



MINISTRY OF SOCIAL DEVELOPMENT
Te Manatū Whakahiato Ora



Social Workers
Registration Board
Kāhui Whakamana Tauwhiro

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE SOCIAL WORKERS REGISTRATION BOARD

AND

THE MINISTRY OF SOCIAL DEVELOPMENT

May 2016

Table of Contents

Parties	3
Background.....	3
Purpose	3
Term	3
Outcomes/Objectives	4
Roles & Responsibilities	4
Communications.....	5
Relationship Management	6
Confidentiality.....	6
Effect of the Memorandum.....	6
Costs	6
Termination	6
Amendments.....	6
Execution	7
Appendix A.....	8

MEMORANDUM OF UNDERSTANDING

Parties

1. The Sovereign in right of New Zealand acting by and through the Chief Executive of the Ministry of Social Development (“the Ministry”)
2. The Chief Executive of the Social Workers Registration Board (“the Board”)

Background

- A. The Social Workers Registration Act 2003 (“the Act”) provides framework for the registration of social workers. Its main purpose is to protect the safety of members of the public by ensuring social workers are competent to practice and accountable for the way in which they practice. The Act requires the establishment of the Board and the Social Workers Complaints and Disciplinary Tribunal (‘Tribunal’).
- B. The Board is a Crown entity established by the Act responsible for the registration of social workers in New Zealand. Part of this role involves assessing the competency of social workers and promoting and encouraging high standards of practice within the profession. The Board issue a Code of Conduct that also ensures registered social workers undertake ongoing professional development. The full obligations of the Board and Tribunal can be found within the Act.
- C. The Ministry, as one of the largest employers of social workers in New Zealand will encourage, promote and enable all non-registered social workers employed by the Ministry to become registered. Child, Youth and Family, a service of the Ministry, will demonstrate leadership in the sector by driving best practice in relation to social work and social work registration.

Purpose

1. The purpose of this Memorandum of Understanding (“Memorandum”) is to record how the Parties will work together in a collaborative and equal 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 social workers. Both Parties recognise that the employers (including the Ministry) have a responsibility to provide social work services within their contractual and statutory obligations.
2. This Memorandum does not provide a definitive legal interpretation of the Social Workers Registration Act 2003.

Term

3. This Memorandum commences on the date the Memorandum is signed by both Parties and continues as long as both parties wish to maintain the partnership or until terminated in accordance with clause 23.

Objectives

4. 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.

Relevant Legislation

5. Under the Act, the Chair of the Tribunal is notified of all complaints and/or notifications made by any person against a registered social worker.
6. 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.
7. The Ministry and the Board 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.
8. The Code of Conduct (issued by the Board under s 105 of the Act) places a professional obligation on social workers to notify the Board if they become aware of serious negligence, unethical behaviour or misconduct by a registered social worker. The Ministry will respect and support their professional obligations.
9. Under the Act the Board can review a registered social worker's competence at any time (s 39).

Information Sharing

10. The Registrar of the Board will notify the Ministry of any direction made by the Tribunal under section 77 of the Act to suspend or restrict a social worker's practice.

11. Section 99(p) of the Act allows the Board to disclose to the Ministry information it has in regards to any applicant for registration or any registered social worker when that information is connected to the purpose of the Act – protection of the safety of the public or enhancing professionalism. The Board will always try to obtain consent from the social worker concerned in the first instance. Section 99(3) does not allow the Board to share information required by the Act to be kept confidential.
12. The Board will notify the Ministry in writing where there is:
 - a) A risk of harm or serious harm arising from the social worker's practice.
 - b) Reason to believe a social worker is not fit to practice because of a mental or physical condition.
 - c) Conditions or other limitations placed on the social worker's practice.
 - d) A competence review of the social worker if undertaken by the Board.
 - e) Any order or direction made by the Board or when a decision is made by the Chairperson of the Tribunal to refer a matter to a Complaints Assessment Committee likely to impact on the Ministry.
13. The Ministry will notify the Board in writing if:
 - a) There is a reason to believe a social worker is unable to perform the functions required to practice social work because of a physical or mental condition;
 - b) The social worker has been suspended, dismissed or resigned from their employment due to competency or conduct concerns. Upon request, the Ministry will disclose any information it holds relating to the resignation, suspension or dismissal and the reasons for the outcome;
 - c) Any changes or restrictions have been placed on a social worker's practice because of competence and or conduct issues that do not reach the threshold for referral to the Board;
 - d) Having undertaken the Ministry's competence procedures with the social worker, the social worker has not reached the expected level of competence.
14. The Board will allow the Ministry to deal with complaints about registered social workers in the first instance.

