATE, IMPROPER AND EXPLOITATIVE RELATIONSHIPS

Child and youth care workers shall *under no circumstances* engage in sexual activities or sexual contact with children, young persons, family of children with whom they work, or with any significant other in the child and youth care relationship, whether such contact is consensual or forced. Such behaviour undermines public confidence in the social service professions and thereby deter the public's utilisation of needed services. This is regarded as unethical and unprofessional conduct.

The following shall be deemed as inappropriate, improper and or exploitive relationships, and as such, shall be regarded as unethical conduct and are explained hereunder.

- a. The use of sexual innuendo, repartee and / or sexual contact with persons and significant others with whom you engage
- b. Sexual contact after termination of services

- c. Child and youth care services to former sexual partners
- d. Physical contact
- e. Harassment
- f. Dual and exploitative Relationships

The following shall be deemed as unethical conduct:

a. The use of sexual contact, including sexual innuendoes and repartee with young persons and significant others with whom you are engage with in service delivery

Sexual feelings become the focus of child and youth care ethics if (a) there is a possibility that such sexual feelings may or will impact on professional relationship/s; (b) they become the focus of ethics and law if they manifest in any form of sexual contact, including sexual innuendoes.

Sexual innuendoes include sexually loaded repartee, body language, and / or covertly flirtatious interaction between the child and youth care worker, the child, young person, and / or members of their family or significant others.

Sexual contact or contact deemed to be inappropriate and/or of a sexual nature between a child and youth care worker and a child, members of the child's immediate family and members of others significant to the child and his/her family, is **not** acceptable and is considered to be a betrayal of the child's trust and an unfair exploitation of transference of feelings.

Sexual activity or sexual contact with the child's relatives or other individuals with whom the child maintains personal relationships, has the potential to be harmful to the child and make it difficult for child and youth care worker and child to maintain appropriate child and youth care professional boundaries.

The child and youth care worker must assume full responsibility for setting clear, professional boundaries. These boundaries shall be set and adhered to throughout the professional relationship and up to and including two years after termination of that relationship.

b. Contact after termination of services

Child and youth care workers shall not engage in sexual behaviours as described in (a) above, with children/their families to whom they were previously in a child and youth care relationship during the first two years after termination of professional services.

c. Child and youth care services to former sexual partners, and / or child/ren of a former sexual partner.

Child and youth care workers shall not provide services to individuals with whom they have had a prior sexual relationship e.g. family members or significant others of children and young people receiving professional services. The provision of such services has the potential to be harmful and interferes with the professional therapeutic relationships.

In such instances this must be raised at the outset with the supervisor, and arrangements should be made for a referral to a colleague.

d. Physical contact

Child and youth care workers shall not engage in physical contact with children/ their families and significant others when there is a possibility of discomfort, unease, emotional or physical harm to the child, family and significant others as a result of the contact. Child and youth care workers are responsible for setting clear and appropriate boundaries that govern such physical act. The physical contact should be clearly understood as a token of

encouragement, support or empathy and experienced as such by the child, young person and family for whom they are delivering child and youth care services. Any physical contact, (including touch or use of objects as a means of touching) or act/s which is deemed inappropriate; and which makes the child uncomfortable, or is regarded as uncomfortable), shall be deemed as unprofessional.

e. Harassment

Harassment shall include any acts relating to pestering, stalking, persecution, bullying and intimidation.

Sexual harassment includes sexual advances, sexual solicitation, request for sexual favours and other verbal or physical conduct of a sexual nature.

A child and youth care worker shall not harass a child whether in their care or not. Similarly a child and youth care worker shall not harass any member of the child's family or a significant other in the child's life.

f. Dual and Exploitative Relationships

Child and youth care workers shall not be involved in relationship(s) that compromise the professional child and youth care relationship(s).

If such a dual relationship develops or is discovered after the child and youth care relationship has commenced, the child and youth care worker/s shall terminate the child and youth care relationship in an appropriate and ethical manner, assisting the child, young person and family to obtain services from another child and youth care worker and should not engage in any self- enhancing relationship with the child, his/her family or any significant other in the relationship.

Dual relationships which are potentially harmful shall include, but is not limited to, inter-alia the presence of a professional child and youth care relationship together with the existence of:

- a. a close family bond between the child and the child and youth care worker
- b. an educator – learner relationship
- c. a supervisor-supervisee relationship

The child and youth care worker shall not be in a professional relationship with his / her own child in care or that of an immediate family member's child in care

The child and youth care worker shall not be in a personal/intimate relationship with young persons in their care, their families or significant others, outside of the professional function.

Child and youth care workers should always be sensitive to the potential harmful effects of social contact or other non – child and youth care contact on their work and on those persons with whom they work.

Child and youth care workers shall not engage in exploitation. This includes coercion, manipulation or blackmail of persons over whom they have authority or with whom they are engaged in a professional relationship; such as learners, supervisees, employees, members of the community engaged in child and youth care programmes, research participants, and children and their families.

B.5 Terminating the professional relationship:

Child and youth care workers shall not abandon the children and families to whom they are in a professional relationship.

When it becomes *reasonably clear* that the child / family no longer needs the service, is not benefiting from, or is being harmed by continuing the service, then the child and youth care worker, in consultation with the multi-disciplinary team shall take the steps necessary to terminate such relationship or make an appropriate transfer to another child and youth care worker or to another more relevant program.

Prior to termination or transfer of services for any reason, except when precluded by the child's conduct, the child and youth care worker shall appropriately assess the discuss the child's views and needs, provide appropriate pre- termination procedures and shall participate in the taking of other reasonable steps to facilitate transfer and responsibility to another agency.

If after termination of the professional relationship, a child who is in care requests for help, the child and youth care worker must refer the child back to his/her current child and youth care worker.

