



Submission to SWRB on the *2025 review of the Social Workers Registration Act 2003*

INTRODUCTION

1. Thank you for the opportunity to submit on the review of the Social Workers Registration Act 2003. We are cognisant of the importance of this review, being the first since mandatory registration was introduced in 2021, and hope our perspective brings some constructive reflections to the wider narratives around the regulation of social work in Aotearoa New Zealand.
2. As a professional body for social work, ANZASW is uniquely positioned within the sector to provide this feedback as we hear regularly from our social work members about the impact of regulation on individual social workers and the wider sector. We are a key pou within the social work system, working tirelessly to promote and support the social work profession, uphold ethical practice, advocate on matters of social policy, and advance social justice, Te Tiriti o Waitangi, human rights and human dignity. These core functions are essential, alongside a regulatory framework which ensures accountable and safe practice, to enable a thriving social work profession.
3. There remains widespread support for regulation within the social work profession, however, the transition to a mandatory environment has heightened some implementation concerns about the regulatory framework established by the Act. Within this submission, we explore these concerns and recommendations for changes in detail. They are:
 - **Being an effective, mana-enhancing regulator**
 - Perception of SWRB across the sector
 - Monitoring, enforcement and system oversight
 - Maintaining an aligned professional system
 - Clarifying the function of enhancing the professionalism of social work
 - **Setting reasonable fees**
 - Comparably high expenditure
 - Funding model for complaints
 - The impact of high regulatory fees on the social work professional system
 - **Delivering a disciplinary process that ensures the best outcomes**
 - Inserting timeframes for disciplinary processes in the Act
 - Removing names from the register
 - **Considering the impact of regulating the social work-like workforce**
 - Benefits and barriers to regulating the wider social services workforce under the Act

- Alternative options to regulating the social service workforce under the SWR Act
 - **Improving pathways into social work**
 - The need to implement an alternative pathway before s13 ceases
4. To support our submission, we surveyed our members to gather their insights on how effective the Act and the Social Work Registration Board (SWRB) are. Over half of respondents stated they have been a registered social worker for more than 10 years. We would therefore expect that this group holds significant knowledge of SWRB processes and the regulatory framework, including first-hand experience of changes to the regulatory environment over time. Additionally, we utilised data from previous member surveys and feedback gathered during past consultations regarding fee changes and amendments to the Act. This information has helped inform our submission.

A PROFESSIONAL COMMITMENT TO TE TIRITI O WAITANGI

5. ANZASW are proud to recognise Te Tiriti o Waitangi as a founding document of Aotearoa New Zealand, a commitment we show through Ngā Tikanga Matatika, our Code of Ethics, which was developed in conjunction with Te Roopū Māori. Our own ANZASW Board is mostly Tangata o te Whenua who help establish tikanga for our organisation and assist our Kaihautū to support over 600 of our Tangata o te Whenua members. As a representative body for social work, we aspire to outwork our tikanga of 'Kia tutuki ai ngā whainga me ngā tūmanako kia mau tonu i ngā mahi' (through working together, our goals and objectives will be achieved). We see the addition and inclusion of Tangata o te Whenua and their practices at the cutting edge of improving not only social work, but wider Aotearoa New Zealand society and addressing the many social issues we are currently grappling with as a nation.
6. We have concerns, given the wider political environment, that attempts may be made to remove or dilute Te Tiriti o Waitangi clauses in the Act. We fervently oppose any such move and strongly convey our support to not only retain all Te Tiriti o Waitangi clauses but further strengthen commitments to Tangata o te Whenua.
7. The Act currently articulates social work's commitment to Te Tiriti o Waitangi through sections:
- 6, which speaks to the competence to practice social work with Māori;
 - 100, which sets out the obligations of the SWRB in relation to Māori; and both
 - 66 and 117, which promote Māori representation on Professional Conduct Committees and the Tribunal.

These clauses are vital to ensuring the Act aligns with the professional obligations social workers have in both recognising the status of Te Tiriti o Waitangi as the founding document in Aotearoa New Zealand, and practice competencies, given Tangata o te Whenua represent up to 70% of clients in some social work practice areas¹.

8. We recommend that these sections be retained, but that s66 also be strengthened by making Māori representation on Professional Conduct Committees a requirement rather than 'desirable'. This would ensure that tikanga and te ao Māori perspectives are not overlooked when investigating a complaint, again due to the high levels of Māori representation across all practice areas, which make such expertise essential. Similarly, the language used in sections 100 and 101 do not convey

¹ UNICEF New Zealand. (2019). *Te Hiringa Tamariki: A Wellbeing Model for Tamariki Māori*.
<https://www.unicef.org.nz/media-releases/te-hiringa-tamariki-a-wellbeing-model-for-tamariki>

the significance of these sections to ensure the mana of tangata o-te whenua and ethnic and cultural groups. The wording 'need for the appropriate involvement of Māori' as found in s100(1) must be strengthened to convey both rangatiratanga and ōritetanga by Māori within the Board space. Similarly, s101 refers to 'the views' of ethnic and cultural groups. This language does not convey the participation of these groups, which is essential for ensuring the Board is attending to the needs of ethnic and cultural groups who are represented not only across social work client bases, but increasingly, within our workforce itself.

Recommendation: Section 66 should be strengthened by making Māori representation on Professional Conduct Committees a requirement rather than 'desirable'.

Recommendation: Section 100 and 101 should be strengthened with use of mana-enhancing language.

