



Social Workers Registration Board

Kāhui Whakamana Tauwhiro

**Review of the Social Workers
Registration Act 2003
Final Report 2025**

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Review of the Social Workers Registration Act 2003

Purpose

1. This report is the Social Workers Registration Board's (SWRB) statutory review of the Social Workers Registration Act 2003 (the Act) as required under section 104.

Legislative requirements

2. Section 104 of the Act requires that at intervals of not more than five years, since the last review, the SWRB must:
 - review the operation of the Act, and its own operations
 - consider whether any amendments are necessary or desirable
 - report its findings to the Minister.

Executive Summary

3. In accordance with section 104 of the Act, the SWRB has completed its statutory review. This is the SWRB's first review of the legislation since registration of social workers became mandatory in 2021 (the last review was at the end of 2020). The scope of the review reflects your feedback to us in May 2025 to keep it tight and covers three key areas – the legislation, SWRB operations (including our Crown entity status), and public experience and expectations of the profession.

We have identified potential improvements to the Act

4. Work with internal and external subject matter experts, including Professional Conduct Committee and Disciplinary Tribunal members, has identified areas where the Act could be improved to support more effective implementation of our regulatory functions, e.g. mediation and early resolution of complaints.
5. While many of the issues raised would be categorised as 'minor or technical' improvements, there are some areas that require more substantive consideration and policy work to be progressed, should you wish. These are outlined below.

Section of the Act	Consider
Purpose of the Act: Clarifying what was intended by section 3(d) "enhancing professionalism of social workers"	Testing further whether s3(d) should sit apart from regulatory functions (as it currently does) or be combined with s3(a) along the lines of 'to protect the safety of members of the public and enhance professionalism of social workers...'.
Potential restricted tasks for registered social workers	Whether there are some social work tasks that should be restricted to social workers or performed under the supervision of social workers, e.g. psychosocial assessments, care and protection risk assessments.
Having early resolution mechanisms for lower-level complaints (30-40% of current matters) to deal with low level matters faster	Adding a new mechanism to allow the SWRB (Complaint and Notification's Committee) the power to assess and recommend certain complaints go to mediation/other early resolution avenues.

Enhanced information-gathering powers	Increased information gathering powers for the SWRB to ensure a complaint has sufficient evidence before referring it to a Professional Conduct Committee, (to increase PCC efficiency).
Supervision	Strengthening supervisor requirements and qualifications to ensure appropriately qualified/experienced people are in these roles.
Employer obligations to report	Whether the SWRB's powers should extend to employers where they (knowingly) fail to meet their mandatory reporting obligations in relation to serious misconduct, competence issues and health issues affecting a social worker's ability to practice safely.
Direct referral to the Tribunal for Police-investigated cases	Whether certain cases that have already been investigated by Police and gone through the court should be referred directly to the Disciplinary Tribunal.
Adding SWRB's workforce planning role as an SWRB function	Including the SWRB's Cabinet mandated workforce lead and planning role in s99(1) Functions of the Board.
Using more enabling and inclusive language in the Act	Promoting inclusive language to help reduce workforce barriers, e.g. using an alternative to 'fit and proper' which has ableist connotations.
Te Tiriti o Waitangi obligations	Strengthened obligations to Māori, with an express reference to Te Tiriti o Waitangi. Consider tāngata whenua representation on the Board, PCCs and the Tribunal.

6. The work to review our legislation aligns with the priorities highlighted in our regulatory strategy, which is focused on continuing to improve our performance as an occupational regulator. We are confident that many of the issues identified in the review can be addressed by strengthening our systems and processes, and this is something we are doing. This approach builds on the organisational review conducted in 2025 which is in the process of implementation.
7. Importantly, many of the improvements to our regulatory effectiveness can be achieved through operational changes already underway, including delegations enabled by the March 2025 amendments, streamlined processes, and enhanced sector engagement. Where legislative change would support these efforts, we have identified targeted amendments for your consideration, should you wish to proceed.

We found that our organisational status and funding model is fit for purpose

8. Analysis of our Crown entity status and funding model has shown that the funding model, which is approximately 88% fees and 12% Crown, is generally fit for purpose. While SWRB has been through a significant period of growth since mandatory registration it is now in a period of consolidation. The changes to fees and the levy have enabled SWRB to become financially stable, undertake its regulatory activities and invest in its systems and processes. We are confident that with the latter we will be able to have a more efficient system which will help to mitigate future cost pressures.

