
GOVERNMENT NOTICES
GOEWERMENTSKENNISGEWINGS

Department of National Health and Population Development

No. R. 54

15 January 1993

**RULES RELATING TO THE ACTS OR OMISSIONS OF A SOCIAL WORKER, A SOCIAL
AUXILIARY WORKER OR A STUDENT SOCIAL WORKER WHICH SHALL CONSTITUTE
UNPROFESSIONAL OR IMPROPER CONDUCT**

Rules made under Social Work Act, 1978, published as Government Notice R. 164 in Government Gazette 11133 of 12 February 1988, as amended by Government Notices R. 1641 in Government Gazette 11454 of 12 August 1988, R. 950 in Government Gazette 13193 of 3 May 1991, R. 2713 in Government Gazette 13622 of 15 November 1991 and R. 54 in Government Gazette 14526 of 15 January 1993.

The South African Council for Social Work has, in terms of section 27(1)(c) of the Social Work Act, 1978 (Act 110 of 1978), with the approval of the Minister of National Health, made the rules contained in the schedule hereto.

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 social worker in his capacity as such, or his practice or his services or the efficiency thereof being publicized, or clients being solicited, and "advertise" has a corresponding meaning;

"*client*" means an individual, family, group or community receiving the attention of a social worker in his professional capacity;

"*colleague*", in relation to a social worker, means any other social worker;

"*employer*" means any person who employs or provides work to a social worker in his professional capacity and who remunerates him or expressly or tacitly undertakes to remunerate him, or who permits a social 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 social worker enters into an agreement jointly to conduct a practice to their mutual benefit and "partnership" has a corresponding meaning;

“*profession*” means the social work profession.

Acts or omissions deemed to be unprofessional or improper

2. Subject to the provisions of section 21(1) 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 social worker.

Behaviour detrimental to the profession

3. The following acts or omissions of a social worker shall be deemed to be detrimental to the profession and to constitute unprofessional or improper conduct:

- (1) The negligent performance of his professional duties.
- (2) The execution of *his or her* professional duties in a manner which does not comply with general accepted standards of practicing the profession.
- (3) Behaviour which, with due regard to the prestige, status and dignity of the profession, is detrimental to *his or her* position as a social worker or to the profession as such.
- (4) Being guilty of or participating in or associating with dishonesty in the execution of *his or her* professional duties.
- (5) The offering of direct or indirect compensation or any other form of incentive whatsoever for the referral of clients.
- (6) The receiving of, or agreeing to receive, direct or indirect compensation or any other form of incentive for the purpose referred to in sub-rule (5).
- (7) The sharing of money received for professional services with any person who contributes or contributed to such services, unless such person is a partner or such sharing of money is reasonably commensurate with such person's contribution to the services rendered.
- (8) Refusing without sufficient cause, to render professional services which *he or she* took on or for which *he or she* was employed.
- (9) The employment of any person as a social worker, student social worker or social auxiliary worker, knowing that such person has not been registered in terms of the Act;
- (10) Failure to refer a client to a colleague, or another person or body with specialised knowledge in a field, should the matter fall so far outside *his or her* field of training or experience that such referral could in the circumstances be reasonably considered necessary.
- (11) Failure to keep a record of acts performed, money managed, and fees charged in all matters dealt with by *him or her* in *his or her* capacity as a social worker.

Behaviour towards clients

4. The following acts or omissions of a social worker regarding behaviour towards clients, shall be deemed to constitute unprofessional or improper conduct:

- (1) The divulgence of information, which came to *his or her* attention in the course of the execution of *his or her* professional duties, concerning a client, or a deceased person who during *his or her* 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 social worker is ordered to do so by a competent court or is otherwise legally bound to do so: Provided that if disclosure of such information is not part of a recognised statutory function of the social worker in question, that the information may be divulged only under protest; or
 - (c) with the express consent of the client or if the client cannot give his consent-
 - (i) *his or her curator personae*, or
 - (ii) in the case of a minor, *his or her* parent or guardian; or
 - (iii) the surviving spouse, 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.
- (2) The administration of a client's money in an inefficient, irresponsible or negligent manner.
- (3) The receipt of any bribe, or agreement to receive any bribe, in connection with any matter which is directly or indirectly related to *his or her* professional duties or practice.
- (4) Discrimination against a client on account of social or economic status, sex, race, religion, language or nationality.
- (5) The performance of an act belonging to a professional field other than social work, including the performing of psychometric tests for purposes of diagnosis and therapy, unless *he or she* is properly qualified therefor or legally authorised thereto.
- (6) The preventing of a client from procuring advice or assistance from another person who is authorised by law to advise or treat persons concerning their social welfare.

SUPERSESSION

5. The following acts or omissions of a social worker regarding supersession, shall be deemed to constitute unprofessional or improper conduct:

- (1) The acceptance of the client of a colleague unless-
- (a) the said colleague is not available and the required services cannot be kept in abeyance, or
 - (b) the colleague consents thereto or refuses his consent, or
 - (c) the colleague's services have been terminated by the client without encouragement from the social worker: provided that the mere explanation to a prospective client that services may not be rendered to him unless and until he has terminated the services of the colleague shall not be regarded as encouragement.

(2) The fact that a social worker has previously also been involved in the management of the case of a colleague's client shall not detract from the provisions of sub-rule (1).

Behaviour towards colleagues and other professional persons

6. The following acts or omissions of a social worker regarding behaviour towards colleagues and other professional persons, shall be deemed to constitute unprofessional or improper conduct:

(1) Direct or indirect criticism on the work of a colleague, or a professional person *he or she* has dealt with in the execution of *his or her* duties as a social worker, except in so far as it may be required for the proper execution of *his or her* duties, or in so far as it may be legally required from *him or her*.

(2) 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

7. The following acts or omissions of a social worker regarding behaviour towards employers and partners, shall be deemed to constitute unprofessional or improper conduct:

(1) The breach of *his or her* contract of service, or behaviour that would justify *his or her* summary dismissal at common law.

(2) Practicing or carrying on from *his or her* offices any business, trade, work or profession apart from the social work profession, without the prior written consent of the council or contrary to a condition, if any, which such a consent is subject to.

(3) Practicing in partnership with a person who is not registered in terms of the Act, or sharing *his or her* office with such a person, except with the prior written consent of the council, and subject to such conditions as the council may determine.

Advertisement

8. The advertising of *his or her* services by a social worker contrary to the following requirements shall be deemed to constitute unprofessional or improper conduct:

(1) No advertisement may contain or imply any comparison between the services, knowledge, skill or efficiency of the advertising social worker and the services, knowledge, skill or efficiency of a colleague, any other professional person, or a welfare body.

(2) No advertisement may contain any element of promotion of the person of the social worker, the quality of the services which *he or she* renders, *his or her* skills or *his or her* efficiency.

Display of certificate

9. The omission of a social worker who practices such a profession to display conspicuously in *his or her* office the registration certificate issued to *him or her* in terms of the Act shall be deemed to constitute unprofessional or improper conduct.

Social auxiliary workers and student social workers

10. These rules shall mutatis mutandis apply to social auxiliary workers and student social workers.

Repeal

11. Government Notices R. 164 of 12 February 1988, R. 1641 of 12 August 1988, R. 950 of 3 May 1991 and R. 2713 of 15 November 1991 are hereby repealed.

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