

# Fees and Levy Consultation December 2023 – January 2024

## Frequently Asked Questions

### General

I pay my fees each year, but what do I get for this?

As a regulator, the SWRB charges its fees to social workers for its regulatory costs. Our focus is on public safety and meeting the requirements under the Social Workers Registration Act. We do this through placing requirements around who is eligible to register as a social worker such as meeting competence standards. Only certain qualifications or extensive practical experience (in New Zealand) will enable you to become registered. We also undertake steps to make sure that those who are registered meet 'fit and proper' expectations. This helps ensure that social workers are safe to practise.

Once someone is registered it is our role to ensure that social workers hold a practising certificate to legally practice. To be issued with a practising certificate all social workers must declare that they are safe and competent to practice. This is part of building public trust and confidence in the profession. We know through some [research](#) this year that there is more that we and the profession need to do.

You once told us when mandatory was in place, fees would go down. Why are they going up?

That's a good question, and those comments look to have come from SWRB's 2015 review of the Act. In that review, it stated: 'mandatory registration would likely lead to a reduction in costs as a result of economy of scale.' Since 2015, a lot has changed:

- SWRB **advice at the time was based on limited information** and understanding about the financial costs of mandatory registration.
- SWRB didn't know until **February 2021** how many registered social workers there would be.
- Since mandatory registration came into effect we've seen more activity around complaints, and the need for more efficient registration processes. We have also identified the need to provide more information for employers and practitioners about what being in a mandatory environment means – and we understand more about work we need to do in the regulatory space.
- Mandatory registration and certification have led to increased demands on SWRB and more scrutiny of social workers. Complaints and notifications are continuing to increase, and we have more work to do to enhance professionalism while keeping public safety at the forefront of all that we do.

I don't have much time with Christmas and New Year Break to respond, can you extend this?

We do understand this, and we planned for a consultation period of 6 weeks which is longer than the last time we consulted. However, after listening to feedback we have now extended the closing date for submissions to **7 February 2024**. We feel this will give people extra time to submit while still giving the SWRB enough time to consider feedback for the final Board decision.

What is SWRB doing to help social workers?

We have been listening to what the sector told us needs to change and we have:

- shifted from a **paper-based system to a new digital system and online database**, which makes it faster and easier for social workers to apply for registration, renew their practising certificate, update their CPD log, and keep a record of any correspondence.
- provided social workers with the option to **pay in instalments** for their practising certificate (as requested by social workers and now possible with the new digital system)
- provided for employers to make a **single payment for their social workers' fees**.

As we stated in our last fees review, we know there is more we can be doing to support and promote high standards of practice through information and guidance. We have just begun to release a series of Code of Conduct in Practice guidance notes <https://swrb.govt.nz/about-us/resources/> and we share insights on what we can learn from Tribunal cases (for example, see [Annual report 2022-23](#)). In the next year we plan to develop an information campaign for employers around their responsibilities, a Code of Service so people can be clear about how we hold ourselves accountable, and a Code of Consumer Rights (title tbc) to strengthen the view of those who receive social work services.

#### If fees and the levy do increase, what do you plan to do with the funding?

The majority of proposed increases cover our existing work rather than a host of new functions. But there are some areas where we will be building on work already underway so SWRB can:

- **promote high standards of practice among social workers and employers of social workers** to meet our obligations under section 99 of the Act
- **properly recover costs from increasing numbers of disciplinary complaints** which aren't currently being met. Since the introduction of mandatory registration in 2021 we continue to see a relatively high volume of complaints and associated disciplinary activity. The proposed increase is to recover the cost of the work involved in disciplinary proceedings.

#### Are you putting up fees because of the Pay Equity agreement?

No, our consultation is not linked to the settlement. While the Pay Equity agreement is a significant recognition of the contribution of social workers in the NGO sector, there is no correlation between this and the proposals we are putting forward. Our proposals are based on the costs we incur for our regulatory activities. There is a benefit for NGO employers as registration costs are now included directly in funding contracts, meaning they can be properly covered by NGOs.

#### What happens to my submission after the consultation period ends?

We will consider the feedback in the submissions made using the online form and any written submissions against the requirements in the Auditor General and Treasury guidelines and our Act, and then make recommendations to our Board.

If the Board proceeds with the fees and levy proposals, the changes will apply from the dates set out in a new Fees and Disciplinary Levy Notice.