BEING AN EFFECTIVE, MANA-ENHANCING REGULATOR

Perception of SWRB across the sector

9. We asked social workers whether they felt SWRB is fulfilling the purposes of the Act in a mana-enhancing way (purposely leaving this open to interpretation). The responses to this statement painted the picture of a very split sector in terms of the overall perception of SWRB. Many respondents (39%) agreed with the statement, however, within this group, answers were supplemented with comments such as 'marginally', 'mostly, and 'but fees are outrageous', which captures some dissonance within these answers. 29% felt that SWRB is failing to fulfil its purpose in a mana-enhancing way. Respondents cited SWRB approaches sit in opposition to mana-enhancing values, such as a lack of consideration of social justice- particularly in its approach to fee setting, the dominance of Pākehā frameworks for operations, poor accessibility, response times and communication and a lack of meaningful sector engagement. We also categorised 32% of responses as 'neutral', as comments could not be clearly assigned to either 'yes' or 'no' category. Interestingly, a common theme found within these responses was uncertainty around the purpose of SWRB, or little direct experience with SWRB, which resulted in respondents feeling unable to answer definitively. Examples of this were "I don't know enough/ not involved enough to say", "hard to answer, but I can't say yes", "possibly" and "hard to say." These responses reflect the lack of clarity we commonly see across the profession; many social workers are still grappling with understanding the role of a regulator and what they should expect from SWRB.
10. This loosely speaks to section 99 (1)(j) of the Act, which sets out that a function of the Board is to promote the benefits of registration, specifically in (ii) to social workers. This function clearly needs to be strengthened; the role of 'regulator' should be more clearly communicated to social workers to ensure that their expectations of SWRB are reasonable and to reduce role and responsibility confusion between SWRB and ANZASW as a professional body. We often face role confusion from both social workers and the general public, which results in inefficiencies in the system and frustration from social workers whose expectations of SWRB can be misaligned with SWRB's functions.
11. As the professional body, we actively educate the sector and beyond on our role and how this differs from SWRB as the regulator. However, we still experience role confusion, particularly around SWRB being viewed as 'the sector voice' for social work, a role which sits in conflict with their regulatory role and actively sits within the professional body space. Confusion seems to have been heightened at times by the government releasing additional funding to SWRB for training and

capability initiatives that blur into the professional body function space, such as workforce planning, data advocacy and the building capability in Oranga Tamariki project. SWRB should accurately portray itself across government and the public service as a regulator rather than implying it offers a representative sector voice. A more comprehensive communications campaign from SWRB to inform social workers about the regulatory role would benefit the sector and ensure they are fulfilling their function as per s99(1)(j)(ii) of the Act.

Recommendation: The role of ‘regulator’ should be more clearly communicated to social workers to ensure that their expectations of SWRB are reasonable and to reduce role and responsibility confusion between SWRB and ANZASW as a professional body.

Recommendation: SWRB should accurately portray itself across government and the public service as an occupational regulator rather than implying it offers a representative sector voice.

Monitoring, enforcement and system oversight

12. The most important function of SWRB, according to social workers surveyed, is its monitoring and enforcement role. It was interesting to note that the commentary associated with this suggests social workers want more active monitoring of social workers’ practice and competencies.
13. There was concern that the integrity of the profession is placed at risk without active monitoring and compliance mechanisms. Some comments suggested little faith in the current process, where competence is assessed at the point of registration, yet, within the limitations of the survey, this concern was not explored further. Two assumptions can be drawn from this collection of statements; either social workers are unaware that competency against the standards set by SWRB are assessed during registration processes, or social workers feel that this method is inadequate, as a preference for ongoing assessment of competency was mentioned often in survey responses. Active monitoring could potentially look like a reintroduction of past competency re-assessment every 5 years, or an entirely new method co-designed by social workers and sector leaders, to ensure the ongoing integrity of the social work profession.
14. Monitoring and compliance mechanisms have significantly reduced in recent years, likely in response to mandatory registration and the resources required to maintain such systems. There is an argument that poor practice, which impacts the professional integrity of social work but does not necessarily pose a risk to the public, can easily exist within the current regulatory settings. CPD logs no longer require social workers to reflect against the core competencies, which were previously used as a tool to maintain practice standards. This recent change was met with concern across the sector because of the potential for accountability in practice to erode once registration has been achieved.
15. Although valid, this preference for increased monitoring conflicts with the widely held view that regulatory fees should be reduced. Reintroducing ongoing monitoring of practitioners’ competency, rather than relying on the current complaints system and random auditing would increase regulatory costs exponentially. SWRB would need to employ considerable resources and expertise from within the profession to carry out reassessments and CPD audits, given that the practising register has grown to over 9,000 practitioners. Although we agree in principle that closer monitoring would better ensure practice integrity, we caution against reintroducing monitoring mechanisms that would increase expenditure, unless savings to offset this increase can be found elsewhere.

Recommendation: SWRB should not increase monitoring functions unless efficiencies are found which would enable closer monitoring without fee increases.

16. Respondents also suggested that SWRB should enact functions which sit outside of the remit of the Act currently. This included a strong preference for the ability to monitor agencies to ensure unqualified social workers are not practising social work, and that organisations are adhering to social work practice standards to both protect the public and the social work profession. This would place SWRB in a system oversight role, much like the Health and Disability Commission, Arotutuki Tamariki - the Independent Children's Monitor and Te Kāhui Kāhu.
17. There are several considerations associated with this suggestion, namely, the legal mechanism in which enforcement would be achieved, given that social work is only title-protected and not scope-protected; therefore, the wider health and social services workforce is not restricted from carrying out tasks normally associated with social work. Secondly, this function would be an unnecessary duplication. Responses suggest that social workers think the current sector and system monitoring mechanisms named above are not effective, however, this could instead suggest a mismatch in monitoring standards or simply a lack of transparency in process that leads social workers to perceive a lack of organisational accountability. This could be rectified by SWRB advising monitoring agencies on additional standards which address social workers' concerns rather than adding monitoring as a regulatory function of SWRB.
18. The final consideration if SWRB were to take on a monitoring function, is again the significant impact this would have on resources. This function would need to be inserted as an entirely new function within the Act, and we would expect that funding for this function be appropriated from Vote Social Development rather than extending the cost-recovery model found in s108. Social workers should not assume responsibility for system and organisational monitoring, as the actions of organisations and systems under which they are employed are largely outside of their remit of control. Extending the cost-recovery model to cover this function would place an unfair financial burden on social workers.

Recommendation: ANZASW does not support SWRB taking on a system oversight function, but recommends SWRB collaborate with existing oversight bodies to ensure alignment of sector standards.

