

**Memorandum of Understanding**

**BETWEEN**

**THE SOCIAL WORKERS REGISTRATION BOARD**

**AND**

**THE AOTEAROA NEW ZEALAND ASSOCIATION OF  
SOCIAL WORKERS**

**THIS Memorandum of Understanding** is made on 3 March 2017

**BETWEEN THE SOCIAL WORKERS REGISTRATION BOARD ('the SWRB')**

**AND THE AOTEAROA NEW ZEALAND ASSOCIATION OF SOCIAL WORKERS ('ANZASW')**

**1. Purpose**

- 1.1 The purpose of this Memorandum of Understanding ('Memorandum') is to record how the Parties will work together in a collaborative relationship regarding the registration of social workers in New Zealand. This includes the management of any competence, performance, conduct and fitness to practice issues for registered social workers.
- 1.2 This Memorandum does not provide a definitive legal interpretation of the Social Workers Registration Act 2003.

**2. Background**

***The SWRB***

- 2.1 The SWRB is a statutory Crown entity (classified as a Crown agent) as defined under section 7 of the Crown Entities Act 2004. The responsible Minister for the SWRB is the Minister for Social Development.
- 2.2 The SWRB was established in accordance with the provisions of the Social Workers Registration Act 2003 (the SWR Act). The purpose of the SWR Act is to protect the safety of members of the public, by prescribing or providing for mechanisms to ensure that social workers are competent to practise; and accountable for the way in which they practise. A further purpose is to enhance the professionalism of social workers.
- 2.3 The SWRB's main functions are to:
- register social workers and maintain the register
  - promote and encourage high standards of practice and professional conduct among registered social workers and the employers of social workers
  - issue a Code of Conduct for registered social workers
  - review the competence of social workers to adequately perform their professional functions
  - set standards for the education and training of social workers in consultation with providers of social work education and training in New Zealand, and other bodies that set standards for social work education and training in New Zealand

- establish procedures for making, considering, and determining complaints relating to social workers
  - advise, and make recommendations to, its responsible Minister in respect of matters relating to the regulation of the social work profession.
- 2.4 The SWR Act also establishes the Social Workers Complaints and Disciplinary Tribunal which considers charges against registered social workers.

## **ANZASW**

- 2.5 ANZASW is an incorporated society registered with the Companies Office (Societies and Trusts) and was constituted in 1964. It is a non-government organization that is funded through membership subscriptions.
- 2.6 ANZASW is the professional association for social workers in Aotearoa New Zealand and is a member of the International Federation of Social Workers.
- 2.7 The main functions of ANZASW are to:
- provide a professional community that supports individual members
  - provide access to professional development resources and opportunities for social workers
  - advocate on behalf of the profession about matters of concern to social workers,
  - to advocate on behalf of the profession on issues of social policy, social justice, human rights and human dignity
  - promote the social work profession and the development of professional practise including maintaining a code or ethics and practice standards
  - promote an indigenous identity for social work in Aotearoa New Zealand
  - model a bi-cultural partnership and ensure social work in Aotearoa New Zealand is underpinned by Te Tiriti o Waitangi
  - provide a competence assessment process for social workers
  - consider complaints against members of ANZASW who are not registered social workers

## **3. Areas of Interaction**

- 3.1 There are five main areas where the SWRB activities regularly interact with those of ANZASW. These can be summarised as follows:
- *policy*
  - *enhancing the professionalism of social workers*
  - *continuing professional development*
  - *complaints*

- *competency assessment*

#### **4. Objectives and Principles**

4.1 The Parties agree to:

- a) Communicate with each other in an open and timely manner.
- b) Work in a collaborative and constructive manner and where agreed, undertake joint work initiatives.
- c) Comply with the provisions of the legislation relevant to respective roles and responsibilities.
- d) Work in good faith to resolve any disagreements in a timely fashion.
- e) Recognise the value of each other's skills, expertise and commitment to high quality service and performance.
- f) Encourage continuing quality improvement and business development to achieve our respective organisational objectives.

#### **5. Relevant Legislation**

- 5.1 Under the SWR Act, the Chair of the Tribunal is notified of all complaints made by any person against a registered social worker.
- 5.2 The Parties can disclose personal information about social workers under Privacy Principle 11(a) provided the Party believes, on reasonable grounds, that the disclosure of the information is one of the purposes in connection with which the information was obtained or is directly related to the purposes in connection with which the information was obtained.
- 5.3 ANZASW and the SWRB can disclose personal information relating to a complaint or notification before the Tribunal under Privacy Principle 11(e)(iv) of the Privacy Act 1993 which allows for information to be disclosed if proceedings before a court or Tribunal have commenced or are reasonably in contemplation. The Chair of the Tribunal has the power to require information under clause 7, Schedule 2 of the Act.
- 5.4 Under the SWR Act the SWRB can review a registered social worker's competence at any time (s 39).
- 5.5 Under section 42(2) of the SWR Act the SWRB may recognise a competence assessment set by some other body.

