



Reference: 12/1/P

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# **TERMS OF REFERENCE OF THE RESEARCH ETHICS COMMITTEE OF THE DEPARTMENT OF SOCIAL DEVELOPMENT, WESTERN CAPE**

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## **APPROVALS**

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## **1. Introduction**

On 20 April 2009, the Executive Management of the Department of Social Development gave approval for the establishment of a Research Ethics Committee (REC). Following the establishment of the Committee, a Terms of Reference (TOR) was developed and approved in 2009. The TOR has been reviewed twice since its approval and this is the third review. In 2012 and 2013 the TOR introduced amendments regarding the membership of the Committee and a mechanism for the fast tracking of research applications.

More recently, the introduction of the Protection of Personal Information Act no 4 of 2013 required a further review of the TOR. Consultations held with REC members during 2022 assisted in identifying additional amendments specifically regarding the need to clarify the scope of research that falls under the authority of the REC.

## **2. Background**

- 2.1 The Department is involved in the undertaking of social, evaluation and population research, specifically through the implementation of its annual Research and Evaluation Plan implemented by social researchers and population analysts in the Directorate Research and Information Management as well as through the outsourcing of research to external service providers. In addition, research is undertaken in the Department by external researchers such as students and academics, provincial and national Departments as well as research consultants, both locally and internationally.
- 2.2 The Department has a responsibility to ensure that ethical research is undertaken with beneficiaries of its services as well as its staff as participants in research studies. It also has to safeguard the best interests of vulnerable populations such as children and youth, victims of interpersonal violence as well as persons with special needs, during research processes. Most importantly, the Department must ensure that no harm arises from participation in research.
- 2.3 A review of the legal and policy framework guiding research in the Social Development sector undertaken during the establishment of the Research Ethics Committee, indicated that the management and governance of research in the sector is not regulated through legislation. In the absence of a policy and regulatory framework, the following acts, policies and principles guided the Department in the establishment of a Research Ethics Committee.

- 2.3.1 The Constitution of the Republic of South Africa (1996)<sup>1</sup> contains rights that provide a framework for the undertaking of research. Section 12 (2) (c) of the Constitution is of particular importance as it establishes the right of informed consent in medical and scientific experiments. The Constitution further guarantees the right to human dignity and the right to privacy. Researchers and research sponsors have to ensure that these rights are protected and upheld during research processes.
- 2.3.2 Ethical guidelines for social service professionals<sup>2</sup> registered with the South African Council for Social Service Professions have implications for the Department as it provides guidance for social workers when conducting research.
- 2.3.3 In the public sector, only the health sector currently regulates research involving human subjects through legislation. The National Health Act<sup>3</sup> requires the establishment of a National Health Research Committee, a National Health Research Ethics Council as well as the establishment of Health Research Ethics Committees.
- 2.3.4 The collection of official data regarding the population of South Africa is regulated by the Statistics Act<sup>4</sup>. This Act applies to all organs of state and regulates 'the planning, production, analysis, documentation, storage, dissemination and use of official and other statistics.'
- 2.3.5 The Promotion of Access to Information Act<sup>5</sup> deals with the mandatory protection of research information of a third party and the protection of research information of a private body.
- 2.3.6 The Protection of Personal Information Act <sup>6</sup> deals with the protection of personal information processed by public and private bodies.
- 2.3.7 Other government departments such as the Departmental of Correctional Services and the South African Police Service have internal research guidelines and protocols.
- 2.3.8 The POPIA Code of Conduct proposed by the Academy of Science of South Africa (ASSAF), mandated under the Academy of Science of South Africa Act 67 of 2001 as amended by the Science and Technology Laws Amendment Act 16 of 2011. Once the SA Information Regulator recognizes this code, it will be binding and failing to comply with it will be a breach of POPIA.

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<sup>1</sup> Constitution of the Republic of South Africa: Act 106 of 1996.

<sup>2</sup> South African Council for Social Service Professions (undated).Policy Guidelines for Course of Conduct, Code of Ethics and the Rules of Social Workers.