Maintaining an aligned professional system

19. Other additional functions suggested were advocacy and support of social workers. SWRB have been very clear that advocacy is not a current function, nor a function they wish to hold in the future, given their status as a crown entity that is directly accountable to their Minister, and so, independence is difficult to achieve. There is frustration, however, across the sector, that SWRB does not appear to convey or serve the interests of social work when there is ample opportunity to do so with the Minister and other government decision-makers who regularly consult them on matters related to social work. Professional bodies ANZASW and the Tangata Whenua Social Workers Association (TWSWA) hold this advocacy function on behalf of the social work profession, and exercise this regularly and with vigour.
20. Similarly, ANZASW and the TWSWA exist to support social workers through several means, yet our capacity to do so relies heavily on membership numbers, which fund our activities. When SWRB places an unreasonable financial burden on the system, professional and peak bodies are unable to provide the much-needed advocacy and professional support required to enhance the professionalism of social work. There is no need for duplication of the advocacy and support roles

which sit within professional bodies, however, there is a need for the system to work in tandem, ensuring that SWRB does not exhaust sector resources for regulatory functions at the expense of professional association functions which enhance and maintain high standards of practice.

Recommendation: SWRB should operate in consideration of a ‘whole-of-system’ approach to enhancing the professionalism of social work, rather than assuming further functions.

Clarifying the function of ‘enhancing the professionalism of social work’

21. Purpose 3(d) of the Act “to enhance the professionalism of social workers” is not well defined and is perceived by some within the sector, as the potential cause for disproportionately high regulatory fees when compared with similar government regulators. This purpose, as it is currently written, could justify a large range of activities within SWRB.
22. We asked social workers how they interpret this purpose, and again, responses identified a range of activities which sit squarely in the regulatory space and functions that should sit with professional bodies and those within the sector. By far, the most common interpretation of how SWRB and the Act ‘enhances the professionalism of social work’ is through setting and enforcing standards. This included competencies, continuing professional development requirements, and education standards. Importantly, ensuring ‘cultural integrity/ competency/ humility’ was mentioned several times in relation to the setting of appropriate standards with some respondents mentioning the importance of SWRB displaying such standards, including commitment to Te Tiriti o Waitangi and tikanga in how they operate and engage with the sector.
23. The next most common interpretation was the view that the Act and SWRB meet this purpose through maintaining a register. Essentially, through the purposes 3(a) and (b), purpose (d) is achieved. These responses reflected a preference for SWRB acting in a traditional regulatory function, where the regulatory framework in itself, acts as a mechanism to enhance the professionalism of social work. This interpretation places clear boundaries around purpose 3(d).
24. Some social workers conveyed that ‘supporting social workers’ and ‘providing training/education/resources’ is how they interpret enhancing the professionalism of social workers. These responses, coupled with the interpretation of ‘advocacy’, show that the use of this term within the Act as a standalone function adds to role confusion across the sector. These functions should sit within the profession, as there is complexity and conflict associated with a crown body determining sector needs and delivering on these. Social workers hold the expertise and insights to aptly determine their support, training and advocacy needs and should be able to do so autonomously. Professional bodies, which are positioned within the profession, are better placed to deliver such functions, and in the case of social work, these three functions are core to ANZASW.
25. On considering responses to this question, we assert that function 3(c) of the Act should be amended to ensure it is defined within the parameters of SWRB’s regulatory role. Such an open statement is exacerbating role confusion across the sector, and could be used at best, to unnecessarily duplicate activities that are routinely delivered by professional and peak bodies, reflecting a misuse of resources, or to justify activities which unnecessarily impede the autonomy of social workers. At worst, this purpose acts to exclude social workers from decision-making processes about them and the profession.

Recommendation: We recommend that the wording within s3 of the Act be amended to:

(d) to enhance the professionalism of social workers by maintaining and enforcing standards for social workers in New Zealand, and maintaining (a) and (b).

SETTING REASONABLE FEES

Comparatively high expenditure

26. Overwhelmingly, respondents felt that fees charged by SWRB under s108 and s109 of the Act are unreasonable. This does not surprise us, as when we consulted members on SWRB fee increases in 2021, 90% of those who responded held significant concerns. Again, in 2023, when the disciplinary levy increased by 62%, and CPI adjustments were made to fees calculated at 17%, social workers flooded us with emails and social media comments conveying their disbelief, anger and grief that regulatory fees would again be rising significantly. 98% of respondents felt that regulatory fees place an unreasonable financial burden on social workers, employers or both. Many wondered if high fees reflected inefficiencies within SWRB, something that we have questioned in the past and remain unclear as to how operations are costed.
27. When compared to other regulators, annual expenditure for SWRB appears disproportionately high, so too does the number of employees required to carry out their functions. We, alongside our survey respondents, question whether high expenditure reflects inefficiencies, or whether this reflects bloating of SWRB's activities, potentially sitting unrestrained under the 'enhance the professionalism of social workers' purpose of the Act.
28. In completing a comparative analysis of regulators who have similar functions, we notice two things: firstly, total expenditure of SWRB sits between \$3m and \$3.8m² more than regulatory authorities under the Health Practitioners Competence Assurance (HPCA) Act 2003, and these authorities have between 9-13 employed staff, whereas SWRB currently has 41.5 full-time equivalent positions. Personnel costs for SWRB in 2024 were just over \$5.5m³, double the total annual expenditure of the New Zealand Psychologists Board.

Figure 1: Regulatory comparators

Authority	Type	No. Practising	Annual Fees	No. complaints	Staff FTE	Annual Expenditure
SWRB	Independent crown regulator under SWR Act	9135	\$759	194	41.5	\$7,119,089
The Physiotherapy Board of New Zealand	Independent regulatory authority under HPCA Act	9655	\$414	32	13	\$3,408,286
NZ Psychologists Board	Independent regulatory authority under HPCA Act	4857	\$605	167	9	\$2,639,729

² This figure has been adjusted to subtract the \$705,000 crown funding SWRB receives for workforce planning.

