

NATIONAL DEPARTMENT OF SOCIAL DEVELOPMENT

RULES RELATING TO THE COURSE OF CONDUCT TO BE FOLLOWED BY CHILD AND YOUTH CARE WORKERS IN THE PRACTISING OF THEIR PROFESSION (CODE OF ETHICS)

RULES MADE UNDER THE SOCIAL SERVICES PROFESSIONS ACT **ECT ECT**

DEFINITIONS

1. In this course of conduct the following definitions shall apply;
(1) “*community*” shall mean a functionally related aggregate of people who live in a particular geographic area at a particular time, from a social structure and exhibit an awareness of their distinctiveness and own identity as a group.

The Course of Conduct To Be Followed By Child and Youth Care Workers

2. For the purposes of section **ECT ECT** the conduct set forth in these rules shall be deemed to be the course of conduct by a child and youth care worker in the practicing of the profession.

General Approach

3. The general approach to this course of conduct is based on the ethics that :
 - a) every child has a unique individual value , potential, rights and a right to professional social services irrespective of origin, sex, beliefs, ethnicity, socio-economic or legal status;
 - b) each child has the right to acquire competencies that are holistic and developmentally appropriate;
 - c) each child is best raised in a family and If this is not possible in a setting that best approximates this;
 - d) the child and youth care worker has a responsibility to apply the unique knowledge, practice and skills of the profession to the developmental benefit of the child its family, the community and for society ;
 - e) the child and youth care worker is obligated to render services professionally
 - f) the child and youth care worker shall recognise personal and professional limitations and take these into account in practice.

Conduct that Concerns a Client

4. Conduct that concerns the child and youth care profession shall mean, *inter alia*, for a child and youth care worker to;
 - a) use the knowledge base of the profession in evaluating its practice and to support the profession in order to maintain and raise its dignity, value and integrity;
 - b) challenge and when required, report, unacceptable child and youth care practices and uphold in practice, those that are ethically acceptable
 - c) protect the child and youth care profession from unfounded criticism which could bring the profession into disrepute;
 - d) remain actively involved in the formulation, development, determination and implementation of professional and broad policy;
 - e) use practices that are based on sound child and youth care knowledge, theory and praxis, keep abreast of relevant developments and participate in research.

Conduct That Concerns A Client

5. Conduct that concerns a client shall mean, *inter alia* , for a child and youth care worker to:
 - a) ensure and provide protection of the child against the violation of the rights of the child, and particularly any form of hurt , abuse or disadvantage;
 - b) recognize the uniqueness of each child/family
 - c) maintain a professional relationship with the child/family
 - d) Acknowledge the right to participation and self-determination of the child/family especially in the planning of permanency plans and programs;
 - e) Respects the child/family's right to participate in programs even in the case of statutory order;
 - f) Maintain the child/family's right to confidentiality
 - g) Not refuse services to a child/family whether or not the client's behavior or beliefs are contrary to the values of the child and youth care worker
 - h) Informs and professionally prepares the child/family for any decision regarding the termination of service rendering;
 - i) Participates in, contributes to, and respects in practice the decisions of a multi-disciplinary team.

Conduct that concerns the employer

6. Conduct that concerns an employer shall mean, *inter alia*, for a child and youth care worker to acknowledge and respect the employer's authority as far as it is compatible with this course of conduct.

Conduct That Concerns The Community

7. Conduct that concerns that community shall mean, *inter alia*, for a child and youth care worker to:
 - a) enhance and promote service rendering to the community
 - b) to be aware of ,to advocate for, initiate and develop change in social policy as it affects children, in order to bring societal practices in line with the legal, constitutional and Conventional mandates that mandate the profession.

