

No. R. 103

18 FEBRUARY 2011

Social Service Professions Act 110, 1978**REGULATIONS REGARDING THE REGISTRATION OF SOCIAL AUXILIARY WORKERS AND THE HOLDING OF DISCIPLINARY INQUIRIES**

The Minister of Social Development has, in terms of section 28 of the Social Service Professions Act, 1978 (Act 110 of 1978), on the recommendation of the South African Council for Social Service Professions made the regulations set out in the Schedule hereto.

SCHEDULE**DEFINITIONS**

1. In these regulations "the Act" shall mean the Social Service Professions Act, 1978 (Act 110 of 1978), as amended and any expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates -

"*annual fee*" means the annual fee referred to in regulation 6;

"*certified copy*" means a copy or photo copy of a document certified by a commissioner of oaths to be a true copy or photo copy, as the case may be, of the original;

"*certificate of registration*" means a certificate of registration referred to in section 18A(6)(a) of the Act;

"*chairperson of the board*" means the chairperson appointed by the Minister in terms of regulation 4 of the regulations regarding the functioning of professional boards;

"*National Qualifications Framework (NQF)*" means a comprehensive system approved by the Minister of Education for the classification, registration, publication and articulation of quality-assured national qualifications;

"*prescribed*" means with regard to fees as prescribed by regulation 28 in terms of the Social Service Professions Act, 1978, as amended;

"*president*" means the president of the South African Council for Social Service Professions;

"*provider*" means for the purposes of these regulations, a recognized and accredited body that delivers learning programmes focused on the achievement of specified NQF registered qualifications and standards on the South African Qualifications Authority's (SAQA) database and manages the assessment of learning achievements or prior to the existence of SAQA a body recognized by the Council for this purpose;

"*qualification*" means a qualification registered by the South African Qualifications Authority, or prior to its existence recognized by the SACSSP;

"*register*" means a register referred to in section 19(1) of the Act;

"*Recognition of prior learning (RPL)*" means an act by a provider comprising the comparison with the previous learning and experience of a learner howsoever obtained against the learning

outcomes acquired for a specified qualification and the acceptance for purpose of qualification of that which meets the requirements;

"*social auxiliary work*" means an act or activity practiced by a social auxiliary worker under the guidance and control of a social worker and as a supporting service to a social worker to achieve the aims of social work;

"*social auxiliary worker*" means a person practicing social auxiliary work and registered under section 18 of the Act;

"*student social auxiliary worker*" means a person who is registered with the SACSSP on condition that he or she completes the necessary qualification in order to meet the requirements for registration.

REGISTRATION OF SOCIAL AUXILIARY WORKERS

2. (1) A student in the subject Social Work at a provider in the RSA from his or her second year of study or who in any way whatsoever is involved with social work learning in a real life situation shall register as a student social worker with the Council.

(2) Approval can be given by the council to a social work student from outside the RSA, who wishes to do his or her experiential learning in the RSA to register with the SACSSP as a student social worker: Provided that such student submit documentary proof acceptable to the Professional Board for Social Work that he or she is enrolled for Social Work study at a training institution in his or her own country of origin and pay the prescribed fees.

APPLICATION FOR REGISTRATION

3. When a person commences with social auxiliary work education and training at a provider and for the full duration of the training a person must be registered conditionally with the SACSSP and comply with the following conditions:

- (i) The person must be enrolled as a student social auxiliary worker with a provider.
- (ii) The education, training and guidance must be conducted by and under the supervision of a social worker with at least two years of social work experience.

4. On successful completion of the qualification or learning programme in social auxiliary work and meeting the requirements for registration, conditional registration lapses and the applicant will upon application and payment of the registration and annual fees be registered as a social auxiliary worker with the SACSSP and his or her registration certificate will be amended accordingly.

5. The Registrar may remove the name of a person registered in terms of section 3 as a social auxiliary worker from the register should such a person-

- (i) apply in writing for the removal of his or her name from the register; or
- (ii) refuse or omit or neglect to comply with any of the conditions under which he or she is registered as a social auxiliary worker.

CONDITIONS FOR PRACTISING SOCIAL AUXILIARY WORK

6. (1) A social auxiliary worker who has complied with the requirements referred to in regulations 2, 3 and 4 may in terms of section 15(1) of the Act practice Social Auxiliary Work subject to the following conditions:
- (a) The prescribed registration fee has been paid; and
 - (b) The prescribed annual fee has been paid.
- (2) The annual fee referred to in sub-regulation (b) shall be paid on or before 1 January of every year.
- (3) The annual fee will be calculated *pro rata* for the period extending from the first day of the month during which the person is registered to the end of the financial year concerned, and be payable on or before the last day of the month in which such a person is registered;
- (4) In the case of a person who applies for registration in terms of section 22(4) of the Act or whose name is restored in terms of section 20(3) of the Act to a register contemplated in section 19(1) of the Act, be calculated *pro rata* for the period extending from the first day of the month during which the persons' name is restored to the register to the end of the financial year concerned, and be payable on or before the last day of the month in which such person's name is restored to the register.