³ SWRB. (2025). Annual Report 2023-2024. <https://swrb.govt.nz/download/swrb-annual-report-2023-2024/?tmstv=1755589503>

Occupational Therapy Board of NZ	Independent regulatory authority under HPCA Act	3555	\$588	99	13	\$2,165,947
Teaching Council of Aotearoa New Zealand	Independent crown entity under Education and Training Act 2020 regulator with an advocacy arm	150000	\$167	493	Approx 100	\$18,785,000

29. The Physiotherapy Board of New Zealand is the best comparator under the HPCA Act, with which the Social Workers Registration Act is intended to align. As a regulatory authority, they have almost the same number of practising physiotherapists, yet, to manage their regulatory role, they only require 13 staff. Functions that sit under s118 of the HPCA Act 2003 are roughly equivalent to the SWR Act 2003; however, we wonder if access to the Health and Disability Commission (HDC) to manage tribunal complaints may reduce their expenditure compared to SWRB, which maintains our equivalent tribunal. Many complaints regarding social workers sit outside of HDC remit, as most social workers are also employed across social services for which an equivalent body does not exist. The Social Workers Registration Act has therefore been drafted to incorporate this function under section 114.

30. Without a detailed examination of operations and financials, it is difficult to understand why SWRB expenditure and staff numbers are so high. We understand that staff undertook time and effort evaluations over a 3-week period in 2019 and 2021 whilst the funding model for mandatory registration was being considered⁴. However, this time period reflected the beginning of mandatory registration, where the number of registration applications, enquiries and associated implementation project work would have resulted in a large overestimation of time and effort required for SWRB to carry out their regulatory functions. We recommend that an independent audit be completed, which again incorporates time and effort evaluations to determine why expenditure continues to increase despite lower registration application numbers compared to 2019-2021, and why there has been 4 times increase in staffing numbers since 2017.

Recommendation: An external audit of SWRB's expenditure is completed to determine why expenditure and staffing numbers are so high.

Funding model for complaints

31. When we examine the funding used to maintain professional disciplinary tribunals, we see that social work is an anomaly. The Health and Disability Commission is appropriated approximately \$19.7m per year through Vote Health to operate⁵. This funds the health and disability complaints system through public funds rather than passing this responsibility to registered health practitioners via a cost-recovery model. We also see equivalent precedence in other public service professions, such as the police. The Independent Police Conduct Authority is appropriated \$6.74m per year through Vote Justice to investigate and make determinations in relation to police

⁴ ANZASW, (2021). *Submission on the Social Workers Registration Board's Fees and Disciplinary Levy Consultation on Change Proposals*.

<https://community.anzasw.nz/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=f2204c19-5015-7756-0e93-6b2e8e70ca23>

⁵ HDC. (2024). *Pūrongo ā-Tau Annual Report 2024*. <https://www.hdc.org.nz/media/pobnpgdw/hdc-annual-report-2024.pdf>

complaints⁶. What these appropriations tell us, is that the cost of running disciplinary proceedings is high. This was also obvious when the social work disciplinary levy increased by 62% to reflect the actual costs of investigations and determinations, despite only 2% of practising social workers being subject to complaints each year.

32. Maintaining a complaints and disciplinary process is an incredibly important function of the Act and SWRB as the regulator. However, we argue that costs associated with acting as a watchdog for a publicly funded sector should be met by the government directly. SWRB should obtain funds through Vote Social Development to receive, investigate and make determinations in relation to complaints about social workers. This would reduce the need to collect a disciplinary levy from social workers, resulting in a \$219 reduction in annual fees. It would also mean the regulatory fees for social workers are more comparable, albeit still slightly high for a register of our size.

Recommendation: The funding model in s109 of the Act be amended to direct government funding of the complaints system through an annual Vote Social Development appropriation.

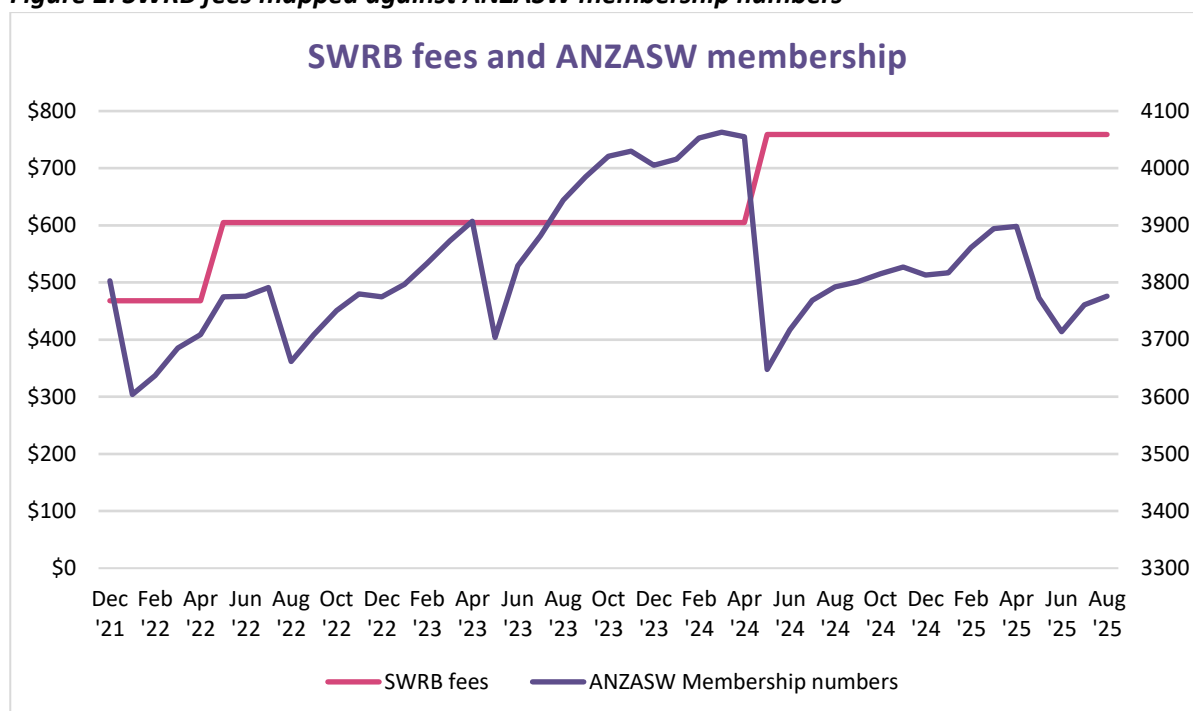
The impact of high regulatory fees on the social work professional system