C. Child and youth care workers ethical responsibilities towards colleagues and other child and youth care workers

C.1 Respect

- (a) Child and youth care workers shall treat colleagues with respect.
- (b) Child and youth care workers shall exhibit loyalty towards colleagues and therefore avoid unwarranted negative criticism of their colleagues in communication with children, their families or significant other or with other child and youth care workers. Unwarranted negative criticism may include demeaning comments that refer to a colleague's level of competence, skill, personal history child and youth care work reputation or to individual attributes such as race, ethnicity, national origin, colour, sex sexual orientation, age, marital status, political belief, religion and mental or physical disability.
- (c) Child and youth care workers shall work in a spirit of professional co-operation with their colleagues, with colleagues of other professions and within the multi disciplinary teams in the best interests of the child / young person in care.

C.2 Multidisciplinary collaboration

- (a) Child and youth care workers who are members of a multidisciplinary team shall participate in and contribute to decisions that affect the well- being of children and their families by drawing on the perspectives, values, experiences and research of other members of the team. The ethical obligations of child and youth care work, the multidisciplinary team as a whole and of its individual members should be clearly established.
- (b) Child and youth care workers for whom a team decision raises ethical concerns shall attempt to resolve the concerns through appropriate organisational channels.
- (c) If the concerns cannot be resolved, child and youth care workers shall pursue other avenues such as consultation with the Professional Board for Child and Youth Care/ South African Council for Social Service Professions and/or seek legal opinion, to address their concerns consistent with the well-being of children and their families.

C.3 Criticism and disputes involving colleagues

- (a) Child and youth care workers shall not take advantage of a dispute involving a colleague and an employer to obtain a position or otherwise advance his/ her own interests.
- (b) Child and youth care workers should not involve children and their families in disputes with colleagues or in any inappropriate discussion of conflicts between child and youth care workers and their colleagues.
- (c) Criticism of and differences between colleagues shall be resolved according to the authority structure of the employer
- (d) Child and youth care workers shall protect and defend colleagues against unfair criticism.

C.4 Consultation with colleagues and other professional groups

- (a) Child and youth care workers shall consult with colleagues and/or appropriate persons of other relevant professional groups whenever such consultation is in the best interest of the child / family. Consultation with a colleague would provide a perspective in terms of how a reasonable child and youth care worker would act in a particular or a given situation. However, approval of the child/family shall be sought before consultation, and the ethical principles and procedures of confidentiality shall be upheld.
- (b) Child and youth care workers shall keep themselves informed about the expertise and competencies of colleagues and other social service professionals. . Thus, consultation should be sought only from colleagues and other social service professionals who have demonstrated knowledge, expertise and competence relevant to the subject of the consultation.
- (c) When consulting with colleagues and other social service professionals, child and youth care workers should disclose as little information as is necessary and relevant in terms of the principles of confidentiality, in order to achieve the purposes of the consultation.

C.5 Referral for services

Referrals shall be undertaken in line with the organisation's policies and procedures and in general within the context of the multi- disciplinary team

- (a) Child and youth care workers shall request that a child / family be referred to other child and youth care workers, social service professionals, or to another relevant professional, when the other professional's specialised knowledge or expertise is needed or when child and youth care workers believe they are not being effective or making reasonable progress and that additional services are required.
- (b) A child and youth care worker shall request a referral subject to other relevant considerations, including legal and contractual obligations and the participation of the child, young person and their family who are members of the multidisciplinary team.
- (c) Child and youth care workers who is designated by the multi-disciplinary team to undertake a referral shall take appropriate steps to facilitate an organised, orderly and professional transfer of responsibility or extension of service. This involves consensus and participation of the child, young person and family, and shall disclose only pertinent information to the new or additional service provider, upholding the principles of confidentiality.

- (d) Child and youth care workers are prohibited from giving or receiving payment for a referral.
- (e) The prevention of a child/family from procuring advice or assistance from another person who is authorised by law to advise or treat persons concerning their developmental well-being shall be regarded as unprofessional conduct.

C.6 *Supersession and Delegation*

- (a) In cases where a child /family is already in receipt of child and youth care services, it would be regarded as super-session if another child and youth care worker assumed services in that instance.
- (b) A child and youth worker practices within the context of professional teamwork. In this context a child and youth care worker could however render services if:
 - (i) The said colleague is not available and the required services cannot be kept in abeyance, provided that such service is rendered for that immediate period only and that the service is returned to the original colleague in question; or
 - (ii) The multidisciplinary team and/ or the colleague consents to this; or
 - (iii) The colleague's services have been terminated by the child / family *without* encouragement; provided that there has been an explanation to the child, young person and their families that service may not be rendered / provided to him or her unless transfer of services is done within the protocols of the multi- disciplinary team for such a transfer of services;
 - (iv) As far as possible supersession of duties of a child and youth care worker shall be taken only by another child and youth care worker;
 - (v) The fact that a child and youth care worker has previously also been involved in the profession of services to a colleague's client shall not detract from the provisions of paragraph (iii);
 - (vi) In the instance of services by an auxiliary / student child and youth care worker, it is the responsibility of the field supervisor to render the necessary services in the former's absence, or to delegate such task to another child and youth care worker.

C.7 *Unethical practice by colleagues*

(includes negligence, incompetence and non-compliance with acceptable standards of practice).

A child and youth care worker who has direct knowledge of another child and youth care worker's / colleague's unethical practice shall be guided by their professional obligation to report such practice as well as the protocol as set out in internal reporting structures within an organisation.

