



## View from the chair

Ngā mihi o te Kirihimete ki a koutou

We hope that you have all had a happy and productive year. This year has certainly provided New Zealand with some challenges. The earthquakes in North Canterbury are something we could have all done without but New Zealanders are resilient and our small population provides us with a unique set of community values. Our Wellington office was only closed for a day following the quake that shook the Wellington CBD like jelly. My thoughts are with those in North Canterbury who have challenges ahead of them.

Next year should be an exciting year for the Social Workers Registration Board (the Board). I would like to update you on what has been happening.

1. Introducing our new Board members and thank you to out-going Board members.
2. Mandatory Registration: The move to mandatory registration is progressing with pace. The Social Services Select Committee have completed their review of the Social Workers Registration Act 2003. Our impression is that there is cross-party support for mandatory registration of social workers. For more information please read our review update.
3. Applications for Registration are now online
4. Annual Practising Certificates: The majority of Social Workers who have not renewed their APCs for the 2016/2017 practising year have now been contacted by SWRB staff. Please tell us if you are leaving the country or no longer practising social work. It takes a lot of staff time to track people down. Please read our update to avoid any action being taken by the Board.
5. CPD logs – how, when and why.
6. Convictions – when you need to notify the SWRB.
7. Voluntary agreements and the use of these.
8. Tribunal decisions – summary of the latest decisions.
9. Face to face competence reviews – when they take place and what happens. The brief summary of the process is outlined in the newsletter.

Noho ora mai

**Shayne Walker**

(Chair, Social Workers Registration Board)

## On the board, introducing...

**My name is Paula Rose**

Tena koutou katoa

My background is in leadership roles in the public sector and governance roles with a particular focus on safety. Formerly a career police officer I retired from policing as National Manager Road Policing. Since then I have been involved in the Independent Review of Workplace Health and Safety, worked on the Children's Action Plan and am a member of the New Zealand Parole Board. I am a member of the governance boards of WorkSafe New Zealand; Broadcasting Standards Authority; Brackenridge; and St John South Island Regional Trust Board. I am a member of the Complaints Committees for OMSA (Online Media Standards Authority) and the New Zealand AuditInnovative Society.

I consider the opportunity to be part of the Social Workers Registration Board is a privilege. Social workers provide important services for those who are vulnerable. As a non-social worker I bring to the board independence, experience in governance and regulatory practices and a focus on safety.

**My name is Scott Thomson**

I am a Lay Member on the SWRB. I am a new Zealand Registered Physiotherapist and own a private physiotherapy practice in Christchurch specialising in the treatment of hand and forearm conditions. I am married with three children and enjoy spending time with my family and working on my business, alongside travelling, cycling and watching all sports.

I graduated from the Otago School of Physiotherapy in 1985 and during my work in private physiotherapy over the past 30 years my involvement has extended to chairing both the New Zealand Private Physiotherapy Association in the 1990's and more recently the International Private Physical Therapist Association. During my career I have been fortunate to be involved closely with the development of physiotherapy standards within New Zealand, firstly through the New Zealand Physiotherapy Accreditation Scheme and subsequently as a member of the Standards New Zealand Technical Committee developing the Allied Health Services Sector Standards.

I am currently a Board Member of the Physiotherapy Board of New Zealand and am a member of the Physiotherapy Board Risk and Audit Committee.

I look forward to my future work with the Social Workers Registration Board and assisting the organisation to protect the health and safety of the public by ensuring Social Workers are competent and fit to practise.

**My name is Khoa Nguyen**

I am the managing director of *Viet River Holdings Limited*, a niche Business Management and International Consultancy Company. I have a fine blend of marketing, tourism and accounting tertiary qualifications, combined with strategic management and governance experience accumulated over the years working at executive levels and as independent director.

I am a proud New Zealand citizen of more than 25 years with strong Vietnamese roots. I am a qualified Chartered Accountant (CA), and a full member of the Chartered Accountants Australia and New Zealand and the New Zealand Institute of Directors.

I am currently a Board member of the New Zealand Lottery Grants Board and I have also held a number of Directorships with not for profit organisations as well as privately owned companies.

I am honoured and feel privileged to join the other board members on the Social Workers Registration Board and I look forward to contributing my knowledge and experience to serve and help the Board to achieve the organisational objectives.