33. We have seen the direct consequences of rising regulatory fees as reductions in our membership numbers; social workers simply can't afford to pay high regulatory fees and maintain association membership. This reflects a misaligned professional system, a system whereby the regulator, professional and peak bodies, social workers and employers should hold complementary functions to maintain a profession where practice is enhanced for the benefit of public safety and service quality. The social work profession relies not only on SWRB; a well-functioning regulatory environment should appreciate these dynamics and consider the flow-on effects of changes upon others' ability to carry out their distinct functions.
34. We at ANZASW are funded through membership fees from social workers. Our purpose is to promote and support the social work profession, uphold ethical practice and advocate on behalf of our profession. This benefits social workers well beyond our membership base, yet we are reliant on members joining the association to fund these functions. These functions are important strands in the regulatory system, as they actively support quality and accountable practice, ensuring social workers have the tools and resources to meet practice standards set and enforced by the Act through SWRB.
35. As the graph below shows, ANZASW membership numbers (and subsequently revenue to carry out these support functions) are significantly affected by SWRB fee rises. There is a pattern of steep decline in ANZASW membership numbers concurrent with SWRB fee increases. Interestingly, the sensitivity to these increases is also apparent as SWRB only have to announce their intention to raise fees (Dec 2021 and Dec 2023) for ANZASW membership numbers to decline, showing that anticipatory financial strain is as significant for social workers as real-time fee increases. Additionally, a predictable annual trend has emerged in May/June when regulatory fees are due; ANZASW membership numbers drop off dramatically. Social workers allow their professional association fees to lapse due to the inability to pay them while managing high and compulsory regulatory fees, despite often reporting that they would rather maintain their ANZASW membership as they 'get more out of it'.

⁶ IPCA (2024). *2023/24 Annual Report*.

[https://www.ipca.govt.nz/download/167888/IPCA%202024%20Annual%20Report%20FINAL%20\(3\).pdf](https://www.ipca.govt.nz/download/167888/IPCA%202024%20Annual%20Report%20FINAL%20(3).pdf)

Figure 2: SWRB fees mapped against ANZASW membership numbers



Recommendation: That in setting fees, SWRB is required to consider the impact on social workers, and the wider social work system, to ensure they do not expend all system resources for regulatory functions.

DELIVERING A DISCIPLINARY PROCESS THAT ENSURES BEST OUTCOMES

Inserting timeframes for disciplinary processes in the Act

36. 95% of our survey respondents agreed that disciplinary proceedings under the Act should include statutory timeframes. There is a view that disciplinary processes for social workers take too long, particularly initial processing and investigations, which negatively impact both employment and mental wellbeing of social workers.
37. We reiterate our previous comments made to Select Committee in 2024, that social workers are often subject to misdirected complaints towards their practice when it is in fact the systems and processes which clients are subject to that are the cause of grievances. The removal of previous complaints timeframes within the Act results in psychological, financial and reputational implications for social workers or complainants subject to prolonged investigation and suspension processes. We hear from our members involved in proceedings how stressful this period is, and so balancing the risk to the public with the need to ensure investigations are timely is essential.
38. Our survey respondents were unable to consistently identify a reasonable statutory timeframe; many noted that several variables around investigations make this difficult to determine. However, there was a strong preference for weeks to months, 6 months being the longest length suggested for investigations. We are pleased to see a measure included in SWRB's Statement of Performance

Expectations that committee decisions are communicated within 10 working days⁷, but this still fails to address timeframes for the processing and investigation.

39. Within the Act, timeframes are legislated in relation to social workers' responsibilities around the complaints process, but the Board and Professional Conduct Committee responsibilities tend to include the wording "*as soon as practicable after a complaint...*" rather than committing timeframes to the specified processes. It would provide social workers, employers and complainants with greater certainty if timeframes were legislated for all parties. It would likely also improve confidence in the complaints system, which was criticised by survey respondents as slow.

Recommendation: The Act is amended to include timeframes for complaints processes, relevant to all parties, including the Board, PCC and Tribunal.

Removing names from the register

40. We have identified a gap in implementation that results in ongoing risk to the public. Presently, when a social worker's registration is cancelled, their name is removed from the register. Their name is published within Tribunal decisions; however, often names are suppressed. We are aware of instances when a social worker's registration has been cancelled, yet they have obtained employment within the wider social service workforce, undertaking similar tasks with similar client groups, but not using the title social worker. Due to the Act only providing title protection and not scope protection, this appears legal, however, it is likely that new employers or funders may not be aware of previous substantiated charges laid against them because there is no record of this on the public register. Cancellation of registration suggests that a social worker is considered a risk to public safety; it therefore seems counterproductive to erase their name from the public register, instead of maintaining a public record of their registration with notice that it has been cancelled on the grounds of disciplinary action. We recommend that names are only removed from the register when there is no record of cancellation, suspension or censure under the Act and that the Act is amended to allow for this.
41. Such an action also demonstrates our professional commitment to redress for Abuse in Care survivors. The Inquiry highlighted that accountability, even when harm was substantiated against social workers, has been minimal, despite the ongoing impact social workers had on the trajectory of tamariki and rangatahi lives. Social workers who were complicit managed to hide behind systems to reduce personal accountability for their action or inaction⁸. Removing names from the register continues this legacy of erasing wrongdoing from the public record, rather than ensuring social workers are truly accountable.
42. Similarly, our reflection on the Abuse in Care Inquiry shows how important SWRB's role is in ensuring the public has somewhere to report harmful practice, knowing there will be a response. However, it is unclear how aware the public currently is of the complaints process. The Health and Disability Commission (HDC) do an exceptional job of raising public awareness around consumers' rights under the Code of Health and Disability Service Consumers' Rights⁹. Posters advising consumers of their rights and how to make a complaint can be found in most waiting rooms and health services across the motu. SWRB could do more to improve public awareness of the

⁷ SWRB. (2025). *Statement of Performance Expectations 2025/26*. <https://swrb.govt.nz/download/swrb-statement-of-performance-expectations-2025-2026/?tmstv=1755502069>

⁸ Royal Commission of Inquiry into Abuse in Care. (2024). *Whanaketia – Through pain and trauma, from darkness to light: Final report of the Royal Commission of Inquiry into Abuse in Care*. Abuse in Care – Royal Commission of Inquiry. <https://www.abuseincare.org.nz/reports>

⁹ <https://www.hdc.org.nz/disability/the-code-and-your-rights/>

complaints process for social workers and the standard of practice clients should expect from their social worker. Similar resources to those produced by HDC could be developed by SWRB and displayed in public areas across social service agencies, to ensure that clients are aware that they can complain and how. This could prevent future abuse in care by ensuring all clients have easy access to the complaints system.