**RULES RELATING TO THE ACTS OR OMISSIONS OF
A CHILD AND YOUTH CARE WORKER AT PROFESSIONAL AND AUXILIARY LEVELS AND A STUDENT
CHILD AND YOUTH CARE WORKER
WHICH SHALL CONSTITUTE UNPROFESSIONAL OR IMPROPER CONDUCT.**

The South African Council for Social Services Professions has, in terms of section of the **NOTE**
THIS NEEDS COMPLETION IN TERMS OF THE APPROPRIATE SECTION AND NAME OF THE ACT

SCHEDULE

DEFINITIONS

1. In these rules

“the Act” means the Social Work Act, 1978 (Act 110 of 1978), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates;

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

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

“*Colleague*”, in relation to a child and youth care worker means any other child and youth care worker

“*Employer*” means any person who employs or provides work to a child and youth care worker as a professional and who remunerates or expressly or tacitly undertakes to remunerate that child and youth care worker, or who permits a child and youth care worker to assist him in any manner in the carrying on or the conducting of his practice;

Partner” means a colleague or a person referred to in rule 7(3), with whom a child and youth care worker enters into an agreement jointly to conduct a practice to their mutual benefit and “partnership” has a corresponding meaning;

“Profession” means the child and youth care profession.

ACTS OR OMISSIONS DEEMED TO BE UNPROFESSIONAL OR IMPROPER

2. Subject to the provisions of section ? of the Act, it is hereby determined that the acts or omissions set out in these rules shall be deemed to be unprofessional or improper conduct on the part of a child and youth care worker

BEHAVIOUR DETRIMENTAL TO THE PROFESSION

3. The following acts or omissions of a child and youth care worker shall be deemed to be detrimental to the profession and to constitute unprofessional or improper conduct:
 - a) The negligent performance of professional duties and practice based on the seventeen principles of child and youth care practice;
 - b) The execution of professional duties in a manner which does not comply with generally accepted minimum standards, the areas of competence, the code of ethics and the legislative mandates that apply to the practicing of the profession,
 - c) Behavior which, with due regard to the prestige, status and dignity of the profession, is detrimental to the position of child and youth care worker or to the profession as such.
 - d) Being guilty of or participating in or associating with dishonesty in the execution of professional duties.
 - e) Refusing without sufficient cause, to render professional services within the regulated scope of practice which the child and youth care worker undertook to provide, or for which the child and youth care worker was employed.
 - f) Being party to the employment of any person as a child and youth care worker at the professional or the auxiliary level, or a student child and youth care worker knowing that such person has not been registered in terms of the Act;
 - g) Failure to refer a client to a colleague, or another person or body with specialized

knowledge in a field, should the matter fall outside the child care worker's scope of practice, field of training or experience.

- h) Failure to keep and store for retrieval proper records of acts performed and interactions observed as laid down for child and youth care workers, and if applicable, of money managed, and fees charged, in all matters dealt with in practice as a child and youth care worker.
- i) The misrepresentation of professional qualifications, affiliations level of practice or competencies,
- j) Non-compliance with the dress code for child and youth care workers.

BEHAVIOUR TOWARDS CLIENTS

4. The following acts or omissions of a child and youth care worker regarding behaviour toward clients, shall be deemed to constitute unprofessional or improper conduct:

The child and youth care worker;

- a) Protects children from, and behaves in no way that may harm, disrespect, degrade, endanger, exploit, indoctrinate, intimidate, damage, sexually or physically abuse or hurt children/ clients ,
- b) Upholds in practice and advocates broadly for the upholding of the legal mandates applicable to the profession, the Constitution of South Africa and all applicable principles in the Conventions and Charters relating to the Rights of the Child,
- c) Practices within the proper boundaries of a professional relationship with the client
- d) Works co-operatively and participates in a multidisciplinary team ensuring the participation of the child, family and significant others in all decisions that affect them ,
- e) Administers a client's money or possessions in an inefficient, irresponsible or negligent manner,

The child care worker shall not;

- a) Give or receive any benefit from a client, or agrees to receive any benefit from a client in connection with any matter which is directly or indirectly related to the child and youth care workers professional duties or practice.
- b) Discriminate against a client on account of social or economic status, sex, race, religion, language or nationality or history.

- c) Perform an act belonging to a professional field other than child and youth care work, including the performing of psychometric tests for purposes of diagnosis and therapy, unless properly qualified therefore or legally authorized there do so.
- d) Prevent a client from procuring advice or assistance from another person who is authorized by law to advise or treat persons concerning their developmental well-being

CONFIDENTIALITY

- 5. Does not divulge information, which comes to the attention of the child and youth care worker in the course of the execution of professional duties, concerning a client, or a deceased person who during his life was a client except
 - a) to the extent that the divulgence is in the client's interest, or is necessary for the proper management of the case of the client concerned or of other cases; or
 - b) if the child and youth care worker is ordered to do so by a competent court or is otherwise legally bound to do so: disclosure of such information may be made "under protest;" or
 - c) with the express consent of the client or if the client cannot give his consent –
 - d) his curator personae, or
 - e) in the case of a minor, his parent or guardian; or
 - f) the surviving spouse of the parent or if there is no surviving spouse, a major child of a deceased client, or if there is no major child, an executor appointed by the Master of the Supreme Court.

