

Understanding the Social Service Professions and Occupations Bill: Part One

By Prinslean Mahery and Lucy Jamieson

The social service profession is currently regulated by the Social Service Professions Act 110 of 1978. This Act will soon be replaced by a new law which is currently in the form of a draft Bill. Since January 2008 three drafts of this new law have been published for comment. The latest draft is entitled 'The Social Service Professions and Occupations Bill' and is available for comment on the South African Council for Social Service Professionals's (the Council) website. Once the Bill is finalized it will be tabled in Parliament and members of the public will have another opportunity to make submissions and to voice their opinions on the Bill at public hearings. This article is concerned with the distinction made in this latest draft Bill between a social service profession and a social service occupation. Section 1 of the Bill contains the following definitions:

“social service occupation” means the child and youth care work occupation and any other social service occupation designated by the Minister’.

“social service profession” means the social work profession, and any other social service profession designated by the Minister as a social service profession.’

This begs the question, when is a social service a profession and when is it an occupation? The Bill only says that the Minister of Social Development designates occupations and professions on the recommendation of the Council; it sheds no light on the difference between the two categories.

To find the answer one has to look beyond the Bill. The National Qualifications Framework Act (NQF) (67 of 2008) provides the main principles and framework for defining areas of work in relation to qualifications. The Act notes that a ‘professional body’ means any body of expert practitioners in an occupational field and includes an occupational body; and ‘professional designation’ means a title or status conferred by a professional body in recognition of a person’s expertise and right to practice in an occupational field. What can be gathered from these descriptions is that occupations appear to apply to all practitioners who possess a certain skill with or without formal qualification. Professions on the other hand are determined by recognized expertise based on formal qualifications. The rationale for the distinction could thus be the need to reserve the status of ‘profession’ for a category of social service practitioners whose qualifications are recognised at the level of professionalism in terms of the NQF. The South African Qualifications Authority (SAQA) is responsible for overseeing the development of the National Qualifications Framework and according to the SAQA there is no official definition of the distinction between a profession and an occupation. There is intense debate on this issue, but SAQA officials said that “a profession is an occupation for which one needs to have specific university-level qualifications (i.e a four year degree)” as a minimum requirement before you are allowed to practice. Occupations can have degrees but it is not a minimum requirement to practice.

In relation to child and youth care work, notices by the South African Council for Social Service Professions indicate that in order for child and youth care to be regarded as a profession, it must be distinct from social work, child and youth care work should be registered, a code of ethics must be developed, workers must have qualifications at NQF level 7 and fees are required to be paid to the Council. According to the Bill social work is categorized as a profession. Social work is categorized as a profession because they meet all the criteria listed above, child and youth care is recognised as an occupation at present because the Council is not satisfied that the degree course has been recognised by the Council for Higher Education and SAQA.

Does the Bill allow occupations to become professions?

The Bill states (section 22(1)) that the Minister may, on the recommendation of Council, designate any profession as a social service profession. The Bill does not stipulate what exactly is required to become a profession. Following our interpretation of the definition of professional (see above), an occupational group would have to convince Council and the Minister that their field of practice is distinct from other professions, and that qualifications are available at a professional level. According to the National Qualifications Framework the professional level starts at level 7 to level 8 (this requires a university degree at honours, masters or doctoral

level). One question that practitioners should consider is who makes the recommendation to the Minister for an occupation to be categorised as a profession: Should the recommendation come from the Council or from the occupational board?

If the youth work degree was recognised and the sector met the other criteria Council could recommend that youth work was designated as a profession. In theory the same is true for child and youth care; there is currently a process of recognizing child and youth care at NQF level 7 (which is at a professional degree level). However, because child and youth care will be defined in the principal Act in sections 1, and 32(2) as an occupation, it might be necessary to amend the principal Act before child and youth care could be categorised as a profession. That would require a new Bill being presented to Parliament. Therefore, it might be better to remove child and youth care from the definitions in the Bill.

How does the Bill treat occupations and professions?

Council regulates the professions in the same way as it regulates the occupations; however, there are some notable differences in relation to composition of the boards, representation on Council, and registration. Whilst two or more professional boards are allowed to

combine, occupational boards stay separate. The Council is composed of three persons from each profession but only two persons from each occupation: Therefore, it seems at first glance that professions have greater influence on Council, but remember that professional boards can represent more than one profession, in which case those professions would be under-represented.

On professional boards 50% of the members must be elected by members of the profession(s) that the board represents. Occupational boards are structured differently only two practitioners may serve on each occupational board, alongside two community members, Department of Social Development officials and representatives from the education and training institutions. The chairperson of a professional board must be 'registered as a professional under the professional board concerned', whereas the chairperson of an occupational board can be any practitioner.

It is mandatory for any social service professional to register before they are allowed to practice. Section 32(4) reads "A person may practice in a category contemplated in sub-sections (1) or (3) only if he or she is registered in that category." Sub-section (1) relates to professions and sub-section (3) relates to additional categories designated by the Minister, because section 32(2) is not listed it implies that occupations are not required to register. However, section

57(1)(a) states that no person may practice as a social service practitioner unless that person is registered to practice in the relevant categories contemplated in section 32. There is also not an explicit requirement that the Registrar must keep a register of social service occupations. The Registrar is only required to keep and maintain 'professional' registers. Thus there is a contradiction in the Bill regarding registration of persons to practice under a social service occupation.

Responding to the Bill

This article served to highlight certain aspects of the Social Service Professions and Occupations Bill, particularly the distinction the Bill creates between a social service profession and social service occupation. These distinctions have practical consequences for those who practice in the category of a social service profession or a social service occupation.

It is critical to share your response to these issues and motivate for a Bill that serves the best interest of all social service practitioners and empowers this valuable workforce in advancing social justice in communities throughout South Africa. For more information or to register your responses to the Bill join the Social Service Practitioners Advocacy Network contact: Prinslean Mahery or Lucy Jamieson 021 689 5404 or email Prinslean.Mahery@uct.ac.za 

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