- (a) In the case of direct knowledge of unethical practice pertinent to an auxiliary or student child and youth care worker, it is incumbent on the child and youth care worker to immediately report same to the supervisor on duty at the time, as well as to the supervisor of the auxiliary or student child and youth care worker.
- (a) In the case of direct knowledge of unethical practice pertinent to another child and youth care worker, such practice shall be reported as soon as possible to the supervisor on duty. It is the professional responsibility of reporting child and youth care worker to first bring to the

attention of the colleague that such behaviour was unethical and he/she shall desist from such behaviour. The observation would be reported to the supervisor on duty.

- (b) Child and youth care workers who have direct knowledge and evidence of unethical conduct of a colleague, student child and youth care worker, or auxiliary child and youth care worker, shall take action through appropriate formal channels (such as reporting same to the regulatory body or professional association), notwithstanding the internal or other reporting structures which may have been followed.
- (d) The child and youth care worker shall avail him/herself to give evidence of unethical behaviour by colleagues when called upon to do so by the SACSSP, whether in support of, as a witness, or as an expert witness.

C.8 Consultative supervision and field supervision

- (a) Child and youth care workers who provide consultative supervision shall have the necessary knowledge and skills to supervise or consult appropriately and shall do so only within their areas of knowledge and competence.
- (b) Child and youth care workers who provide consultative supervision are responsible for setting clear, professional boundaries.
- (c) Child and youth care workers shall not engage in any dual or multiple relationships with supervisees where there is a risk of exploitation of or potential harm to the supervisee. Such relationships shall be avoided or terminated.
- (c) Child and youth care workers who provide supervision shall evaluate the supervisees' performance in a manner that is fair and respectful as well as record and document what had transpired during supervision or consultation sessions in an objective, coherent and detailed manner.
- (d) Child and youth care workers who are responsible for evaluating the performance of others should fulfil this responsibility in an objective, fair and considerate manner and on the basis of clearly stated criteria.
- (f) Where appropriate, the field supervisor could be held liable in an instance where a complaint of alleged unprofessional conduct is lodged against the supervisee/social worker.
- (g) **A child and youth care worker or student / auxiliary child and youth care worker, shall be supervised on child and youth care matters by a supervisor who is registered as a child and youth care worker and invests any criteria for a supervisor as may be set out in the regulations for registration.**

D. RESPONSIBILITY TO THE EMPLOYER OR EMPLOYER ORGANISATION

D.1 Responsibility to the employer or employer organisations

- (a) Child and youth care workers should work to improve employing agencies' policies and procedures and the efficiency and effectiveness of their services.
- (b) Child and youth care workers shall make their employers/employer organisations aware of the professional practice required in terms of the minimum standards for South African

child and youth care systems, the seventeen practice principles of child and youth care practice, and the need to report discrepancies to the SACSSP and/or any other relevant authority.

D.2 Labour Action

- (a) The actions of child and youth care workers who are involved in labour – management disputes, job actions, shall be guided by the profession’s values, ethical principles and ethical standards. Child and youth workers shall carefully examine relevant issues and actions and their possible impact on children, young people and their families. Action may only be undertaken within the confines that apply to child and youth care as an “essential service”.
- (b) In the course of labour action or otherwise, the following acts, inter-alia, would be regarded as unethical and / or unprofessional behaviour.
 - (i) Doing damage to any property of the employer, colleague or a fellow employee
 - (ii) Participation in any action which is a threatening or intimidating to other employees or to participate in any intimidating action
 - (iii) Causing harm in any manner whatsoever to children, young people and their families to risk as a result of child and youth care workers acts.
 - (iv) Participating in any act of violence
 - (v) Neglect of / abandonment of duty
 - (vi) Shall not bring the profession into disrepute by using action (whether verbal, protest, or writing) outside of the provisions of the Labour Relations Act, especially in the presence of young people in their care and the family of the young person; this would include the following:
 - Defacing property
 - Using defamatory or insulting words or actions
 - Involved in verbal or physical disputes with colleagues, employers or any other person
- (c) Child and youth care workers may not refuse without sufficient cause to provide child and youth care services for which they accepted responsibility.
- (d) A person may not accept employment as a child a youth care worker if such a person is not registered at the appropriate level of registration in terms of the Social Service Profession Act of 1978.
- (e) A child and youth care worker may not practice from his or her offices or otherwise, any business, trade, work or profession apart from the profession he or she belong to, without the prior written consent of his / her employer.

E. Child and youth care workers' ethical responsibilities towards the profession

E. 1 *Integrity of the profession*

- (a) A child and youth care worker is at all times responsible and accountable for his or her own professional conduct.
- (b) Child and youth care workers uphold the practice based on the seventeen principles of child care practice set out in the preamble and the Minimum Standards for child and youth care, among other legislative mandates set out above.
- (c) Child and youth care workers uphold and advance the purpose of the profession as referred to in the preamble of this Code of Ethics.

Child and youth care workers contribute to the knowledge base of the profession and share with colleagues their knowledge related to practice, research and ethics. Child and youth care workers seek to contribute to the profession's literature and to share their knowledge at meetings and conferences. They develop and implement high quality programmes of professional training and education for all levels of people, working with children and young people and their families. They take an initiative to learn from the work of colleagues in other agencies, other programmes and countries.