<sup>3</sup> The National Health Act No 61 of 2003.

<sup>4</sup> The Statistics Act No 6 of 1999.

<sup>5</sup> The Promotion of Access to Information Act No 54 of 2002.

<sup>6</sup> Protection of Personal Information Act no 4 of 2013

- 2.4 A Research Ethics Committee enables the Department to pursue the following objectives:
  - 2.4.1 The promotion of ethical research<sup>7</sup> in the Department.
  - 2.4.2 The protection of research participants, in particular vulnerable groups and persons with special needs.
  - 2.4.3 Consistent application of review procedures in respect of the design of research and evaluation, proposals, methods and instruments.
  - 2.4.4 The implementation of best practises in ethical research, such as the obtaining of informed consent of participants.

### **3. Role and Function of Committee**

- 3.1 The REC has the following role and functions:
  - 3.1.1 Supporting the undertaking of socially relevant research that is aligned with the Department's vision, mission and strategic goals in particular the implementation of the annual Research and Evaluation Plan as approved by the Executive Management of the Department.
  - 3.1.2 Promoting the rights and protecting the wellbeing of research participants.
  - 3.1.3 Promoting ethical research in the Department that complies with relevant national legislation and provincial policies, through the implementation of a Research Ethics Policy.

### **4. Review and Approval Function of the Committee**

- 4.1 All research proposals involving primary research with human subjects require a complete review by a minimum of 3 reviewers assigned by the Research Ethics Committee.
- 4.2 Senior and Programme Managers of the Department can review applications when relevant. Any other official can review an application or provide feedback in respect of a review if needed.
- 4.3 Research involving access to administrative information of the Department must be dealt with in terms of the Promotion of Access to Information Act no 2 of 2000 as well as via the Research Ethics Committee.
- 4.4 Research involving access to, and collection of personal information should be dealt with in terms of the Protection of Personal Information Act no 4 of 2013.

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<sup>7</sup> Social, population and evaluation research.

- 4.5 Key criteria for the review and approval of research applications include the relevance of the proposed research for the work of the Department, and the risk of harm to its beneficiaries.
- 4.6 Procedures for the review and approval of research applications:
  - 4.6.1 Formal applications submitted to the REC Secretariat will be reviewed within one quarter or three months of receipt and tabled at the next available meeting.
  - 4.6.2 The approval period is one year, following which an application for extension can be made. Requests for extensions must be strongly motivated.
  - 4.6.3 Applications must be submitted six weeks before the next available meeting of the REC.
  - 4.6.4 REC approval does not guarantee that external applicants have access to DSD offices and/or staff and/or DSD clients. Approval of such access must be obtained from the relevant Senior Managers.
  - 4.6.5 REC approval does not guarantee that departmental officials who undertake private research may or can use departmental human and logistical resources. Approval for use of such resources must be obtained from the relevant Senior Managers and is subject to organisational policies and prescripts.
- 4.7 Application can be made for the fast tracking of or exemption from the full review process in respect of the following:
  - 4.7.1 Interviews with Departmental officials.
  - 4.7.2 Research pre-approved by other government entities, for example, where participation forms part of a national study.
  - 4.7.3 Research undertaken by Chapter 9 Institutions such as the Public Service Commission, the Human Rights Commission and the Western Cape Commissioner for Children.
  - 4.7.4 Research undertaken for degree purposes by officials of the Department specifically bursary holders.
  - 4.7.5 Any other situation that can be duly motivated by the applicant.
- 4.8 Procedures for fast tracking of applications or obtaining exemption from full review:
  - 4.8.1 An application with supporting evidence must be submitted to the Secretariat of the Research Ethics Committee.
  - 4.8.2 Applications for fast tracking or exemption must be considered by the Secretariat and one reviewer and approved by the Chairperson.
  - 4.8.3 If approved, the Chairperson must issue a letter of approval or exemption.

