



Social Workers  
Registration Board  
Kāhui Whakamana Tauwhiro

# Social Workers Registration Act (2003) Review Report July 2007

Presented to The Minister for Social Development and Employment Pursuant  
to Section 104 of The Social Workers Registration Act 2003

**CONTENTS**

Foreword 5

Purpose 7

Executive Summary 8

Introduction 14

Methodology 15

Sections

1. Background 16

2. Analysis 25

3. Actions and Recommendations 46

Appendices

1. Submitters and Workshop Attendees 49

2. Key Features of Selected Professional Registration Systems 51

3. Other issues arising from submissions 55

Glossary of Terms 56



# Review of the Operation of the Social Workers Registration Act

## Chairperson's Foreword

In compiling this report, the Social Workers Registration Board has sought input from a wide range of stakeholders to assist our reflection on the progress and experience to date under the Social Workers Registration Act (2003). We have carefully considered whether the Act is achieving its underlying public safety and professionalism objectives, and whether to recommend changes.

The Board has now implemented the voluntary registration framework established by the Act. While the development and implementation stages have progressed well, we can not yet claim to have achieved the purposes of the Act: to protect the public, by ensuring that social workers are competent to practise and accountable for the way in which they practise; and to enhance the professionalism of social workers. Only a minority of social workers is registered. We have identified a number of barriers and disincentives to register under the current voluntary regime which we will address.

To achieve the purposes of the Act we need a more comprehensive, inclusive approach that can accommodate all practising social workers who meet the minimum standards for public safety and professionalism. Take the example of a newly qualified graduate social worker. Currently, a new graduate cannot register because they do not have a portfolio of experience with which to demonstrate the competence required for registration. Nevertheless, a new graduate will be practising social work, under supervision, and will be expected to meet professional standards of competence and public safety. As such the Board considers they should be able to participate in the registration system and be held accountable for their conduct.

The recent exposure of Child Youth and Family social workers to unconstrained public denigration that went well beyond fair, objective, and constructive criticism has highlighted the need for an objective and fair system that serves clients, social workers and other stakeholders. It suggests many clients and stakeholders have a strong need for a legitimate and independent avenue to address their concerns. Conversely, social workers need assurance the quid pro quo for expecting high professional standards is that systems of accountability are fair, objective and robust.

For these reasons, we have made a number of recommendations, including the introduction of mandatory registration, that will ensure the social worker registration system is more comprehensive and better aligned with comparable professions in the social, health and education sectors.

There was wide support in the submissions we received for requiring all social workers to be registered, primarily to ensure public safety. A number of submitters, however, qualified that support with concerns about the introduction of mandatory registration in the current environment. Concerns included the impact on recruitment and retention, the potential for differential impacts on some sectors and the cost of registration. (The cost of registration and the relative complexity of some aspects of the registration process were cited as areas of concern by many submitters.)

The Board has carefully considered these issues and developed a package of recommendations, including a comprehensive requirement for all persons using the title "social worker", or practising social work, to be registered. Under this approach, all practising social workers, regardless of their level of experience, would be required to be assessed as fit and proper and could be held accountable to the Code of Conduct through the Complaints and Disciplinary system.

The Board has concluded that, in the interests of maintaining minimum professional standards, only those with minimum specified levels of experience, or who have obtained recognised qualifications, should be entitled to use the title "social worker". We are therefore recommending that the registration system be broadened to include registration of associated workers. This would enable workers in associated fields, or workers in the process of gaining sufficient social work experience to demonstrate minimum levels of competence, to participate in the registration system.

We consider our recommendations are a pragmatic reflection of the current state of the social worker workforce, and that they build on progress to date. We have not compromised the Board's

emphasis to date on “raising the bar” in the social work profession. For this reason, we have focused on achieving comprehensive coverage through requiring at least limited registration, and minimum competencies and standards, for all social workers. This approach would ensure minimum standards of public safety.

To promote more comprehensive registration in the interim, and to facilitate the possible introduction of a legislated comprehensive registration system, the Board proposes widening access to limited registration and reviewing our approach to the recognition of previous experience.

To further enhance public safety we propose a greater emphasis by the Board in two key areas. We have identified the need for significantly more promotion of registration to employers and social workers, and raising public awareness. We also consider the Board should work with employers to promote and support employer based complaints systems to complement the Board’s Complaints and Disciplinary system (and those of other relevant statutory authorities) and to provide a more comprehensive system of public safety. Consequently we have made a set of funding recommendations to Government to support these public good activities, and to ensure the Board is sufficiently resourced to maintain an effective Complaints and Disciplinary system of its own, without increasing the Disciplinary Levy that registered social workers currently pay.

The administrative actions the Board proposes to take will contribute significantly to achieving the purposes of the Act. Ultimately, however, a comprehensive system of public safety and minimum professional standards can only be achieved through a legislated registration requirement.

The comprehensive system proposed would support minimum standards of public safety. All practising social workers and associate social workers would have been assessed as being fit and proper and be subject to the Code of Conduct. Members of the public would be able to lodge a complaint in respect of any social worker or associate social worker, either to a specific body, or to the SWRB Complaints and Disciplinary Tribunal when they do not have other effective avenues of complaint.

I wish to acknowledge all stakeholders and the SWRB Maori and Pacific Advisory Group, who have made a significant contribution to both the current review and to the ongoing work of the Board over the last three years.

The Board is committed to ensuring that the registration of social workers in New Zealand continues to reflect the high standards established by the Social Workers Registration Act. Accordingly the actions and recommendations contained in this review report provide a focus on:

- reducing the barriers to participation in the registration system such as the cost and complexity of applying for and maintaining registration;
- reviewing Board policy to ensure an inclusive and comprehensive registration system;
- provision of funding to ensure that the public good requirements of the legislation are fulfilled; and
- proposals to amend the legislation to provide for a comprehensive system of social work registration.

In summary the report identifies a set of actions and recommendations that the Board proposes to widen and consolidate its statutory role while at the same time maintaining public protection, continuing to promote the benefits of registration, and enhancing the professionalism of social workers in New Zealand.



Robyn Corrigan, Chairperson  
29 June 2007

## Purpose

The Social Workers Registration Board (the Board) was established by Government under the Social Workers Registration Act 2003 (the Act). The key functions of the Board are to:

- *create and maintain a framework for registration of social workers in New Zealand; and*
- *promote and encourage high standards of practice and professional conduct among registered social workers and the employers of social workers.*

The Act provides a framework for the voluntary registration of social workers in New Zealand. Section 104 of the Act requires the Social Work Registration Board to:

- *review the operation of Act and its own operations;*
- *consider the extent to which the Act, and the system of voluntary registration it provides for, are achieving the stated purposes<sup>1</sup>; and*
- *consider whether any amendments to the Act are necessary or desirable.*

This report outlines the Board's assessment of the extent to which the voluntary registration system is achieving the purposes of the Act.

---

<sup>1</sup> The Act specifies sections 3(a) and 3(d) as the purposes to be considered in the review. These are outlined in the background section of this paper.

## Executive Summary

1. This report outlines the Board's assessment of how effectively the current statutory provisions and the Board's policies contribute to the achievement of the purposes of the Social Workers Registration Act (2003) and examines ways in which the effectiveness of the registration system can be enhanced.
2. The principal focus of this analysis is, therefore, to consider the extent to which the Social Workers Registration Act and the system of voluntary registration it provides for are:
  - protecting the safety of members of the public, by prescribing or providing for mechanisms to ensure that social workers are –
    - a. competent to practise; and
    - b. accountable for the way in which they practise; and
  - enhancing the professionalism of social workers.
3. The Board's primary focus to date has been on establishing an effective voluntary registration system for social workers. The Board's priority during its establishment phase has been to put the infrastructure in place to achieve our core activity, registering social workers. The Board is now well placed to take stock of our work to date, review the impacts of the policy settings we have put in place and move forward on broader development activity, such as a greater emphasis on sector leadership, and promotion. We are, however, significantly constrained by the current self funding environment.
4. Much has been achieved to date in establishing the infrastructure for social work registration but we have also identified a number of areas of concern, and ideas for improvement. We have considered and identified those issues which the Board can action under its current mandate and those issues that we believe require support from Government. We have also made proposals for legislative change to ensure all persons practising social work must be registered.
5. Our broad conclusion is that the Act as currently framed provides a sound basis for a **voluntary** registration system.

*The main barriers to voluntary registration are relatively high registration costs and the Board's current approach to competence requirements.*

6. We have identified some significant barriers to registration under the current policy settings. The principal barriers are:
  - the costs associated with registration and competence assessment are relatively high in comparison to other similar professions;
  - the current approach to competence does not facilitate registration of newly graduated social workers at the beginning of their careers; and
  - the complexity of the current processes to evidence competence.

*Some issues can be addressed through changes to Board policies and processes*

7. We have considered the extent to which these issues can be addressed by policy settings within the Board's control and concluded there are a number of actions the Board can take to significantly improve levels of coverage under a voluntary regime. These include reviewing

current competence policies and the operation of section 13 of the Act (under which social workers without recognised social work qualifications but with significant practical experience can be registered). We will also be streamlining and reducing the complexity of our registration processes.

8. Some constraints, however, can be ameliorated but not removed altogether. For example, some other occupational groups, such as teachers and nurses, benefit from significant economies of scale. For smaller occupations, infrastructure costs will inevitably translate to some extent into relatively high fees.

*Direct Government funding could support fee reductions and assist the Board to undertake its “public good” functions*

9. The Board considers there is a strong case for Government funding to offset some of the impact of high per capita costs of registering social workers. This is particularly important in the context of promoting increased uptake of registration under a voluntary regime. This funding could be reviewed if and when a legislative requirement for registration was introduced.
10. We also consider the Board can do more to achieve the purposes of the Act through a greater emphasis on promotion, coordination and leadership. We argue, however, that these areas should be funded directly by the Crown, rather than through social workers’ fees, as the benefits will accrue to the sector as a whole.

*Public safety objectives can only be fully achieved through a legislated comprehensive registration requirement*

11. Our main conclusion is that a comprehensive system of public safety and social worker accountability will only be achieved through a legislated requirement for registration of all social workers. Submissions were overwhelmingly in support of compulsory registration, at least in principle, but a significant number of submissions qualified their support by pragmatic concerns. For example some submitters were concerned that the introduction of a compulsory system could exclude a significant number of current social workers from registration.
12. We consider that, by utilising limited registration and establishing entry levels of competence we can move quickly to a comprehensive registration system that is inclusive.
13. Rather than expecting all social workers to be fully registered, the prerequisite to practise would be to have at least provisional registration, and be committed to an ongoing programme of competence development. In effect, the requirement would be for all persons practising social work to have met minimum entry level standards of competence and have been assessed as fit and proper. All social workers would then be subject to the Social Worker Code of Conduct and to the Complaints and Disciplinary system. They would also all be committed to ongoing professional development.
14. We are recommending that the Government amend the Social Workers Registration Act to provide for a comprehensive system of social worker registration through protection of the title “social worker” and by requiring that functions normally performed by social workers cannot be performed by unregistered persons.<sup>2</sup>

---

<sup>2</sup> The UK’s Care Standards Act 2000 provides a model for this approach. The Act provides for the protection of the title “social worker” by the creation of an offence, punishable by a fine of up to £5000, for a person who is not registered as a social worker to use that title or hold themselves out as a registered social worker with an intention to deceive. In interpreting this provision, the General Social Care Council advise that: “Registration is not optional. It is illegal for someone to call themselves a social worker with intent to deceive unless they are registered, and the police can investigate such cases. This affects people with ‘social worker’ in their job title, but also people in roles which require a social work qualification or which involve work normally only undertaken by social workers”.



15. The Board's view is that, in the interests of maintaining minimum professional standards, only those with minimum specified levels of experience, or who have obtained recognised qualifications, should be entitled to use the title "social worker".
16. To achieve comprehensive coverage of all social work activity, we consider the social worker registration system should be broadened to include registration of associated workers. This would enable workers in associated fields to participate in a registration system. Practitioners undertaking activities normally only undertaken by social workers, such as people in the process of gaining sufficient social work experience to demonstrate minimum levels of competence, would be required by law to at least be registered as an associate social worker. This would ensure no social work activity is undertaken without a worker being assessed as fit and proper and that all social work activity is subject to a Code of Conduct and a Complaints and Disciplinary process.
17. It should be noted that these recommendations do not imply all social workers must be fully registered, but that all practising social workers must either hold at least limited registration as a social worker, or be registered as an associate social worker.
18. The Board notes that the both the Care Standards Act 2000 (UK) and Health Practitioners Competence Assurance Act 2003 (New Zealand) provide models on which such an approach could be broadly based. The Board has not developed a specific legislative proposal, but would welcome the opportunity to contribute to development of specific amendments to give effect to this recommendation.
19. The Board's preliminary view is that the legislation could provide that:
  - an unregistered person cannot use words, titles, abbreviations or descriptions stating or implying they are a social worker;
  - an unregistered person cannot claim to be practising social work or state or do anything that is calculated to suggest that they are practising social work;
  - a definition that says social work includes, but is not limited to a list of specified roles (such as social workers exercising authority under the Children Young Persons and their Families Act, social work positions in District Health Boards and the non-government sector, etc.);
  - "social work" includes work in any position where a social work qualification is a prerequisite to employment;
  - "social work" includes any set of activities specified from time to time in a scope(s) of practice promulgated by the Social Workers Registration Board; and
  - other registered professionals, for example health practitioners, may undertake activities normally performed by social workers if those activities fall within the accepted scope of their profession and they are competent to undertake those activities.
20. In the Board's view this approach would not allow persons who are clearly undertaking core social work activities to simply reclassify themselves. Nevertheless it is unlikely that the 13,170 people who self-identified as social workers in the 2006 Census will become registered social workers. The Board estimates the number of practising social workers (including associate social workers) who are likely to comprise the target group for registration could extend to 6000. This is based on an estimate of the number of social workers employed in the health sector (primarily through District Health Boards); the number of social workers employed by the Child, Youth and Family Service; and an approximation of 'other' social workers operating in the non-government sector and in private practice.