- (d) Child and youth care workers act to prevent the unauthorised and unqualified practice of the child and youth care profession by:
 - Informing the child and youth care worker of good practice
 - Use existing reporting structures/framework within the employer organisation, if applicable
 - Reporting such conduct to the Professional Board for Child and Youth Care, via the Registrar of the SACSSP as a complaint of alleged unprofessional conduct if such conduct falls within the ambit of the code of ethics.
- (e) Child and youth care workers are encouraged to register with a recognised professional association in the field of child and youth care
- (f) Child and youth care workers must view themselves as equal participants in service delivery within multi-disciplinary team settings in the best interest of the child(ren), youth, and their families.
- (g) Child and youth care workers do not misrepresent their professional qualifications, affiliations or skills as such misrepresentation is to the detriment of the profession and as such is regarded as unprofessional behaviour.
- (h) Child and youth care workers share in the maintenance of the ethics of their profession, by using the procedure referred to above.
- (i) A child and youth care worker's behaviour must not, with due regard to prestige, status and dignity of the profession, be detrimental to the position of the child and youth care worker or the profession as such or to the dignity of related social service professions.
- (j) A child and youth care worker in private practice may not practise in partnership or share offices or employ a person who ought to be, but is not currently registered in terms of the Social Service Professions Act
- (k) Child and youth care workers shall make employers/employer organisations aware of

their ethical obligations as set forth in the South African Council for Social Service Professions code of ethics for child and youth care workers and of the implications of these obligations for practice.

- (l) Child and youth care workers shall to report discrepancies between the *Social Service Professions Act*, its regulations, rules, procedures and the code of ethics for child and youth care worker and the policy and practices applied by the employer.

E. 2 Honesty

- (a) A child and youth care worker shall, for whatever purpose NOT be involved in, be a part of, be an accessory to, participate in or associate with any dishonesty activity in the course of carrying out child and youth care practice, whether in the forms of misuse of funds, financial exchange, money lending for their own gain and other actions which may be viewed as dishonesty. This is applicable to all child and youth care workers in their individual capacity, whether acting as part of an organisation or a private company.
- (b) The child and youth care worker shall wisely conserve any funds for projects/programmes, where appropriate and shall not, under any circumstances, misappropriate funds or utilise same for unintended or personal purposes.
- (c) This relates to all facets of practice, including handling of monies (whether belonging to the child / family/state/organisation) and awarded to that child/family/organisation/institution, in such a way as to be detrimental to the integrity of the profession.

E.3. Dealing with client's money

Child and youth care workers may not administer a child's/ young person's and/or family's money in an inefficient, irresponsible or negligent manner. Money (including pocket money) shall be managed properly and records kept in all matters dealt with by the child and youth care worker in his or her capacity as a child and youth care worker (refer to the Rules relating to acts or omissions).

E.4 Gifts, Bribes and Remuneration

The acceptance, indirectly or directly of a bribe or a gift as an incentive and the giving of a bribe/gift as an incentive, or for personal gain, is unethical.

Child and youth care workers shall ordinarily refrain from accepting goods, services, or other non monetary payment, such as gifts from young children in care, their families, or significant others, in return for child and youth care services because such arrangements create an inherent potential for conflict, exploitation, and distortion of the professional relationship. The child and youth care worker/s may participate in such an exchange only if it is not socially contra-indicated and if by so doing, the relationship is not exploitive, or has the potential to be exploitative.

The child and youth care worker shall immediately disclose to the field supervisor and manager of the agency, any bribes or gifts given to them in the professional relationship as well as write in the file for the supervisor to note the gift or bribe.

The giving of bribes or gifts as incentives by a child and youth care worker is unethical.

E.5 Remuneration in private practice:

Should child and youth care workers be in private practice and therefore charge fees for services, clear guidelines on the fee structure should be made available at the outset of the professional relationship and a written contract should be negotiated relating to the payment of such fees.

Child and youth care workers shall establish and maintain billing practices that accurately reflect the nature and extent of services provided and that identify who provided the service in the practice setting. Billing shall be done in such a manner that the child/young person and his/her family is not financially exploited.

E. 6 *Advertising and Public Statements*

- (i) Child and youth care workers in private practice are allowed to advertise their services, within the limitations of the Social Service Professions Act, as amended.
- (ii) It shall be regarded as unprofessional conduct to advertise services in an unprofessional manner, or permitting, sanctioning, or acquiescing of such advertisement.
- (iii) The advertising of services by a child and youth care worker in private practice shall be deemed to constitute unprofessional conduct if it contains or implies any comparison between the services, knowledge, skill or efficiency of the advertising child and youth care workers in private practice and those of another colleague, or of another child and youth care worker, or any other relevant service provider.

E.7 *Child and youth care workers as authors*

- (i) Child and youth care workers who are the author/s or co-author/s of books or articles may mention his or her name as “author” or “co- author” as the case may be, and indicate his or her child and youth care work standing as this promotes the profession’s duty to disseminate information about advances in the service professions.
- (ii) Child and youth care workers with the necessary knowledge and skills may participate in the presentation and discussion of social issues as they relate to children, young people at risk and their families by means of public address or through the printed or electronic media to lay audiences, provided that no information about their standing is given which may imply that a practitioner is the only, the best, or the most experienced in his or her particular field.

E.8. EVALUATION AND RESEARCH

Research in this instance shall refer to invasive research which under normal circumstances refers to access gained to confidential information within child and youth care settings (including details relating to family history, etc). Evaluation in this instance refers to evaluation of services and is not to be confused with assessment.

Any research or evaluation undertaken in any child and youth care context shall adhere to the requirements of disclosure, confidentiality and publication as set out in this code, using/promoting acceptable and responsible evaluation and research practice methods which uphold the rights of children and their families.

Those engaged in evaluation or research shall ensure the privacy, anonymity and confidentiality of participants and of the data obtained from them. Participants should be informed of any limits of confidentiality, the measures that will be taken to ensure confidentiality and whether or any records containing research data will be destroyed.

In the case of research that is regarded as a clinical trial, the conditions of the (*Research*) ACT would apply.

