



**South African Council for Social Service Professions**

# **PROFESSIONAL CONDUCT DISPUTE AND APPEALS POLICY**

**2019**

**South African Council for Social Service Professions**  
**PROFESSIONAL CONDUCT DISPUTE AND APPEALS POLICY**

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**ABOUT THE SOUTH AFRICAN COUNCIL FOR SERVICE PROFESSIONS**

The South African Council for Social Service Professions (SACSSP) is a statutory body established in terms of section 2 of the Social Service Professions Act 110 of 1978. The SACSSP has two professional boards under its auspices: i.e. the Professional Board for Social Work and the Professional Board for Child and Youth Care Work. The SACSSP, in conjunction with its two professional boards, guides and regulates the professions of social work and child youth care work in aspects pertaining to registration, education and training, professional conduct and ethical behaviour, ensuring continuing professional development, and fostering compliance with professional standards. It is protecting the integrity of the social service professions as well as the interest of the public at large. In order to safeguard the public and indirectly the professions, registration in terms of the Act with the SACSSP is a prerequisite for practising social work and child and youth care work. This includes social workers, social auxiliary workers, student social workers, student social auxiliary workers, child and youth care workers, auxiliary child and youth care workers, student child and youth care workers, and student auxiliary child and youth care workers.

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## DEFINITIONS

In this policy unless the context indicates otherwise:

'Act' means the Social Service Professions Act 110 of 1978 and includes the regulations, schedules and rules;

'*ad-hoc appeals committee*' means the internal appeals committee established by the Registrar;

'*appeals committee*' means the external appeals committee established by the Minister in terms of section 25(2) of the Act;

'*complainant*' means a person(s) who lodged a complaint of unprofessional or improper conduct against a registered person;

'*disciplinary committee*' means a committee of council established in terms of section 21(7) of the Act;

'*regulations*' mean to the Regulations to the Social Service Professions Act 110 of 1978: Regulations Regarding the Conducting of Inquiries into alleged Unprofessional Conduct (Government Notice R 917 in Government Gazette Number 25109 of 27 June 2003); and

'*respondent*' means a registered person against whom complaints of unprofessional or improper conduct have been lodged.

## 1. INTRODUCTION

- 1.1 Section 3(i) of the Social Service Professions Act 110 of 1978 set as one of the objects of the South African Council for Social Service Professions to exercise effective control over the professional conduct of persons practising professions in respect of which professional boards have been established.
- 1.2 These procedures and protocols are based on the Social Service Professions Act 110 of 1978 and its *Regulations Regarding the Conducting of Inquiries into alleged Unprofessional Conduct* (Government Notice R 917 in Government Gazette Number 25109 of 27 June 2003) as well as experiences from the South African Council for Social Service Professions' professional conduct division.

## 2. NAME OF THE POLICY

Professional Conduct Dispute and Appeals Policy.

## 3. PURPOSE OF THE POLICY

The purpose of this policy is to outline a fair, impartial and transparent process of handling, processing and adjudicating disputes and appeals in relation to professional conduct matters.

## 4. SCOPE OF APPLICABILITY

Unless otherwise indicated, the policy shall apply to complainants and respondents.

## 5. SOURCES OF INFORMATION AND LEGISLATIVE FRAMEWORK

This policy was developed based on the provisions of the following legislation and regulations thereto:

- (a) The Constitution of the Republic of South Africa, 1996;
- (b) Social Service Professions Act 110 of 1978;
- (c) Promotion of Administrative Justice Act 3 of 2000;
- (d) Regulations Regarding the Conducting of Inquiries into alleged Unprofessional Conduct (Government Notice R 917 in Government Gazette Number 25109 of 27 June 2003);
- (e) Regulations regarding the registration of social workers (Government Notice No. 101 of 2011 in Government Gazette No. 34020 of 18 February 2011);
- (f) Regulations regarding the registration of student social workers and the holding of disciplinary inquiries published (Government Notice No. 102 of 2011 in Government Gazette No. 34020 of 18 February 2011);
- (g) Regulations regarding the registration of social auxiliary workers and the holding of disciplinary inquiries published (Government Notice No. 103 of 2011 in Government Gazette No. 34020 of 18 February 2011); and
- (h) Regulations for child and youth care workers, auxiliary child and youth care workers and student child and youth care workers (Government Notice No. 838 of 2014 in Government Gazette No. 38135 of 31 October 2014).