9. Being a Crown entity provides clear benefits to both the public we serve and our regulatory work, including accountability frameworks and capacity for expanded functions such as workforce planning. Through our engagement, some sector stakeholders questioned whether Crown entity status affects perceptions of regulatory independence. This is ultimately a matter for government to determine. We note that proposed changes to the Health Practitioners Competence Assurance Act signal health regulators moving toward closer alignment with Crown entity accountability requirements.

We engaged with the social work sector, including hearing from the workforce

10. Between August and November, we engaged with the social work sector, including the workforce and professional associations.

Key themes from our engagement with the sector

- There was strong support for mandatory registration, though it is not seen as a sufficient measure in and of itself to ensure quality of practice and public safety.
- The complaints process is seen as necessary, however concerns were raised over timeliness and how easily accessible it is to use, especially for people in vulnerable situations.
- There was interest in more practical guidance on effective supervision, mandatory reporting and continuing professional development.
- There was considerable support for strengthening the standing of Te Tiriti o Waitangi in the Act.
- Barriers affecting Māori and Pacific students and practitioners were highlighted including in education, registration, and complaints resolution.
- Concerns were raised about registration costs.

11. Through our engagement, we heard clearly that the sector seeks greater clarity about our regulatory and workforce role and stronger, more collaborative relationships. Strengthening our relationship with the sector while maintaining regulatory independence is a strategic priority for SWRB.

12. Key work we have underway in direct response to this feedback includes:

- an Engagement Strategy that prioritises transparent communication, partnership-based approaches, and mutual understanding of regulatory boundaries and responsibilities. This work is currently with the Board and is expected to be launched with the sector early 2026. The Strategy positions SWRB toward more transparent, partnership-based and strategically aligned practice, underpinned by modern regulatory principles and our Regulatory Strategy 2024-28.
- A service charter setting out our commitment to working transparently, efficiently and effectively with the sector and the public. This will be launched in early 2026.

13. We are committed to continuous improvement in our systems, processes and communications with the sector.

We also met with other regulators and explored early resolution approaches

14. We met with the Physiotherapy Board, Pharmacy Council and Psychologists Board to understand their approaches, particularly in relation to early resolution, and we shared our experience in relation to Crown entity obligations and accountability.

15. When comparing the functions and responsibilities of the SWRB and regulatory authorities (health sector regulators), it is worth noting the role of the Health and Disability Commissioner (HDC) in dealing with complaints and concerns in the health sector through a free nationwide advocacy service. While complaints involving social workers working in health and disability services are within the HDC's jurisdiction all others are dealt with by the SWRB. It would be beneficial for the SWRB to be able to apply similar early resolution tools (at an appropriate scale).
16. We also explored early resolution approaches taken by other regulators. For example, the Occupational Therapy Board has a facilitated resolution policy which has been in place for nine years. It sets out the types of cases that are suitable and is successful where parties are willing to participate. The Law Society has an early resolution service, accepting approximately 40% of complaints about lawyers.
17. To develop an effective early resolution approach at the SWRB, further work to assess, cost and scale the different options would be required, prior to any legislative change.

Public trust in the profession has remained stable

18. We repeated our 2023 survey on public trust and confidence in the social worker profession. The 2025 results show that the public's trust in the profession has not changed significantly since the earlier survey. In 2025, 55% of survey respondents said they have full trust in the profession compared with 57% in 2023. This work is important as we identify linkages between public awareness of social worker regulation and trust in the profession, and opportunities to increase both.

More awareness of the regulatory settings is needed for the public

19. In talking to agencies that represent those who may engage with a social worker, accountability and complaints provisions were supported, although there was concern about their accessibility and implementation. Many noted that clients and employers may not understand or feel confident using the reporting processes.

"There's a reliance on clients to raise concerns, but they often lack the knowledge or confidence to do so." – Agency representing public

Next steps

20. The Board Chair and Chief Executive are available to discuss the review with you. We are also available to support colleagues at the Ministry of Social Development (MSD) with any further information they may require to prioritise and progress work that may result in future amendments to the Act should you wish.
21. We welcome your feedback on this report. Once we have incorporated any feedback we will provide you with a final report. You will then have 12 House sitting days to table the final report in Parliament.
22. Once you have tabled the final report in Parliament, we will publish it on our website, noting that we have already published engagement themes and the full submissions from the professional associations, as well as the key findings from the public trust research.