E.8.1 SUPPORTING AND PROMOTING RESEARCH AND EVALUATION

- (i) Child and youth care workers shall monitor evaluate and research policies relating to child and youth care (at in- house, local, regional, provincial and national levels) as and when these impact on the profession, and the implementation of child and youth care programmes and child and youth care practice in terms of children's rights and the best interest of the child.
- (ii) Child and youth care workers shall promote and facilitate evaluation and research to contribute to the development of knowledge in the field of child and youth care.
- (iii) Child and youth care workers shall critically examine and keep up to date with emerging knowledge relevant to the profession and fully utilise evaluation and research evidence in their child and youth care practice

E.8.2. CONSENT TO RESEARCH AND EVALUATION

- (i) In line with relevant child care legislation within the South African context, prior written consent for any research or evaluation undertaken with children, MUST be obtained from the child, parent / guardian of such child/ren, and (if applicable) the management of a residential facility or the superintendent/director/head of a hospital facility whereto the said child may be admitted, provided that the said child/ren himself/herself/themselves is a willing participant in the research process.
- (ii) Informed written consent should include information about the nature, extent and duration of the participation requested and disclosure of the risks and benefits or participation in the research.
- (iii) When participants in evaluation or research are incapable of giving informed consent, a child and youth care worker shall explain the situation appropriately to participants, obtain their agreement to the extent to which they are able, and obtain written consent as noted in above (i).
- (iv) There shall be prior voluntary and written informed consent obtained from participants for any research or evaluation undertaken in the context of child and youth care. All research and evaluation shall be without any implied or actual deprivation or penalty for refusal to participate; without undue inducement to participate; and with due regard for participants' well –being, privacy and dignity.
- (v) Prior written consent shall follow the following procedure:
 - 1. A full explanation of the research procedure and its implication shall be given in writing to the family and / or custodial authorities
 - 2. The contents to be explained , with translation into the home language of the child being available and provided where necessary
 - 3. Time being afforded for the child/family / authority to internalise and consider the implication of their involvement. Notwithstanding the above, the child/family/authority must also be afforded the opportunity for back-translation (indicate in their own words) in the presence of a child and youth care worker supervisor. The signature of the child / family or authority is the requirement.

(vi) Withdrawal:

The child / family/authority shall have the power to withdraw from the research at any stage, without prejudice.

E.8.3. RESEARCH PROCEDURE

- (i) A Child and youth care worker shall not design, conduct or permit evaluation or research to be undertaken that does not use consent procedures, such as certain forms of observation and archival research, *unless* rigorous and responsible review of the research has found it to be justified because of its prospective scientific, educational or applied value and unless equally effective alternative procedures that do not involve waiver of consent are not feasible.
- (ii) Participants must be informed in advance of their right to withdraw from evaluation and research at any time without penalty
- (iii) Child and youth care workers shall be alerted to any indicators which may suggest that the participant's involvement in that research necessitates access or referral to appropriate services during and after any research undertaken.
- (iv) Those engaged in evaluation or research shall protect participants from physical or mental distress, harm, danger or disadvantage.
- (v) Child and youth care workers who report evaluation or research results should protect participants' confidentiality by omitting identifying information unless proper consent has been obtained authorising disclosure.
- (vi) The outcome or findings of the evaluation or research shall be accurately reported and shall not be fabricated or falsified. Standard reporting and publication methods shall be used timeously to correct any errors later found in published or reported data. They should not fabricate or falsify results and should take steps to correct any errors later found in published data using standard publication methods.
- (vii) Those engaged in evaluation or research should be alert and avoid conflict of interest and dual relationships with participants. Participants' shall be informed when a real or potential conflict of interest arises or may arise. The child and youth care worker shall take steps to address and advocate the resolution of any conflict of interest, in the best interest of the participant.
- (viii) Plagiarism in evaluation and research is unethical practice and is detrimental to the profession. Child and youth care workers, auxiliary child and youth care workers and student child and youth care workers shall therefore NOT be involved in plagiarism.
- (ix) Those engaged in evaluation or research should carefully consider possible consequences and should follow guidelines developed for the protection of participants. The purpose of the research should be clearly defined in order to ensure that the process of research is justifiable in terms of the end results.

E.8.4. EVALUATION OF SERVICES

Child and youth care workers engaged in the evaluation of services should discuss collected information only for professional purposes (including DQA). The principles of confidentiality shall be maintained.

E.9. CHILD AND YOUTH CARE WORKERS AS LEARNERS

- (i) The student child and youth care worker shall at the outset inform the young person and their family that he / she is a student or learner.
- (ii) A student child and youth care worker shall not intimate or give the impression that he or she is qualified in the field of child and youth care.
- (iii) Should a student child and youth care worker find himself / herself in a dual relationship (for instance, when an educator - learner relationship becomes or extends beyond the boundaries of the academic relationship) then the learner shall request for a change of trainer.
- (iv) Student child and youth care workers shall practise only under supervision/instruction directly from a registered professional child and youth care worker, or a registered auxiliary child and youth care worker with a minimum of three years of registered practice.
- (v) Learners shall report to the SACSSP or HWSETA, such training institutions / learner-ships who support poor child and youth care practice and which does not adhere to the minimum standards for child and youth care or the practice principles, or are in contravention of code of ethics for child and youth care.

E.10. CHILD AND YOUTH CARE WORKERS AS EDUCATORS AND TRAINERS

Only child and youth care workers may function as supervisors during education, training and development of student child and youth care workers.

Educators shall be registered in terms of Section 15 of the Social Service Professions Act (Act 110 of 1978) and must be qualified and registered in the field of child and youth care.

