

DEPARTMENT OF SOCIAL DEVELOPMENT**No. R. 116****15 FEBRUARY 2013**

SOCIAL SERVICE PROFESSIONS ACT, 1978

**REGULATIONS RELATING TO THE REGISTRATION OF A SPECIALITY IN
PROBATION WORK**

The Minister of Social Development has, in terms of section 28(1)(gA) of the Social Work 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” means the Social Service Professions Act, 1978 (Act 110 of 1978), and any expression to which a meaning has been assigned in the Act, shall have such meaning and, unless the context otherwise indicates –

“appropriate adult” means any member of the child's family including the siblings, who are sixteen years or older or a caregiver referred to in section 1 of the Children's Act, 2005 (Act No. 38 of 2005);

“assessment” means “assessment as defined in the Probation Services Act, 1991;

“assistant probation officer” means an assistant probation officer as defined in section 1 of the Probation Services Act, 1991;

“child and youth care centre”, means a child and youth care centre as defined in section 1 of the Children's Act, 2005;

“community service means” the performance without remuneration and outside the prison of some service for the benefit of the community under the supervision or control of an organisation or institution which, or person who, in the opinion of the court, promotes the interests of the community; Council means the South African Social Service Professions Council established under section 2 of the Act;

“diversion” means diversion as defined in section 1 of the Probation Services Act, 1991;

“home based” supervision means home based supervision as defined in section 1 of the Probation Services Act, 1991;

“probation services” means services pertaining to

- (a) the rendering of advocacy and educational programmes to individuals, families, groups and communities;
- (b) the provision of expert assessment regarding the needs, risks and resilience of offenders and victims to assist courts on individualised interventions and sentencing options;
- (c) the acting as an expert witness in court regarding the appropriate sentencing of children and adults;
- (d) the reintegration of children who have been discharged from reform schools and secure care facilities; (e) the provision of home based supervision of children placed under an appropriate adult;
- (f) the challenging of offending behaviour and the helping of offenders to realise the impact of their behaviour on themselves, their families, the community and their victims;
- (g) the compiling of reports on the compliance and non compliance of the persons placed under the supervision of probation officers;
- (h) the facilitation of diversion and restorative justice processes;
- (i) the care, support, referral to and provision of mediation in respect of victims of crime; and
- (j) any service under the Probation Service Act, 1991.

“Probation Services Act” means the Probation Services Act, 1991 (Act No. 116 of 1991), as amended;

“restorative justice” means restorative justice as defined in section 1 of the Probation Services Act;

"social work" for the purposes of these regulations, means the promotion by a social worker of social change, problem solving in human relationships and the empowerment and liberation of people to enhance the well being of the client system through utilising theories of human behaviour and social systems, intervening at the point where people interact with their environment.

“supervision” means supervision as defined in section 1 of the Probation Services Act, 1991.

REQUIREMENTS FOR REGISTRATION OF A SPECIALITY IN ADOPTION WORK

2. The Council shall on application register a speciality in adoption work where a social worker has three years' experience in adoption with -
- (i) a child and family welfare organisation specialising in adoption work; or
 - (ii) a unit in a state department of welfare specialising in adoption work; or
 - (iii) a social worker in private practice accredited in adoption work by a national professional body or association for social work in private practice recognised by the Council; or
 - (iv) a combination thereof.
3. (1) All social workers who comply with the provisions of regulation 2 and who apply for registration of a speciality in adoption work shall, within a period of two years from the date of application –
- (a) be required to pass with the Council and examination on adoption work; and
 - (b) pay the prescribed examination fee.
- (2) The speciality in adoption work of a social worker who fails to pass the examination referred to above will be deregistered and such social worker may re-apply for registration.

CONDITIONS FOR THE PRACTISING OF A SPECIALITY IN ADOPTION WORK

4. (1) A social worker who has complied with the requirements referred to in regulations 2 and 3 may in terms of section 17C of the Act practice the profession of social work in respect of a speciality in adoption work subject to the following conditions:
- (a) The social worker has to work in an adoption unit, inform the Council of any changes to the unit and annually provide the Council with a letter from the adoption unit in which it is confirmed that the said social work is practicing in the unit;
 - (b) the prescribed registration fee has to be paid; and
 - (c) The prescribed annual fees has to be paid.
- (2) The annual fee referred to in paragraph (c) above shall:
- (a) subject to the provisions of subparagraph (b) and (c), be paid on or before 31 March of every year;
 - (b) in the case of a social worker who has registered a speciality in adoption work, be calculated *pro rata* for the period extending from the first day of the month during which he or she 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 person is registered;
 - (c) 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 registered 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 his or her name is restored on 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.

5. No social worker in private practice shall be allowed to practice adoption work -
 - (a) without having registered a speciality in adoption work, and
 - (b) until such time as the Council makes rules governing the procedures of adoption work, without being accredited as an adoption work by a national professional body or association for social workers in private practice, recognised by this Council.
6. A social worker in private practice who does not have the [requisite] required experience in adoption work and who wishes to obtain registration as a specialist in adoption work, or a social worker whose speciality in adoption has been deregistered in trms of regulation 3(2) may not sign reports under the Child Care Act, 1983, and such social worker shall -
 - (a) work in adoption unit under supervision of a person who has obtained such registration; and
 - (b) inform the Council of this arrangement.

FEE STRUCTURE

7. (1) A fee structure, in the form of rules, serving as a guide for the fees which may be charged in respect of services rendered for adoption work, shall be as prescribed by the Council.

(2) All clients shall, at the first meeting with the social worker involved in the adoption work, be furnished with the fee structure referred to in subregulation (1) and shall acknowledge receipt thereof in writing.

APPLICATION FOR REGISTRATION OF A SPECIALITY IN ADOPTION WORK

8. (1) Application for registration of a speciality in adoption work shall be made on a form obtainable from the Council.

(2) Such application for shall be accompanied by -
 - (a) proof of registration as a social worker with the Council;
 - (b) a certified copy of documentary evidence of the experience referred to in regulation 2;
 - (c) a letter from the adoption unit in which the applicant is work which confirms that the applicant is practicing in the unit; and
 - (d) the registration fee referred to in regulation 4(1)(b).

GENERAL PROVISIONS

9. (1) A social worker who has registered a speciality in adoption work may affix the designation “specialist in adoption work (SIAW)” after his or her name and such social worker shall be regarded as an accredited social worker in terms of the provisions of the Child Care Amendment, 1996 (Act No 96 of 1996).
- (2) A social worker who has registered a speciality in adoption work shall display conspicuously in his or her office the registration certificate issued to him or her in terms of the Act.
- (3) A certified copy of the registration certificate of a speciality in adoption work shall be submitted to the court with any report pertaining to a proposed adoption under the Child Care Act, 1983.

COMMENCEMENT

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