21. There are a number of actions the Board can, and will, undertake to enhance coverage under the voluntary system of registration we are now working within. We have identified a number of barriers and disincentives to register under the current voluntary regime which we will address. The work the Board can do now will facilitate the introduction of compulsory registration, should this become a legislated requirement at a later date. The other actions we propose will require direct government support and we recommend you consider those.
22. Other issues raised during the review included submissions that the Act be amended to explicitly reflect the Treaty of Waitangi. The Board notes this was an issue considered by Government when the Social Worker Registration Bill was being considered and we draw to your attention that this has been raised again in the context of the current review. The Board considers this is properly an issue for Government to consider and on which the Board is not in a position to express an opinion. As an agency of the Crown however, the Board remains committed to meeting any Treaty obligations that status implies.
23. Further, some submissions recommended the Board be replaced by a Social Workers Council that consists of both Ministerial appointments and representatives of ANZASW, ANZASWE, and the Association of Non-Governmental Organisations of Aotearoa. This is not an issue on which it is appropriate for the Board to express an opinion, other than to note the Board recognises the importance of gathering and objectively considering all perspectives and interests, that the current mechanism allows for diversity in the Board's composition and that this is reflected in our current composition.
24. Social work educators raised concerns about the Board's role in course recognition. Concerns related to the level of independence schools require to be able to establish social work curricula and about the costs of recognition and re-recognition processes. It is fundamental to the Board's role to be able to recognise courses. In doing so, the Board will continue to remain mindful of, and respect, the educators' concerns.

## **25. Actions and recommendations**

The following recommendations reflect a staged approach to improving the social work registration system including:

- actions the Board can undertake over 2007/08;
- actions that, subject to obtaining additional Crown funding, could be undertaken from 2008/09; and
- proposals for legislative change.

### ***Actions the Board intends to undertake:***

#### **Action 1**

The Board will develop a set of entry level competencies in order that new graduates can be provisionally registered.

(To be completed in 2007/08)

#### **Action 2**

The Board will work with employers, educators and professional bodies to review the Board's current approach to competence assessment to identify ways to:

- reduce compliance costs for social workers and their employers, while maintaining confidence in the competence assessment system;
- reduce the complexity of the current processes to evidence competence; and

- reduce the costs of registration to applicants.

(To be completed in 2007/08)

### **Action 3**

The Board will further review the operation of section 13 of the Act (recognition of practical experience in lieu of a recognised qualification).

(To be completed in 2007/08)

### **Action 4**

The Board intends to explore ways to reduce the cost and complexity of registering and maintaining registration, including streamlining competence arrangements.

(To be completed in 2007/08)

The Board is also recommending direct government funding for “public good” functions such as promoting and supporting employer-based complaints systems, as well as additional funding to allow a reduction in fee levels (see following recommendations).

### ***Recommendations to the Minister for Social Development and Employment:***

#### ***Funding Proposals:***

The Board has developed an integrated package of funding proposals that would enable it to meet the full range of public good objectives set out in the Social Workers Registration Act (2003), while maintaining fee levels that are more closely aligned with comparable professions.

**The Board recommends Government agrees to provide specific Crown funding to enable the Board to:**

#### **1. Charge fee levels that more closely reflect fee levels for comparable professions.**

To reduce the level of fees (Registration and Annual Practising Certificate/Disciplinary Levy<sup>3</sup>) to half their current level (From \$450 p.a. to \$225 p.a. GST incl.) additional Crown funding requirements are estimated as follows: \$240,000 (2008/09); \$120,000 (2009/10 and out years) (GST excl.).

#### **2. More effectively promote high standards of practice across the social work profession and to raise stakeholder awareness of the social work registration system.** The Board considers this function would require additional Government funding of \$225,000 (2008/09); \$225,000 (2009/10); \$225,000 (2010/11); \$225,000 (2011/12) (GST excl).

Subject to funding, the Board would envisage completing the initial development and roll out of these proposals in 2008/09.

#### **3. Promote and support the development of employer based complaints systems, to complement the Social Workers Registration Act Complaints and Disciplinary system (and those of other relevant statutory authorities).**

---

<sup>3</sup> The Board recommends reducing the APC from \$360 to \$135 and leaving the Disciplinary Levy unchanged at \$90, in effect reducing the annual cost of maintaining registration to half its current level.

\$250,000 (2008/09); \$125,000 (2009/10); \$125,000 (2010/11); \$125,000 (2011/12) (GST excl). Subject to funding, the Board would envisage completing the initial development and roll out in 2008/09; and

**4. Maintain an effective complaints and disciplinary system without increasing the current Disciplinary Levy.**

The Board considers this function would require additional Government funding of \$125,000 (2008/09); \$250,000 (2009/10); \$250,000 (2010/11); \$250,000 (2011/12) (GST excl).

Note: These recommendations must be seen as an integrated package, as recommendations 2, 3 & 4 also reduce fee costs by publicly funding these component activities.

***Legislative amendments:***

The Board recommends that the Government:

- 1. Agree to amend the Social Workers Registration Act (2003) to provide for a comprehensive system of social worker registration through protection of the title “social worker” and by requiring that functions normally performed by social workers cannot be performed by unregistered persons;**
- 2. Agree that the registration system be broadened to include registration of associated workers.** This would enable workers in associated fields to participate in a registration system. Practitioners undertaking activities normally only undertaken by social workers, such as people in the process of gaining sufficient social work experience to demonstrate minimum levels of competence, would be required by law to at least be registered as an associate social worker. This would ensure no social work activity is undertaken without a worker being assessed as fit and proper and that all social work activity is subject to a Code of Conduct and a Complaints and Disciplinary process; and
- 3. Agree that policy work should be undertaken as soon as possible because of the potentially long lead time for legislative change.** Early decisions and announcements of the Government’s legislative intentions could add significant impetus to engagement in the registration system by employers and social workers. Subject to your support for this recommendation, the Board will commence scoping work, in consultation with the Ministry of Social Development and others, on defining the scope of coverage of a comprehensive regime based on protection of the title “social worker” and associated limitations on who can practise social work.

## Introduction

1. The Social Workers Registration Board (the Board) was established by Government under the Social Workers Registration Act 2003 (the Act). The key functions of the Board are to:
  - create and maintain a framework for registration of social workers in New Zealand; and
  - promote and encourage high standards of practice and professional conduct among registered social workers and the employers of social workers.
2. The Act provides a framework for the voluntary registration of social workers in New Zealand. Section 104 of the Act requires the Social Work Registration Board to:
  - review the operation of Act and its own operations;
  - consider the extent to which the Act, and the system of voluntary registration it provides for, are achieving the stated purposes<sup>4</sup>; and
  - consider whether any amendments to the Act are necessary or desirable.

The Act states that the Board's findings are to be reported to the Minister for Social Development and Employment and tabled in Parliament<sup>5</sup>.

3. This report outlines the Board's assessment of the extent to which the voluntary registration system is achieving the purposes of the Act. The paper is presented in two sections: Section One provides a background to the introduction of a voluntary registration system and describes the key features of the current model and outlines progress to date. Section Two considers how effectively the current statutory provisions and the Board's policies contribute to the achievement of the purposes of the Act and discusses possible enhancements.

---

4 The Act specifies sections 3(a) and 3(d) as the purposes to be considered in the review. These are outlined in the background section of this paper.

5 The Act requires the Board to report to the Minister as soon as is practicable after the three year anniversary of the commencement of the Act (i.e. April 2007).

## Methodology

4. As a part of the review process, the Board sought input from social workers, their representative bodies, educators, employers of social workers, and other key agencies and individuals likely to have a direct interest in the efficient and effective operation of the Act.
5. Input was sought on all aspects of the operation of the Act. However, stakeholders were informed the report would consider such issues as:
  - whether a voluntary registration system can effectively achieve the Act's objectives or whether a system of mandatory registration should be introduced, and if so, what the key features of a mandatory system would involve;
  - whether the current criteria for full, provisional and temporary registration should be reviewed, added to or amended, particularly in the context of any shift to mandatory registration;
  - whether the pathway to registration under the current model supports a smooth progression to registration;
  - whether the current funding model is sustainable, whether it acts as a barrier to registration and whether there are alternative approaches to funding that better reflect the range of interests in a professional registration system, including the professional development and public safety aspects of the Act; and
  - whether the current complaints and disciplinary provisions adequately support the objectives of the Act.

Submissions and responses were received from 39 organisations and individuals. The Board subsequently convened a workshop of key stakeholders to discuss the points raised in submissions and to share and discuss their perspectives on the Act, and its operation, with each other and the Board. This input has proved invaluable. Appendix 1 provides a list of submitters and a list of workshop attendees. Issues raised in submissions, and in the workshop, are identified in the body of this report to inform the discussion and analysis.

6. The review has also considered the registration frameworks in place for other professionals in the New Zealand context<sup>6</sup>; and social work registration systems in overseas jurisdictions<sup>7</sup>.

---

6 Refer to Appendix Two for a summary of benchmarking against other professional groupings in New Zealand.

7 The overseas models examined were: England, Northern Ireland, the United States of America, Canada and Hong Kong.

## SECTION ONE: BACKGROUND

7. This section:
- describes the current social work workforce and workforce trends;
  - outlines the government's rationale for the current model of social worker registration and describes its key features; and
  - provides a snapshot of registrations to date, including analysis by qualification, sector and ethnicity.

### Context

#### *The social work workforce*

8. It is difficult to accurately establish the number of social work professionals in New Zealand. Indeed, there is no formally accepted definition of 'social work' in the New Zealand context.<sup>8</sup> Social workers perform a variety of tasks and work in a number of different settings across the public, private and community and voluntary sectors.
9. Data from the 2006 Census suggests that there are 13,170 people in the 'social worker' occupation classification.<sup>9</sup> This represents an increase of 2,769 from the 10,401 social workers recorded in the 2001 Census. However, these figures should be treated with caution as the Census counts many people who work in the generic 'caregiving' area, including child and youth development, family counselling etc. Further, it does not include some occupational groupings that could be considered to perform social work functions, such as probation officers. Finally, it is important to note that the Census data refers only to those working for pay, profit or income (i.e. in paid employment, including self-employment). It does not record the occupations of those working in a voluntary capacity.
10. The Board takes a more conservative approach to assessing the size of the social work workforce. Our estimate of the number of practising social workers who are likely to comprise the target group for registration could extend to 6,000. This is based on an estimate of the number of social workers employed in the health sector (primarily through District Health Boards); the number of social workers employed by the Child, Youth and Family Services; and an approximation of 'other' social workers operating in the non-government sector and in private practice.
11. Despite the limitations of the Census data, it does provide an insight into the characteristics of the 'social worker' occupational class. Earlier Census data<sup>10</sup> suggests that:
- *over half of the social work workforce is employed in the non-government sector.* The attributes of this group of employers vary significantly from large-scale nationally organised bodies offering services throughout New Zealand (e.g. Barnardos) to small, locally-based services responding to an identified local need (e.g. iwi-based services).

Some non-government organisations are directly contracted by government agencies to deliver particular services, while others are independently funded.

---

8 Statistics New Zealand classifies social workers as providers of social services to meet the needs of people in a community (NZSCO 3411). The definition references a series of tasks and describes training and experience requirements. The International Federation of Social Workers defines social work as "The social work profession promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance wellbeing. Utilising theories of human behaviour and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work."

9 Code 33411: New Zealand Standard Classification of Occupations.

10 Information of this nature is not yet available from the 2006 Census.

- *just over a third of social workers are employed in the government sector, primarily in large central government organisations. The Child, Youth and Family Service is the biggest single employer of social workers in New Zealand, employing approximately 1,200 FTEs. A significant number of social workers are engaged in the health sector, the majority employed by the 21 District Health Boards.*

### **Workforce trends**

12. In November 2005, the Department of Labour published the outcomes of its occupational skill shortage assessment of the 'social worker' occupation. The Department's report concluded that:
  - The employment of social workers has increased strongly over the past decade due to greater government expenditure on care and protection and mental health programmes, and the effects of an ageing population<sup>11</sup>;
  - The growth in supply of social workers has not kept up with demand;
  - The number of students achieving social work qualifications has shown slow growth and has not been sufficient to cope with the rapid growth in new jobs in recent years;
  - The minimal growth in new enrolments in these courses means that it is unlikely that the number of qualification achievements will increase in the future;
  - There has been a loss of supply through social workers moving out of the occupation (only 42% of employed persons with a degree or a post-school qualification in social work were employed as social workers in 2001); and
  - A number of social workers retire each year (approximately 80 social workers, assessed as 1.2% of the work force)<sup>12</sup>.
13. Of particular relevance, is the Department's assessment that strong growth in demand for social workers in the 1990s and early 2000s resulted in shortfalls in qualified social workers, and that these shortfalls were partly redressed with lower qualified entrants. Only 19% of people recorded as social workers in the 2001 Census had a degree level qualification<sup>13</sup>. This was down from 35% ten years earlier. Many social workers, however, hold Diploma level qualifications, which are recognised and accepted for some registration purposes as historical qualifications.
14. The report concluded that shortfalls in the social work workforce were likely to persist. It was further noted that the introduction of the social work registration system meant that demand for qualified social workers was likely to be strong and was unlikely to be matched by similar growth in levels of training<sup>14</sup>.

### **The rationale for a registration system for social workers**

15. In 1999, the Government signaled its commitment to establishing a system for the registration of social workers in New Zealand. In July 2000 the Ministry of Social Policy (now the Ministry of Social Development) issued a discussion paper seeking public input into the design of a system for registration.
16. The Ministry of Social Policy assessed the social work occupation against the *Policy Framework for Occupational Regulation – A guide for government agencies involved in regulating occupations*<sup>15</sup>. The framework outlines three types of risk of occupation: the likelihood of significant harm occurring; the extent to which any harm caused is irreversible; and whether the risk is voluntarily entered into by the client.

---

11 Department of Labour (November 2005) p.1.

12 Department of Labour (November 2005) p.9.

13 Department of Labour (November 2005) p.6.

14 Department of Labour (November 2005) p.12.

15 Ministry of Economic Development (website), Policy framework for Occupational Regulation: A guide for Government Agencies Involved in Regulating Occupations. Originally published by the then Ministry of Commerce in 1999.



17. The Ministry concluded that:

“Social work has the potential to be a moderate to high risk occupation. It is very difficult to assess the prevalence of poor social work practice. However, it is essential to protect the public from the outset by preventing poor practice and high risk situations from occurring. High risk situations may include misconduct, incompetence, malpractice or abuse”<sup>16</sup>.

This assessment supported the case for occupational regulation by government, rather than industry self-regulation.

18. Accordingly, the discussion document stated that the aim of a social work registration system would be to:

- ensure safe practice in the social work occupation
- protect the public from poor social work practice
- maintain high levels of professionalism and accountability in the social work occupation.<sup>17</sup>

19. These objectives are reflected in Sections 3(a) and 3(d) of the Social Work Registration Act 2003:

The purpose of this Act is –

- (a) to protect the safety of members of the public, by prescribing or providing for mechanisms to ensure that social workers are –
  - (i) competent to practise; and
  - (ii) accountable for the way in which they practise;
- (d) to enhance the professionalism of social workers.