The SWRB is required to review the legislation at least every five years

23. The SWRB has completed its statutory review of the Act as required under section 104. This is the first review of the legislation since mandatory registration of social workers was implemented in 2021.
24. The shift to mandatory registration was to protect the public from practitioners who are not competent, qualified, and experienced social workers. It acknowledged that there is a significant risk to the public from poor social work practice. In the case of social work services, “the public” are often vulnerable individuals and communities receiving involuntary social work services. These services are often delivered in private settings such as people’s homes, or facilities where there is a fine line between detaining people and upholding their rights. Because of these dynamics, a safe, skilled, professional and accountable workforce is paramount. That is the intention and purpose of the Act.
25. This review also follows legislative amendments from the 2020 review that received Royal assent on 29 March 2025.
26. We are required to report our review findings to you by the end of December 2025.

The review focuses on improving the legislation and our operations and is informed by sector engagement and public voice

27. The review focuses on three key areas:
 - The legislation – we have worked with subject matter experts, including Professional Conduct Committee and Disciplinary Tribunal members, to identify opportunities to improve the Act, including opportunities to increase our regulatory effectiveness, timeliness and ensure the language is enabling and inclusive.
 - Our own operations – including our Crown entity status and associated obligations and how this supports our regulatory functions, drawing on the 2023/24 Fees review and the recent organisational review.
 - Public voice – we repeated our 2023 research into the public’s trust and confidence in the social work profession; and talked to agencies with expertise in engaging with people receiving social work services.

Out of scope

28. At our agency meeting on 15 May 2025, you gave feedback that the scope of the review should be tightened to focus on opportunities to strengthen the Act in areas that support the SWRB to regulate social workers more effectively; and should avoid potential duplication with work already underway to address system safety issues. As a result, we removed a broader system analysis, looking at the social work sector, including the unregulated workforce, from the scope of the review. We are pleased that other agencies are looking at opportunities to address these broader system safety issues, as they continued to be raised with us during our engagement with the sector.
29. From 1 July 2025, we gained new functions around investigating and prosecuting unregistered practitioners (presenting as a registered social worker). While we are building on Te Kāhui Kāhu’s established and robust frameworks, it is too early to assess whether legislative changes are needed in this area.

We engaged with the sector to inform the review of the Act, including receiving feedback on how we can improve our operations

30. Prior to commencing our formal engagement, we met with the SWRB's external advisory group¹ on 2 July to introduce the work and seek guidance on our engagement approach.
31. We have taken a balanced approach to our engagement that includes targeted feedback from sector representatives as well as opportunities for the wider sector and workforce to have their say about what is and isn't working from their perspective. Appendix Two includes a summary of the key engagement themes from the sector.
32. Between August and November 2025, we met with:
 - Government agencies – Oranga Tamariki, Whaikaha, Office for Seniors, Ministry of Health, and the Ministry for Regulation
 - Service user representatives – Disabled People's Assembly, Age Concern, Mana Mokopuna, and the Aged Care Commissioner
 - Sector organisations – Aotearoa New Zealand Association of Social Workers, Tangata Whenua Social Workers Association, Social Service Providers Aotearoa, and the New Zealand Council of Christian Social Services
 - Other regulators – Physiotherapy Board, Pharmacy Council, and the Psychology Board.
33. We surveyed members for Professional Conduct Committees and the Disciplinary Tribunal to hear their views on where improvements are needed.
34. We also conducted an online survey that received 71 responses (74% of whom were social workers) and held two webinars open to all social workers, with social workers from NGOs, Oranga Tamariki and the health sector participating.
35. Key themes from our engagement with the sector are highlighted below. A more fulsome summary is contained in Appendix Two.

¹ The SWRB's External Advisory Group was established earlier this year and has representatives from Social Services Providers Aotearoa, Aotearoa New Zealand Association of Social Workers, Tangata Whenua Social Workers Association, New Zealand Council of Christian Social Services, Council of Social Work Educators Aotearoa New Zealand, Tūhoe Hauora, The Ministry of Social Development, Oranga Tamariki, The Ministry of Health, Te Whatu Ora. The group is Chaired by Shannon Pakura, independent of the SWRB.