## 6. Information Sharing

### *General*

- 6.1 Both organisations recognise that the areas where they interact with each other frequently require the sharing of information.
- 6.2 Where interactions require the sharing of sensitive information both organisations will strive to act in a way that balances their legal obligations against the operational needs of the other.
- 6.3 Where either organisation develops or reviews policies or procedures that may be of interest to, or impact on the functions of, the other, then both agencies will take a proactive approach to informing the other of all relevant information within a reasonable timeframe.

### *Competence assessments*

- 6.4 The SWRB recognise ANZASW's competence assessment for the purposes of the SWR Act. Registered social workers can elect to do their competence assessment with ANZASW or the SWRB. ANZASW undertakes competence assessments for social workers who:
  - are applying for registration (non-registered social workers)
  - are completing their recertification (registered social workers)
  - are completing a full competence recertification at the expiry of their graduate or overseas practice competence.
- 6.5 When ANZASW receives a competence assessment from a registered social worker who is completing a recertification it will,
  - i. Send the assessment to a competence assessor.
  - ii. If there are competence issues identified, ANZASW will seek a second opinion by sending the assessment to a second assessor
  - iii. If the second assessor identifies competence concerns, the ANZASW will notify the SWRB
  - iv. The SWRB will then take responsibility for the competence process for that social worker.
- 6.6 The SWRB will audit all Continuing Professional Development (CPD) logs for both provisionally registered social workers with graduate certificates of competency and provisionally registered social workers with overseas certificates of competency.

### ***Complaints and declarations***

- 6.7 A registered social worker who is undertaking recertification and has elected to do their competence assessment with the ANZASW must make a declaration about whether they have failed a competence assessment in the past 5 years, been the subject of a disciplinary/complaint investigation in the past 5 years, or are currently the subject of a disciplinary/complaint investigation.
- 6.8 If the registered social worker has ticked any boxes on the ANZASW's Member Declaration ANZASW will inform the SWRB of this and the details pertaining to that declaration.
- 6.9 If ANZASW becomes aware of competence, conduct or fitness to practice concerns in regards to any registered social worker, ANZASW will inform the SWRB as soon as practicable.
- 6.10 If a social worker is charged in the Social Workers Complaints and Disciplinary Tribunal and the SWRB is aware that the social worker is a member of ANZASW, the SWRB will make every attempt to ensure the prosecutor brings this fact to the Tribunal's attention. This will enable appropriate suppression orders to be requested with relevant exceptions made to ensure ANZASW is informed of the name of the social worker, the charge, the outcome of the hearing or anything else that may be of genuine/legitimate interest to the ANZASW.

### ***Communication and Media***

- 6.11 The SWRB and ANZASW will operate a policy of 'no surprises'. Issues of concern will be raised with the relevant manager, in a timely manner, rather than raising these through the media in the first instance.
- 6.12 Both organisations undertake to include appropriate reference to each other's activities and processes in their websites and publications in a way that gives effect to the goals of each organisation.

## **7. Continuing Professional development**

- 7.1 ANZASW will have the primary responsibility for the co-ordination and delivery of social work professional development opportunities.
- 7.2 ANZASW will liaise with SWRB to identify current and emerging professional development needs.

## **8. Relationship Management**

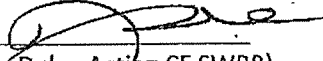
- 8.1 All disputes and differences between to the two organisations pertaining to any of the clauses in this Memorandum will be resolved as far as possible, at the earliest opportunity by open discussion between the SWRB's Chief Executive and the ANZASW Chief Executive.
- 8.2 If the issue cannot be resolved, the option of mediation should be considered.
- 8.3 If mediation services are used costs lie where they fall, with the cost and expenses of mediation shared equally between the parties.

**9. Review of this Memorandum**

- 9.1 This Memorandum will be reviewed annually to ensure that it is meeting the needs of both organisations.

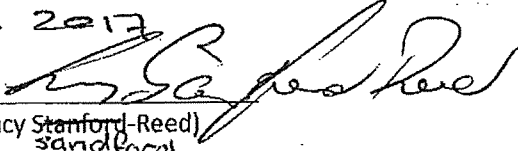
**Signed by:**

The CE of the Social Workers Registration Board

  
(Jani Duke, Acting CE SWRB)

Date 3 March 2017

The CE of ANZASW

  
(Lucy Stanford-Reed)  
sandford

Date: 6 March 2017