SUPERVISION

- 6. Child and youth care workers shall avail themselves for on-line and consultative supervision. Supervision shall be offered only by child and youth care workers who:
 - a) have the required knowledge skill and experience;
They shall:
 - i. adhere to professional boundaries with no dual relationship with the supervisee
 - ii. evaluate performance in a fair manner against clearly stated criteria.

SUPERSESSION

1. A child and Youth care worker shall not assume services to a child/family already in receipt of child and youth care services by another child and youth care worker unless:
 - a) the said colleague is not available and the required service cannot or should not be kept in abeyance;
 - b) it is within the context of agreed multi –disciplinary teamwork of which the colleague is part
 - c) the services of that colleague have been terminated by the child/family and services are transferred within the accepted protocols;
 - d) the services of a child and youth care worker at an auxiliary level or that of a student child and youth care worker are rendered by the supervising child and youth care worker at a professional level with observance of all due protocols and is in the best interest of the child.

BEHAVIOUR TOWARDS COLLEAGUES AND OTHER PROFESSIONAL PERSONS

8. The following acts or omissions of a child and youth care worker regarding behaviour towards colleagues and other professional persons, shall be deemed to constitute unprofessional or improper conduct:
 - a) Direct or indirect criticism on the work of a colleague, or a professional person dealt with, in the execution of that person’s professional duties unless within the required protocols for the reporting of unethical behaviour established by the South African Council for Social Services Professions, or as may be required in terms of law, and/or the required organizational protocols established in the best interests of the child.
 - b) The casting of reflections directly or indirectly upon the probity, professional reputation, skill, competence, knowledge or qualification of a colleague or of such other professional person.

BEHAVIOUR TOWARDS EMPLOYERS AND PARTNERS

9. The following acts or omissions of a child and youth care worker regarding behaviour towards employers and partners, shall be deemed to constitute unprofessional or improper conduct:
 - a) The breach of contract of service, or behaviour that would justify summary dismissal

in common law;

- b) Practicing or carrying on from offices, any business, trade, work or profession apart from the child and youth care profession, without the prior written consent of the council or contrary to a condition, if any, which such consent is subject to.
- c) A child and youth care worker shall not practice in partnership or employ a person to practice child and youth care work who is not currently registered in terms of the Social Services Professions Act ,
- d) Child and youth care workers shall inform the employer of the code of ethics that apply to the profession.
- e) A child and youth care worker with direct knowledge of organizational or systemic unethical practice shall take action by using the internal reporting structures and by contacting regulating bodies and if applicable, trade unions

BEHAVIOUR WHEN INVOLVED IN EVALUATION OF SERVICE DELIVERY OR RESEARCH

10. The following acts or omissions of a child and youth care worker when evaluating service delivery or involved in research shall be deemed to constitute unprofessional or unprofessional conduct:
- a) A child and youth care worker involved in the evaluation of services or in research shall:
 - i. adhere to the requirements of confidentiality, disclosure and publication
 - ii. uphold in research methods the rights of the child and of persons
 - iii. adhere to the conditions of any current relevant Act that governs research in South Africa and the statutory requirements that relate to clinical trials;
 - iv. obtain prior conformed consent in writing and signed for a child or family to participate in research;
 - v. inform of and accept the child's /participant's right to withdraw from research without threat or penalty;
 - vi. avoid, but terminate with research participant if a dual relationship forms during research procedures.

DISPLAY OF CERTIFICATE

11. The omission of a child and youth care worker who practices such a profession to display conspicuously the registration certificate issued in terms of the Act shall be deemed to constitute unprofessional or improper conduct.

CHILD AND YOUTH CARE WORKER AT AUXILIARY LEVEL AND STUDENT CHILD AND YOUTH CARE WORKERS

12. These rules shall *mutatis mutandis* apply to child and youth care workers at the auxiliary level and to student child and youth care workers