Through our engagement we heard that:

- There was strong support for mandatory registration, with 94% of survey respondents agreeing that the requirements for all social workers to be registered and meet professional standards for registration is important for public safety.
- Registration is seen as a necessary mechanism for ensuring accountability and consistency across the workforce.
- 89% agreed that the Act ensures social workers remain accountable for their practice through complaints, notifications and mandatory reporting.
- While important, registration sets a minimum standard but does not guarantee high-quality or culturally competent practice.
- The complaints process is seen as necessary, however concerns were raised over timeliness and how easily accessible it is to use, especially for people in vulnerable situations.
- Areas highlighted for additional guidance included supervision, mandatory reporting and continuing professional development.
- There is strong support for including Te Tiriti o Waitangi in the Act.
- There is strong support for more enabling and inclusive language in the Act.
- Barriers affecting Māori and Pacific students and practitioners were highlighted including in education, registration, and complaints resolution.
- Concerns were raised about registration costs and the impact this has on social workers and the NGO sector.

We also received feedback raising concerns about our stakeholder relationships

36. Through our engagement, we heard clearly that the sector seeks greater clarity about our regulatory and workforce roles, decision-making processes, and how stakeholder input informs our work. Stakeholders also expressed a desire for stronger, more collaborative relationships.
37. We have responded by developing an Engagement Strategy that establishes transparent communication approaches, clarifies regulatory roles and responsibilities, and creates structured opportunities for meaningful sector input. The Strategy is currently with the Board for approval and will launch with the sector in early 2026. It is underpinned by modern regulatory practice, Te Tiriti o Waitangi obligations, and our Regulatory Strategy 2024-28.
38. Alongside this, we are developing a Service Charter that sets out our commitments to working transparently, efficiently and effectively with the sector and public. It establishes clear service expectations for our interactions with stakeholders. The Charter will launch early in 2026.
39. Both initiatives recognise that effective regulation requires clear understanding of regulatory and workforce roles alongside strong working relationships with the sector. Implementation is supported by leadership commitment, staff training, and cultural alignment with our regulatory values.

Doing the basics well and lifting our performance as an occupational regulator

We are continuing to improve our operational policies to be more effective and efficient

40. The review has highlighted areas where we can improve our performance as a regulator, without changing the Act. Many of these opportunities are consistent with the priorities

identified in the SWRB's regulatory strategy 2024-28. The strategy identifies five key capability shifts needed to strengthen our performance as an occupational regulator. These are:

- embedding continuous improvement in our systems and processes
- building regulatory capability among the social work profession
- ensuring our regulatory policies are well-designed and fit for purpose
- building and utilising staff capability to deliver responsive, proportionate regulatory functions
- caring for the social work regulatory system as a steward.

41. This approach is consistent with advice from the Ministry for Regulation, who emphasised the importance of prioritising improvements to operational policies wherever possible and taking a risk-based approach to our regulatory functions.

The Board is looking to delegate some functions to streamline and speed up processes

42. We are currently working with the Board to consider areas where the Secretariat could progress registration applications to improve timeliness and reduce the amount of work required to process relatively low risk applications. This has been enabled by the amendments to the Act, which came into force in March 2025. Amongst other things, the amendments gave the Board the power to delegate registration decisions.

43. We are taking a risk-based approach. Some of the areas currently being considered include:

- Overseas Pathway (registration): Three discrete areas of potential delegation relating to eligibility assessment, document checks, and case progression where criteria are met.
- New Zealand qualified registrations – this would be looking at 'simple' registrations with no convictions
- Return to Practice: The Board delegates authority to the Registrar to assess a social worker's competence and decide on their practising certificate when returning to practice after a break of three (3) years or more, and whether conditions should be imposed on their practising certificate for this cohort of social workers returning after three years.

44. We envisage that as the delegation processes are embedded, reviewed and refined over time, the Secretariat will be able to step up support to the Board in other areas.

45. We are also looking at areas where complaints can be streamlined in a way that maintains public safety and natural justice for both the complainant and the social worker but streamlines work so that matters assessed as low risk, and more straightforward, can be resolved using a less onerous process. This could involve the Board:

- delegating certain powers and functions which they currently delegate to the Complaints and Notifications Committee (a Board sub-committee), to the Registrar instead
- establishing a new Committee which must include at least one Board member to address matters in a different way.

46. The secretariat is currently trialing a new tool to assess risk and harm to the public so we

can understand what proportion of cases could be delegated to the Registrar based on a low-risk outcome.