Child and youth care workers who function as educators or field instructors and mentors for learners shall –

- (b) Provide education only within their areas of knowledge and competence and shall provide education and training based on the most current information, skills and knowledge available in the profession;
- (c) assess learners' performance in a manner that is fair, valid and reliable
- (d) take reasonable steps to ensure that children, young people and their families, client structures and other staff are routinely informed when services are being provided by learners; and of the learner/auxiliary child and youth care worker's supervisor
- (e) Not engage in any exploitative or dual relationships with learners. Educators and field instructors shall uphold, advocate and promote the values and principles of child and youth care work as a social service profession. In these instances the trainer / educator shall immediately excuse himself / herself from such a relationship.
- (f) Field instructors and mentors shall at all times provide responsible and appropriate professional supervision to learners and auxiliary child and youth care workers.

E.11. COMPETENCY

- (a) Child and youth care workers shall practice within the recognised knowledge skills and competencies of the profession
- (b) Child and youth care workers shall practice within the level appropriate to their study, skill and knowledge (refer to document on key competencies)
- (c) Child and youth care workers shall maintain competency in the areas of their service provision through continuing child and youth care education, development, consultation, adhering to the current standards of scientific and / or professional child and youth care practice, and in conformance with the current standards of scientific or child and youth care knowledge.
- (d) They shall provide services and represent themselves as competent only within the boundaries of their education, training, certification, consultative supervision received, supervised experience or other relevant child and youth care work experience.
- (e) Child and youth care workers shall provide services in a specific child and youth care context or use intervention techniques that are new to them **only** after engaging in appropriate study, training, consultation and supervision from persons who are competent in those interventions, techniques and contexts. Practice shall be only within the constraints of their level of registration.
- (f) When generally recognised standards seem not to exist for an emerging area of practice, child and youth care workers should exercise careful judgement and take responsible steps (including appropriate education, research, training, consultation and supervision) to ensure competence in their practice and to protect clients from harm. Competencies, ethical practice and standards of practice in an emerging child and youth care context will be evaluated against the principles articulated in the documents in Section 3 of this Code.
- (g) The performance of acts belonging to a field other than the child and youth care profession, including psychometric testing for purposes of diagnosis and therapy, is regarded as unethical, unless the child and youth care worker is appropriately qualified to and legally authorised to do so by the Professional Board for Psychology. However, child and youth care workers are allowed to use assessment tools using child and youth care frameworks and models accepted within the field of child and youth care, provided that he/she is suitably trained to undertake such tasks.

E.12 *Clients records (refer to B 2.7;B 2.8)*

- (i) Child and youth care workers shall take reasonable steps to ensure that records are updated timeously, accurate and reflective of the services, interventions and interaction that took place.
- (ii) Child and youth care workers shall include sufficient and timely documentation in records to facilitate the delivery of services and ensure continuity of services provided to children and their families in the future.
- (iii) Child and youth care workers' documentation should protect the child's, young persons' and their family's privacy to the extent that is possible and appropriate, and should include information that is directly relevant to the delivery of services. Confidentiality must be ensured in line with the code of ethics.

- (iv) Records shall be stored following the termination of services to ensure reasonable future access. Records should be maintained for the number of years required by state statutes and relevant contracts.
- (v) Child and youth care workers must take reasonable steps to ensure that all records are kept in a secure location and that records are not available to others who are not authorised to have access

E.13 Advocacy for resources

- (a) Child and youth care workers should advocate for adequate resources to meet the needs of the child, young persons and their family.
- (b) Child and youth care workers shall advocate for resource allocation procedures that are open and fair. When not all of the needs of the young person can be met, an allocation procedure should be developed that is non- discriminatory and based on appropriate and consistently applied principles.
- (c) Child and youth care workers shall advocate for adequate agency or organisational resources to provide appropriate staff supervision.
- (d) Child and youth care workers shall take reasonable steps to ensure that the working environment for which they are responsible is consistent with and encourages compliance with the South African Council for Social Service Professions Code of Ethics for child and youth care workers, and the minimum standards and practice principles for child and youth care. Child and youth care workers shall take reasonable steps to eliminate any conditions in their organisations that violate, interfere with, or discourage compliance with the code of ethics, the minimum standards and practice principles for child and youth care.

E.14 INCOMPETENCE AND UNETHICAL PRACTICE OF ORGANISATIONS AND SERVICE PROVIDERS

Managers, administrators and supervisors who lead programmes in child and youth care, shall demonstrate a high quality of standard in child and youth care practice, as well as a high level of ethical practice in relation to children, families, child and youth care work, staff, governing bodies and the community.

Child and youth care workers who have direct knowledge or believe or have evidence of incompetence or unethical practice of organisations and service providers, shall take action through appropriate formal channels such as using internal complaints and reporting structures, contacting regulatory bodies, professional associations or labour unions.

E.15 DRESS CODE FOR CHILD AND YOUTH CARE WORKERS

The child and youth care worker shall appropriately dressed for professional practice. This requires that their attire and accessories / jewellery shall not be such that in an instance of physical contact is likely to cause harm or injury to the child or family of the child or to the child and youth care worker. In addition, the child and youth care worker shall take extra care in his or her attire to ensure that he or she is not dressed in revealing clothing or in an unbecoming manner.

The attire shall also not hinder the professional relationship and cognisance must be taken of the child and youth care worker's attire so as to be sensitive to cultural and gender issues.