APPLICATION FOR REGISTRATION

7. (1) Application for the registration as a social auxiliary worker shall be made on a form obtainable from the Council.
- (2) Such application forms shall be accompanied by -
- (a) a certified copy of documentary proof, acceptable by the council, of the applicant's name, identity or residence permit number and date of birth or age;
 - (b) a certified copy of documentary proof of the qualification on the basis of which application is being made for registration;
 - (c) an original copy of documentary proof of the provider in which an indication is given of the nature, duration and content of the course and the subjects passed or the competency of the applicant pertaining to achievement of exit level outcomes of the qualification approved by the Council.
 - (d) in the case of a qualification obtained outside the RSA , also-
 - (i) an original document providing proof from the provider where the applicant received the education and training, of the content, nature and duration of the theoretical and experiential learning that were received.
 - (ii) a certified copy of documentary proof that the provider where the applicant received the education and training in Social Auxiliary Work is accredited, specifying the body of accreditation, or if the provider was not accredited, proof of any other form of recognition that the training provider has; and
 - (iii) in the case of a provider that is accredited, a certified copy of documentary proof from the accrediting body that the qualification is or was the accepted education and training for social auxiliary work in the country concerned;
 - (e) in the case of a woman who is or was married, a certified copy of the marriage certificate; and

(f) the registration fee referred to in regulation 6.

(3) Any document that must accompany the application concerned and that is not drawn up in English shall be accompanied by a translation prepared by a sworn translator in English, as well as certified copies of the original documents and the onus shall be on the applicant to have such documents so translated.

PAYMENTS TO COUNCIL

8. All payment shall be in South African currency.

CERTIFICATE OF REGISTRATION

9. (1) The Registrar shall issue a certificate of registration to a person registered as a social auxiliary worker in terms of section 18(1) of the Act

(a) A certificate of registration shall be in a form determined by the Council and shall be signed by the President and the Registrar and shall bear the official seal of the Council.

(b) A certificate of registration referred to in sub regulation (1) shall be deemed to have been withdrawn from the date on which the name of the holder thereof was removed under the Act from the register concerned.

(c) If the registrar is satisfied that a certificate of registration has been destroyed or lost, he/she may upon application by the holder thereof and upon payment of the prescribed fee, issue a duplicate of the certificate of registration.

REGISTER

Keeping of register

10. (1) The Registrar shall record in the register the following details referred to in section 19(1) of the Act in respect of a social auxiliary worker:

- (a) Surname
- (b) Previous surname (if applicable)
- (c) First names
- (d) Title
- (e) Gender (male/female)
- (f) Identity or residence permit number
- (g) Home language
- (h) Date of birth
- (i) Residential address
- (j) Postal address
- (k) Contact details such as telephone number, fax number and email address
- (l) Qualifications, institution obtained and year of obtainment
- (m) Registration number
- (n) Registration date
- (o) Disciplinary steps in terms of section 22 of the Act
- (p) Nationality
- (q) Equity group

- (r) Country of origin
- (s) Current employer
- (t) Setting of practice (e.g. urban/rural, government, NGO, business, private practice))
- (u) Person with disability (for equity purposes)
- (v) Focus areas of practice (if applicable)

(2) The registrar shall, at the request of any social auxiliary worker and upon submission of a certified copy of documentary proof, enter in the register opposite the name of such person -

(a) any post-registration qualification in Social Auxiliary Work obtained by such person; and

(b) any additional qualification obtained by such person in another field of study.

(3) The register shall on payment of the prescribed fee, be open to inspection during normal office hours to any member of the public who has a professional interest therein.

(4) The registrar may, at the request of any person who in his/her opinion has a professional interest therein, and upon payment of the prescribed fee and subject to such conditions as the council or the professional board for social work may in general or in a particular case determine, issue to such person an extract from the register, subject to the provisions of the Promotion of Access to Information Act, Act 2 of 2000.

Application for restoration to the register

11. Application in terms of section 20(3) of the Act shall be made on a form obtainable from the council and shall be accompanied by the prescribed annual fee and restoration fee.

Application for re-registration or termination of suspension of Registration

12. An application in terms of section 22(4) and (5) of the Act shall be made on a form obtainable from the council and shall-

(a) in the case of an applicant for re-registration, be accompanied by the prescribed annual fee and re registration fee; and

(b) in the case of the application for the termination of suspension of registration, be accompanied by the prescribed annual fee for the current financial year if it has not yet been paid.

Change of name and change of residential and postal address

13. (1) Within three months of any change of name, every social auxiliary worker or student social auxiliary worker shall notify the registrar in writing of such change of name and supply supporting evidence thereof.

(2) Every social auxiliary worker or student social auxiliary worker shall notify the registrar in writing of any change in residential and postal address within six weeks of such change.

(3) Upon receipt of notice contemplated in sub regulations (1) and (2), the registrar shall enter the details in the register referred to in section 19 of the Act

DISCIPLINARY INQUIRIES

14. The Regulations regarding the conducting of inquiries into alleged unprofessional conduct published as R917 of 27 June 2003 shall *mutatis mutandis* apply to disciplinary inquiries relating to social auxiliary workers and student social auxiliary workers.

DISCLOSURE OF CRIMINAL OFFENCES

15. (1) Every person applying for registration as a social auxiliary worker or student social auxiliary worker and has been convicted of a criminal offence must disclose to the Council such offence

(2) All providers must inform the SACSSP of the outcome of any criminal offence that led to a disciplinary hearing during which the person was found guilty and convicted.

(3) Failure to disclose information referred to in sub regulation (1) may result in the removal of the person's name from the register.

REPEAL OF REGULATIONS

16. The regulations made under the Social Work Act, 1978, published as Government Notice R. 2712 in Government Gazette 13622 of 15 November 1991, as amended by Government Notices R. 369 in Government Gazette 13754 of 7 February 1992 and R. 2360 in Government Gazette 15312 of 10 December 1993 are hereby repealed.

COMMENCEMENT

17. These regulations shall come into operation on the date of the publication thereof.

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