## Disciplinary Levy FAQs

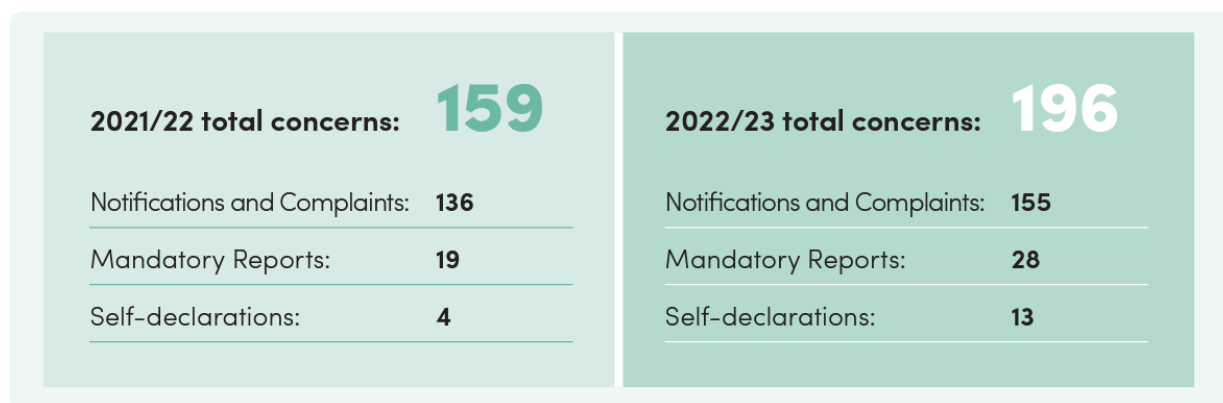
### Why is the disciplinary levy being raised by such an amount?

**The disciplinary levy pays for the costs of running the complaints and disciplinary processes.** These include our internal processes (complaints, the secretariat function of the Tribunal) and

external (Professional Conduct Committees). As the volume of complaints increases, so do the costs. The mandatory registration of all social workers has led to increased demands on SWRB and more scrutiny of the social workers. This is to be expected as part of the transition and we hope that these will decrease over time.

**We face many more notifications and higher numbers of disciplinary issues** are having to go to PCCs and the Tribunal than is the case for other similar-size regulators. This is not surprising when the profession is newly into a mandatory environment.

**There's been a big increase in the number of complaints and notifications, which are paid for by the disciplinary levy.** We have made efficiency gains but they do not offset these cost and volume pressures.



Our complaints have increased significantly since mandatory registration and are continuing to rise.

**SWRB receives a higher proportion of complaints against social workers than most of the other regulators we benchmarked against.**

The table below compares the number of complaints for each registered profession.

Social workers had 1 complaint for every 55 practising social workers in 2021/22, higher than most other professions. For 2022/23, SWRB had a ratio of 1 complaint for every 44 practising social workers.

Complaints for 2021/22 year*	Register Size	Complaints	Ratio of complaints to Registered professional
Registered social worker (Practising)	8,680	159	1 : 55
Chiropractor	973	5	1 : 195
Dental practitioner (Practising)	4,925	213	1 : 23
Dietitian	854	0	-
Medical practitioner (practising)	18,784	237	1 : 79

Midwife	3,450	35	1 : 99
Nurse	65,419	355	1 : 184
Pharmacist	4,231	54	1 : 78
Psychologist	4,786	66	1 : 73
Physiotherapist	6,353	27	1 : 235
Optometrist	1,051	7	1 : 150
Teacher	109,441	638	1 : 172

SWRB has to assess all complaints and notifications, which is a substantial amount of work. The team has to:

- gather information from those involved
- triage - assess
- prepare a Board paper
- seek further information if asked by SWRB's Board. The Board can then refer the matter to:
  - a Professional Conduct Committee (external to SWRB). A PCC is comprised of two registered social workers and a lay person. Their investigation is thorough and can take some time. For the most serious cases, the PCC can lay a charge with -
  - the Social Workers Complaints and Disciplinary Tribunal (external to SWRB). The Tribunal is quasi-judicial body, with similar powers, processes, and costs to a District Court. Each hearing consists of five people, including three registered social workers, a layperson, and the Chair or Deputy Chair (who must be experienced and practising lawyers) who have to prepare, preside over the hearing, and finally issue a written decision.
- provide administrative support to the PCCs and Tribunal.

Why should I pay for the few social workers who don't behave professionally?

- It protects your reputation as social workers and the social work profession. The increase in cases and hearings shows the regulatory system is working. Those social workers not practising in a professional way are held to account by their colleagues, their employers, the public, and by SWRB assessing the notifications and undertaking investigations.
- There are costs but a regulated profession is one where your **reputation** as a professional is protected by standards being kept high.
- The Board has authority to charge a disciplinary levy under section 109 of the Act.