## Thank you to out going board members

The new Board members replace 3 people who have made significant contributions to the Board and will be missed.

**Sara Georgeson** – Sara has been a lay member on the Board and has been Chair of the Policy Development and Review Committee.

**Toni Millar** – Toni has also been a lay member on the Board and has been Chair of the Finance, Audit and Risk Management Committee.

**William Pua** – William was also a lay member of the Board and was a member of the Policy, Development and Review Committee.

A warm thank you and best wishes to all three of you.

## Review of the Social Workers Act 2003 update

In April 2016, the Hon Anne Tolley (Minister for Social Development) asked the Social Services Select Committee (the **Select Committee**) to undertake an inquiry into the operation of the **Social Workers Registration Act 2003 (the SWRA)**, with a view to making recommendations to Government for legislative reform. The Minister referred to an Issues Paper that had been prepared as part of the wider review of the SWRA by the Social Workers Registration Board. The Issues Paper identified issues relating to social workers, the social work sector and the current operation of the SWRA, including the voluntary nature of registration, and suggested some options for addressing these issues. The Chairperson of the Select Committee, Alfred Ngaro, wrote to the Minister on 5 May advising that the Select Committee intended to initiate an Inquiry into the operation of the Social Workers Registration Act 2003 and requested a copy of the Issues Paper.

The Select Committee received 28 written submissions, the majority of which supported mandatory registration of social workers as the best way to protect the public, ensure that social workers are competent, ensure that vulnerable people are not put at risk from further harm by unqualified or inexperienced individuals and ensure that social workers are held accountable for their practise. The Select Committee supported this view. They recently published their report and it is here:

[https://www.parliament.nz/en/pb/sc/reports/document/51DBSCH\\_SCR71955\\_1/inquiry-into-the-operation-of-the-social-workers-registration](https://www.parliament.nz/en/pb/sc/reports/document/51DBSCH_SCR71955_1/inquiry-into-the-operation-of-the-social-workers-registration)

It is expected that there will be some legislative change next year. If you have colleagues who are not registered who are 'registerable' you may wish to suggest to them that they should register in the near future.

### Registration applications online

Applications for registration are now available online. For more information on this please go to the Board website at <http://www.swrb.govt.nz/>

If you have colleagues who are in the process of applying please let them know that we will only accept paper applications up until 31 January 2017.

## Annual practicing certificate renewals

SWRB staff have now contacted almost every social worker who has not renewed their APC. Some social workers had gone overseas and not informed the SWRB of their intentions. Some had simply not renewed because they hadn't got around to it.

If you are practising social work without an APC and you are a registered social worker, this is illegal. It is your personal responsibility to renew your APC regardless of what your job title is or whether your employer has told you that an APC or registration is not required for your job.

If you believe that you are not in a social work role then please contact our office to confirm whether this is the case.

### Your Online Profiles

Please regularly check the details of your register profile on the Board's website ([www.swrb.govt.nz](http://www.swrb.govt.nz)). If you could provide us with up-to-date contact details (such as a non-work email address) we can keep you informed of any important updates.

Please note that may want to update your profile photo prior to completing the online renewal process. The new photo with your name attached needs to be sent to our office prior to completing the online process otherwise you will be charged for an additional ID card.

## CPD logs- five yearly recertification

CPD Logs along with the application forms can now be emailed to the Board at: [swrbcompetence@swrb.govt.nz](mailto:swrbcompetence@swrb.govt.nz).

You do not need to send hard copies.

Registered social workers who are recertifying are now only required to complete one piece of work, a Continuing Professional Development (CPD) log. A separate self-reflection is no longer required *unless* you are unable to evidence at least 20 hours of CPD for the 5 years immediately prior to re-certification. For example RSWs may take time off for extended travel or maternity/paternity leave or for other reasons. In such circumstances in addition to the CPD log, a self-reflection may be required. If this applies to you, initially the most appropriate course of action is to contact the SWRBs Senior Social Work Advisor Barbara Gilray, or the Registration Manager Rachel Koha.

The re-certification is based on the social workers critical reflection contained *within* their CPD log.

The cost for re-certification is \$153.32.