20. Registration also provides a means to gain public recognition of the social work profession and the actions being taken to improve the quality of social work in New Zealand; and, ultimately, to increase public confidence in the work being done by social workers.

21. The registration framework provided for in the Act is the mechanism for ensuring that social workers are suitable for, and competent to, undertake the responsibilities and duties of social work.

### The voluntary registration model

22. Prior to the introduction of the Act, the government considered several models for the regulation of social work practice in New Zealand. The five main types of control government exercises through occupational regulation legislation<sup>18</sup> are:

<i>Disclosure</i>	requiring disclosure of information about the service or service provider
<i>Registration</i>	requiring practitioners to identify themselves in a public way
<i>Certification</i>	distinguishing particular types of service from other through protecting titles

### Certification

23. The regulatory model adopted, and reflected in the Social Workers Registration Act 2003, is a form of certification. The Act establishes a voluntary system of registration and protects the title ‘registered social worker’. This means that only people who have been through the certification/registration process are entitled to use the title ‘registered social worker’. The

---

16 Ministry of Social Policy (July 2000) p. 4.

17 Ministry of Social Policy (July 2000) p.1.

18 Ministry of Economic Development (website), *Policy framework for Occupational Regulation: A guide for Government Agencies Involved in Regulating Occupations*.

model does not preclude other people practising social work; however, they are not able to use the title 'registered social worker'.

24. The Ministry of Social Policy's discussion document listed the potential advantages and disadvantages of certification as being:

#### *Advantages*

- assurance of good social work practice by those who are certified without imposing restrictions on the tasks that social workers can perform;
- enabling practitioners not wishing to be certified or those who do not qualify for certification to still practise social work;
- allowing for compulsory certification of certain groups of social workers, while not precluding voluntary certifications as well; and
- giving employers the flexibility to choose to employ either a certified social worker or a non-certified social worker for a particular position where non-certification would not pose a risk to clients.

#### *Disadvantages*

- would not prevent non-certified individuals practising social work in certain settings; and
  - may exacerbate workforce issues, i.e there may be too few social workers who meet the certification requirements to fill all the available social work positions.<sup>19</sup>
25. Two-thirds of written responses to the discussion document supported the certification model, with many respondents citing the need to provide assurance of social work practice, while at the same time allowing social workers and employers the flexibility to become registered or require registration. The 28% of respondents who supported licensing most commonly referred to the need to provide maximum protection for both social workers and their clients.<sup>20</sup>
26. At the time of the introduction of the Social Workers Registration Bill to Parliament, the then Minister of Social Services and Employment expressed support for the voluntary nature of the registration system on the basis that it was: "not viable to introduce mandatory registration immediately" and that "...it is likely that a significant proportion of social workers currently practising would not immediately meet the criteria for registration. It would also be unrealistic to expect that employers and individual social workers have the time and money to gain registration immediately."<sup>21</sup>
27. The Minister went on to note that: "...as a result of considering this issue, the Select Committee has recommended that as part of their regular review of the Act, the Social Workers Registration Board should specifically consider the extent to which the system of voluntary registration is achieving the purposes of the Act".<sup>22</sup> (The Bill was amended to reflect this decision).
28. At the time of the third reading of the Bill, the then Minister of Social Services and Employment also raised a concern that the introduction of a mandatory system of registration would be problematic as it would require a definition of 'social work tasks'. Developing such a definition was thought to be difficult, "not least because social work is characterised by a range of skills, many of which are also characteristics of other professions such as counselling".<sup>23</sup>

---

19 Ministry of Social Policy (July 2000) p.11.

20 Ministry of Social Policy (May 2001) Registration of Social Workers; Consultation Summary Report p.5.

21 Hon. Steve Maharey, Minister of Social Services and Employment (2003) Social Workers Registration Bill Second Reading (3 April 2003).

22 Hon. Steve Maharey (3 April 2003).

23 Hon. Steve Maharey (3 April 2003)

## Key features of the current model

### Overview

29. The Social Workers Registration Act is an enabling piece of legislation. It made provision for the Social Workers Registration Board to be established and, once established, to determine much of the detail of the registration system (e.g. setting the policy on the level of qualification required for registration purposes).
30. The Act establishes five key components in the social work registration process:
  - recognised New Zealand qualification
  - fit and proper person
  - competence to practise social work
  - competence to practise social work with Māori and different ethnic and cultural groups
  - practical experience.

These criteria are discussed in more detail below.

31. Once registered, social workers are required to recertify their competence to practise every five years. All practising registered social workers are required to hold a current practising certificate, which must be renewed annually.
32. The Act also contains provisions designed to enhance the professionalism of the social work occupation and to protect the public. In particular, all registered social workers are subject to a Code of Conduct and are held accountable for their practice through a Complaints and Disciplinary process. In addition, the Board is charged with promoting the benefits of registration to employers of social workers and the public, as well as to practising social workers; and to work with social work education and training providers to promote and set social work education and training standards.

### Criteria for registration

33. The Board has established criteria for each of the components in the social work registration process, and these have been disseminated through a series of published policy statements. In each case, the Board's policy was developed following extensive stakeholder consultation. The following section summarises the criteria for each component:<sup>24</sup>

- **Recognised New Zealand qualification** – The qualification benchmark is a Bachelors degree in Social Work or a postgraduate qualification in social work.<sup>25</sup> All applicants must hold one these recognised degrees, or have commenced study towards these to be considered for registration.

Qualifications gained overseas must be assessed as being equivalent to a recognised New Zealand qualification (noting that such qualifications may not include a component that ensures competence to practise social work with Māori and with different ethnic and cultural groups in New Zealand).

Section 13 of the Act provides for the recognition of practical experience for applicants who do not hold a recognised New Zealand qualification in social work (or a recognised overseas qualification). In these circumstances, applicants are required to meet four criteria:

---

24 Detail on the conditions around each of these criteria is contained in the full policy statements, available at [www.swrb.org.nz](http://www.swrb.org.nz)

25 Recognised Bachelors degrees are in the fields of social work, applied social sciences or social practice. Two post-graduate diplomas are recognised: the Graduate Diploma in Social Work (Canterbury) and the Post-graduate Diploma in Social and Community work (Otago).

- it is not reasonable or possible to expect the applicant to complete a recognised New Zealand qualification in social work;
- there is specific written support or attestations provided by registered social workers or others in support of their application;
- the extent to which the applicant has undertaken regular training and professional development relevant to social work; and
- the applicant has been practising social work in New Zealand for a minimum of 15 years full-time at the date of application.

Transitional provisions were put in place to allow for the recognition of current or historical New Zealand qualifications. A schedule of recognised qualifications for the purposes of registration was published. All applicants holding one of these qualifications were deemed to have met the qualification criteria and were not required to gain a further qualification.

Further, individuals who were enrolled in a programme of study leading to those qualifications, as at 31 December 2005, are able to apply for registration under section 14 of the Act. This section refers to provisional registration, which is renewable at the discretion of Board, every two years, up to a total of no more than eight years. (The qualification must be completed within that timeframe).

- ***Fit and proper person*** – This requirement is normally met through a police check undertaken by the New Zealand Police Licensing and Vetting Service Centre, together with confidential references. The Board may also, from time to time, be required to make determinations regarding fitness to practise on the grounds of medical or psychiatric conditions, a complaints and disciplinary finding, or a conviction.
- ***Competence to practise social work*** – The Board recognises two competence assessment programme providers: the Aotearoa New Zealand Association of Social Workers (ANZASW) and Te Ara Aromatawai. In both cases, competence assessments require sufficient practical social work experience to demonstrate competence standards through a work portfolio which includes examples of practice and referee attestations. Competence is established initially through a face-to-face assessment where the work portfolio is discussed. Once registered, recertification of competence is required every five years and this process may be paper-based only.
- ***Competence to practise social work with Māori and different ethnic and cultural groups*** – This is based on the inclusion of an appropriate component within the recognised qualification, and/or as the result of completing a separate course or courses of training; and/or an attestation provided as part of the application process. The competence is also tested as a part of the general competence assessment and is a requirement for the Annual Practising Certificate.
- ***Practical experience*** – Applicants for full registration must have completed 2000<sup>26</sup> hours supervised practice, post qualification. (Experience prior to 1 October 2004 can be recognised in years, rather than hours - i.e. practised for two years at more than 15 hours per week). 2000 hours is approximately 18 months of full time practice, which enables a provisionally registered social worker to achieve full registration within the two years specified for provisional registration under section 10 (3) (a) of the Act.

---

<sup>26</sup> 2000 hours has been calculated as a full-time new graduate social worker working 30 hours per week, actual hands-on practice for 40 to 45 weeks per annum. Transitional provisions recognised experience gained prior to 1 October 2004 in terms of years (two years minimum of 15 hours per week).

34. In addition to these general requirements for full registration, Board policies allow for provisional registration and temporary registration:
- **Provisional registration** - Applicants who can meet competence and fit and proper requirements can obtain provisional registration while they meet other requirements such as a recognised qualification or sufficient practical experience. Provisional registration is renewable at the discretion of Board, every two years, up to a total of no more than eight years. (The qualification must be completed within that timeframe).
  - **Temporary Registration** – Overseas applicants visiting New Zealand temporarily, who have suitable knowledge and experience and meet other specified minimum requirements, may obtain temporary registration. Temporary registration is renewable every six months, up to a total of no more than three years. Persons registered temporarily must always be registered subject to restrictions relating to the institution or place where they intend to practise.

### ***Complaints and disciplinary procedures***

35. Registered social workers are also subject to complaints and disciplinary procedures, established under Part 4 of the Act. The Board has established the Social Workers Complaints and Disciplinary Tribunal; and related Complaint Assessment Committees will be established as needed in response to specific cases. The complaints and disciplinary procedures serve to hold registered social workers accountable for the way they practise and are a key mechanism for protecting public safety. The Board has also established a Code of Conduct and supporting guidelines, in consultation with stakeholders.

### ***Effect of current legislative and policy settings***

36. In summary, the effect of these legislative provisions and policies is that (subject to demonstrating fitness and competence) full registration is available to:
- Social workers with a degree level qualification and sufficient practical experience;
  - Social workers with a recognised diploma level qualification (commenced or completed prior to 31 December 2005) and sufficient practical experience;
  - Social workers who do not hold a recognised qualification but have at least fifteen years practical experience as a social worker in New Zealand. (A number of conditions must be met. Applicants must have attestations of support from registered social workers or others, they must have substantial documented training and professional development, and the Board must conclude they cannot reasonably be expected to complete a formally recognised qualification); and
  - Overseas-qualified social workers who meet a range of conditions including demonstrated competence and sufficient experience (provided that their qualification is equivalent to a recognised New Zealand qualification).

Provisional registration is available to:

- social workers with sufficient experience to demonstrate general competence, provided they are working towards meeting the criteria they do not yet meet (a recognised qualification and/or minimum specified practical experience requirements).
37. Registration is not available, provisional or otherwise, to persons practising social work who are still gaining sufficient experience to demonstrate competence to the required standard (for example new graduates or people with overseas experience, only, seeking to work permanently in New Zealand).

## A snap-shot of registrations to date

### Total number of registrations

- The Board has received over 2398 applications for registration (as at May 2007)
- Over 1600 social workers are now registered:
  - 44% of these are employed by Child, Youth and Family Services
  - 22% are employed by DHBs
  - 5% are in private practice
  - 29% are in the 'other' category - primarily engaged in non-government organisations.

The Board is currently working towards increasing the number of registered social workers to between 2,000 and 2,500 by 2009.<sup>27</sup>

38. The total number of registrations is lower than original Board forecasts.<sup>28</sup>
39. Some of this may be attributed to delays in the registration of Child, Youth and Family employed social workers. By the end of the 2006 calendar year there were 610 registered Child, Youth and Family Social Workers. This is lower than previous estimates, which aimed to have the 900 of the 1,200 existing Child, Youth and Family social worker applicants registered by the 2006 year end.
40. Delays in the registration of Child, Youth and Family workers are due to a number of factors, such as Child, Youth and Family workers taking longer to submit the required documents for registration than originally envisaged. Child, Youth and Family have committed to registering its entire frontline social work workforce over time and to have 1,200 of their social workers registered by the end of the 2007-2008 year.
41. In overall terms, the shortfall in applications is an unforeseen consequence of some of the policy settings that were adopted, and the way in which the Act has been implemented. This includes issues such as Board funding and decisions made by the Board (e.g. fee levels and competence requirements). We consider the best way to address this issue and to improve the Board's effectiveness would be to revisit some of these policy settings. These issues are examined in further detail in the next section of this report.

### Registrations by sector

42. Social workers employed in the public sector are disproportionately over-represented in the number of social work registrations, accounting for 66% of total registrations, while comprising approximately one third of the total social work workforce. This over-representation may be attributed in part to a 'culture' of professional registration, which is particularly strong in the health sector, and is being developed in Child, Youth and Family Services.<sup>29</sup> Further, it is evident that many employers in this sector are committed to meeting at least part, if not all, of the costs of registration of their social workers.
43. In contrast, social workers employed by NGOs are under-represented, accounting for approximately half of the social work workforce, while comprising only 29% of total registrations. Findings from a study of the barriers to and incentives/benefits of registration for social workers employed in NGOs, indicate that the cost of registration is a major disincentive, unless their employing organisation meets the costs.<sup>30</sup> A number of other barriers were also identified in the study, including a perceived lack of incentives to register (including salary considerations), and concerns about the registration requirements and processes.

---

27 Social Workers Registration Board (2006) Statement of Intent 2006-2007.

28 The Board forecast a total of 2000 registrations by the end of the 2006 calendar year.

29 The Child, Youth and Family Service has committed to registering its entire social work workforce over time.

30 Ministry of Social Development (2006), *Social Services Workforce Development Phase Two: Social Worker Registration*.

- The majority of registered social workers hold a qualification:
  - The dominant qualification is a Diploma of Social Work, followed by a Bachelor of Social Work (Hons) (Four year bachelors degree)
  - Almost 300 social workers have provisional registration based on working towards completion of a recognised qualification
  - Approximately 40 social workers have been registered under the provisions of section 13 (i.e. without a recognised qualification)

44. At the time the Act came into effect, transitional measures were established to allow for the recognition of a range of historical and existing qualifications. However, from January 2006, a social worker must have a minimum of a recognised Bachelor's degree or a post-graduate diploma, or have commenced study towards these in order to be considered for registration.<sup>31</sup> In effect, all social workers new to the profession must have at least a degree at Bachelor level to be considered for registration. This policy was developed in the interests of 'raising the bar' in qualification standards.

45. It is probable that a number of existing social workers have not applied for registration because they do not meet the qualification standard, and they are unlikely to meet the provisions of section 13, which allow for the recognition of significant practical experience.