F. CHILD AND YOUTH CARE WORKERS' ETHICAL RESPONSIBILITIES TO THE BROADER SOCIETY

F.1 Child and youth care workers shall:

- (i) When appropriate, provide information and promote understanding at a local, national and global level to keep the public informed about the needs of young people and the services provided to meet them.
 - (ii) Provide a positive image of the identity of children and young people, and of ways in which society may contribute to meet their needs.
 - (iii) Counteract prejudice and discrimination against children and young people
 - (iv) Encourage informed participation by the public in shaping social policies affecting children and young people
- (v) Child and youth care workers shall seek to ensure that children, young people and their family have equal access to the resources, employment, services and opportunities they require to meet their basic human needs and to develop fully. Child and youth care workers should be aware of the impact of the political arena on practice and should advocate for changes in policy and legislation to improve social conditions in order to meet basic human needs and promote social justice especially for children and young people at risk and their families.
- (vi) Child and youth care workers act to expand choice and opportunity with special regard for children and young people at risk who are vulnerable, disadvantaged, discriminated against and exploited.
 - (vii) Child and youth care workers promote conditions that encourage respect for diversity within the Republic of South Africa and globally. Child and youth workers should promote policies and practices that demonstrate respect for difference, support the expansion of cultural knowledge and resources, advocate the programmes and institutions that demonstrate cultural competence, and promote policies that safeguard the rights of and confirm equity and social justice for children and young people at risk. Child and youth care workers provide services for children and young people at risk on behalf of the community and to do so in the context of wider society they foster the integration of the child or young person into society as a whole.
 - (viii) Child and youth care workers act to prevent and eliminate domination, exploitation and unfair discrimination against children, young people and their families and significant others, on any basis including race, ethnicity, national origin, colour, class, gender, sexual orientation, age, marital status, political belief, religion, socio-economic status or mental or physical disability. Child and youth care workers support policies and laws that promote the well-being of children and young people and their families and oppose or seek to modify those that do not especially as they relate to children's rights.
 - (ix) Child and youth care workers should not unfairly discriminate against a child, young person and their family and their significant other on any ground, including social or

economic status, colour, sex, sexual orientation, race, ethnicity, class, national origin, age, marital status, political belief, religion, spiritually, mental disability, physical disability, socio-economic status, language or nationality.

F.2 Public emergencies

Child and youth care workers shall provide appropriate professional services in public emergencies to the greatest extent possible.

9. IMPLEMENTATION

- (a) This document shall be implemented indiscriminately- in all areas where child and youth care workers are rendering services.
- (b) SACSSP / Professional Board for Child and Youth Care Work shall endeavour to provide training / presentations regarding the code of ethics guidelines with a view to ensuring understanding and empowerment of child and youth care workers regarding the content of the document. However in terms of the Social Service Professions Act, No 110 of 1978, professionals are required to adhere to those codes of ethics at all times.
- (c) The guidelines will be used in cases where complaints of alleged unprofessional conduct are received and as a reference manual for workers when faced with ethical challenges.

10. FAILURE TO COMPLY WITH THE CODE OF ETHICS: LEGAL IMPLICATIONS

Child and youth care workers who do not abide with the principles, values, standards and guidelines as set out in this document may be subjected to inquiries in terms of the regulations regarding unprofessional conduct. The procedures for reporting, investigating and resolving complaints of unethical conduct are described in the *Regulations regarding the conducting of inquiries into alleged unprofessional conduct* the actions that the South African Council for Social Service Professions may take for violations of the code of ethics.

Penalty for unethical and unprofessional practices by child and youth care workers is guided by the Social Service Professions Act, as amended.

11. REVISION OF POLICY DOCUMENT

This document shall be continuously evaluated to determine its feasibility, relevance and effectiveness.

This document shall be regarded as neither exhaustive nor limited to the examples cited herein, or to any specific practice settings or incident.

Issued by the PROFESSIONAL BOARD FOR CHILD AND YOUTH CARE

**SOUTH AFRICAN COUNCIL FOR SOCIAL SERVICE PROFESSIONS
PRETORIA SOUTH AFRICA**

GLOSSARY

Ethics

The field of philosophical thought that sets out to argue a set of beliefs and thus behaviour regarded as morally right or wrong. Such thinking has resulted in *personal ethics* which reflect the moral considerations of an individual, *Structural or organisational ethics*, that emanate from a system or an organisation, and others. The term ethics in this document is the system of moral thought considered and accepted by the profession of child and youth care work and is mandatory as the professional conduct required of persons registered to practise in the field.

Peer modelling

Conduct and behaviour in the practice of child and youth care work that provides an example for other child and youth care workers

Consultation

The procedure of obtaining advice or guidance from others especially others who are able to assist in the providing an improved service to the child.

Child and Youth Care

An activity practised by a child and youth care worker registered under section 18A of the Act focussing on children and youth within the context of the family, the community and the life span. Child and youth care practice takes place “in the moment and integrates direct care, developmental, preventative and therapeutic requirements into the life space of children, youth and families.

Student Child and Youth Care Worker

Any person registered in a recognised course of study with a recognised service provider which forms part of or is leading to a qualification in child and youth care recognised in the regulations. The level of study reached that requires that a learner become registered with Council as a student in the field is set out in the relevant regulations.

Peer review

The procedure whereby colleagues in the field and who are familiar with the practice of the child and youth care worker assist in the evaluation of that worker’s performance and competencies. This is undertaken for the purposes and in the spirit of professional development.

Profession

Practice in a field of work that has met with the criteria set down as for the recognition of the field and the work as a profession. The establishment of a Professional Board within the Social Services Professions Act results and thus the recognition, registration and regulation of the worker.

Professional

Any person registered in terms of section 18A of the Act. Such registration is approved only if it is shown that the person meets the requirement of the regulations that set out the requirements for such recognition. These include adherence to the professions Code of Ethics.

Professional conduct

Adherence to the professional code of ethics. In this instance the professional code of ethics of child and youth care work.

Professional relationship

A relationship with the child ,youth or other which is characterised by being, time bound,(involves planned disengagement) is established for a specific professional purpose and exists for the needs of the young person.

Personal values

That in life to which an individual attaches importance and is therefore valued by that person.

