

# Onboard

Newsletter of the Social Workers Registration Board

## September 2018

Tēnā koutou katoa!

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### Update on Social Workers Registration Bill

The Social Workers Registration Legislation Bill is still on the Order Paper for debate in Parliament. The Bill has been reported back from Select Committee but has yet to proceed to the next stage. As many of you will be aware, there were consistent themes across submissions, relating especially to way in which social work was to be defined. These issues were followed up in discussions between the Minister and a number of people from across the sector, including ANZASW, PSA and SWRB. The Minister was interested and engaged with the views being expressed, and we are optimistic that a successful way forward will be found. It is expected that the Bill will return to the House in the next couple of months for debate, and hopefully pass before the end of the year. We will continue to keep you informed of progress.

#### **Our highlights**

At the end of June:

- 7,129 Social Workers were Registered in total
  - *same quarter in 2016/17: 6,472*
- 700 additional social workers have been registered since 1 July 2017
  - *same quarter in 2016/17: 742*
- 981 new applications for registration have been received since 1 July 2017
  - *(same quarter in 2016/17: 1559)*
- 5,682 social workers have a current Annual Practising Certificates
  - *(same quarter in 2016/17: 5,242)*

## Continuing Professional Development still needed in a mandatory environment

SWRB will be updating and refreshing a number of policies once the Social Workers Registration Legislation Bill is passed later this year. We don't yet know all the details; however, we've become aware that some social workers believe that they won't have to undertake regular CPD when the new legislation is passed. This is not correct - everyone will still be required to undertake at least 20 hours of CPD per year.

What will change is that the new legislation (as drafted) will not require social workers to obtain a competency certificate every 5 years, however everyone will still be required to undertake CPD. The Board will randomly select a proportion of social workers each year and they will be asked to send in their CPD log. Competence recertification fees will also cease once these changes come into effect. The Board has yet to decide for what period of time social workers will be expected to provide evidence of their CPD (whether it is a year or longer) so it will be important to keep up your log of activity up to date. We will let you know once any further decisions are made.

### Why will we require the CPD log still be done?

It's because the SWRB's role is to protect the public by ensuring social workers are competent to practice and accountable for their practice. One of the ways social workers can demonstrate their competence is to show that they regularly undertake CPD activities that are relevant to their learning needs and cover the core competencies. CPD in social work is about the continuous development of skills, knowledge and expertise required for professional practice.

### We're making CPD clearer in your APC renewal

SWRB policy states that registered social workers are expected to:

- maintain a continuous, up-to-date and accurate record of their CPD activities in a CPD log/portfolio
- complete a minimum of 20 hours of CPD learning per year.
- undertake CPD activities in each year that address identified learning goals and enhance their competence in at least 2 of the SWRB core competences
- undertake CPD activities in their 5 year competence re-certification cycle that address all SWRB core competences.

In other words, Registered Social Workers are expected to engage continuously in CPD activities that are relevant to their learning needs and cover the core competencies. This requirement is one of the mechanisms the Board uses to assure itself that registered social workers are competent and accountable for their practice

But it hasn't been as clear as it could be, so we have made changes to the wording of the APC application. It is worth noting that if a social worker cannot demonstrate that they have engaged in ongoing CPD activities that meet the requirements, they may be referred to the Board for a review of their competence.

CONTINUING PROFESSIONAL DEVELOPMENT LOG

From 1<sup>st</sup> April 2018 all registered social workers are required to use either the following template for their CPD log, or the similar template provided by the ANZASW.

Name: \_\_\_\_\_

Work address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Job Title: \_\_\_\_\_

Registration number: \_\_\_\_\_

Competence Date: \_\_\_\_\_

## The art of competence – a word with Andrew Thompson

Andrew Thompson RSW has recently taken on the role of SWRB Competency Assessor. He joins us after working at Starship Children's Hospital and the University of Auckland. With over 30 years of social work experience in the NGO, health and education sectors, he has always worked with children and families. His fields of practice have included community development, health social work, child protection, palliative care, child and adolescent mental health, social work education and clinical supervision. Andrew recently moved from Auckland and now lives in beautiful Taranaki with his family.