Why should I care if complaints increase? It's not about me.

- The increase in complaints and notifications shows the regulatory system is working with more people getting in touch with SWRB and this protects your reputation as a social worker, because unprofessional behaviour is held to account.

### Are you aware of the impact an increase in the levy will have for social workers?

- We are very aware of the constraints social workers operate under and encourage employers to support their staff by paying their practising certificate fee and disciplinary levy. A significant number of employers already do, and we hope that number grows now we are in a mandatory environment.
- The SWRB is committed to balancing its obligations as a regulator having public safety and enhancing the professionalism of social workers as its aims with holding the costs as low as possible for social workers.

### Why is the SWRB's practising certificate fee higher than the Teaching or Nursing Council practising certificate fee?

The Teaching Council practising certificate fee is paid by around 110,000 registered teachers, Nursing Council has around 65,000 registered nurses.

In comparison, the SWRB practising certificate fee is paid by around 8,700 registered social workers. The Teaching and Nursing Council's higher numbers allows some economies of scale to be achieved, which lowers its practising certificate fee.

Our fees are in line with similar sized occupational regulators.

### How much Crown funding has SWRB received and how much is ongoing?

The SWRB receives Crown funding of \$114,000 each year which contributes to its Crown entity obligations. We do receive other Crown funding currently. The SWRB is the designated agency for social worker workforce planning. This provides the SWRB with Crown funding of \$705,000 and is ongoing. This area of work allows us to contribute information and evidence for the sector to use, as well as inform decision makers and funders on issues for the sector. This funding is ringfenced and not used to pay for our regulatory operations.

In the last two financial years, the SWRB also received two sources of short-term funding (ending this year) from the Crown to fund specific projects. This includes:

- \$1.5m over two years from 2022/23 and 2023/24 to support the Social Worker Capability Building project, supporting the development of a regulatory training framework and resources for social workers with a focus on working with Oranga Tamariki (and sharing insights with the broader sector). This will support the promotion of high professional standards.
- \$980,000 in January 2023 to provide advice to Ministers on the public safety aspects of 'social work-like' roles included as part of the social workers' pay equity agreement in community and iwi sectors. This information will help Ministers better understand the wider workforce.

**Note:** our Crown Funding is ringfenced for these activities, it does not pay for our regulatory work.

### How much will SWRB get from each fee and the levy if the change proposals go ahead? How much Crown funding does SWRB get?

The table below sets out:

- SWRB receives \$705,000 Crown funding for workforce planning in 2024/25. This is the same as in 2023/24 and is ongoing.

- SWRB receives \$114,000 Crown funding to contribute to the costs of meeting our Crown entity obligations in 2024/25. This is the same as in 2023/23 and is ongoing.

If the change proposals go ahead, SWRB's forecast revenue from each charge based on forecast volume for 2024/25 is:

SWRB revenue source	2024/25 Forecast revenue based on change proposals (excl GST)	2024/25 Forecast volume (number)
<b>Crown funding</b>		
Contribution to Crown entity obligations	\$114,000	N/A
Workforce planning function	\$705,000	N/A
<b>Total Crown funding</b>	<b>\$819,000</b>	N/A
<b>Registration fees</b>		
Registration application fee	\$187,680	510
Experience pathway registration fee (Stage 2)	\$129,763	42
Competence Assessment fee	\$32,880	70
Overseas applicant: qualification assessment fee	\$82,800	150
Overseas applicant: provisional registration competence assessment application fee	\$132,000	150
Overseas applicant: full registration competence assessment application fee	\$26,400	30
Provisional to full registration application fee	\$15,860	260
<b>Practising fees</b>		
Practising certificate fee	\$4,320,000	9,000
<b>Disciplinary fees</b>		
Disciplinary levy (annual)	\$1,710,000	9,000
<b>Other fees</b>		
Return to practise application fee	\$5,265	27
Certificate of Good Standing or hard copy registration certificate fee	\$2,880	240
<b>Education programme fees</b>		
Education programme recognition application fee	\$0	Rarely occurs
Education programme annual fee <i>Sliding scale in bands based on equivalent full-time students (EFTS) graduating with social work degrees in the previous year</i>	\$170,000	N/A
<b>Other Revenue</b>		
<i>Interest and Sundry Revenue</i>	\$45,000	

SWRB total 2024/25 forecast revenue	\$7,675,436	
-------------------------------------	-------------	--