47. Our data shows that complaints, notifications and mandatory reports have been steadily increasing since mandatory registration came into effect. Our early estimates suggest that approximately 30 – 40% of matters raised with the SWRB are at the lower end, e.g. poor case recording, lack of engagement and poor communication, and irregular, ill-prepared supervision. Such matters may benefit from early resolution approaches.

Opportunities to consider and develop early resolution approaches

48. Increased delegations to the Registrar, and consideration of alternative approaches mean there is the opportunity to resolve matters in a more nuanced way that would not require a matter to progress to a formal investigation, (which is currently the key mechanism envisaged by the Act).
49. In some cases, there is enough information to identify the problem and recommend more educative and supportive measures such as:
- increased or specific training to address the issue, e.g. privacy rules
 - voluntary agreements, this can be an effective way of managing a health-related issue where the social worker agrees not to practice until cleared by a doctor
 - mediation where both parties are willing
 - increased professional/targeted supervision, time limited to address the issue
 - counselling/therapy
 - developing a relapse prevention plan, with the social worker's manager or supervisor involved.
50. The key risk of early resolution is predetermination (that an initiative infers a person's non-compliance before it has been appropriately considered). The Act requires particular outcomes, including lower-level ones such as training or counselling, to be required only after a formal investigation. It would be beneficial to be more empowered by the legislation to engage the social worker's employer so they understand their obligations and how they can support good practice through supervision and CPD.
51. The Occupational Therapy Board has a facilitated resolution policy which has been in place for nine years. It sets out the types of cases that are (and are not) suitable for early resolution. While the policy has been in place for some years, we understand that it is not used as often as anticipated, as it relies on both parties being willing to participate.
52. Whereas the Law Society uses early resolution service for a significant proportion of the complaints made about lawyers. In the 2023/24 year 1,231 complaints were opened, with approximately 40% being accepted for early resolution. We consider there is scope to learn more about how the Lawyers Complaints Service manages incoming complaints and assesses which ones are suitable for early resolution.
53. In the health and disability sector it is worth noting the significant role of the Health and Disability Commissioner (HDC) and the nationwide free advocacy service, which operates independently. Early resolution for the HDC can involve apologies, supporting conversations or initiating process reviews. Their 2022/23 Annual Report notes that they have been adopting a more flexible approach to early resolution – *"In the context of on-going increases in complaint volume in a resource-constrained environment, HDC has focused its complaints process on improvement work on enhancing our use of early*

resolution pathways". This approach represents around 70% of 3,148 complaints closed in the financial year. The HDC has seen a significant increase in complaints (52% over five years).

54. Through our engagement we met with the Physiotherapy Board, Pharmacy Council and Psychologists Board, to discuss their regulatory approaches, and whether they are involved in early resolution. Their processes are entwined with the HDC processes.
55. The Pharmacy Council has 'informal enquiries' where they receive information that does not reach the threshold for escalation to a formal complaints and notification process. These matters may still indicate a system concern, and the Council may address this for example, by referring information to the Medicines Council (a branch of Medsafe). The Pharmacy Council's Professional Conduct Committee assesses more severe cases, but the handling of concerns as 'informal enquiries' stops many cases from reaching that stage. Of 239 cases in the 2024/25 year, 130 were informal enquiries.
56. Developing an effective early resolution approach requires further work to assess options, costs and appropriate scale before legislative change is considered

Ensuring the Act supports us to be an effective regulator

57. Our focus since mandatory registration came into force in 2021 has been on ensuring that our regulatory systems and functions are fair, consistent, and cost effective. As we mature as an organisation, continuous improvement remains high on our agenda. The review of the Act has provided an opportunity to look at whether any legislative tweaks or policy shifts might also support us to operate more effectively.
58. To do this we have been working with subject matter experts to identify opportunities to improve the functioning of the Act and to ensure we have the right tools to do our job efficiently and effectively. Appendix One details the areas of the Act where improvements could be considered. Many of the areas identified are minor and technical tweaks. However, there are also bigger policy questions that would benefit from further exploration and work, including testing with the sector.
59. In the disciplinary space we have sought input from Professional Conduct Committee and Disciplinary Tribunal members. Both Professional Conduct Committees and the Disciplinary Tribunal operate independently of the SWRB.