Andrew has provided some guidance on CPD, and what to watch out for:

*When I came into this job I was very conscious that the five yearly recertification process can be quite stressful. Despite years of practise-experience, many of us still wonder if we will be judged competent practitioners in the five-yearly assessment process. Having had the privilege to sit on the other side of the competency process, I recognise that this really shouldn't be a an onerous or anxiety provoking activity.*

*What are the elements of a good CPD log? A good CPD log addresses the 10 competencies, evidences at least 20 hours per year, and covers five years of practice. We don't grade CPD logs from A+ to D-, the majority of them are of a very high standard and I often find myself wanting to write an email and say "This is just wonderful work." We have a great team at the SWRB and one of our more experienced competence assessors said to me "the great competency documents make me want to dance". We recognise how much thought and time goes in to the CPD logs. Good CPD logs follow the template, they include hours and dates and a brief reflection that also links one or more of the competencies with professional development.*

*Having reviewed over 50 CPD logs I have noticed the enthusiasm that we as social workers embrace Māori concepts of Wairuatanga, Manaakitanga and Whanaungatanga. The dedication to building competency in te reo Māori and of te ao Māori continues to enrich our professional practice. I have also noticed that some of the older CPD logs include a column with feedback from a professional supervisor or a manager, these are my favourite because they often praise the practise of the social worker. We now have a new format which we developed to try and make it an easier process, so while we don't require that column you still may like to use the assessment as a discussion point with your supervisor or manager and see what results you get!*

## A legal perspective – introducing Jessica Schreiber

Jessica has recently joined us as Senior Professional Standards Coordinator/Legal Advisor. She spends much of her time working with social workers and Complaints Assessment Committees where there are serious concerns about a social worker, or concerns that warrant further investigation.



She has come to the Social Workers Registration Board from the Medical Council of New Zealand, where she spent 18 months as a Legal Advisor to Professional Conduct Committees. Jessica completed her Law and Arts degrees at Victoria University in Wellington, majoring in Religious Studies and Philosophy.

Jessica then spent four years working for a boutique general practice law firm in Whakatane, practising mainly employment law and family law, and frequently appearing in the Employment Relations Authority and the Family Court. Jessica moved back to Wellington in 2013 and worked for the Health and Disability Commissioner until 2016, including a six month secondment as Legal Counsel to the Director of Proceedings. As well as providing general legal advice on complaints management and formal investigations, Jessica particularly advised the Health and Disability Commissioner on issues relating to enduring powers of attorney, employment and litigation. Jessica has particular interests in Privacy and Employment Law. Outside of work, Jessica enjoys travelling, rowing, cooking, and spending time with her husband and their ten month old daughter.

## Fee changes for new registrants and S13 applications

From the 1<sup>st</sup> October there are two new fees coming into effect.

1. Reduced rate for first practising certificate. SWRB will no longer 'gift' the Annual Practising Certificate as part of registration. However we do recognise the costs for students and so are introducing a reduced rate of APC for new graduates for their first practising certificate. This is at a rate of \$268 compared to \$368 for the full amount. In order to receive this reduced rate graduates need to apply for their APC within a year of completing their social work degree.
2. A new fee for applications under section 13 (experience pathway) for a non-binding assessment of the full Framework will be \$1,400. This is because we are now using external assessors to evaluate the Framework and this is the cost of undertaking that work. The reports from the assessors are presented to the Board who then determine whether the applicants experience is sufficient to compensate for not having the tertiary qualification.

We are very aware that any change in fees is challenging. In the past the SWRB has had a very simple fee structure which while easy to understand has meant the full costs for some of what we've done (such as s13 assessments) have been subsidised by other social workers through their APC fees. Next year the SWRB will undertake consultation on fees so we can illustrate why and how they are set. It will also provide the opportunity for the sector to provide input into how we set fees in future.

## The Tribunal and its latest decisions

The role of the Social Workers Complaints and Disciplinary Tribunal is to hear and determine disciplinary proceedings brought against social workers. The Tribunal was established under the Social Workers Registration Act. It is independent from the Board and its decisions are legally binding.

### How is it made up?

The Tribunal has a Chair and Deputy Chair who are both lawyers. It also has ten members who are a mix of Registered Social Workers, lawyers and laypersons appointed by the Minister. Any time a hearing is held there are five members on a panel – a chair or deputy chair, two Registered Social Workers, a lawyer, and one lay person.



## So how does a hearing run?

A Tribunal hearing is conducted in a less formal setting than a court hearing and is held in a neutral venue. During the hearing, the Tribunal will hear evidence and submissions on behalf of the social worker and the Complaints Assessment Committee. The Tribunal members are also given the opportunity to question the witnesses.

The mix of expertise and backgrounds on the Tribunal plays an important part in understanding what can be complex issues, and also provides a practice perspective from the Registered Social Worker members. Hearings before the Tribunal play a part in setting professional standards, protecting the public, and ensuring that the social worker is held to account.