### ***Ethnicity***

- Approximately 76% of registered social workers are of 'European' ethnicity
- 15% are Maori
- 3% are from a Pacific Islands ethnic group

46. This data is based on analysis of a sample group of 710 registered social workers. Our assessment of these figures against previous Census data recording the ethnicity of people defined as 'social workers', indicates that Māori and Pacific peoples may be under-represented amongst the registered social worker population.

---

<sup>31</sup> Under transitional provisions, the Board may register a social worker with a recognised diploma level qualification, so long as they completed or commenced study towards it prior to 31 December 2005.

## SECTION TWO: ANALYSIS

### Analytical framework

47. This section considers how effectively the current statutory provisions and the Board’s policies contribute to the achievement of the purposes of the Act and examines ways in which the effectiveness of the registration system can be enhanced.
48. The principal focus of this analysis is, therefore, to consider the extent to which the Social Workers Registration Act and the system of voluntary registration it provides for are:
- *protecting the safety of members of the public, by prescribing or providing for mechanisms to ensure that social workers are –*
    - *competent to practise; and*
    - *accountable for the way in which they practise; and*
  - *enhancing the professionalism of social workers.*

We have identified four guiding principles that underscore our analysis:

Recommendations for change should be <i>realistic and pragmatic</i> .	The registration system should take into account the current demands on the profession and current skill levels. It should be affordable and not impose unnecessary compliance costs on social workers and their employers. The emphasis must be on raising overall standards over time.
Any changes should <i>recognise and build on progress to date</i> .	For example, any move to a mandatory registration system should not be at the expense of the Board’s efforts to “raise the bar” for qualification levels.
The registration system should be <i>as simple as possible</i>	To be effective, the system must be readily understood by all stakeholders and by clients in particular.
The registration system must <i>align well with other relevant sectors</i> .	Social workers have close working relationships with other professionals. Often this involves working as part of a multi-disciplinary team. Operating within similar frameworks and to similar professional and ethical standards will enhance both day to day working, and the professional standing of social workers.

### Issue identification

49. The Act provides a framework for protecting public safety and enhancing the professionalism of social workers. The public safety objectives are achieved through ensuring registered social workers are fit and proper, and competent to practise. This, in turn, is to be achieved by setting standards for initial registration, and through providing an operating environment where the expectations are clear, and mechanisms are in place to hold registered social workers to account when those expectations are not met. The professional development objectives are achieved through a framework of standard setting, competence assessment and promotion.
50. Ultimately, levels of both public safety and professionalism will be influenced by a combination of:
- a. **Registration standards and systems for establishing and maintaining competence:** Standards include defined levels of qualifications, experience, and competence, and an assessment that a candidate is a fit and proper person to practise social work. Systems include annual practising certificates and systems for maintaining and assessing ongoing competence. Competence must include



competence to practise social work with Māori and with different ethnic and cultural groups in New Zealand;

- b. Effective accountability systems:** These include the Code of Conduct and the Complaints and Disciplinary system as well as employer-based standards and systems such as in-house complaints procedures available to clients;
- c. Promotion of high standards of practice and stakeholder awareness:** To be effective, employers, social workers and clients must be informed about, and value, the registration system; and
- d. Coverage:** The proportion of social workers that are registered will influence the overall level of public safety.

51. The following section considers each of these elements in turn, summarises input from submissions, identifies the key issues and sets out the Board's view on the operational and legislative changes needed to better achieve the purposes of the Act.

**a) *Registration standards and systems for establishing and maintaining competence***

52. The Board has, in consultation with stakeholders, established a set of policies on recognised qualifications, experience, competence, section 13, annual practising certificate criteria, supervision, and being a fit and proper person and has drafted a policy on competence to practise social work with Māori and with different ethnic and cultural groups. These standards contribute to high levels of public safety in respect of registered social workers (whether fully or provisionally registered). They are also designed to ensure that social workers who obtain and maintain full registration meet high standards of professionalism.

53. *Entry requirements:* The current system provides for three levels of registration: provisional; temporary; and full registration. This framework enables social workers who do not qualify for full registration, but who can meet the fit and proper person and competence assessments, to participate in the registration system and become subject to its conduct, accountability and professional development provisions while they work towards achieving full registration.

54. However, not all persons practising social work can obtain even limited registration. Registration is not available, provisional or otherwise, to newly qualified graduates or to persons practising social work who are still gaining sufficient experience to demonstrate competence to the required standard. New graduates are unable to register, even provisionally, because of the requirements of current competence assessments for an applicant to have a portfolio of experience.

Submissions:

Several concerns were raised about the position of new social work graduates under the current registration system. The current competence requirements, which include a requirement for sufficient practical experience, effectively prevent new graduates with an appropriate qualification from registration, even provisionally.

Child, Youth and Family suggested that the Board could investigate the potential for aligning all level 7 qualifications with the competencies required for registration so that graduates could be registered, at least provisionally, upon graduation.

The Office of the Commissioner for Children expressed concern that there appears to be no intermediary step for social workers leaving an educational institution and moving into employment, and suggested that: "In the interests of ensuring professionalism and on-going development of competencies it would seem appropriate that the registration process begin at the outset of their careers and that there be some form of limited registration, similar to provisional membership of ANZASW as a preparatory step".

The ANZASWE have recommended that Section 14 (1)(a) of the Act be amended: "to allow for new graduates to be practising under supervision, to get around the concerns that the current wording requires new graduates to have undergone a competence assessment prior to practising".

The ANZASW has recommended that the competence requirements for newly qualified graduates be reviewed to remove this "unintended disadvantage" (competence requirements preventing provisional registration). Likewise, the Association suggested that the provisional registration requirements be reviewed for social workers from overseas who cannot meet competence requirements related to working with Māori in the New Zealand context.

Similarly, Child, Youth and Family also suggested that allowing for the provisional registration of social workers while they are working towards a competence assessment could improve the current system. The submission proposed that a timeframe for completing competence requirements, perhaps two years, could be stipulated in the Act. "This amendment would provide a more tangible timeframe for social workers and employers to work towards whilst capturing social workers into the professional/regulatory framework from the outset of their registration application pathway".

The PSA expressed support for the recognition of prior learning and current competence, enabling existing social workers without formal qualifications to have their previous experience recognised.

55. Although relatively inexperienced social workers may, arguably, pose a relatively greater risk of unsafe practice, they are excluded from the Social Workers Registration Act's accountability framework. This constraint on social worker registration does not align well with most comparable occupations. In many other professional, social and health settings, graduates from recognised courses are deemed to have "beginning competencies". Other professions provide for students and interns to have limited registration in recognition that they will be undertaking some professional activity as part of their training.<sup>32</sup>
56. Similarly, some practising social workers in trainee situations may be competent at a basic level and safe to practise under appropriate supervision, ideally by a fully registered social worker, but be unable to obtain limited registration as they do not have a sufficient portfolio of work to demonstrate competence to the required standard.
57. These concerns could be addressed by establishing minimum "entry level" competencies to allow new graduate social workers to qualify for limited registration. Such an approach could increase coverage of the overall registration system, while still accommodating higher

---

32 Appendix One summarises a range of New Zealand social, health and education registration systems.

standards of expectation for fully registered social workers. The Board considers this would simply require a different policy setting based on the current Act than has been applied to date, rather than legislative change.

#### Action 1

**The Board will develop a set of entry level competencies in order that new graduates can be provisionally registered.**

(To be completed in 2007/08)

58. *Competence assessment:* The current competence system involves an initial competence assessment by one of two approved providers and renewal assessments every five years. An initial assessment through ANZASW costs \$450 (or \$675 for Child Youth and Family staff).<sup>33</sup> An initial assessment through Te Ara Aromatawai costs \$675. Five yearly renewals cost \$120. In order to be assessed by ANZASW, social workers who are not already members of ANZASW must also pay for at least one year's provisional membership, which costs \$204 (\$136 if earnings are under \$32,000 pa).<sup>34</sup> Once the competence assessment is completed a member must then pay indemnity insurance of up to \$84. (\$84p.a. pro rata for the balance of the membership year). The Board considers there is scope to reduce the complexity of the current processes to evidence competence.

#### Submissions:

A number of submissions raised concerns about the current competence requirements.

Child, Youth and Family suggested that: "...the current model for registration and competence assessment does not support a smooth progression to registration. This is supported by considerable feedback from Child Youth and Family staff with respect to their frustration at the duplication of processes across the application and competence processes." This sentiment was reflected in several other submissions.

The Child Youth and Family submission went on to note that registration boards in other jurisdictions do not require a separate competence assessment, with boards managing all aspects of the registration process. It was suggested that this facilitates "...tighter monitoring and a more streamlined process". Child Youth and Family suggested that "...the Board could investigate taking a more proactive role with the competence assessment, brokering/delivery of professional development activities and promotion of registration and professionalisation".

Concerns have also been raised in submissions about the role that the ANZASW plays as both an assessor of competence and as the professional body. In particular, it was suggested that: "Requiring membership of the ANZASW in order to undertake competence assessment (as this is the major route for the profession and a Board requirement) encourages membership for the wrong reasons". It was also noted that individuals (and potentially employers), are faced with two sets of fees.

One submission noted that this situation was "not common practice in other professions, where membership of a professional society is seen as a completely separate process from registration, given that registration occurs at the time of graduation".

A few submissions suggested that the SWRB consider alternative competence assessment arrangements, including hiring quality assured agencies or contractors, and undertaking regular audits of competence assessments. This may include utilising workplace competence programmes.

One submitter expressed opposition to any move to allow agencies/employers to undertake their own competence assessments, suggesting that it would "undermine the credibility of the ANZASW and create a split between 'wealthy' and 'poor' agencies". The submitter acknowledged the expense of fees for registration and competence assessment and suggested that the ANZASW and the

33 Child Youth and Family has a separate agreement with ANZASW for competence assessments in 06/07 in order to access the competence process without releasing their staff to participate on panels, as is the usual membership obligation)

34 The Board acknowledges that membership does bring additional professional benefits to the social worker.

Board could merge to create a “one stop shop”.

Several submitters noted general support for the current system of differentiation between types of registration on the basis that it was important to recognise the differing circumstances of social workers moving towards full registration and to contribute to the enrichment of the social work field.

One submitter suggested that provisional or temporary registration is not appropriate as “one either meets the criteria or not”.

A few submissions suggested that consideration could be given to provision for different categories / levels of registration e.g. for those working in particular fields or sectors, those in part-time employment or those at the beginning or end of their social work careers. One submission referenced the range of registration types offered to psychologists.

Te Kahui Atawhai O Te Motu discussed the requirement for a full competence assessment prior to registration and raised the option of tiers of registration (eg ‘student’, ‘working towards beginning competence’, ‘working towards recognised qualification’ and ‘fully eligible’.)

The submission from Te Wananga o Aotearoa suggested that consideration should also be given to the position of those working in other key fields of social work praxis e.g. education providers, teachers, tutors, senior administrators etc.

The National DHB Social Work Leaders Council suggested that the review creates the opportunity to consider different scopes of practice e.g. (in the health context) mental health, general health, older persons health. This would be consistent with the HPCA requirements for other professions. They state: “It is not our intention that this would limit the transportability of practice, but that it would be a more specific avenue to achieve the objective of public safety”.

The PSA noted that some members working in the health sector have suggested that the current competence process does not take adequate account of core health competencies; and that Maori social workers have raised concerns about how cultural competence is being assessed.

The Office of the Commissioner for Children suggested that there is a need for continuing professional development for social workers, particularly in relation to working with children. The Office signalled its interest in discussing the “...assessment of competence in relation to work with children and young people and the extent to which this is shaped by the United Nations Convention on the Rights of the Child”.

The submission from Te Wananga o Aotearoa suggested that: “The competence scrutiny rationale needs to be reviewed to ensure the inclusion of various forms, styles and processes of internal and external supervision recognition e.g. Tangata Whenua supervision, Biculturalism in Practice supervision and others”.

And that: “The cultural competence tends to be defined as *Māori /Tangata Whenua* cultural supervision, this leads to undermining the epistemological and ontological philosophical underpinnings. Under this definition it has been diluted thus, it is important that we recognise and acknowledge the value of this without limiting the essence of *tikanga* in relation to social work practice. Otherwise it becomes a stereo-type clouded in hegemony”.

Some submissions suggested that the current registration processes were time-consuming and unnecessarily complex (this impacted on both individual applicants and their employers). Specific suggestions included:

- A shortened period of provisional registration (or none at all) for those graduating from recognised courses.
- A shift to an annual (employer) competence review with regular SWRB auditing (ADHB suggest that this is in line with other professionals).
- Greater acknowledgement of existing professional development requirements and practices (in employment settings), perhaps negating need for APCs.
- A review of the current requirement that the education hours required for an APC cannot be ‘part of a normal work context’.

- A shift to a requirement to provide evidence of continuing professional development on a bi-annual basis.
- A shift to a five-year practising certificate linked to the competence assessment.
- A formal system of advocacy, appeal or review be built into the registration process.

The Ministry of Health observed that registration authorities under the HPCAA are responsible for setting scopes of practice and pathways for registering within those scopes of practice. The authorities are required to assess a practitioner for fitness to practise in relation to their clinical competence rather than making “subjective determinations of a person’s character”. The HPCAA lists eight reasons why a person may not be fit for registration; these do not include an assessment of character.

ANZASW and the ANZSWE have recommended a specific change to the Act in relation to Section 6(c), intended to clarify the distinction between ‘qualifications’ and ‘competence’. The recommendation seeks to address a suggested anomaly in Section 6(c), in which entitlement to registration for New Zealand-qualified social workers includes a requirement (emphasis added):

“(c) that (whether because of the inclusion of an appropriate component in that qualification, or as a result of his or her satisfactory completion of a separate course or courses of training) her or she –

- (i) is competent to practise social work with Maori; and
- (ii) is competent to practise social work with different ethnic and cultural groups in New Zealand”

The proposal seeks to delete section 6(c) and amend section 6(a) to read:

“(a) that his or her competence to practise social work has been found satisfactory under Part 3; and he or she-

- (i) is competent to practise social work with Maori; and
- (ii) is competent to practise social work with different ethnic and cultural groups in New Zealand”

59. While the Board does not have data on the characteristics of practising social workers who have not applied for registration, we are aware, at least anecdotally, that the competence requirements may be perceived as a barrier to some social workers who do hold a recognised qualification. This view has been reinforced by feedback from submissions. There is also evidence that a number of social workers who are not registered already hold competence certificates (ANZASW report 2411 members who hold a competence certificate).
60. In New Zealand, many professions operate under a model that involves continuing competence development and assessment without having to repeat a formal competence assessment. The system is usually reinforced by requiring independent verification that a professional is undertaking ongoing development, and by an audit system. A formal competence assessment is only initiated in response to an identified concern about competence. The following table outlines a range of different approaches to establishing and maintaining competence:

**Table One**

Professional Groups	Types of Competence Assessment Arrangements
Social workers	Regular Recertification required (Initial competence assessment and five yearly reassessments)
Midwives	Recertification programme: competence-based practising certificates. Performance assessed upon registration/ recertification/ application for annual practising certificate
Teachers	Advice and guidance programme, provisional registration period only. Ongoing professional development attestation for registered teachers

Nurses	Nurses in DHBs with NCNZ approved professional development and recognition programmes can retain accreditation. Other nurses retain accreditation through system of statutory declarations and random audit
Psychologists	Practitioner Competence Reviews initiated only when a concern is identified (evaluative and educational) and Competence Programmes (remedial)
Occupational Therapists Physiotherapists Dieticians & Public Health Nutritionists	Continuing competence framework for recertification based on annual practising certificates and audit

61. Adopting this continuing competence approach for social workers, rather than requiring initial and renewal assessments, could improve alignment with comparable registration systems in health and education, as well as reducing costs to registered social workers.