An example CPD log, the CPD log template, application form, Police vetting form and guidelines are available on our website at [www.swrb.govt.nz](http://www.swrb.govt.nz). If you have any queries about this process please contact the Board on 0508 797 269 or email [swrbcompetence@swrb.govt.nz](mailto:swrbcompetence@swrb.govt.nz).

## Drink drive convictions

Under the Act any registered social worker who receives a conviction which is punishable by 3 months or more in prison **MUST** be referred to a Complaints Assessment Committee for investigation (NB this may not be the sentence given). This includes drink drive convictions. We have no discretion about this. It's a requirement under the Act.

While a one off drink drive conviction will (mostly) not result in any disciplinary action, the Act **still** requires an investigation.

If at any time you are charged with or convicted of an offence please ensure you contact the office and explain the charge/conviction. A member of the Professional Standards team may request a written explanation or further information about the circumstances. Always be open and honest with your employer and the SWRB so that these issues can be resolved.

We understand that receiving a conviction is stressful and being investigated by a CAC is an added stress. Drink driving is never a good idea. Please take a taxi or an uber if you are drinking over the festive season.

## Voluntary agreements

The SWRB will use voluntary agreements occasionally with registered social workers if there are concerns about their competence or health. A voluntary agreement falls outside the scope of the Social Workers Registration Act 2003 (SWRA) and is an informal method for the Registrar of the SWRB to monitor a social worker's competence or health. Voluntary Agreements are used instead of placing formal conditions on a social worker's APC.

Voluntary agreements are used for a period of time specified in an agreement.

A voluntary agreement is intended as a supportive mechanism intended to benefit the social worker, and provide the Registrar with assurance that a social worker is practising safely.

## Tribunal Decisions 2016

The Social Workers Complaints and Disciplinary Tribunal have had 6 hearings to date in 2016 with 2 more hearings scheduled for late November and early December. The full case decisions can be found here: <http://www.swrb.govt.nz/complaints/tribunals-decisions>

In summary:

### 1. Complaints Assessment Committee v Kuruvilla

(Decision no. RSW1/D1/SWDT/2016).

Ms Kuruvilla was employed as a Community Support Worker in an outpatients service. Her employer did not require her to hold registration to perform this role. Ms Kuruvilla did not renew her competence certificate and so her APC was rendered invalid for a period of 16 months. On occasion during this role she was seconded in to a social work position. The Tribunal found that the tasks she performed in her role meant she was engaged in social work. The Tribunal found that failure to comply with the legal requirements of registration amounted to conduct unbecoming and reflected on her professionalism. She was censured, fined \$500 and ordered to pay costs of \$1500.

### 2. Complaints Assessment Committee v Austin

(Decision no. RSW2/D2/SWDT/2016).

Ms Austin was an experienced social worker in Mental Health services. 'Client X' was referred to the service when experiencing a significant mental health crisis. Ms Austin did an initial assessment in September 2014 and had responsibility as his case manager until October 2014. Three days after he was discharged Ms Austin contacted Client X by text message and a close personal relationship developed from there. In January 2015 Client X moved into Ms Austin's home as he had been bailed to her address. Ms Austin maintained that the relationship with Client X was never sexual but an 'intense' friendship. Ms Austin admitted the charge however until the hearing she had maintained that she had not breached professional standards. The Tribunal found that there was a departure from accepted standards. The Tribunal found Ms Austin guilty of professional misconduct. But for the fact that she had already had 17 months without work they would have imposed a period of suspension. She was censured and ordered to pay costs of \$2500. She was also ordered to have a fitness to practice review and external supervision (at her expense) for 2 years with a focus on boundaries and ethics.

### 3. Complaints Assessment Committee v Entwistle

(Decision no. RSW3/D1/SWDT/2016).

Ms Entwistle is employed as a Care and Protection Co-ordinator for Child Youth and Family (CYF). She was charged with practising without an APC from May 2014 – 1 September 2015. In 2013 Ms Entwistle had been before the Tribunal and been found guilty of a similar charge while in the same role at CYF. The Tribunal was satisfied that as a Care and Protection Co-ordinator, Ms Entwistle was 'employed or engaged as a social worker.' The Tribunal found that this amounted to professional misconduct given the extended period in which Ms Entwistle practised without a current practising certificate (and current competence recertification) and the fact that she had previously been disciplined for the same conduct. Her failure to renew her practising certificate was not inadvertent or mere oversight. Ms Entwistle was censured, fined \$1000 and ordered to pay \$1000 costs.

