



## **NEDLAC REPORT ON THE SOCIAL SERVICES PRACTITIONER'S (SSP) BILL**

**MAY 2024**

### **1. BACKGROUND**

- 1.1. The Department of Social Development presented the Social Service Practitioners (SSP) Draft Bill to the Development Chamber meeting held on 22 September 2020. However, at the time, the Department needed to incorporate the public comments and formally table the Bill to Nedlac for engagement. Therefore, it was agreed that once the Department had incorporated the public comments, it would revert to Nedlac for formal tabling and a task team would be established to take this process forward.
- 1.2. It, thereafter, submitted the Bill to the Nedlac's Executive Director's office on 20 February 2024.
- 1.3. The Development Chamber, thereafter, established a six-a-side task team to engage on the Bill.
- 1.4. The Bill was subsequently tabled at the task team meeting held on 19 April 2024.
- 1.5. This Nedlac Report provides details on the engagement process and highlights the areas of agreements and disagreements.

### **2. PURPOSE OF THE SSP BILL**

#### **2.1. The SSP Bill seeks to:**

- 2.1.1. Provide for the establishment of the South African Council for Social Service Practitioners, as well as the establishment of the social service's professional boards and social service occupational boards.
- 2.1.2. Subsequently, to ease registration of social service practitioners; and regulate the education, training and professional development and professional conduct of social service practitioners.
- 2.1.3. Finally, to provide for the repeal of the Social Service Professions Act, 1978.

### 3. PROCESS AT NEDLAC

- 3.1. The Task Team agreed that the Bill would be engaged chapter by chapter approach.
- 3.2. The Task Team convened two (2) meetings on the following dates:
  - 3.2.1. 19 April 2024
  - 3.2.2. 16 May 2024
- 3.3. The Bill is attached as **Annexure A** of this report for ease of reference.  
Social partners provided inputs on the proposals from Government on the Bill. At the end of the process the task team agreed on some proposals as presented by Government and provided inputs to enhance the Bill.
- 3.4. Additionally, there was one proposal on which agreement could not be reached. The section below outlines the section in the Bill where amendments were proposed by social partners and agreed upon and disagreed upon by the Government.

### 4. AREAS OF AGREEMENT

**[text\*] denotes deletion and \_\_\_\_\_ denotes insertion]**

- 4.1. The task team agreed to amend the following sections of the Bill with proposals made as follows:

<b>CHAPTERS AS PER THE BILL</b>	<b>Views of Nedlac Social Partners on proposed amendments</b>	<b>Amendments Agreed to by all Nedlac Social Partners</b>
<b>CHAPTER 2 ESTABLISHMENT OF AGENCY</b>	Community proposed that the criteria for selecting the persons to participate in the Council on Education, Training, and Development should be clarified under the section on the powers and functions of the Council.	Government agreed to clarify the criteria and processes in the Bill.

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<p><b>CHAPTER 3 COMPOSITION OF COUNCIL AND COMMITTEES</b></p>	<p>Labour proposed that a new clause be added to the Bill, which provides for the representation of organised Labour in the Council.</p> <p>Business proposed that the South African Qualifications Authority (SAQA) and Quality Council for Trades and Occupations (QCTO) should also be represented in the council's engagements.</p> <p>Government responded that SAQA and QCTO were already part of the council.</p>	<p>Government agreed on the addition of the following clause to provide for participation of organised labour:</p> <p>(1) The Council consists of a minimum of 30 members appointed in terms of section 10, which must include 10 persons nominated by the social service sector to serve on the Council which persons must be selected from one or more of the following categories—</p> <p><u>(f) associations of organised labour with experience in the social service sector.</u></p>
	<p>Community proposed that the following should be added as grounds for disqualification of the members from the Council:</p> <ul style="list-style-type: none"> <li>- If a member obstructs or impedes the Council in the performance of its functions in terms of this Act.</li> <li>- If a member approves or engages in unauthorized or irregular expenditure or fruitless and wasteful expenditure activity.</li> </ul> <p>Government responded that the criteria proposed by Community should be added in the code of conduct for</p>	<p>It was agreed that the proposed criteria by Community would be added into the code of conduct for convening meetings instead of including it in the Bill.</p>

CHAPTERS AS PER THE BILL	Views of Nedlac Social Partners on proposed amendments	Amendments Agreed to by all Nedlac Social Partners
	<p>convening meetings instead of including it in the Bill, as it was outlining the conduct of the members in the Council.</p> <p>Community proposed that the Auxiliary Committees of the Council should be called ad hoc Committees if they are to perform a temporal or special task.</p> <p>Government responded that the Auxiliary Committees will be assisting the Council on an ad-hoc basis, however they still need to retain their professional titles as auxiliary committees. Therefore, the ad hoc committees could be set up as and when necessary.</p>	<p>It was agreed that section 23 and subsection (1) be amended as follows:</p> <p>Section 23. Auxiliary <u>Ad hoc</u> Committees of Council.</p> <p>(1) The Council may, in the prescribed manner, establish auxiliary <u>ad hoc</u> committees that it considers necessary to assist the Council in the exercise of its powers and functions.</p>

## 5. AREAS OF DISAGREEMENT

- 5.1. Various sections of the Bill outline the roles of the Chairperson and of the President as key role players of the council. Community expressed concerns regarding the council having both the President and the Chairperson as this might create ambiguities and overlaps on the roles of these positions.

5.2. Government stated:

5.2.1. The roles and functions of the President and of the committee Chairperson in this Bill were clear, and there were no overlaps. The Chairperson leads the Board of Directors, and there were Chairpersons for various committees established under the Council, whereas the President leads the entire Council.

5.2.2. Furthermore, there are Professional Boards established in terms of the existing legislation under review, the Chairpersons of which are appointed in terms of the Social Service Professions Act, 1978 (Act No. 110 of 1978).

5.2.3. Therefore, there is a clear distinction between the President of the Council and Chairpersons of Social Service Professional Boards. Additionally, as alluded above there are many committees anticipated in the Bill which have Chairpersons and the Council itself is led by the President.

5.3. Labour and Business agreed to accept the above-mentioned clarification from the Government; however, the Community disagreed and maintained that the Council should be led by the Chairperson, not the President. This matter, therefore, remained an area of disagreement.

## 6. CONCLUSION

6.1. This Report, therefore, concludes considerations at Nedlac on the Social Services Practitioner's (SSP) Bill. It will be submitted to the relevant Ministers and Portfolio Committee in terms of Section 8 of the Nedlac Act. No 35 of 1994.

**ANNEXURE 1**

**LIST OF TASK TEAM MEMBERS**

<b>BUSINESS:</b>	<b>LABOUR</b>	<b>GOVERNMENT</b>	<b>COMMUNITY</b>	<b>SECRETARIAT</b>
Jahni De Villiers Sanelisiwe Jantjies Khulekani Mathe Tebogo Phasha Tsakane Muavha	Matthew Parks Barry Mitchell Boitumelo Molete Slindile Mbele Sipho Ndhlovu	Luyanda Mtshotshisa Civil Legodu Nkosinathi Dladla Galeboe Rapoo Nolitha Ludwaba Mukhethwa Netshivumbe	Ntobeko Gotyana Thembinkosi Josopu Halmiton Ntsinde Mbusi Nzimande Nndwakhulu Bale Dudu Ngidi	Busisiwe Milisi- Mngese Bongani Mahlalela Tshifhiwa Matodzi