**Action 2:**

**The Board will work with employers, educators and professional bodies to review the Board's current approach to competence assessment to identify ways to:**

- **reduce compliance costs for social workers and their employers, while maintaining confidence in the competence assessment system**
- **reduce the complexity of the current processes to evidence competence; and**
- **reduce the costs of registration to applicants**

(To be completed in 2007/08)

62. Some concerns were also raised about other Board processes such as the recognition of overseas social workers' qualifications and recognition of practical experience in lieu of a recognised qualification under section 13 of the Act.

**Submissions:**

The PSA raised concerns about the difficulties encountered by some applicants when qualifications and/or experience have been completed overseas – with applicants reporting the process to be complicated and inflexible. The PSA suggest that some form of reciprocal recognition of overseas registration be considered.

Several submissions raised concerns about a perceived lack of transparency in the application of section 13 of the Act (which relates to the recognition of practical experience in lieu of a recognised qualification). The ANZASW has recommended that the Board consult on, and establish, a set of criteria and that these criteria be published.

Child, Youth and Family also considered that further guidance on section 13 was necessary, and outlined a number of specific concerns in relation to the application of the policy. The submission further suggested that the policy settings adopted by the Board are more stringent than the approach envisaged by the legislation. (This comment was made in respect of the original and current - February 2007 - Board policy).

Similarly, the PSA noted reports of frustration with the section 13 process and a lack of clarity about the requirements. The submission noted that a group of delegates have suggested the need for more standardised criteria.

63. The Board will review these issues to ensure the Board's application of section 13 does not act as a barrier to more comprehensive registration of suitably experienced practitioners who do not hold a recognised qualification.

**Action 3:**

**The Board will further review the operation of section 13 of the Act (recognition of practical experience in lieu of a recognised qualification)**

(To be completed in 2007/08)

64. *Fee levels:* Current registration fees for social workers include: \$450 for registration; \$360 for an annual practising certificate; and a \$90 disciplinary levy. Social workers may also be required to pay for a competence assessment (\$450 - \$675). The total cost of initial registration can therefore be over \$1,000. Ongoing costs include the annual practising certificate and disciplinary levy, and five yearly competence re-assessments.

Submissions:

Most submissions suggested that the cost of registration presented a significant barrier, particularly where employers were unwilling or unable to assist individuals to meet the costs. This was noted to be a particular concern in the non-government and community sectors.

Issues raised around the costs included the cost of initial registration, the cost of Annual Practising Certificates and cost of competence assessments (including concerns about the need to pay for membership of the ANZASW). Several submitters also raised the issue of the cost of gaining a recognised qualification as presenting a significant barrier (both in terms of course fees and study time).

Several submissions noted that the cost of registration needed to be viewed in the broader employment context, including the relatively modest levels of remuneration. This was seen as particularly important in the context of a mandatory system.

The PSA and Child, Youth and Family suggested that these costs are particularly high in relation to other comparable professions such as teachers, nurses and others.

The PSA suggested that: "The high cost of registration and the fact that registration is not mandatory are two factors which are a significant disincentive both for employers funding social workers to registration and social workers to fund self registration". The Association recommends that a shift to mandatory system must be adequately funded.

Similarly, the ANZASWE submission noted that: "Any move to mandatory registration would have an impact on employer obligations for continuing professional development, supervision and registration and competence costs, and the role of the SWRB in supporting these needs was requested".

The ANZASW recommended that the government consider providing funding to support registration, particularly in the non-government sector. Te Kaiawhina Ahumahi also noted that "there appears to have been no recognition by Government of the cost of the registration process to individuals within the NGO sector...".

Another submitter suggested that some form of bursary or trust fund be established to assist with access to training.

The ANZASWE also noted some concern from some members that "the drive for mandatory registration was in fact fuelled by the need for the SWRB to be self-funding".

One submission suggested that if the current funding model was applied in a mandatory system, the potential renaming of social work roles might ultimately "deprofessionalise" social work and negate the stated purpose of the Act to "enhance the professionalism of social work".

Many DHBs noted that registration, or an eligibility to be registered, was an employment requirement for social workers. It is evident that these DHBs routinely meet the costs associated with registration

for new and existing social work employees. (However, other submissions, including one from the Ministry of Health, indicate that this is not a universal policy).

Similarly, Child, Youth and Family noted its support for the registration system includes the provision of financial support to: meet the costs of social workers obtaining qualifications (including study time); obtain a competence assessment and registration (including cost of membership of ANZASW if required); and the provision of ongoing support to maintain competence for registration.

However, the submission by Child, Youth and Family also noted that: "The current funding model has resulted in Child Youth and Family experiencing pressure to fund registration applications for as many of its social work staff as possible prior to many of them being able to undertake the competence assessment and registration processes in order that income be generated for the Board".

Child Youth and Family suggested that: "As an alternative form of funding the Board could investigate developing an internal CPD/competence assessment unit which would provide for consistency of competence assessment and generate additional revenue for the Board" (having regard for cost concerns noted).

The ANZASW submission suggested that the current regime is inequitable "since non-government organisations have been unable to provide this same funding support [as DHBs and Child, Youth and Family] to their staff". ANZASW have recommended that the government provide direct funding to the SWRB, based on the number of registered social workers employed by Child Youth and Family and the DHBs; and that the SWRB then set "a modest fee" to be paid by individual social workers regardless of their employer.

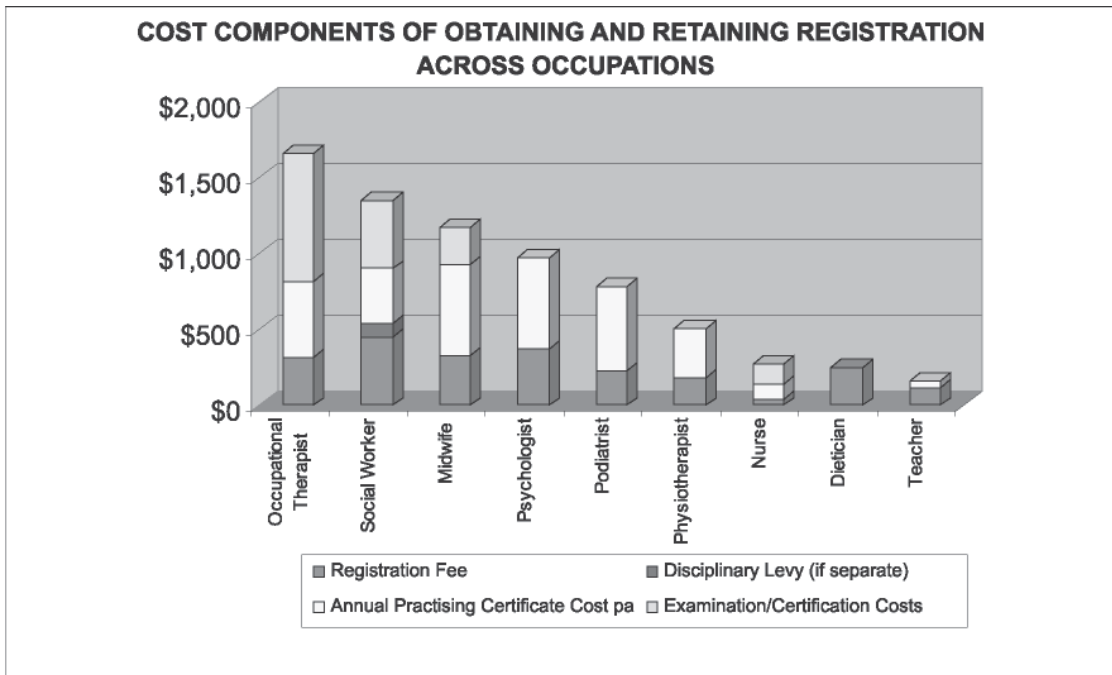
One submission suggested that the Board consider combining administrative support with other registration authorities, thereby freeing up funding to support education initiatives.

65. Registration costs for many other New Zealand professionals are significantly lower than for social workers. For example, a teacher's initial registration fee is \$120 and their practising certificate requires renewal every three years at a cost of \$120. Nurses pay a registration fee of \$40 and an annual practising certificate fee of \$96 (this includes a \$30 disciplinary levy). Examination fees for nurses range from \$50 to \$140.
66. Social workers employed in the public sector are disproportionately over-represented in the number of social worker registrations and NGOs are under-represented. There is some evidence that the cost of registration may act as a disincentive as well as concerns about registration requirements and processes and a general lack of incentives to become registered.
67. Figure One provides a broad overview of registration costs for a range of occupations. The table shows that social worker registration costs are at the high end of the range for comparable groups.

### Figure One

68. This data provides a broad set of comparisons, but must be treated with caution as each system is different. For example, figures for social workers include the minimum cost of an initial competence assessment (\$450), whereas ongoing competence costs are \$120 for each subsequent five year period. They do not, however, reflect the cost of ANZASW membership (at least for the year in which the competence assessment is undertaken), which is a requirement in order to obtain an ANZASW assessment. On the other hand, as no Annual Practising Certificate fee is levied in the year of first registration, the true cost of registration in the first 12 months of registration will vary, depending on the date of registration.
69. Figure Two sets out average income (2005 data) and workforce size (2006 Census data) for the professions for which fee levels were compared earlier. This data suggests the relatively low registration costs for teachers and nurses may reflect economies of scale. There is, however, no

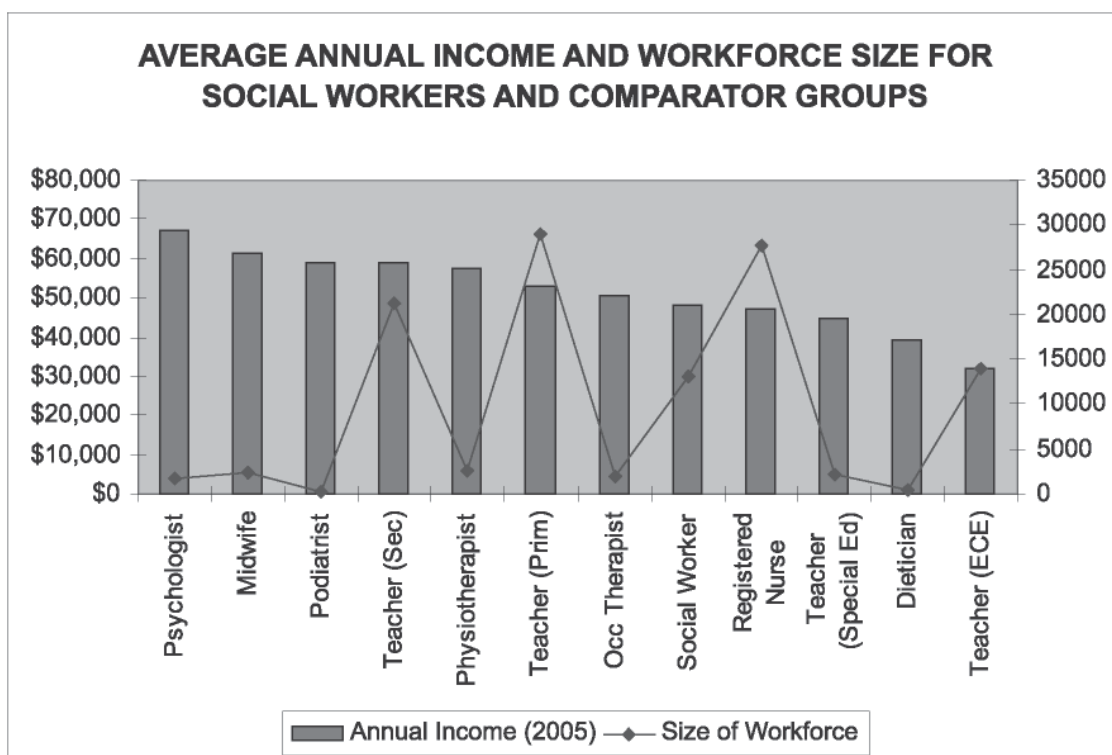




obvious relationship between income and registration costs. For example, the average income for social workers is higher than for registered nurses and for special education and ECE teachers but lower than for primary and secondary teachers and the weighted average for other categories of nurse. All other health professionals identified, with the exception of dieticians have higher average incomes than social workers.

**Figure Two**

(Note: Census figures for social workers must be treated with caution as the Census counts many people who work in the generic “caregiving” area, including child and youth development, family counselling etc).



**Action 4:**

**The Board intends to explore ways to reduce the cost and complexity of registering and maintaining registration, including streamlining competence arrangements.**

(To be completed in 2007/08)

**The Board is also recommending direct government funding for “public good” functions such as promoting and supporting employer-based complaints systems, as well as additional funding to allow a reduction in fee levels.**

(See following recommendations).

**b) *Effective accountability systems***

70. The Board has established a Code of Conduct and supporting guidelines. All registered social workers are provided with a copy of the Code and guidelines, and additional copies are available through the Board’s website. Social work employers and educators have also been provided with this documentation. Further, the Board has established an independent Complaints and Disciplinary Tribunal, supported by a Complaints Assessment Committee system, to process any complaints against registered social workers.

**Submissions:**

There were relatively few comments on this aspect of the Act, with some submitters noting that these provisions are largely untested. The primary concern (usually raised in relation to public safety) was that the voluntary system means that the complaints and disciplinary provision can only be applied to registered social workers.

In particular, the Health and Disability Commissioner noted that under a voluntary system of registration all social workers (registered or unregistered) are accountable under the Code of Health and Disability Services Consumers’ Rights: “However, the options for taking action against social workers who are found to be in breach of the Code are more limited if the social worker is unregistered. In my view, the mandatory registration of social workers would significantly improve the ability to take appropriate action to protect consumers when faced with serious complaints about a social worker’s conduct.”

