
EDITORIAL/REDAKSIONEEL

ESTABLISHING THE PROFESSIONAL BOARD FOR CHILD AND YOUTH CARE – THE NEXT STEP IN PROFESSIONALISING CHILD AND YOUTH CARE

INTRODUCTION

The White Paper for Social Welfare accepted by Government in 1997 contains the official principles, guidelines, recommendations, policies and programmes for developmental social welfare in South Africa. With reference to the human resources responsible for social welfare, this “road map” for social welfare in South Africa indicated *inter alia* that:

- the human resource capacity needed to be significantly expanded through the utilisation of different categories of social welfare personnel;
- an accreditation system must be developed where necessary for all categories of welfare personnel, including child and youth care workers; and
- the then South African Interim Council for Social Work was identified as the regulatory body concerned, with its terms of reference to be negotiated and amended if necessary (White Paper 1997: 33 and 35).

After consultations with a wide variety of role players and stakeholders, the *Social Work Amendment Act, 1998*, came into operation on 1 April 1999. This Act provided for the establishment of the South African Council for Social Service Professions (replacing the Interim Council) and the institution, under the auspices of the Council, of professional boards for the various social service professions.

The first SA Council for Social Service Professions (SACSSP) was launched on 8 June 1999, after the election and appointment of members. This occasion was heralded by the then Minister for Welfare and Population Development as the celebration of another milestone in the transformation of the welfare service professions and a significant first step paving the way for the registration of all social service professions.

One of the first objectives that the new Council started to deal with was the establishment of the professional boards for the various social service professions in terms of section 14A of the *Social Service Professions Act, 1978*. Therefore, two sets of draft regulations respectively providing for the procedure in which members of a professional board should be elected and appointed, and for the functioning of a professional board, were compiled and furnished to the Department of Social Development for submission to the Minister of Social Development.

In a letter to the Council, dated 9 October 1996, the National Association of Child and Youth Care Workers (NACCW) expressed its desire to establish a statutory body for child and youth care workers and subsequently officially entered into discussions with the Council on this matter. This led to the NACCW applying to the Council to establish a professional board for child and youth care in November 2000 and the Council approving the application on 21 February 2001. Presently certain technical matters, *inter alia* pertaining to the constitution of the board and the financial implications of establishing it, are being attended to in conjunction with the NACCW in order for the necessary regulations to be drawn up and submitted to the Minister with the request to establish the board.

CHILD AND YOUTH CARE AS A PROFESSION

The acceptance of the NACCW's application to establish a professional board for child and youth care meant that the SACSSP's criteria to establish such a board were met in that the application was made by practitioners from the profession under the auspices of a professional group or association (the NACCW) which:

- is organised on a national level;
- is representative of the practitioners;
- indicated the number of its subscribed members;
- demonstrated a willingness to function in collaboration with other social service professions and to be combined with another profession in one professional board if necessary;
- furnished particulars of the current minimum standards of education and training for the members of the profession;
- demonstrated a willingness to comply with the Council's general code of conduct; and
- demonstrated the profession's value and that it meets the needs of individuals and communities.

In order for an occupation to be regarded as a profession, the occupation should meet certain criteria, some of which are the following:

A profession is service-rendering oriented

A profession exists to meet particular needs of individuals, groups and communities. The rendering of a specific service is intrinsic to the profession. The service is not rendered to serve the interests of the profession or the members of the profession. The profession exists to serve the needs of others. Due to its caring function towards children and youth, there can be no doubt that child and youth care as an occupation satisfies this requirement.

A profession has a specific knowledge base and practice

A profession is characterised by the fact that its practitioners should master a specific and extensive body of technical knowledge and skills in the form of concepts, theories and methods which are utilised in practice to render the specific service unique to the profession. To be a professional person is to learn to think in a particular way, in particular to exercise reason in making judgements about specific courses of action. The professional person who only masters technical information and knows concepts and theories, but who cannot make sound applications on good judgement, is not effective. Furthermore, continuing professional education, whether by formal study or self-study, is an important requirement to which all members of a profession must adhere to maintain standards of competency. The existing literature on child and youth care, and the availability of courses to qualify as child and youth care worker indicate that child and youth care as an occupation meets this requirement.