Recommendation: names are only removed from the register when there is no record of cancellation, suspension or censure under the Act and the Act is amended to allow for this

Recommendation: Information about standards expected of social workers and how to make a complaint should be developed by SWRB (like HDC's 'Your rights/Ōu Tika' poster) and displayed in public areas within social service agencies.

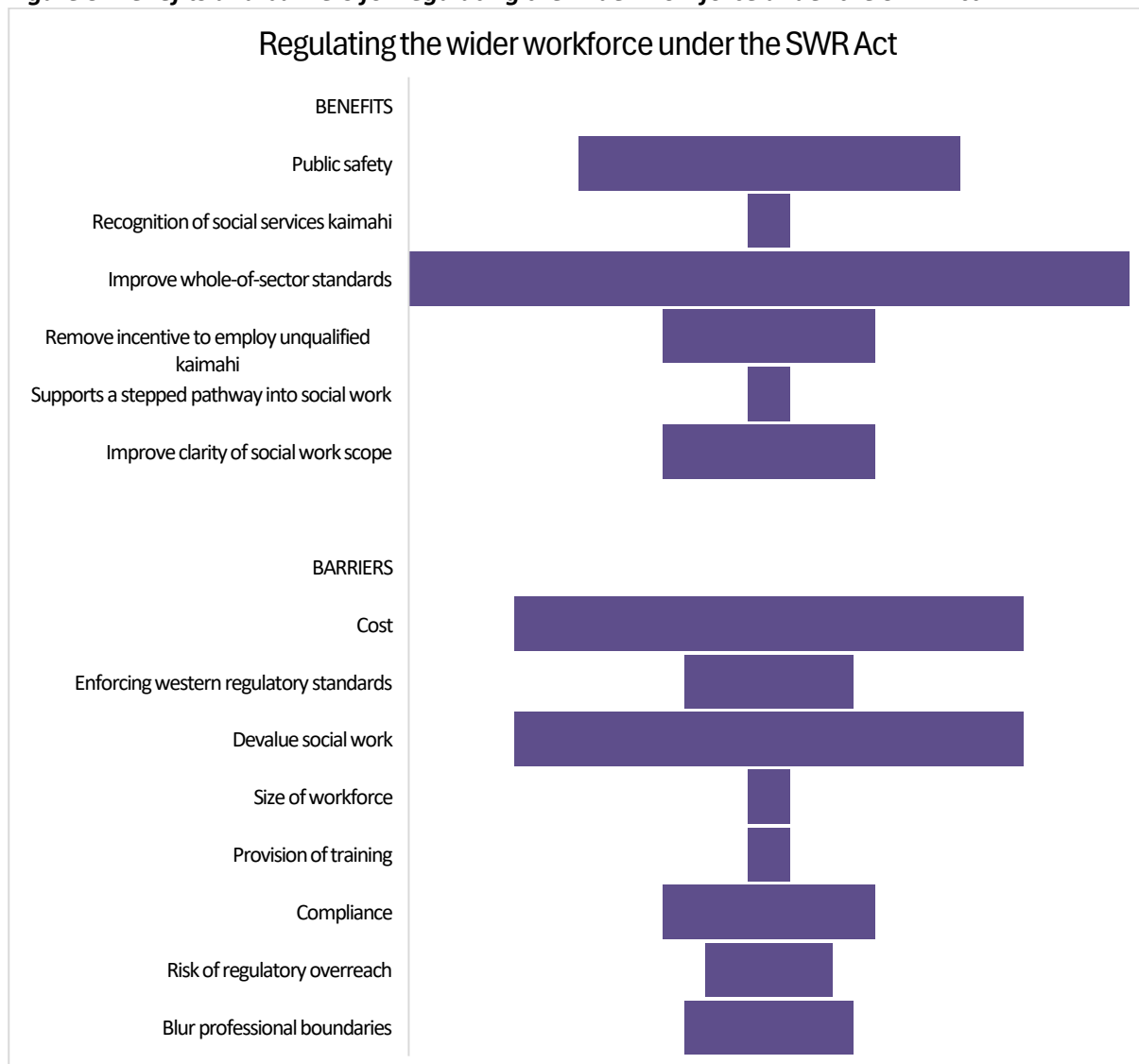
CONSIDERING THE IMPACT OF REGULATING THE SOCIAL WORK-LIKE WORKFORCE

Benefits and barriers to regulating the wider social service workforce under the Act

43. There has been much commentary around what has been termed 'social-work like' roles across the social services and health workforce. This term 'social-work like' was adopted during the social work pay equity claim, whereby a large section of the workforce was identified and deemed eligible for pay equity¹⁰. Although they do not meet eligibility for social work registration, under pay equity assessment processes, they are undertaking work the same or substantially similar to social work.
44. This determination is fraught in the view of social workers, compounded by the Act's approach to defining social work through title and not a protected scope of practice. Many across the profession feel torn between striving to protect the integrity and professionalism of social work and genuinely feeling appreciation for a workforce that provides vital support functions, which enable social workers to carry out their roles to a high standard.
45. Many social workers hold concerns that within the current political and contracting environment, where funding to pay regulatory fees is limited, 'social work-like kaimahi' are actively recruited into complex roles that, without social work training and knowledge, carry the risk of significant harm to clients. Survey respondents felt that social service employers did not fully appreciate nor understand the difference between social workers and 'social work-like' kaimahi, amplifying this risk and leading to a devaluation of social work. This concern for public safety and desire to raise the standards of practice across the entire sector led nearly half of survey respondents to agree that there is a need to regulate this wider workforce. However, even within this agreement there was much uncertainty and reservation conveyed.
46. We have thematically analysed their responses as per the chart below, which identifies the benefits and barriers anticipated by regulating the wider workforce. The tension between raising practice standards and improving clarity of the social work scope against the risk of devaluing social work and further blurring practice boundaries is evident. It is difficult within the current regulatory model to predict how this tension could be adequately managed. Doing so, would likely require further work to delineate scopes and possible task restrictions for some social work practice. Yet, given the experience of developing the general scope of practice, this will not be an easy task.