Scope of practice

The accepted boundaries which both define and limit the practices of child and youth care work and so differentiates its practice from other professions

Burn out

A psychological and physical condition which incapacitates the worker. It is usually characterised by excessive fatigue and signs of stress not managed by the worker

Continuing Professional Development CPD points

The ongoing development of knowledge, skills and self in the field of professional child and youth care. To ensure this Council requires that registered persons attend conferences, workshops or other recognised functions to which are allocated points. These points are required to be earned annually in order to maintain professional registration..

Field supervisors

An on-line supervisor allocated to a student child and youth care worker (learner) during the period of a learner's attachment to a child and youth care work programme for a practicum.

Consultative supervision

A process of personal support and guidance provided for child and youth care workers to facilitate their personal and professional development in the work environment

On line supervision

A child and youth care worker suitably recognized by regulation to provide life space guidance, support and oversight to a child and youth care worker at the auxiliary level. It occurs in the moment as the child and youth care worker engages in actual activities.

Ecological setting

The whole environment – physical, social economic, cognitive and emotional in which the child, family or significant other carry out their lives.

Significant other

Any person with whom the child or youth has a close personal attachment and who therefore is experienced as having some important decisions affecting the child's life.

Development practices

Child and youth care work that uses in practice the key concepts of the developmental approaches. Amongst others: a strength-based approach, trial and error learning, building competency, an holistic, ecological perspective and multi-disciplinary teamwork.

These elements are used purposefully in every-day practice by the child and youth care worker to facilitate the child's growth toward more developmentally appropriate coping.

Development

Growth over time in all or any of the human developmental areas of functioning – physical, social, psychological, emotional, cognitive and spiritual.

Programme(s)

Planned, purposeful intervention. A programme is pervasive in the stream of moments that constitute a child's experience in the life-space through the child and youth care worker's use of self and other aspects of the environment. By creating (designing) and sharing lived daily experiences with a child, the child care worker consciously utilises the moments of everyday life toward the child's attainment of the specific goals and objectives identified through assessment. This and other purposefully structured activities constitute programme.

Situational fields

The dimension or areas of a child and youth care worker's functioning in which ethical thought and ethical behaviour is demanded.

Regulations

The rules attached to the Social Services Profession Act which sets out the criteria for the recognition of a child and youth care worker for the purposes student auxiliary or professional registration with the South African Council of Social Services Professions. The professional Code of Ethics for the profession is also regulatory.

Spiritual Development

A recognised pattern of growth in a child's understanding and belief of that which has to do with mystical unseen forces or powers that may impact on life, life events, the world and creation. This may or may not include a developmental pattern of what may be called "God" or some other name.

Assessment

A comprehensive experiential, systematic, descriptive written profile of a child's behaviour and development as observed in the life space, and in the continuous stream of moments that make up the child's daily living and interaction.

Observation

The structured or informal gathering of deliberate act of giving attention to behaviour for the purposes of recall in writing or verbally. What is so seen, heard or experienced is usually used by the child care worker for better understanding, assessment and programming.

Evaluation

The process of auditing with the child and family, progress made the effectiveness of the programme, and the achievement of the agreed objectives.

Review

A required, regular re-consideration of the programme and its objectives.

Developmental process

All the experiences within the programme, sequential and formal, or informal that contribute to the development of the child, youth or family member.

"Need to know"

An aspect of the ethical requirement of confidentiality. It limits information to be shared with another professional to that which is essential for the person to know in order to best help the child. It is most ethically done with the child's permission.

Youth

All young people between the ages of 13 and 18 years and in some instances under the age of 21 years.

Child

A person under the age of 18 years.

Mentor

A guide, usually a trained person who undertakes to provide support and advice to a child.

Daily log

The regular (i.e. daily, end of shift, end of visit) recording of the child care worker's observations of the child in the life-space. These observations are structured to fit an agreed framework of presentation.

Incident report – include critical incident report

A report on a life space episode that needs to be more immediately shared with other members of the team because it is of such a nature that it needs, to be known by the team, requires some team discussion or involvement.

A critical incident report is used when the incident is of such a nature as to require team intervention. Generally in incidents in which persons or property or self has been injured or where external support agencies have had to be called (hospital, police, ambulance) or when physical restraint was used.

Behavioural contracts

A usually written agreement between persons (e.g. child and school principal) in which agreements are contracted around expected behaviour, the responsibility of each party and sometimes consequences.

Multi disciplinary team (MDT)

The group of persons including persons from various essential professions, the child, youth or family and significant others. The team so formed contributes to assessment and is a resource for the best possible service to the child.

Individual development plan IDP

A written development plan for the child designed by the multi-disciplinary team. It includes, the goals to be achieved, the tasks to be undertaken, the time frames for these, the persons responsible for each and the expected period of reporting for each.

Family development plan FDP

A written and agreed plan for the family as a whole rather than just the child. It has the same content as an individual development plan but is aimed at the growth of coping for the family or a group or as the individuals that make up the group. This for the benefit ultimately of the focus child/ren.

Care plan

A fairly broadly stated, somewhat initial written statement of the direction that a permanency plan for the child will most likely take. As this usually precedes a full assessment and IDP, it remains to some extent open to review.

Strength

A positive quality or characteristic of the child, youth, person.

Own Resources

The helpful resources that are known to the child or family member or strengths that they have themselves that can be used to the benefit of the child.

Irrevocable harm

A concept that arises in the ethical considerations attached to statutorily separating a child or youth from their significant others (removal). It is a criteria for making a decision for 'removal' on ethical grounds. Irrevocable harm is a team judgement on whether remaining within the present situation a

child may be harmed to a point where the damage (psychological, Social, developmental) would be beyond recovery, or whether developmental recovery is possible through intervention within the child's sociological setting.

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