## **6. DISPUTES AND APPEALS**

### **6.1 DISPUTE(S) AGAINST THE DECISION OF THE REGISTRAR (OR DESIGNATED OFFICIAL)**

- 6.1.1 If there is a dispute between the Registrar or designated official and a complainant and/or respondent regarding a finding made in terms of regulation 4(3)(a); 4(3)(b) and 4(3)(c) of the *Regulations Regarding the Conducting of Inquiries into alleged Unprofessional Conduct* that matter must be referred to the *Committee of Preliminary Inquiry* for further investigation, in terms of regulation 4(4).
- 6.1.2 *Procedure*
- 6.1.2.1 The complainant and/or respondent must inform the Registrar in writing within 21 calendar days of such dispute and the reasons for the dispute in the prescribed manner (*FORM C.1.6*).
- 6.1.2.2 The Registrar, or designated official, shall refer the matter with all related documentations to serve before the *Committee of Preliminary Inquiry* during its next scheduled meeting.
- 6.1.2.3 The *Committee of Preliminary Inquiry* may consider new evidence and call parties for an interview in order to gather more evidence.
- 6.1.2.4 The *Committee of Preliminary Inquiry* shall adjudicate over the matter in accordance with its procedures and may:
- (a) confirm the finding and decisions of the Registrar or designated official;
  - (b) proceed with a preliminary inquiry as prescribed; or
  - (c) refer the matter for a disciplinary inquiry in terms of regulation 16.
- 6.1.2.5 The Registrar or designated official shall inform all parties of the outcome of the *Committee of Preliminary Inquiry*.
- 6.1.2.6 The decision of the *Committee of Preliminary Inquiry* shall be final.
- 6.1.2.7 Should the respondent remain aggrieved with the finding and decision of the *Committee of Preliminary Inquiry* in terms of clause 6.1.2.4(a) or 6.1.2.4(b) above, he or she will have the opportunity to substantiate his/her case in dispute in the preliminary inquiry or disciplinary inquiry.

### **6.2 APPEAL AGAINST THE DECISION OF THE COMMITTEE OF PRELIMINARY INQUIRY**

#### **6.2.1 Appeal of a finding and decision made in terms of Regulation 7**

If a complainant wishes to appeal any finding and/or decision made by the *Committee of Preliminary Inquiry*, other than a finding in terms of regulation 7(4) and 7(5), he or she must lodge such an appeal in writing within 21 calendar days with the Registrar or designated official, in the prescribed manner (*FORM C.1.7*).

##### *6.2.1.1 Procedure*

- (a) The Registrar or designated official shall refer the matter to the *Ad-hoc Appeals Committee (AAC)*.
- (b) The *Ad-hoc Appeals Committee* referred to in clause 6.2.1.1(b) shall be established by the Registrar.

- (c) The *Ad-hoc Appeals Committee* shall review the matter referred to in clause 6.2.1 based on all the documentary evidence and records of proceedings of the Registrar or designated official and *Committee of Preliminary Inquiry*.
- (d) No new evidence or interviews with parties shall be considered or conducted.
- (e) The *Ad-hoc Appeals Committee* may, after reviewing the matter, as provided for in clause 6.2.1.1(c):
  - (i) confirm the finding and decision made by the *Committee of Preliminary Inquiry*;
  - (ii) request that a further preliminary inquiry be held in terms of regulation 7(4) or
  - (iii) refer the matter to be adjudicated through a disciplinary inquiry in terms of regulation 16, as contemplated of sub-regulation 7(5).
- (f) The Registrar or designated official shall inform all parties of the outcome of the *Ad-hoc Appeals Committee*.
- (g) The decision of the *Ad-hoc Appeals Committee* shall be final.

**6.2.2 Appeal against the finding and decision made in terms of regulation 8**

If the complainant and/or respondent wishes to appeal any finding made as a result of an inquiry by the *Committee of Preliminary Inquiry* in terms of regulation 8, other than a finding in terms of regulation 15(1), she or he must lodge such an appeal in writing within 21 calendar days with the Registrar, or designated official, in the prescribed manner (*FORM C.1.7*).