### 4. Complaints Assessment Committee v Batin

(Decision no. RSW4/D1/SWDT/2016).

Between January 2013 and September 2015 Mr Batin was employed by Stand as a Regional Manager. Mr Batin's competence had expired September 2011 and he had not held an APC since then. Mr Batin advised the Board in April 2013 that he wished to 'renew his registration' (meaning his Practising Certificate). In his role as Regional Manager he, amongst other things, directly manages four Team Leaders 3 of whom were registered social workers, works with children, parents and caregivers, and liaises with community agencies. The Tribunal found him guilty of the charge of conduct unbecoming that reflects adversely on his fitness to practice. He was censured, fined \$500 and ordered to pay costs of \$1000.

### 5. Complaints Assessment Committee v X

(Decision no. RSW5/D2/SWDT/2016).

Ms X was employed by Child Youth and Family for 8 or 9 years. She was a senior practitioner. She was charged with accessing and/or inputting case notes on client files for children related to her and not allocated to her on CYRAS (the CYF record management system). Ms X assessed her whāngai daughter and daughter's partner as caregivers for Client A (who was also related to Ms X). It appeared to the Tribunal that she had tried to circumvent proper process. The Tribunal stated she should not have had anything to do with this assessment as there was an obvious conflict of interest. Ms X also accessed 4 other children's records and they were all related to Ms X which the Tribunal stated was inappropriate and constituted misconduct. The actions of Ms X spanned over a 4 year period. Ms X would have received a period of suspension but for the time she has had not practising. Ms X's name was suppressed as there was a risk of the children being identified had she been named. The Tribunal ordered that she: undertake education or training on professional boundaries and confidentiality if she resumed practice and have external supervision to 12 months at her expense with a specific focus on confidentiality and privacy. She was censured, fined \$1500 and ordered to pay costs of \$13,000.

### 6. Complaints Assessment Committee v Hungahunga

(Decision no. RSW6/D1/SWDT/2016).

Ms Hungahunga worked in a shared position as House Parent (Whare Matua) and Teen Services Co-ordinator in the Teen Unit (Te Whare Karaum) operated by Te Taihenua o Heretaunga Trust in Hastings. She commenced this role in June 2015. Her competence expired on 16 June 2015 which rendered her APC invalid. Ms Hungahunga was found by the Tribunal to be practising social work as she engaged in casework decisions, which included assessment and working with high need clients. Practising without an APC is illegal and therefore her conduct was considered 'unbecoming' by the Tribunal. She was censured, fined \$300 and ordered to pay costs of \$1000

It is expected that the cases from the hearings in late November and then early December will be published early next year.

## Face to face interviews

From time to time the Board may undertake a face-to-face competence interview with a RSW, or with an applicant for registration.

Various sections of the Social Workers Registration Act 2003 (the Act) apply to competence.

Section 38 **Competence to practise social work** (1) states:

*At any time, the Board must find a person's competence to practise social work satisfactory for the purposes of this Act...*

and;

Section 39 **Reviews of competence to practise social work** (1) states:

*The Board may at any time review a registered social worker's competence to practise social work.*

Face-to-face competence interviews might take place:

1. as the result of a determination from a Complaints Assessment Committee (CAC) *and/or*
2. in circumstances where there are issues with an initial CPD competence application, or re-certification application not meeting minimum standards; *and/or*
3. where a RSW's practise has formally come to the notice of the Board, and the matter suggests issues of competence rather than misconduct.

Face-to-face competence interviews take approximately 2.5 hours.

Social workers are given an opportunity to reflect on the various theories and models that informs their practise, and practitioners are encouraged to demonstrate their knowledge, skills and abilities by outlining case examples.

Face-to-face competence interview panels may consist of 2 or 3 persons, and include RSWs and in some circumstances a lay-member. The Board tries hard to appoint panels that reflect cultural nuances to ensure that fairness and equity prevails.

As the result of a face-to-face competence interview the Board may suggest they enter a Voluntary Agreement with the social worker to monitor their practice. In certain circumstances, the Board may direct the Registrar to place conditions on a social workers registration or APC.