¹⁰ SWRB. (2024). *Addressing Public Safety for Social Worker-like Kaimahi: Report to the Minister for Social Development and Employment*. <https://swrb.govt.nz/download/swrb-social-worker-like-kaimahi-report-2024/?tmstv=1755606183>

Figure 3: Benefits and barriers for regulating the wider workforce under the SWR Act



Alternative options to regulating the social service workforce under the SWR Act

47. A key benefit which would come from regulating the wider social service workforce, would be ensuring public safety, something that social workers conveyed they feel passionately about, particularly in the family violence and youth service space, where they reported that many unqualified kaimahi are undertaking high-risk practice.
48. The risk to the public in these areas is due to two aspects; without a governing body there is no avenue for practice complaints outside of organisation process, and there are no collective practice standards kaimahi are expected to adhere to. However, this is not the case for the whole workforce. Unqualified kaimahi working within health and disability services are still subject to the Health and Disability Commission complaints process; therefore, regulation of this subgroup on the grounds of public safety is not necessary. Additionally, effective peak and professional bodies already exist for youth workers, Korowai Tupu and Ara Taiohi. They maintain a code of ethics, core competencies, qualification standards and complaints resolution process, essentially delivering a

self-regulation model for youth workers¹¹. Such a model addresses both public safety and practice standards and ensures that the professional identity of youth workers is clearly distinguished from social workers.

49. This shows that not all 'social work-like' kaimahi are unregulated, they are just not crown-regulated. In determining whether the SWR Act should extend to regulation of this wider workforce, careful deliberation and significant engagement are needed with existing peak/professional bodies, kaupapa Māori and iwi providers, employers and social work-like kaimahi themselves. Alternative models, such as self-regulation through peak bodies or extending oversight functions of existing complaints bodies like the Ombudsman should be explored.
50. Crown regulation brings complexities which may result in less flexibility for the social service workforce. This could have a detrimental impact on workforce numbers, a consequence which strongly concerns us given the increasing demand for social services. Additionally, there is a question regarding the cost of undertaking regulatory functions for such a broad workforce. In 2023, we used data from the not-for-profit sector¹² and projections related to BERL's report on the Kaiāwhina workforce¹³ to estimate that this 'social work-like workforce' was well in excess of 100,000 kaimahi. This projection is likely well understated in 2025. Actively regulating such members through processing registration applications, maintaining a much larger register, complaints, setting scopes and standards, including education standards is a gargantuan undertaking. Cost should not be a reason to deny public safety, however, there is an argument that social work as a profession would be absorbed into a regulatory system whereby social workers become the minority stakeholder. We feel this would not be in the interests of our profession.
51. We wonder whether an alternative regulator established under the Ministry of Social Development or even extending the functions and purpose of Te Kāhui Kāhu would better mitigate the risk of devaluing social work and blurring the boundaries between social work and these other valued kaimahi. Statutory self-regulation models whereby professional groups are granted legal authority to regulate subgroups in the social services workforce could also be explored, similar to what is seen across law and medicine.

Recommendation: We recommend that further detailed options analysis and sector engagement be undertaken to determine all possible avenues for regulating the social work-like workforce rather than implementing regulation at this time, under the SWR Act.

IMPROVING PATHWAYS INTO SOCIAL WORK

The need to implement an alternative pathway before s13 ceases

52. We are cognisant that the s13 experience pathway will cease next year, yet to the sector's knowledge, there is no alternative pathway in progress to replace it.
53. ANZASW have remained vocal in our view that there are significant barriers to achieving a social work qualification. These barriers prevent those with rich experience from joining our profession, a situation which will be exacerbated when s13 ceases. Alongside providing alternative pathways to

¹¹ <https://arataiohi.org.nz/korowai-tupu/> and <https://arataiohi.org.nz/>

¹² McLeod, J. (2017). *The New Zealand Cause Report: Shape of the Charity Sector*. JBWere: Auckland.

¹³ Twaddle, S & Khan, M. (2014). *Health and Disability Kaiāwhina Worker Workforce: 2013 Profile*. BERL Economics: New Zealand

registration within the Act, we want to see these underlying barriers addressed. These barriers include:

- The high cost of social work qualifications that cause inequalities in access, particularly for Māori, Pacific Peoples and those who have additional whānau responsibilities,
- Insufficient financial support (particularly Master's level students) from StudyLink,
- Mandatory unpaid placements that place significant financial and psychological stress on social work students,
- Education standards that promote western-centric education models,
- User-pays qualification pathway that results in significant debt rather than an apprenticeship/ training wage model commonly used in male-dominated professions.

54. If these barriers were addressed, it is likely that the qualification pathway for social work registration would become much more obtainable. However, there is still a need to recognise that a lengthy period of tertiary level education is not achievable, nor desirable for some. To address our workforce challenges and ensure our profession remains diverse and representative of the populations we serve, alternative pathways to registration should be implemented.

55. Respondents to our survey suggested that pathways still include some form of learning to ensure social work specific skills and knowledge, particularly the ability to apply theory to practice, are obtained. Prior experience and learning should form the basis of these pathways however, recognising that many kaimahi bring skills and knowledge that may only need to be stop-gapped to result in effective social work practice. Suggestions from social workers included:

- Recognition of prior skills and experience coupled with a 1-year 'earn while you learn' social work programme run by SWRB accredited providers. Successful completion could result in provisional registration.
- Recognition of a related degree (for example, psychology, counselling, nursing) coupled with a 1-year post-graduate 'earn while you learn' social work programme to obtain provisional registration.
- Stepped pathway of accredited social work modules over 2 years for those employed within the social work-like workforce. Successful completion could result in provisional registration.
- Kaupapa Māori-based 'earn while you learn' social work programmes, based within kaupapa Māori and iwi organisations, accredited by Māori social work tertiary providers.