The Commissioner concludes that: “I consider disciplinary action an important mechanism for protecting the safety of the public and, in my view, all social workers should be held accountable to the same standards and penalties.”

Child, Youth and Family noted the need to ensure that the legal rights of the social worker and the principles of natural justice are adhered to when the Board receives a complaint.

Child, Youth and Family indicated a desire to work with the Board to develop protocols for the handling of complaints, perhaps as part of a working group of employer and employee representatives. The agency noted: “...it is essential that the Board clarifies for employers and social workers the order in which complaints investigations are to be undertaken. This should include when the Board (or another agency such as the Health and Disability Commissioner/ Police) conducts its investigation and when, if appropriate, the employer conducts its own investigation”.

The New Zealand Council of Christian Social Services note that: “The complaints and disciplinary provisions have not really been tested - there are some grey areas though to do with preliminary assessment (before referral to a Complaints Assessment Committee) of whether or not complaints will be accepted; and lack of protocols about information sharing between organisations such as Child, Youth and Family and the SWRB, where the Board is trying to decide whether to accept a complaint”.

The Ministry of Health noted that under the HPCAA members of the public must make complaints to the Health and Disability Commissioner in the first instance. The Commissioner may refer a complaint to the appropriate authority where there are issues of competence involved. The Ministry noted that this measure limits the work and associated costs to the registration authority.

71. The Board's accountability systems are designed to provide effective guidance to registered social workers and hold them to account when a complaint to the Board is upheld. Unregistered social workers are not held to account under the Act.
72. In addition to promoting registration and professional standards, more generally, the Board, under sub-section 99 (1) k, has the function of promoting, to social worker employing organisations, the establishment of "accessible and efficient procedures for making, considering, and determining complaints relating to social workers they employ." Although this provides the Board with another means of enhancing public safety within the voluntary regime, employer based schemes will not provide the same level of accountability as the Complaints and Disciplinary Tribunal - the Tribunal has specific powers such as the ability to fine, strike off the register, etc.
73. Nevertheless, employer-based schemes are an essential component of an overall public safety and accountability regime – in part because issues should ideally be resolved, as far as possible, through 'normal channels' in the first instance.
74. The Board considers public safety would be enhanced by simple, good quality employer based complaints systems, to complement the SWRB Complaints and Disciplinary Tribunal system. The Board could undertake a promotion and development function<sup>35</sup> to support this, but would require specific Government funding to do so.

**c) *Promotion of high standards of practice and stakeholder awareness***

75. A significant proportion of the current social work workforce either does not hold a qualification or is not qualified to degree level. (As noted earlier, only 19% of people recorded on the social work occupation in the 2001 Census had a degree level qualification). Further, there has been a loss of supply through social workers moving out of the profession. The number of social worker students has shown slow growth and has not been sufficient to keep up with the rapid growth in new jobs over recent years. These factors all impose constraints on achieving high standards of practice across the social work profession.
76. To date, therefore, the Board has focused its promotional role primarily on communicating with social workers, employers and educators, rather than with the public and social workers' clients. This emphasis reflects the need to work closely with a range of stakeholders including employers and educators to promote high standards of practice and to actively promote registration in the context of a voluntary system. Promotion has been through meetings, newsletters and other communications to the sector.
77. To be effective, however, the system must also be readily understood and valued by all its users, including clients and the public. It is important that the public and clients understand the registration system and how it can contribute to the standards and safety of services.
78. Raising public and client awareness would be even more important should the government decide to introduce mandatory registration.

---

<sup>35</sup> For example, standards and guidelines could be developed to assist smaller employers of social workers to establish complaints systems where these do not exist.

Submission:

The Office for the Commissioner for Children noted that: "If Registration is to deliver public safety and professional development it is important that social work clients know what they can expect from social workers and what they can do if they are not satisfied with the quality of service they receive. Access to information and complaints processes through the Social Workers Registration Board may go some way to addressing this situation".

79. The Board considers there is scope for greater promotional activity, both to encourage high standards of practice and to promote stakeholder awareness, but this would require specific Government funding. The Board does not think it is appropriate to fund this broader activity through fees paid by registered social workers.
80. Costs associated with this function may include:
- development, printing and dissemination of material to the profession promoting and encouraging social workers to register, encouraging employers to support registration, information on the Code of Conduct, professional standards, complaints procedures, etc;
  - development, printing and dissemination of material to the public advising of social worker registration, Code of Conduct, client rights, complaints procedures, etc; and
  - developing and providing opportunities for registered social workers to maintain and increase their professional development to ensure the enhancement of the professionalism of social workers in general.
81. The Board also considers public safety can only be adequately supported by a comprehensive and inclusive registration system. This is discussed further under sub-section d) below which discusses coverage issues.

**Recommendation 1:**

**The Board has developed an integrated package of funding proposals that would enable it to meet the full range of public good objectives set out in the Social Workers Registration Act (2003), while maintaining fee levels that are more closely aligned with comparable professions.**

**The Board recommends Government agrees to provide specific Crown funding to enable the Board to:**

- **Charge fee levels that more closely reflect fee levels for comparable professions. To reduce the level of fees (Registration and Annual Practising Certificate/ Disciplinary Levy<sup>36</sup>) to half their current level (From \$450 pa to \$225 pa GST incl) additional Crown funding requirements are estimated as follows: \$240,000 (2008/09); \$120,000 (2009/10 and out years) (GST excl).**
  - **More effectively promote high standards of practice across the social work profession and to raise stakeholder awareness of the social work registration system. The Board considers this function would require additional Government funding of \$225,000 (2008/09); \$225,000 (2009/10); \$225,000 (2010/11); \$225,000 (2011/12) (GST excl).<sup>37</sup>**
- Subject to funding, the Board would envisage completing the initial development and roll out in 2008/09.**

36 The Board recommends reducing the APC from \$360 to \$135 and leaving the Disciplinary Levy unchanged at \$90, in effect reducing the annual cost of maintaining registration to half its current level.

37 Public Good - Promotion and Standards involves the funding required to promote the benefits of registration to both the public and the social work profession as well as encouraging and supporting high standards of practice across the social work profession. The per capita cost is expected to decrease over time in recognition of the following: registration becomes widely accepted by the public; registration becomes a professional expectation for social workers and their employers, and with increased registration, public expectation and employer support high standards of practice across the profession become the norm.

- **Promote and support the development of employer based complaints systems, to complement the Social Workers Registration Act Complaints and Disciplinary system (and those of other relevant statutory authorities).<sup>38</sup>**

**The Board considers this function would require additional Government funding of \$250,000 (2008/09); \$125,000 (2009/10); \$125,000 (2010/11); \$125,000 (2011/12) (GST excl). Subject to funding, the Board would envisage completing the initial development and roll out in 2008/09; and**

- **Maintain an effective complaints and disciplinary system without increasing the current Disciplinary Levy.**

**The Board considers this function would require additional Government funding of \$125,000 (2008/09); \$250,000 (2009/10); \$250,000 (2010/11); \$250,000 (2011/12) (GST excl).<sup>39</sup>**

#### **d) Coverage**

82. Over 1,600 social workers are now registered. The Board is currently working towards increasing the number of registered social workers to between 2,000 and 2,500 by 2009.
83. The number of registrations to date is lower than forecast. As noted earlier, this shortfall in applications is an unforeseen consequence of some of the policy settings that were adopted, and the way in which the Act has been implemented.
84. There are two aspects of the current voluntary registration system that act against achieving fuller coverage: some social workers may not meet the entry standards set by the Board, others may not have sufficient incentives or face disincentives, such as fees.
85. Current constraints on registration coverage undermine a more comprehensive public safety and accountability regime as they mean that a number of social workers, including newly qualified graduates, cannot be subject to the Code of Conduct and to the Complaints and Disciplinary Tribunal.
86. Some of the actions the Board is proposing to undertake will facilitate and promote higher levels of registration, but the only way to guarantee a fully comprehensive registration system is to make registration a legal requirement. As a minimum, a mandatory registration system would ensure **all** social workers are subject to minimum competence and conduct standards and are assessed to be fit and proper persons. The public and clients would be assured that **any** social worker they deal with has been assessed as fit and proper, competent to practise social work and that there is an independent mechanism to deal with incompetence or malpractice. This cannot be achieved under a voluntary system.

---

38 Public Good - Employer Based Complaints Process Development involves the funding required to encourage and support the development of employer based complaints systems. Employer based complaints systems support involves initial research and development followed by implementation. The per capita amount required is expected to increase over time reflecting the expected expenditure required based on progressive development and implementation as well as factoring in the increased workload based on increased numbers of registered social workers.

39 These funding requirements have been based on the Board's estimate of the number and type of complaints received and the number that may go through to either a Complaints Assessment Committee only, or to the Tribunal.

## Submissions:

Most submissions expressed support for a move to a system of mandatory registration. The predominant reason for this support was the need to ensure public safety.

The ANZASW stated that: “We do not believe that the current state structure of market based registration fully achieves the primary purpose of the Act of protecting the public, nor, has it enhanced the professionalism of social work in some fields of practice. It is notable that mandatory registration occurs in some other jurisdictions...ANZASW believes that the current process of voluntary registration cannot meet the primary objective of the Act of protecting the public, since it suggests users can make a choice to use a registered social worker rather than an unregistered social worker.”

This, latter concern, was reflected in a number of submissions from key organisations.

In particular, the National DHB Social Work Leaders Council noted that: “... given the autonomous practice environment of social work within health – particularly primary health and the risk management required within mental health we believe that a regulatory framework with comprehensive, rather than partial coverage, needs to be in place.”

The Health and Disability Commissioner noted that: “The Act does not allow the Board to review an unregistered social worker’s competence. Under the current system of voluntary registration, external scrutiny of an unregistered social worker’s competence is only likely to occur if a complaint is received by my Office”. And: “In my view, a mandatory system of registration is preferable as it would allow the Board to assess the competence of every social worker as a pre-requisite for registration, thereby enhancing public trust in the competence and professionalism of social workers”.

Some Health sector submissions noted the importance of professional registration across the sector. The Waikato DHB observed that “the term ‘registered health professional’ is gaining increasing usage in the development of organisational policy, procedures and guidelines, and within funding and contracting environments. By virtue of its definition, this term excludes social workers, although this is often not the intent. We believe that via mandatory registration the inclusion of social workers as registered health professionals will contribute to improved service delivery, by supporting a more consistent expectation of practice across disciplines.”

In expressing support for mandatory registration, the same DHB noted that mandatory registration would ensure that suspended social workers are not re-employed by other providers. The current system of voluntary registration cannot provide the public with this protection.

The Office of the Commissioner for Children noted that: “If the social worker is not registered and the employer determines that there is no breach of the employment contract, there is no other avenue for clients to raise these concerns. Given the amount of power held by statutory social workers, it is recommended that consideration be given to mandatory registration for this group”.

Child, Youth and Family expressed support for mandatory registration “in principle” as a means of providing greater assurance of public safety and increased professionalisation of the social work workforce. However, their submission noted: “...within the context of the current labour market, particularly for statutory social workers, we consider mandatory registration at this time would create recruitment and retention implications for social workers and employers (as well as non-government and community agencies)”.

In particular, Child Youth and Family noted concerns about the implications of the current qualification requirements under a mandatory system, noting that the reductions in the number of students completing recognised social work qualifications would further impact on the ability of Child Youth and Family to maintain a workforce able to meet the demand for services. It was suggested that, if registration were to become mandatory, consideration might need to be given to the period of time available to complete the necessary qualification if the applicant requires a level 7 qualification.

Similarly, the PSA voiced support for a mandatory registration system, tempered with a concern to ensure that the process of achieving registration “...does not disadvantage or exclude current

social workers who are practising safely and competently”. The PSA went on to note that social workers who do not meet the requirements for registration should be supported by their employers to achieve registration, and that: “Mandatory registration is likely to create a workforce shortage and significant costs to organisations employing social workers without a carefully managed transition from voluntary registration”.

Te Kahui Atawhai o Te Motu observed that “the current model only protects the title ‘registered social worker’ ....an unregistered ‘social worker’ can practise without the need of a practising certificate and no restrictions can be placed on their scope of work as they do not fall within the scope of jurisdiction of the SWRB. This current model therefore does not appear to meet the objectives of the Act, which is to ensure the competence of social workers (that is social workers generally, not only ‘registered social workers’) to protect the safety of the members of the public...”.

“However in terms of Te Kahui Atawhai’s current mandate, in provider development and enhancement, it would be negligent of Te Kahui Atawhai to assume, that within its current membership of 160 provider organisations, that every social worker employed is either a registered social worker or is within the current holding grid of temporary or provisional registration. On this basis, Te Kahui Atawhai would be in support of the current model of voluntary registration and for continued temporary and provisional registration.”

Te Kaiawhina Ahumahi suggest that if mandatory registration is introduced, the shortfall in qualified staff is likely to continue, and that this may result in “...differential contracting of social services provision in the sense that agencies will be contracted for differing levels of service provision. This will in turn result in increasing demand for registered staff in order that agencies continue to gain access to government contracts in order to deliver the social services that they were established to provide”. They ask that this consideration (amongst others) be taken into account when the question of mandatory registration is considered.

The submission from the ANZASWE reported a mixed view from members on the mandatory versus voluntary nature of registration.

Some ANZASWE members supported mandatory registration (notably several universities). The basis for support by some included strengthening professional status, especially in interdisciplinary environments such as health; and enabling social workers to practise in an international environment. Others in favour emphasised the need to ensure that any move towards mandatory registration was accompanied by “social work’s values of inclusivity and equity”.

The submission compiled by the New Zealand Council of Christian Social Services also reported mixed views. One respondent supported mandatory registration so long as it was supported by universities and employers. The same submitter suggested that the key features of a mandatory model should include: (1) transparency of process; (2) quicker response times to applications; and (3) more and more accessible information on how to register.

Other general submissions supported mandatory registration on the basis that it:

- would put social workers on a similar footing to other professional groups (this was particularly noted to be the case in relation to the health and education sectors)
- would enhance the status of the social work profession as a whole
- is consistent with some overseas jurisdictions – improving the ‘portability’ of the profession in an international context
- may encourage employers to support continued professional development, supervision and perhaps the cost of registration itself.

In relation to this latter point, the PSA noted that while many employers have made a commitment to the registration system, for others: “The absence of a mandatory registration requirement promotes the lack of responsibility to ensure the appropriate levels of support for professional development and competence”.

