



Criminal charges – guidance for social workers

I have been charged with an offence.
What should I do now?

How do I disclose a criminal charge?

What happens to my social work registration if I am convicted of a criminal offence?

Introduction

This guidance outlines the professional obligations, with respect to the SWRB in its regulatory role, if a social worker is charged with an offence.

This guidance is not legal advice, and it is important that you seek independent legal advice on your rights and obligations when charged.

What to do if charged with an offence?

A charge is the starting point of the criminal justice process. This means that the Police have accused you of a criminal offence. Being charged with a criminal offence is relevant to your safety to practice social work, and you must report it to the SWRB under Standard 9.8 of the Code of Conduct.

- Inform your employer and the SWRB about the charge as soon as possible. Transparency is critical to maintaining professional trust and accountability.
- Seek legal advice and contact a professional body, e.g., ANZASW, or your union for additional support.
- Cooperate fully with any investigations or reviews conducted by your employer and with SWRB processes. Discuss the matter with your supervisor. You might consider counselling or engaging in professional development to address any of the underlying issues related to the charge.

Contact the SWRB by email at professionalstandards@swrb.govt.nz. Include all relevant information of the charge, or conviction, and where possible, the Police charge sheet.

What happens to my registration and practising certificate if I am charged?

You must promptly advise the SWRB if you are charged with an offence. The Registrar may refer your case to the Board as a fitness to practice matter. In this process, you would be invited to respond before any decision on refusing your practising certificate, or applying conditions.

What happens to my social work registration if I am convicted?

If you are convicted of an offence punishable by three months' imprisonment or more, section 65A of the Social Workers Registration Act 2003 applies. More information is set out in the Code of Conduct in Practice guide 9.

IMPORTANT: The SWRB's processes as regulator run separately from the court system. Even if you are found not guilty or discharged without conviction, the Board may still take action or investigate your fitness to practise. The SWRB threshold differs from court evidence standards.

SWRB Principles

Legislative processes and the principles of natural justice underpin the work of the SWRB, and ensure fairness, including:

- the right to respond to information used in decision-making
- impartial, unbiased decision-makers
- transparent and reasoned decisions.

The SWRB Code of Conduct

The Code of Conduct (the Code) sets out the minimum professional standards of integrity and conduct that apply to registered social workers.

The Code's standards and principles provide professional guidance on how a social worker might respond if they receive a criminal charge.

Principle 1: Act with integrity and honesty

Standard 1.1 act honestly and ethically in all personal and professional behaviour.

Principle 9: Maintain public trust and confidence in the social work profession

Standard 9.8 inform the SWRB, without delay, if anywhere in the world you have been charged with or found guilty of a criminal offence, have been dismissed or suspended from work, or have resigned for reasons relating to competence or conduct.

Principles 1 and 9 provide guidance on the exercise of professional practice during investigations or complaints about a social worker's conduct. The Board will be seeking assurance that a social worker who has been charged with an offence continues to act professionally following the Code of Conduct.

Reflections

Below are some questions to reflect on during a supervision session.

- What factors may have contributed to the charge?
- Has the charge caused harm to others? How can I remedy this?
- How can I use this for personal and professional growth?
- What development will restore public confidence in my practice?
- How can I ensure the charges won't affect my fitness to practise?
- What professional support can I access?

Seek independent advice

This guidance note is not legal advice. You are encouraged to seek independent legal advice regarding your rights and obligations in any court process and with respect to your circumstances when engaging with your employer and the SWRB. As a regulator, the SWRB does not provide legal advice to anyone in respect of their individual circumstances.

Summary

You must be transparent by informing your employer and the SWRB of any charges. While respecting your privacy, the SWRB has a duty to protect the public and uphold the integrity of the profession.

Being open and responsible is key to maintaining trust in the profession.

A fair regulatory process protects the public, maintains professional trust, and safeguards your rights and wellbeing.

Related advice

- SWRB Fit and Proper Person policy swrb.govt.nz/about-us/policies
- SWRB Code of Conduct swrb.govt.nz/practice/code-of-conduct
- Social Work Registration Act 2003 legislation.govt.nz/act/public/2003/0017/latest/whole.html#LMS16695
- Information on Mandatory Reporting swrb.govt.nz/employers-mandatory-reporting

SWRB Contact details:

- Call: 0508 797 269
- Email: professionalstandards@swrb.govt.nz



swrb.govt.nz