- 4.8.4 If not approved or if there are differences in opinion between reviewers, the Secretariat can recommend that the full Committee review an application.
- 4.8.5 Permission to fast track the ethical review will not exempt the researcher from other processes and protocols.
- 4.8.6 Applications that qualify for fast tracking will be reviewed within one month of the formal submission of an application.

## **5. Scope of the Committee**

- 5.1 All research undertaken by or about the Department falls under the Research Ethics Committee. This includes research by all structures and officials<sup>8</sup> of the Department, including all Directorates and Programmes in Head Office as well as Regional Offices and Facilities.
- 5.2 All research undertaken by external researchers and research institutions also fall under the authority of the Research Ethics Committee.

## **6. Membership and functioning of the Committee**

- 6.1 The Head of Department, in terms of the Public Service Act of 1994, delegates the required authority to the Research Ethics Committee, its Chairperson and members, to ensure that its mandate as described in this Terms of Reference is implemented.
- 6.2 The Chairperson of the Committee shall be a Senior Manager in the Department.
- 6.4 The Committee should have a minimum of 7 members (including the Chair).
- 6.5 The 6 members (excluding the Chair) should have secundi who can attend meetings or undertake their duties when required. Both members and secundi can attend the same meeting, however, only the main member can vote when both are attending.
- 6.6 A member and secundi should have similar knowledge and expertise but do not have to represent the same Departmental programme, sub-programme, regional office, facility or unit.
- 6.7 Membership of the Committee consists of staff representing the Department's Budget Programmes and sub-Programmes, Regional Offices, and facilities.
- 6.8 The membership of the Committee should include registered social service professionals, policy experts, and experts in the field of research ethics as well as information law.

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<sup>8</sup> If the research is undertaken within the DSD context.



- 6.9 When required, external expertise from entities such as tertiary training institutions, other Departments and state entities and the non-profit sector may be invited to provide specialist knowledge to the Committee.
- 6.10 Four members or secundi are required at a meeting to constitute a quorum.
- 6.11 The Committee shall meet quarterly on a formal basis. Meetings will be recorded in writing.

## **7. Responsibilities of Members**

- 7.1 To contribute to its general work as required.
- 7.2 To advocate and raise awareness regarding the Research Ethics Committee and its policies within the Department.
- 7.3 To review and make recommendations with respect to applications within their area of expertise.
- 7.5 Members should attend training and capacity building sessions when available.

## **8. Lifespan and Dissolution of the Research Ethics Committee**

- 8.1 The term of office of members of the Research Ethics Committee is as follows:  
Chairperson: 3 years  
Members: 3 years
- 8.2 Termination of membership: One month notice should be given by members wishing to resign from the Committee.
- 8.3 The REC may be dissolved by the Head of Department.

## **9. Secretariat**

- 9.1 The Directorate Research and Information Management hosts the Secretariat of the Committee. A staff member of the Directorate is assigned annually to the Secretariat.
- 9.2 The Directorate provides the budget for the Research Ethics Committee.
- 9.3 The Secretariat is responsible for the preparation and circulation of the meeting notice, agenda (and supporting documentation) and minutes of meeting.
- 9.4 The Secretariat will ensure that electronic copies of all relevant documents to the Committee (including agendas, supporting documentation and minutes) are saved in the Department's electronic content management system for recordkeeping and for audit purposes.
- 9.5 The meeting agenda and minutes must be forwarded to members five working days before the next meeting.

- 9.6 An agenda is to be prepared for meetings with relevant documents attached and distributed to members at least 48 hours prior to meetings.
- 9.7 Additional agenda items may be considered at the commencement of the meeting.
- 9.8 The agenda and additional agenda items are approved by consensus by membership present.
- 9.9 Minutes must record the following:
- Date and location of the meeting
  - Attendees, apologies and absentees
  - Matters arising (in bullet point format)
  - Agenda items discussed
  - Action items
- 9.10 Minutes of the preceding meeting must be confirmed at each meeting, which includes a review of the action items outstanding and a report on action items.
- 9.11 The minutes must be accepted and seconded in duly constituted meeting as a true reflection of the meeting and signed by the Chairperson.