56. These pathways into the profession could potentially be achieved without amending the Act, as in essence, they involve expanding prescribed qualifications. We have concerns that should SWRB not expand these qualifications by the time s13 ceases, they may be in breach of s5B(2)(c) of the Act, which states that: "*the qualification prescribed for a scope of practice must not impose undue costs on persons seeking to be registered as social workers or the public*". At present, we argue that undue costs are being imposed on social work students due to the structure and funding of social work qualifications, and that these costs deter many from entering the profession at all. This is also indicated through falling enrolment rates in social work programmes and persistently high attrition rates¹⁴.

Recommendation: Alternative 'earn while you learn' pathways into social work are developed and added to the prescribed qualifications accepted for registration.

¹⁴ Social Workers Registration Board. (2023). *Annual Social Work Education Report 2022*.
<https://swrb.govt.nz/download/annual-social-work-education-report-2022/?tmstv=1727925502>

SOCIAL WORKERS' FINAL WORD

57. Finally, we wanted to provide an opportunity for social workers who responded to our survey to identify what they feel SWRB are doing well and areas where continuous improvement is necessary. Social workers identified that SWRB run the practising certificate renewal process very well and that regular communication via their OnBoard notice is helpful. They appreciated that many systems have been streamlined and strengthened in response to mandatory registration.
58. Areas for improvement were noted to be communication more generally, this related to better visibility, engagement with the sector and public, and responding to enquiries. It was suggested that more social workers be employed in leadership positions within the SWRB executive, as although Board representation was appreciated, some felt that senior leadership remained out of step with the profession, particularly around how to build and nurture constructive partnerships that reflect social work values. Respondents conveyed a sense of mystery around the role and operations of SWRB, answers to many questions across the survey included sentiments such as 'I don't know what they even do', which speaks to our earlier point around the need for SWRB to improve transparency, better engage and raise awareness across the sector about their regulatory role.

SUMMARY OF RECOMMENDATIONS

Recommendation 1	Section 66 should be strengthened by making Māori representation on Professional Conduct Committees a requirement rather than 'desirable'.
Recommendation 2	Sections 100 and 101 should be strengthened with the use of mana-enhancing language.
Recommendation 3	The role of 'regulator' should be more clearly communicated to social workers to ensure that their expectations of SWRB are reasonable and to reduce role and responsibility confusion between SWRB and ANZASW as a professional body.
Recommendation 4	SWRB should accurately portray itself across government and the public service as an occupational regulator rather than implying it offers a representative sector voice.
Recommendation 5	SWRB should not increase monitoring functions unless efficiencies are found which would enable closer monitoring without fee increases.
Recommendation 6	ANZASW does not support SWRB taking on a system oversight function, but recommends SWRB collaborate with existing oversight bodies to ensure alignment of sector standards.
Recommendation 7	SWRB should operate in consideration of a 'whole-of-system' approach to enhancing the professionalism of social work, rather than assuming further functions.
Recommendation 8	We recommend that the wording within s3 of the Act be amended to: (d) to enhance the professionalism of social workers <i>by maintaining and enforcing standards for social workers in New Zealand, and maintaining (a) and (b).</i>

Recommendation 9	An external audit of SWRB's expenditure is completed to determine why expenditure and staffing numbers are so high.
Recommendation 10	The funding model in s109 of the Act be amended to direct government funding of the complaints system through an annual Vote Social Development appropriation.
Recommendation 11	That in setting fees, SWRB is required to consider the impact on social workers, and the wider social work system, to ensure they do not expend all system resources for regulatory functions.
Recommendation 12	The Act is amended to include timeframes for complaints processes, relevant to all parties, including the Board, PCC and Tribunal.
Recommendation 13	Names are only removed from the register when there is no record of cancellation, suspension or censure under the Act and the Act is amended to allow for this
Recommendation 14	Information about standards expected of social workers and how to make a complaint should be developed by SWRB (like HDC's 'Your rights/Ōu Tika' poster) and displayed in public areas within social service agencies.
Recommendation 15	We recommend that further detailed options analysis and sector engagement be undertaken to determine all possible avenues for regulating the social work-like workforce rather than implementing regulation at this time, under the SWR Act.
Recommendation 16	Alternative 'earn while you learn' pathways into social work are developed and added to the prescribed qualifications accepted for registration.

CONCLUSION

59. Thank you for providing the opportunity to submit on the review of the Social Workers Registration Act and hope you find our commentary on these matters helpful.
60. Social work is a profession with a long collective history here in Aotearoa New Zealand. Practitioners have been at the forefront of co-designing a regulatory system that would best professionalise social work whilst delivering on the primary goal to ensure public safety in practice. Social workers want a fair, effective, transparent and sustainable regulatory system. However, we must ensure that the regulator remains exactly that – a regulator. Regulators provide external oversight of the profession but should not hold the power to represent or define a profession, particularly in the case of social work, which is so well established. The Act and SWRB must ensure that this boundary remains respected and that social workers maintain ultimate autonomy over our profession and what it means to be a social worker.
61. We will continue to nurture our relationship with SWRB through active partnership and transparent working, to ensure a well-functioning and collaborative social work system, which promotes and enhances our profession and actively protects the public.

ABOUT ANZASW

The Aotearoa New Zealand Association of Social Workers (ANZASW) is the professional association for social work in Aotearoa New Zealand. We have over 3,600 members who work throughout the community in both statutory social work and community social work settings. We advocate on behalf of members for social change and justice.

Definition of social work

Social work is a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledges, social work engages people and structures to address life challenges and enhance wellbeing.¹⁵

Social work in Aotearoa New Zealand

Social workers in Aotearoa are required to be registered with the Social Workers Registration Board. Social workers are registered under the Social Workers Registration Act 2003 and are not included in the Health Practitioners Competence Assurance Act 2003.

Contact details

If you have any questions or require any clarification about this submission, please contact:

Nathan Chong-Nee
Chief Executive
ANZASW

Bronwyn Larsen
Senior Policy Analyst
ANZASW

¹⁵ Global Definition of Social Work - International Federation of Social Workers and International Association of Schools of Social Work