**6.2.2.1 Procedure**

The appeal referred to in 6.2.2 shall be dealt with in terms of clause 6.2.1.1 above, excluding clause 6.2.1.1(e)(ii).

**6.3 COMPOSITION OF THE AD-HOC APPEALS COMMITTEE**

6.3.1 The *Ad-hoc Appeals Committee* shall consist of a minimum of three (3) members who are designated by Council and of whom the majority shall be Members of the Council.

6.3.2 Members of the *Ad-hoc Appeals Committee* shall be any Member of Council or a Professional Board other than Members who dealt with the same matter at the *Committee of Preliminary Inquiry*.

**6.4 APPEAL AGAINST THE DECISION OF THE DISCIPLINARY COMMITTEE**

6.4.1 Any appeal against the decision of the Professional Conduct Committee shall be dealt with in terms of section 25 of the Social Service Professions Act 110 of 1978.

**7. PROCESS FLOW IN TABULAR FORM**

DECISION BY	Lodge dispute within	DISPUTE/APPEALS AUTHORITY
Registrar or designated official (Regulation 4)	21 calendar days	Committee of Preliminary Inquiry
Committee of Preliminary Inquiry (Regulation 7)	21 calendar days	Ad-hoc Appeals Committee
Inquiry by Committee of Preliminary Inquiry (Regulation 8)	21 calendar days	Ad-hoc Appeals Committee

**Professional Conduct Disputes and Appeals Policy**

Professional Conduct Committee	Three (3) months	Appeals Committee established in accordance with section 25(2) of the Act
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**8. COMMENCEMENT**

8.1 The provisions of this policy shall commence upon approval through a resolution of the South African Council for Social Service Professions.



## **BIBLIOGRAPHY**

### **Legislation**

Constitution of the Republic of South Africa, 1996

Promotion of Administrative Justice Act 3 of 2000

Social Service Professions Act 110 of 1978

### **Regulations**

Regulations Regarding the Conducting of Inquiries into alleged Unprofessional Conduct (Government Notice R 917 in Government Gazette Number 25109 of 27 June 2003)

Regulations regarding the registration of social workers (Government Notice No. 101 of 2011 in Government Gazette No. 34020 of student social workers and the holding of disciplinary inquiries published (Government Notice No. 102 of 2011 in Government Gazette No. 34020 of 18 February 2011).

Regulations regarding the registration of social auxiliary workers and the holding of disciplinary inquiries published (Government Notice No. 103 of 2011 in Government Gazette No. 34020 of 18 February 2011).

Regulations for child and youth care workers, auxiliary child and youth care workers and student child and youth care workers (Government Notice No. 838 of 2014 in Government Gazette No. 38135 of 31 October 2014).

## **FORMS**

The following forms need to be completed and is available at the offices of the SACSSP or on Council's website ([www.sacssp.co.za](http://www.sacssp.co.za))

**FORM C.1.6:** Notice of a dispute against a finding of the Registrar or designated official

**FORM C.1.7:** Notice of a dispute against a finding of the Committee of Preliminary Inquiry (Regulation 7)

**FORM C.1.8:** Notice of a dispute against the finding of an inquiry held by the Committee of Preliminary Inquiry (Regulation 8)

**Final approval**

<b>Professional Board (if applicable)</b> <i>Certified that policy is aligned with the particular Professional Board's mandate.</i>	
<b>Professional Board for</b>	
	<b>Approval date:</b>
	<b>Meeting number:</b>
	<b>Resolution number:</b>
<b>South African Council for Social Service Professions</b> <i>Certified that policy is aligned with South African Council for Social Service Professions' mandate.</i>	
	<b>Approval date:</b>
	10 September 2019
	<b>Meeting number:</b>
	56 <sup>th</sup> meeting
	<b>Resolution number:</b>
	10/56/2019

The signature of the Registrar confirms that this policy was duly approved by the South African Council for Social Service Professions (SACSSP) as contemplated above.

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**REGISTRAR**

\_\_\_\_\_  
**DATE**