The Ministry of Health notes that some social workers in the health sector have reported reluctance by providers to meet the costs of registration, as registration is not mandatory (unlike many other

health professions). A lack of registration has flow-on effects in some settings, where providers have adopted policies of requiring practitioners in positions of authority to be registered under the Health Practitioners Competence Assurance Act 2003 (HPCAA). This effectively excludes social workers from key decision-making processes, as they are not registered. It is the Ministry's view that DHB's should not be excluding social workers who have registration with the Board from participating in decision-making.

The Ministry also notes that some health social workers have suggested that one way to address this issue would be for health social workers to be regulated by the HPCAA, and that a title change to differentiate those social workers that work in the health sector from social workers who do not, may be appropriate.

A number of calls were also made for the protection of title of "social worker" within a mandatory system – including support from ANZASW. The Ministry of Health noted that under the HPCAA it is occupational titles that are protected, rather than activities.

A key risk of a mandatory system, identified in a number of submissions, was concern that job titles could be altered and/or tasks redefined to avoid mandatory registration. The need to define 'social work tasks' was highlighted as a necessary step, it was also suggested that this should be subject to consultation. Defining broad scopes of practice was also seen as a way of assisting NGOs to commit to the registration process (and seek funding support for this).

ANZASW has recommended that consideration be given to broadening regulation to include the whole 'social care' sector, as is occurring in the United Kingdom.

The Ministry of Health observed that the prime role of regulatory authorities under the HPCAA is to protect public safety; and noted a potential conflict between "what is best for the profession and what is best for the public". A key concern is the potential for standards to be set higher than those necessary for safe practice, as a means to enhance the status of the profession.

The small number of submissions in favour of maintaining the current voluntary system raised a number of points including:

- A concern that the cost of registration (under the current system) would make a mandatory system untenable. For example, the ANZASWE noted that: "A comment from a polytechnic environment, also reflecting the views of an ANZASW group, considered that the imposition of mandatory registration was inequitable in an employment environment... where pay differentials between NGO and statutory workers, and resourcing from employers may disadvantage some sectors".
- Similarly, a submission from Te Wananga o Aotearoa noted: "The financial cost of the individual and agencies to be registered is not justifiable particularly for some individuals, community groups, private practitioners, NGO (Non-governmental Organisation) and Iwi providers".
- A concern that the current recognised qualification standards would exclude many practitioners who may be excellent practitioners (in particular Māori practitioners). For example, the ANZASWE noted that: "The point was made from a polytechnic that the competence process of ANZASW allows for some excellent practitioners to find and maintain employment, but that the SWRB requirement for a degree would rule out the possibility of their becoming registered".
- Risks of job redefinition (as noted above).
- A concern that a mandatory system may be driven by economic considerations (for the SWRB), rather than a concern for quality of practice and accountability.
- A view that more time should be given to allow the current voluntary environment to consolidate before further changes are made (feedback provided through the New Zealand Council of Christian Social Services).
- A view that voluntary registration provides "...a freely chosen path of integrity to ensuring a safety net not only for our clients, but also to address the spectre of possible aberrant and/or unethical practice enacted by social workers and social work professional directors towards clients and/or colleagues".



The submission from the ANZSWE noted:

“This debate highlights the continued concern of some ANZASWE members that the registration environment will continue the bifurcation between statutory, degree holding social workers and those within NGO environments who may become viewed as support workers and therefore de-professionalised as their agencies struggle to financially support their workers to become registered. In addition, there is the potential for a two-tier system to develop within both statutory and non-statutory agencies within a mandatory environment as all those without registration may not be able to call themselves social workers.

The debate also highlights the need for registration to continue to attend to social work’s bicultural identity within Aotearoa New Zealand, as there is a perception that many tangata whenua social workers may be marginalised by the process”.

87. Many other professions that work alongside social workers (eg teachers and health professionals) operate under mandatory registration systems. Consequently, a mandatory system would also enhance alignment with related professions.
88. Many overseas social work jurisdictions including UK, Canada, Hong Kong and some US States also have mandatory registration.
89. The title of “social worker” has been protected in the UK since 2005. All social workers must be registered to comply with the law, which makes it a criminal offence to use the title or operate as a social worker without registration. This requirement impacts not only on people using the title “social worker”; but also affects people in roles that require a social work qualification, or involve work normally only undertaken by a social worker. Students studying for a social work degree may also be registered. Student social workers are required to meet verification of identity, good character and health requirements.<sup>40</sup>
90. The United States and Canadian provisions vary from state to state, and from province to province. Registration is mandatory in all Canadian provinces. All provinces have title protection, and most regulate practice. Some, but not all, US states restrict the use of the title “social worker” to licensed practitioners. The Association of Social Work Boards has established a database containing the basic elements of social work regulation in the 50 U.S. states, 10 Canadian provinces, the District of Columbia, the U.S. Virgin Islands and Puerto Rico ([www.aswb.org](http://www.aswb.org)).<sup>41</sup>
91. In Hong Kong any person who uses the title “social worker” or related descriptions is required to be registered.
92. Provided there is an entry level competence assessment for newly qualified social workers and overseas qualified and experienced social workers, the current framework could be readily adapted to a mandatory registration system, under which all social workers must obtain at least limited registration to practise.
93. Forms of limited mandatory registration have also been suggested. For example, mandatory registration could, in theory, be limited to particular social work roles or employment settings. However, the Board considers that limiting a mandatory system to particular parts of the social sector workforce could create disincentives to continue to work in those environments and exacerbate current skill shortages in critical areas.

---

40 The Care Standards Act 2000 is the foundation legislation. The General Social Care Council is the regulator of the social care workforce in England, set up to promote high standards in social care and to protect the public. Wales, Scotland and Northern Ireland have similar bodies.

41 Tables available include information on board structure, levels of practice, minimum requirements for licensure, exemptions, supervisory qualifications, reciprocity/endorsement, continuing education, privileged communication, practice definitions and other elements.

94. Setting relatively high competence assessment standards has been one vehicle employed by the social work profession to enhance overall professionalism, and professional recognition. The Board has further promoted professionalism by establishing degree level qualification standards for registration.
95. Although a significant proportion of the current workforce would not currently meet these standards, introducing a comprehensive system need not involve compromising enhanced professionalism, or creating a hierarchy of social work categories. Comprehensive public safety and accountability can readily be achieved by extending the current system of limited and full registrations to all social workers who meet minimum entry level competence requirements, and are willing and able to work towards full registration.
96. A system that allows greater access to limited registration (provided minimum competencies are met) would recognise the current state of the social sector workforce, while still creating clear development expectations and maintaining very high professional standards for fully registered social workers. Such a system would build on progress to date by reinforcing the standards established for full registration.
97. This could be achieved through protection of the title “social worker” and requiring that functions normally performed exclusively by social workers cannot be performed by unregistered persons (UK model).
98. Our main conclusion is that a comprehensive system of public safety and social worker accountability will only be achieved through a legislated requirement for registration of all social workers. Submissions were overwhelmingly in support of compulsory registration, at least in principle, but a significant number of submissions qualified their support by pragmatic concerns. For example some submitters were concerned that the introduction of a compulsory registration system would exclude many current social workers from the profession.
99. We consider that, by utilising limited registration and establishing entry levels of competence we can move quickly to a comprehensive registration system that is inclusive. Rather than expecting all social workers to be fully registered, the prerequisite to practise would be to at least have provisional registration, and be committed to an ongoing programme of competence development. In effect, the requirement would be for all persons practising social work to have met minimum entry level standards of competence and have been assessed as fit and proper. All social workers would then be subject to the Social Worker Code of Conduct and to the Complaints and Disciplinary system. They would also all be committed to ongoing professional development.
100. We recommend the Government amend the Social Workers Registration Act to provide for a comprehensive social worker registration system through protection of the title “social worker” and by requiring that functions normally performed exclusively by social workers cannot be performed by unregistered persons.<sup>42</sup> (Other registered professionals, such as health practitioners, undertaking social work tasks as part of their normal professional activities would not be required to register as social workers).
101. The Board’s view is that, in the interests of maintaining minimum professional standards, only those with minimum specified levels of experience, or who have obtained recognised qualifications, should be entitled to use the title “social worker”. Before achieving even limited registration, social workers should be able to demonstrate competence, based on either

---

42 The UK’s Care Standards Act 2000 provides a model for this approach. The Act provides for the protection of the title “social worker” by the creation of an offence, punishable by a fine of up to £5000, for a person who is not registered as a social worker to use that title or hold themselves out as a registered social worker with an intention to deceive. In interpreting this provision, the General Social Care Council advise that: “Registration is not optional. It is illegal for someone to call themselves a social worker with intent to deceive unless they are registered, and the police can investigate such cases. This affects people with ‘social worker’ in their job title, but also people in roles which require a social work qualification or which involve work normally only undertaken by social workers.”

a portfolio of at least 2000 hours (eighteen months) experience, or the achievement of a recognised qualification.

102. We note that ANZASW has recommended that consideration be given to broadening regulation to include the whole 'social care' sector, as is occurring in the United Kingdom. To achieve comprehensive coverage of all social work activity, we consider the social work registration system should be complemented by a system of registration for associated workers. This would enable workers in associated fields to participate in a registration system. Non-social workers undertaking activities normally only undertaken by social workers, such as people in the process of gaining sufficient social work experience to demonstrate minimum levels of competence, would be required by law to at least be registered as an associate social worker. This would ensure no social work activity is undertaken without a worker being assessed as fit and proper and that all social work activity is subject to a Code of Conduct and a Complaints and Disciplinary process.
103. It should be noted that these recommendations do not imply all social workers must be fully registered, but that all practising social workers must either hold at least limited registration as a social worker, or be registered as an associate worker.
104. The Board notes that the both the Care Standards Act 2000 (UK) and Health Practitioners Competence Assurance Act 2003 provide models on which such an approach could be broadly based. The Board has not developed a specific legislative proposal, but would welcome the opportunity to contribute to development of specific amendments to give effect to this recommendation. The Board's preliminary view is that the legislation could provide that:
  - an unregistered person cannot use words, titles, abbreviations or descriptions stating or implying they are a social worker;
  - an unregistered person cannot claim to be practising social work or state or do anything that is calculated to suggest that they are practising social work;
  - a definition that says social work includes, but is not limited to [eg a list of specified roles such as social workers exercising authority under the Children Young Persons and their Families Act, social work positions in District Health Boards etc];
  - "social work" includes work in any position where a social work qualification is a prerequisite to employment;
  - "social work" includes any set of activities specified from time to time in a scope (or scopes) of practice promulgated by the Social Workers Registration Board; and
  - other registered professionals (possibly specified eg health practitioners) may undertake social work activities if those activities fall within the accepted scope of their profession and they are competent to undertake those activities.
105. In the Board's view this approach would not allow persons who are clearly undertaking core social work activities to simply reclassify themselves. Nevertheless it is unlikely that the 13,170 people identified as social workers in the 2006 Census will become registered social workers. The Board estimates the number of practising social workers who are likely to comprise the target group for registration as social workers could extend to 6,000. This is based on an estimate of the number of social workers employed in the health sector (primarily through District Health Boards); the number of social workers employed by the Child, Youth and Family Services; and an approximation of 'other' social workers operating in the non-government sector and in private practice

## **Recommendation:**

### ***Legislative amendments:***

The Board recommends that the Government:

- 1. Agree to amend the Social Workers Registration Act (2003) to provide for a comprehensive system of social worker registration through protection of the title “social worker” and by requiring that functions normally performed by social workers cannot be performed by unregistered persons;**
- 2. Agree that the registration system be broadened to include registration of associated workers.** This would enable workers in associated fields to participate in a registration system. Practitioners undertaking activities normally only undertaken by social workers, such as people in the process of gaining sufficient social work experience to demonstrate minimum levels of competence, would be required by law to at least be registered as an associate social worker. This would ensure no social work activity is undertaken without a worker being assessed as fit and proper and that all social work activity is subject to a Code of Conduct and a complaints and disciplinary process; and
- 3. Agree that policy work should be undertaken as soon as possible because of the potentially long lead time for legislative change.** Early decisions and announcements of the Government’s legislative intentions could add significant impetus to engagement in the registration system by employers and social workers. Subject to your support for this recommendation, the Board will commence scoping work, in consultation with the Ministry of Social Development and Employment and others, on defining the scope of coverage of a comprehensive regime based on protection of the title “social worker” and associated limitations on who can practise social work.

## **Other issues raised in submissions**

106. A summary of other issues raised in submissions is included as Appendix Three.
107. These include submissions that the Act be amended to explicitly reflect the Treaty of Waitangi. The Board notes this was an issue considered by government when the Social Worker Registration Bill was being considered and we draw to your attention that this has been raised again in the context of the current review. The Board considers this is properly an issue for Government to consider and on which the Board is not in a position to express an opinion. As an agency of the Crown however, the Board remains committed to meeting any Treaty obligations that status implies.
108. Further submissions recommended the Board be replaced by a Social Workers Council that consists of both Ministerial appointments and representatives of ANZASW, ANZASWE, and the Association of Non-Governmental organisations of Aotearoa. This is not an issue on which it is appropriate for the Board to express an opinion, other than to note the Board recognises the importance of gathering and objectively considering all perspectives and interests, that the current mechanism allows for diversity in the Board’s composition and that this is reflected in our current composition.
109. Social work educators raised concerns about the Board’s role in course assessments. Concerns related to the level of independence schools require to be able to establish social work curricula and about the costs of recognition and re-recognition processes. It is fundamental to the Board’s role to be able to assess and accredit courses. In doing so, the Board will continue to remain mindful of, and respect, the educators’ concerns.

## SECTION THREE: ACTIONS AND RECOMMENDATIONS

110. Significant progress has been made in establishing the current voluntary registration regime for social workers. However this report concludes we can not yet claim to have achieved the purposes of the Act: to protect the public, by ensuring that social workers are competent to practise and accountable for the way in which they practise; and to enhance the professionalism of social workers. Only a minority of social workers is registered.
111. To achieve the purposes of the Act we need a more comprehensive, inclusive approach that can accommodate all practising social workers who meet the minimum standards for public safety.
112. There are a number of actions the Board can, and will, undertake to enhance coverage under the voluntary system of registration we are now working within. We have identified a number of barriers and disincentives to register under the current voluntary regime which we will address.
113. Other actions we propose will require direct government support and we recommend you consider those. Ultimately, however, the objectives of the Act can only be achieved by a comprehensive, inclusive approach, under which all persons practising social work are required to hold either limited or full registration. We consider this can be achieved while recognising the overall limitations of the current workforce, and while maintaining a strong focus on continuing professional development and “raising the bar” for the profession as a whole.
114. The Board’s recommendations reflect a staged approach to improving the social work registration system including:
  - actions the Board can undertake over 2007/08;
  - actions that, subject to obtaining additional Crown funding, could be undertaken from 2008/09; and
  - proposals for legislative change.