Use of information

15. Information shared between Parties will only be used in accordance with the Act and the Privacy Act 1993.

Meetings

16. The Board and Ministry will form a joint oversight group to monitor, evaluate and report on the performance of the Memorandum. The Board's representatives will include the Chief Executive and senior staff members. The Ministry's representatives will be the General Manager Human Resources and two senior advisors. There will be three meetings each year held at a venue agreeable to both Parties.

Communications

17. The Board will notify the Ministry before publishing any orders made under section 146 of the Act.

Relationship Management

18. The Ministry's General Manager Human Resources and the Board's Chief Executive Officer will work together to resolve any issues between the Parties relating to this Memorandum.

Confidentiality

19. Parties will ensure that all information shared will be kept confidential and only used for the intended purpose for which it was obtained.

Effect of the Memorandum

20. This Memorandum confirms the relationship between the Parties based on a spirit of goodwill and cooperation.
21. This Memorandum does not create, and shall not be deemed to create any legally binding or enforceable obligations on the part of any Party.

Costs

22. All costs associated with the actions outlined in this Memorandum will be the responsibility of the Parties where the costs are incurred

Termination

23. This Memorandum may be terminated at any time by either Party giving notice in writing of termination to the other Party.
24. The obligations of this Memorandum concerning the security, use and destruction of information shall remain in force notwithstanding the suspension or termination of this Memorandum.

Amendments

25. This Memorandum may only be varied with the agreement of both Parties, and any such variation shall be set out in writing and signed by both Parties.

Execution

Signed by Viv Rickard, Deputy Chief Executive Child, Youth and Family

I have authority to sign for the Ministry of Social Development



Signed

Date

24/05/16

Signed by Sean McKinley, Chief Executive and Registrar.

I have authority to sign for the Social Workers Registration Board



Signed

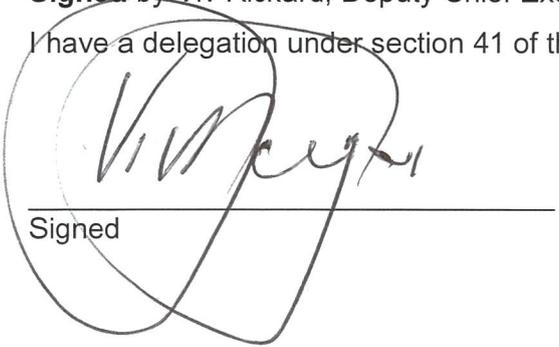
Date

10/6/16

Execution

Signed by Viv Rickard, Deputy Chief Executive Child, Youth and Family

I have a delegation under section 41 of the State Sector Act 1988 to sign for the Ministry.

 _____
Signed

Date 29/05/16

Signed by Sean McKinley, Chief Executive and Registrar.

I have authority to sign for the Social Workers Registration Board

 _____
Signed

Date 10/6/16

Appendix A

Relationship Managers [and Key Contact People]

Sean McKinley – Registrar and CEO of SWRB

Rachel Kent – Professional Standards Manager

Doug Skow – Principal Advisor Crown Entities

Leanne Inder – HR Director – Child, Youth and Family

Kay Read – General Manager, Operations, Child, Youth and Family