A profession is regulated

For each profession certain specific registration or certification procedures exist, minimum standards for education and training (academic qualifications) of practitioners are prescribed, and acceptable professional conduct is prescribed and regulated by a statutory body specifically established for that purpose. Once the professional board for child and youth care is established, the necessary steps would be taken for child and youth care to be statutorily regulated and to meet this requirement.

THE SACSSP AND THE PROFESSIONAL BOARD FOR CHILD AND YOUTH CARE

The SA Council for Social Service Professions (SACSSP) is a statutory body, a creature of statute – i.e. instituted by law. A specific act, the *Social Service Professions Act, 1978 (Act 110 of 1978)*, provides for the establishment of the SACSSP and sets the guidelines within which the Council and its professional boards can and must function. These guidelines are determined by Parliament. The SACSSP and its boards therefore derive their authority and the foundation of their policy from the dictates of the legislator. In legal terms the Council is the juristic person, with the boards being the juristic person's delegates.

With reference to its functions and objects, the Council as umbrella body has in terms of section 3 of the above-named Act an overhead and coordinating regulating responsibility pertaining to all the professions and professional boards under its auspices. The Council's functions and objects would be linked with those of all professional boards, which would be more focused on the regulation of the profession concerned.

Against this background the functions and objects of the professional board for child and youth care would specifically relate to this profession and, in terms of section 14B of the Act, would be to:

- consult and liaise with other professional boards and relevant authorities on matters affecting the professional board;
- assist in the promotion of social services to the population of the Republic on a national basis;
- control and exercise authority in respect of all matters affecting the training of child and youth care workers, and the manner of the exercise of the practices of the child and youth care profession;
- promote liaison, in cooperation with the training institutions, in the training of child and youth care, in the Republic and elsewhere, and to promote the standards of such training in the Republic;
- determine the minimum standards of education and training of child and youth care workers;
- communicate to the Minister of Social Development information on matters of public importance relating to the profession;
- maintain and enhance the dignity and integrity of the profession of child and youth care; and
- guide the profession of child and youth care.

In order to achieve the above objectives, the professional board will be granted certain powers in terms of section 14C of the act, which would mandate it to:

- direct the Registrar to register and deregister child and youth care workers in terms of prescribed circumstances;
- appoint examiners and moderators, conduct examinations and grant certificates, and charge the prescribed fees in respect of such examinations or certificates;
- appoint training schools for child and youth care, subject to prescribed conditions;
- consider and take action regarding any matter affecting child and youth care;
- recognise qualifications in child and youth care;

- establish a joint standing committee with any other professional board; and
- perform such prescribed functions and do all such things as the professional board considers necessary to achieve the objects of the Act in relation to child and youth care.

CONSTITUTION OF THE PROFESSIONAL BOARD FOR CHILD AND YOUTH CARE

The request from the SACSSP to the Minister for Social Development to establish a professional board for child and youth care must be accompanied by a draft set of regulations made in terms of the Act prescribing the manner in which the board is to be constituted. The NACCW representing the fraternity of child and youth care workers will in due course furnish the SACSSP with a submission regarding the nature and number of seats on the board, who should be elected by child and youth care workers and who should be appointed by the Minister.

However, in preparing the submission it should be borne in mind that in terms of section 28(1)(gD) of the *Social Service Professions Act, 1978*, the professional board for child and youth care must at least consist of the following:

- the majority of its members must be child and youth care workers;
- persons representing the community are to comprise not less than 20 percent of the membership of the board;
- educational institutions for child and youth care are to be represented;
- the welfare authorities are to be represented; and
- one or more persons versed in law must be appointed (if appropriate).