## What are the recent decisions and what's important to know?

The Tribunal has released two decisions since May.

One relates to conduct unbecoming of a social worker, which reflected adversely on the social worker's fitness to practise, and how "fitness to practise" is defined.

Case law from other jurisdictions was drawn on for the analysis, including that:

*"it needs to be recognised that conduct which attracts professional discipline, even at the lower end of the scale, must be conduct which departs from acceptable professional standards. That departure must be significant enough to attract sanction for the purposes of protecting the public..."<sup>1</sup>*

and that:

*"The conduct will need to be of a kind that is inconsistent with what might be expected from a practitioner who acts in compliance with the standards normally observed by those who are fit to practise medicine. Not every divergence from recognised standards will reflect adversely on a practitioner's fitness to practise. It is a matter of degree."<sup>2</sup>*

These principles will help define what is meant by "conduct unbecoming of a social worker" in future cases before the Tribunal as well as how complaints received by the SWRB will be viewed.

In this case, the Tribunal found the charge of professional misconduct was made out, cancelled the social worker's registration and censured him. There are several principles that can be drawn from the decision that relate to the expected conduct of registered social workers, in particular these include:

- Nonviolent Crisis Intervention training (NVCI) is a useful indicator of best practice and appropriate standards for the use of physical force in the social work sector.
- A RSW is expected to have absolute self-control and an exemplary standard of behaviour even when under stress or working with difficult clients.
- A RSW in a similar position should remove themselves from the situation and calm down.
- The social worker had been charged in the District Court with assault in relation to the same case and had been discharged without conviction but in making its decision, the Tribunal focused on the RSW's admitted conduct rather than the District Court Judge's decision.

The second case related in particular to the importance of Annual Practising Certificates. The Tribunal stated that the requirement to hold an APC is a fundamental mechanism by which the

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<sup>1</sup> <http://swrb.govt.nz/download/rsw1d1swdt2017-cac-v-esera/> page 5

<sup>2</sup> <http://swrb.govt.nz/download/rsw1d1swdt2017-cac-v-esera/> page 5

purposes of the Act are achieved and that this requirement continues unless the social worker is recorded by the Board as non-practising or is removed from the register.

*“One of the cornerstones of the regulatory regime which registered social workers choose to participate in to assure employers, clients and the public that they are professional and fit and competent to practise... An employer’s view that their employee is not practising social work and does not require an APC does not obviate the practitioner’s personal responsibility to ascertain whether a practising certificate is required by the Board, and if so, to obtain one...”*

It is useful to note the Tribunal’s view that it’s not the responsibility of the employer to determine whether their employee is practising social work. The job title may or may not include the words “social worker” but what is key is the actual nature of the role and whether the person is a registered social worker using their social work skills.

## Call for Board nominations

The SWRB currently has six Registered Social Workers who sit on the Board of ten. While the proposed legislation will see the Board size reduced to seven, two appointments of Registered Social Workers will be made before the end of the year as terms of existing members expire. We expect that within the next month the Minister of Social Development will call for nominations – so keep your eye out on their [website](#). We will also work with sector organisations such as ANZASW to spread the word. It will be an exciting time to be on the Board with the implementation of mandatory registration.

## Celebrating students

Early in 2015 the SWRB supported Manukau Institute of Technology to introduce a one cohort intake of students from Northland to study the Bachelor of Applied Social Work. The purpose was to specifically target local applicants who would be eligible for social work registration when they completed their degree and would stay in the region and provide professional social work services to the region. On Saturday 1<sup>st</sup> September Jan Duke, our Chief Adviser [Education, Policy and Research] was privileged to attend a special graduation for the 20 students who completed the 3 year degree. The graduation, held at Te Ahu, Kaitaia was magnificently organised by Dr Moana Mitchell-Wikitera RSW who was the mainstay of the programme during the final 2 years and the guest speaker was Bree Davis RSW who was the tutor who managed the introduction of the programme and prepared some of the students before they commenced the degree through a certificate in tertiary study programme. The venue, Te Ahu was filled to capacity with whanau, service providers, Kelvin Davis MP, and staff from Kiwidotcom, Chris Snelling and Jane Grey - who were also instrumental in administering the degree programme in Kaitaia. Our congratulations to all.



## Give us feedback on our newsletter

We would love to hear from you about what you would like to see in this newsletter in 2018! We welcome all of your ideas. Please email our editor on [office@swrb.govt.nz](mailto:office@swrb.govt.nz).