Actions the Board intends to undertake and our recommendations to Government are set out below:

### ***Actions the Board intends to undertake:***

#### **Action 1**

**The Board will develop a set of entry level competencies in order that new graduates can be provisionally registered.**

(To be completed in 2007/08)

#### **Action 2**

**The Board will work with employers, educators and professional bodies to review the Board’s current approach to competence assessment to identify ways to:**

- **reduce compliance costs for social workers and their employers, while maintaining confidence in the competence assessment system;**
- **reduce the complexity of the current processes to evidence competence; and**
- **reduce the costs of registration to applicants.**

(To be completed in 2007/08)

#### **Action 3**

**The Board will further review the operation of section 13 of the Act (recognition of practical experience in lieu of a recognised qualification).**

(To be completed in 2007/08)

#### **Action 4**

**The Board intends to explore ways to reduce the cost and complexity of registering and maintaining registration, including streamlining competence arrangements.**

(To be completed in 2007/08)

**The Board is also recommending direct government funding for “public good” functions such as promoting and supporting employer-based complaints systems, as well as additional funding to allow a reduction in fee levels.**

(See following recommendations).

#### ***Recommendations to the Minister for Social Development and Employment:***

##### ***Funding Proposals:***

The Board has developed an integrated package of funding proposals that would enable it to meet the full range of public good objectives set out in the Social Workers Registration Act (2003), while maintaining fee levels that are more closely aligned with comparable professions.

**The Board recommends Government agrees to provide specific Crown funding to enable the Board to:**

**1. Charge fee levels that more closely reflect fee levels for comparable professions.**

To reduce the level of fees (Registration and Annual Practising Certificate/Disciplinary Levy<sup>43</sup>) to half their current level (From \$450 p.a. to \$225 pa GST incl.) additional Crown funding requirements are estimated as follows: \$240,000 (2008/09); \$120,000 (2009/10 and out years) (GST excl.).

**2. More effectively promote high standards of practice across the social work profession and to raise stakeholder awareness of the social work registration system.** The Board considers this function would require additional Government funding of \$225,000 (2008/09); \$225,000 (2009/10); \$225,000 (2010/11); \$225,000 (2011/12) (GST excl).

Subject to funding, the Board would envisage completing the initial development and roll out of these proposals in 2008/09.

**3. Promote and support the development of employer based complaints systems, to complement the Social Workers Registration Act Complaints and Disciplinary system (and those of other relevant statutory authorities).**

The Board considers this function would require additional Government funding of \$250,000 (2008/09); \$125,000 (2009/10); \$125,000 (2010/11); \$125,000 (2011/12) (GST excl). Subject to funding, the Board would envisage completing the initial development and roll out in 2008/09; and

**4. Maintain an effective complaints and disciplinary system without increasing the current Disciplinary Levy.**

The Board considers this function would require additional Government funding of \$125,000 (2008/09); \$250,000 (2009/10); \$250,000 (2010/11); \$250,000 (2011/12) (GST excl).

---

<sup>43</sup> The Board recommends reducing the APC from \$360 to \$135 and leaving the Disciplinary Levy unchanged at \$90, in effect reducing the annual cost of maintaining registration to half its current level.

Note: These recommendations must be seen as an integrated package, as recommendations 2, 3 & 4 also reduce fee costs by publicly funding these component activities.

### ***Legislative amendments:***

The Board recommends that the Government:

- 1. Agree to amend the Social Workers Registration Act (2003) to provide for a comprehensive system of social worker registration through protection of the title “social worker” and by requiring that functions normally performed by social workers cannot be performed by unregistered persons;**
- 2. Agree that the registration system be broadened to include registration of associated workers.** This would enable workers in associated fields to participate in a registration system. Practitioners undertaking activities normally only undertaken by social workers, such as people in the process of gaining sufficient social work experience to demonstrate minimum levels of competence, would be required by law to at least be registered as an associate social worker. This would ensure no social work activity is undertaken without a worker being assessed as fit and proper and that all social work activity is subject to a Code of Conduct and a Complaints and Disciplinary process; and
- 3. Agree that policy work should be undertaken as soon as possible because of the potentially long lead time for legislative change.** Early decisions and announcements of the Government’s legislative intentions could add significant impetus to engagement in the registration system by employers and social workers. Subject to your support for this recommendation, the Board will commence scoping work, in consultation with the Ministry of Social Development and others, on defining the scope of coverage of a comprehensive regime based on protection of the title “social worker” and associated limitations on who can practise social work.

## Appendix 1

### List of submitters/ Respondents

1.	Dr Jan White/ <i>no specific comment to make</i>	ACC
2.	Ann Martin/ <i>no specific comment</i>	Age Concern
3.	Rose Henderson	ANZASW
4.	Carole Adamson	ANZASWE
5.	Sarah Fraser	ANZASW – Nelson branch
6.	Walter Fowler, Registered Social Worker	ANZASW member
7.	Janice Mueller	Auckland DHB
8.	Wayne Campbell	Auckland DHB (NASC team)
9.	Ann Richards	Canterbury DHB
10.	Dr Cindy Kiro	Children’s Commissioner
11.	Diana Dowdle, Paula Nes	Counties Manukau DHB
12.	Jo Mika-Thomas	Child Youth and Family – Work Development
13.	Bronwyn McCormick	Department of Corrections
14.	Graeme Buchanan/ <i>no specific comment</i>	Department of Labour
15.	Margaret Sanders	DHB Social Work Leaders Council
16.	Cassandra Stornoway	Dunedin Hospital
17.	Ron Paterson	Health and Disability Commissioner
18.	Toni Atkinson	Hutt Valley DHB
19.	Jenny Martelli	Lakes DHB
20.	Selwyn Katene/ <i>no specific comment</i>	Mental Health Commission
21.	Helen Simmons	MidCentral Health DHB
22.	Ryan McLean	Ministry of Health
23.	Anne Kelly	NZ Council of Christian Social Services
24.	Angela Werren	NZVCC – CUAP
25.	David Crabbe	NZVCC - CUAP (Victoria University)
26.	Sue O’Shea	NZ Public Service Association
27.	Fienie Clark	Otago DHB
28.	Michelle Derrett	Otago DHB
29.	Jo Lake	Presbyterian Support NZ
30.	Garth McKenzie	Salvation Army
31.	Richard Brown, Registered Social Worker	Tauranga Hospital
32.	Teresa Curtis	Te Kahui Atawhai O Te Motu
33.	Titia Graham	Te Kaiawhina Ahumahi
34.	L T Te Hira	Te Wananga o Aotearoa
35.	Doug Sutton	University of Waikato
36.	Kelly Workman	Waikato DHB/
37.	Fred Wheeler	Wairarapa DHB
38.	Susan Walker, Lynne Whata, Lorraine Katterns	Wairarapa DHB
39.	Sheila Davidson	Waitemata DHB



## **Workshop attendees**

### **Attendees:**

Carole Adamson (ANZASWE)  
Jenny Jakobs (ANZASWE)  
Rose Henderson (ANZASW)  
Kate van Heugten (CUAP)  
John Hopkins (Te Kaiawhina Ahumahi)  
Doug Skow (MSD)  
Sue O'Shea (NZPSA)  
Jo Mika-Thomas (Child Youth and Family);  
Ian Calder (SWRB Board Member)  
Buster Curson (SWRB Board Member)  
Sean McKinley (SWRB Chief Executive / Registrar)  
Shannon Pakura (SWRB)  
Stephen Olsen (SWRB)  
Fleur Keys and Peter Leniston (consultants to SWRB).

### **Apologies:**

Rawinia Hape (Kaiwhakahaere, ANZASW)  
Teresa Curtis (Te Kahui Atawhai O Te Motu Inc)  
Nadine Marshall (NUPE)  
Peter Osborn (ITPQ).

## Appendix Two: Key Features of Selected Professional Registration Systems

Size of workforce (Census 2006)	Average income level (LCI 2005)	Registration Authority	Mandatory/ Voluntary	Qualification/ experience	Competence assessment	Registration Fee	Annual Practising Fee	Other Fees
<b>Social Worker</b>								
13,170	\$48,209	Social Workers Registration Board	Voluntary	Recognised bachelors degree or postgraduate diploma in Social Work	SWRB recognises two competence assessments; ANZASW and Te Ara Aromatawai	\$450.00	\$360.00	Disciplinary levy: \$90.00 Note; competence assessment cost – \$450 to \$675 (not a Board fee)
<b>Teacher</b>								
Primary: 28,898 Secondary: 21,183 Early Childhood: 13,881 SpecialEd: 2,217	\$53,218 \$58,853 \$32,139 \$44,661	NZ Teachers Council	Mandatory	Recognised Teaching qualification from approved provider	Advice and guidance programme provisional registration period only. Ongoing professional development attestation for registered teachers.	\$120.00 (includes practising certificate)	\$120 every three years. \$40.00 pa	

Size of workforce (Census 2006)	Average income level (LCI 2005)	Registration Authority	Mandatory/ Voluntary	Qualification/ experience	Competence assessment	Registration Fee	Annual Practising Fee	Other Fees
<b>Nurse</b>								
Registered nurse: 27,639	\$46,957	Nursing Council of NZ	Mandatory	Bachelor of Nursing	Nurses in DHBs with NCNZ approved professional development and recognition programmes can retain accreditation. Other nurses retain accreditation through system of statutory declarations and random audit.	\$40.00 (Nurse practitioner \$500.00)	\$96.00 (includes \$30.00 disciplinary levy)	Examination fees: \$50.00 - \$140.00
<b>Midwife</b>								
2,313	\$61,566	Midwifery Council	Mandatory	Bachelor of Midwifery from accredited provider	Recertification programme: competence-based practising certificates. Performance assessed at registration/recertification/ application for APC	\$330.00	\$600.00 (Discounted to \$280.00 in first year of registration)	Examination fee \$245.00

Size of workforce (Census 2006)	Average income level (LCI 2005)	Registration Authority	Mandatory/ Voluntary	Qualification/ experience	Competence assessment	Registration Fee	Annual Practising Fee	Other Fees
<b>Psychologist</b>								
1,689	\$67,201	NZ Psychologists Board	Mandatory	Masters Degree in Psychology  Registration provisions for Intern and Trainee Psychologist:	Competence reviews initiated only when concern is identified (evaluative & educational) and Competence Programmes (remedial)	\$375.00	\$595.00  Students completing internships: \$297.50	
<b>Occupational Therapist</b>								
1,896	\$50,714	The Occupational Therapy Board of New Zealand	Mandatory	Bachelor of Health Science in Occupational Therapy or Bachelor of Occupational Therapy.	Continuing competence framework for recertification based on annual practising certificates and audit.	\$315.00	\$506.00	Examination: \$843.75

Size of workforce (Census 2006)	Average income level (LCI 2005)	Registration Authority	Mandatory/Voluntary	Qualification/experience	Competence assessment	Registration Fee	Annual Practising Fee	Other Fees
<b>Physiotherapist</b>								
2,673	\$57,392	Physiotherapy Board of New Zealand	Mandatory	Bachelor of Health Science (Physiotherapy) AUT Bachelor of Physiotherapy (Otago)	Continuing competence framework for recertification supported by audit	\$180.00	\$330.00	
<b>Dietician</b>								
501	\$39,026	Dieticians Board	Mandatory	Postgraduate Diploma in Dietetics from Otago University	Continuing competence framework for recertification supported by audit	\$250.00		
<b>Podiatrist</b>								
231	\$58,853	NZ Podiatrists Board	Mandatory	Bachelor Health Science in Podiatry	Competence established at entry. Competence reviews initiated only when concern is identified	\$230.00	\$750.00	

## Appendix Three

### Other issues raised in submissions

- Submissions from the ANZASW and Te Kaiawhina Ahumahi suggested that Te Tiriti o Waitangi was not adequately reflected in the Act, and that this should be amended. In particular, ANZASW recommended that the Act should explicitly include an obligation to meet the principles of the Treaty in the application of the Act and in the membership and operation of the regulatory body. Te Kaiawhina Ahumahi suggested: "...the Act and bodies constituted under the Act should be established with a Tiriti o Waitangi kaupapa and structure, particularly given the volume of Maori clientele of social workers". This also has the support of the Committee on University Academic Programmes.
- Te Kaiawhina Ahumahi also raised a number of concerns about the Board's adherence to section 99(1)(i) of the Act (relates to consultation with providers of social work education and training in New Zealand and standard setting bodies); and to section 100, relating to obligations of the Board in relation to Maori.
- The ANZASW recommended that the Act be amended to replace the Social Work Registration Board with a Social Workers Council comprised of both Ministerial appointments and elected representatives (akin to the New Zealand Teacher's Council). The rationale being that the regulation of the social work profession necessitates a form of "civic regulation" rather than solely "state regulation". [Note: this same issue was raised as "one member's submission" in the context of the ANZASWE submission, and is supported by the Committee on University Academic Programmes].
- The ANZASW also expressed concern that in setting qualification standards, the SWRB has not adequately consulted with providers of social work education and training in New Zealand, and standard setting bodies, as is required under section 99(i) of the Act. The Association further suggests that the compliance costs associated with the accreditation of social work qualifications are of a serious concern. [Refer also to 'Concerns for the education sector', above].
- The ANZASW recommends that the "SWRB recognise New Zealand social work qualifications on the basis of the pre-existing approvals and quality assurance systems". [These include approvals made by the ANZASW Course Approvals Board].
- Several submissions raised concerns about inadequate or inconsistent communication from the SWRB, including in response to queries about the registration process and application of fees policies. However, it was also noted that communication appeared to be improving.
- One submitter (through the New Zealand Council of Christian Social Services) suggested that: "The SWRB does need to build some more credibility I think somehow to gain better buy in. People I have spoken with are still confused re ANZASW and SWRB and their respective roles, points of relationship etc".
- A question was raised about the necessity of recording current place of employment on the register, given safety concerns for some social workers.

## Glossary of Terms

ANZASW	Aotearoa New Zealand Association of Social Workers  (Approved provider of competency assessments for social workers)
ANZASWE	Aotearoa New Zealand Association of Social Work Educators
Child, Youth and Family	The Department of Child, Youth and Family Service (From 1 July 2006, Child, Youth and Family ceased being a stand alone department and became a service line of the Ministry of Social Development)
CUAP	Committee on University Academic Programmes
Te Kaiawhina Ahumahi	Social Services Industry Training Organisation
NZVCC	New Zealand Vice Chancellors' Committee
Te Ara Aromatawai	(Approved provider of competency assessments for social workers)
HPCAA	Health Practitioners Competence Assurance Act (2003)