

Criminal convictions – guidance for social workers

I have been convicted of an offence.
What should I do now?

How do I disclose a conviction?

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

Introduction

This guidance helps social workers understand their professional obligations and how to respond if they are convicted of a criminal offence.

Social workers strive to maintain the highest professional and ethical standards, following the Social Workers Registration Board (SWRB's) Code of Conduct. Being convicted of an offence is relevant to your safety to practice. This guidance is not legal advice, and it is important that you seek independent legal advice on your rights and obligations when convicted.

What should I do if I am convicted of an offence?

- Inform your employer and the SWRB verbally about the conviction as soon as possible. Standard 9.8 of the Code of Conduct requires social workers to inform the SWRB if charged with or found guilty of a criminal offence, dismissed or suspended from work, or resigned for reasons relating to competence or conduct.
- Discuss the matter with your supervisor and consider counselling or professional development to address underlying issues. Inform the SWRB in writing by email to professionalstandards@swrb.govt.nz with all relevant conviction information.

What happens to my registration?

Under our Act, courts are required to notify us if a social worker has been convicted of an offence punishable by three months or more imprisonment.

The SWRB's Complaints and Notifications Committee (C&N Committee) has several options:

- a. The SWRB will take into account the reflections from a convicted social worker and any other supporting documents to ensure the social worker's voice is heard in the process as part of natural justice.
- b. The C&N Committee may send your conviction notice for formal investigation by a Professional Conduct Committee (PCC). The role of the PCC is to investigate complaints and notifications of convictions, assess evidence and make recommendations. With your consent, the C&N Committee may order a medical/psychological/psychiatric assessment, counselling, or therapy. Reports and a recommendation will be provided to the SWRB. You will also be sent a copy for review.
- c. The SWRB may place conditions on your Practising Certificate, e.g., a supervisor's report after a year of practice.
- d. The SWRB may place conditions on your scope of practice, e.g., they might change which social work services you can provide.
- e. The SWRB may suspend your registration if you're not safe to practise. This could be until any criminal proceedings, investigations are complete, or the C&N Committee considers that you are fit to practise again.
- f. The C&N Committee may take no further action if the conviction is minor and doesn't impact safe practice.

IMPORTANT: The SWRB's processes as regulator run separately from the court system. The standards of proof for court and the SWRB are different. Even if charges do not result in a conviction, and you are found not guilty or discharged without conviction, the SWRB may still investigate your fitness to practise.

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 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 conviction. Some of the relevant standards and principles to reflect on are set out below, but please refer to the Code in its entirety:

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 convicted of an offence continues to act professionally following the Code of Conduct.

Reflections

Below are some questions to reflect on during a supervision session if you have been convicted of an offence:

- What factors may have contributed to the conviction?
- Has the conviction caused harm to others? If so, what can I do to remedy this?
- How can I use this experience as an opportunity for personal and professional growth?
- What professional development can restore public confidence in my practice?
- What can I do to provide assurance that the conviction(s) will not reflect adversely on my fitness to practise as a social worker in New Zealand?
- What support can I access to address underlying issues?

Seek independent advice

You are encouraged to seek independent legal advice regarding your rights and obligations in relation to any conviction, and SWRB processes.

This guidance explains what a social worker should do if convicted of an offence with respect to the SWRB's processes. However, it does not provide legal advice.

Summary

Communication is key to maintaining trust and accountability. You must be transparent by informing your employer and the SWRB about any conviction. While respecting your privacy, the SWRB has a duty to protect the public and uphold professional integrity.

A fair regulatory process supports your professional practice, protects the public, and maintains the integrity of the social work profession. Ultimately, a robust and transparent system benefits everyone by safeguarding the public, maintaining trust in the profession, while also safeguarding 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