Due to the fact that the financial sustainability of the board will be dependent on the annual fees payable by child and youth care workers, it is advisable that the board should be as small as possible.

It should be noted that, apart from the professional board, child and youth workers will also be represented on the SACSSP itself. In terms of section 5(1)(b) of the Act three child and youth care workers will have to be elected by child and youth care workers as members of the Council.

Once the Council's request to establish the professional board has been accepted by the Minister, the required regulations have been accepted and Gazetted, and the necessary funding to establish the board obtained from outside resources, the election and appointment process can begin. The Registrar of the Council will be responsible for conducting the election as prescribed. It is foreseen that all child and youth care workers subscribed with the NACCW would be able to participate in this first nomination and election of board members.

After completion of the election and appointment of members the board will be instituted, the first meeting would take place and the Minister would be requested to appoint the board's chairperson and vice-chairperson from nominations by the members of the board. The Professional Board for Child and Youth Care would then be able to commence with its responsibility of regulating the profession of child and youth care.

PRACTICALITIES OF STATUTORILY REGULATING CHILD AND YOUTH CARE

With reference to the functioning of statutory professional bodies such as the Council and its professional boards, it is important to note that usually the act concerned sets the requirements of what should happen, whilst regulations and rules made under the act indicate how and when it should happen.

The social service professions are regulated in terms of the *Social Service Professions Act, 1978* and the regulations and rules made under this Act. The only social service profession statutorily regulated up to now has been social work – hence the existence of various sets of regulations and rules addressing different aspects of the social work profession.

Whereas the Act itself makes provision for the regulation of all social service professions, the existing regulations and rules mainly apply to social work and not to other professions. However, in order to regulate the other professions, regulations and rules addressing the same issues as they apply to a specific social service profession will have to be drafted and officially accepted. Therefore the immediate and main task and responsibility of the professional board for child and youth care to attend to would be to see to the drafting of the required regulations and rules.

In accepting its responsibilities the Professional Board for Child and Youth Care would have to attend to the drafting of the necessary regulations and rules applying to child and youth care and this profession's practitioners.

Regulations and rules pertaining *inter alia* to the following matters will have to be drafted in order for the board to be able to function properly:

- Rules relating to the qualifications for registration as a child and youth care worker;
- Regulations regarding the registration of child and youth care workers;
- Regulations relating to the acts which especially pertain to the profession of child and youth care workers (scope of practice);
- Code of ethics for child and youth care workers;
- Rules relating to the acts or omissions of a child and youth care worker which shall constitute unprofessional or improper behaviour;
- Regulations regarding disciplinary inquiries for child and youth care workers;
- Regulations regarding the fees payable by child and youth care workers.

In addition to the above, important matters such as facilitating the establishment of a Standard Generating Body (SGB) for Child and Youth Care should also be undertaken.

The Professional Board for Child and Youth care therefore has its tasks quite clearly set out.

CONCLUSION

As indicated above, the professionalisation of an occupation also entails that the profession and its practitioners are statutorily regulated. Regulation is required to ensure that the consumers of the services rendered by the profession's practitioners at all times receive a professional service of the highest standards. In the final analysis regulation takes place by the members of the profession itself.

To sum up, the main role of the professional board for child and youth care would be to act as protector of the interests of the clients or consumers of the services rendered by child and youth care workers. Apart from being responsible for setting standards for the education and training of child and youth care workers, the board will also prescribe policy as guidelines for the practising of the profession. The benefit for the practitioners would be that they would be able to obtain guidance from the board on matters relating to their practice and ethical code, and that the acts which especially pertain to the profession of child and youth care will be statutorily defined.

The SA Council for Social Service Professions looks forward to officially welcoming the profession of child and youth care into the family of social service professions.

PRESENTATION MADE AT THE 13TH BIENNIAL CONFERENCE OF THE NACCW, PORT ELIZABETH, 4 JULY 2001, BY DR J LOMBARD, REGISTRAR, SACSSP