We sought feedback from Professional Conduct Committee members to address issues raised by the Social Services Committee

60. Professional Conduct Committees are external panels comprised of social workers and lay people. They are independent statutory bodies charged with investigating complaints referred by the Board. They have the authority to request information; interview people involved and decide on appropriate action relating to the social worker. For example, a PCC may close a matter by:
 - finding that no further action is required
 - submitting the matter for conciliation or mediation
 - recommending one of several low-level resolutions such as recommending the Board directs the social worker to apologise or undertake certain training or supervision
 - directing the Board to review the social worker's competence or fitness to practice
 - referring the matter to the Disciplinary Tribunal.

61. When considering the Social Workers Registration Amendment Act 2024 during its Committee stage earlier this year, the Social Services and Community Committee raised a question about the timeliness of investigations by PCCs in the context of considering a revision to the sections dealing with interim suspensions. As agreed with the Committee, this is another area we have looked at as part of the review.

We asked PCC members for their ideas on what could be improved

62. We asked PCC members to share their experience with us, including how effectively the powers set out in the Act support them to carry out their role. Eleven (out of the pool of 30) PCC members responded to our survey.

63. They highlighted a mix of operational considerations and potential legislative changes, for example:

- Timeliness was noted as an issue with the following reasons highlighted:
 - PCCs are sometimes too flexible with the accused, resulting in delays.
 - Both social workers and their employers can be slow in providing the necessary information.
 - There are delays at the SWRB end, with it sometimes taking more than 12 months to refer to a PCC.
 - Sometimes the complaint is not well evidenced, and the PCC has to follow this up.

64. Suggestions for increasing timeliness included a mix of operational and legislative opportunities. Operational and administrative ideas included:

- Regular training, including training on investigations tailored for lay members.
- An investigations and case management tool that enables PCC members to quickly get up to speed with where a case is at, particularly after there has been a delay.
- SWRB employing an investigations facilitator to handle a lot of the administrative work that falls on legal advisors and can sometimes cause 'bottlenecks'.
- Ensuring PCC members have the time and can commit to the role before appointing them and then monitoring their performance in role. It was noted that PCC members are juggling their main employment and other commitments, which might affect their availability, adding to delays.

65. Legislative suggestions to improve PCC efficiency included:

- Setting out timeframes in the Act for dealing with matters.
- Giving SWRB additional powers e.g.
 - increasing information gathering powers to ensure a complaint is well evidenced before referring it on.
 - being able to recommend mediation and other early resolution tools for low-level complaints, instead of referring them to a PCC.
 - being able to refer certain cases (as outlined below) directly to the Tribunal.
- Fast tracking certain cases to the Tribunal, rather than referring them to a PCC for a second investigation. For example, if there has already been a Police investigation and the social worker has been convicted of an offence, (particularly in relation to a client), then the Act should provide a mechanism to refer these cases directly to the Tribunal. (Appreciating there are different tests for criminal vs competency/fitness.)

- The Board could also consider whether there are some types of offending that ought to be considered a breach of integrity standards and therefore be sent straight to the Tribunal rather than a PCC. For example, anything involving sexual misconduct/offending against a client, if it has been investigated by the authorities and there has been a guilty finding. Another area would be where the social worker has been found guilty of extorting money from a client.
- Being able to look at the employment space, as some issues arise out of the employment context, e.g. a lack of support, high caseloads, relatively inexperienced practitioners being given work beyond their level of experience.

We also surveyed the Complaints and Disciplinary Tribunal

66. The Complaints and Disciplinary Tribunal is a quasi-judicial disciplinary decision-making body, with processes similar to a court. The Tribunal is drawn from a pool of people, with each hearing consisting of five members, including three social workers, a lay person, and the chair or deputy chair (both experienced barristers).
67. We asked Tribunal members for their feedback on how well the Act helps them to carry out their functions; and whether there are improvements either to our operations or to the Act that they would recommend. Four (out of 11) Tribunal members responded to the survey.
68. Overall, the Tribunal members were satisfied that the Act allowed them to carry out their work effectively and protects the public. They did, however, make the following observations:
 - There are delays throughout the process, but particularly in getting to the Tribunal stage, resulting in relatively high costs. There was concern that that social workers are unaware of the cost implications of disciplinary hearings and that this is compounded when the social worker does not engage.
 - To speed up the process they suggested shorter response times and more streamlined complaints processes, with for example more Complaints and Notifications Committees sitting remotely.
 - There was concern raised about hearings occurring a long time after the complaint was first raised, resulting in a sense of 'delayed justice' by the time it gets to the Tribunal, so not as impactful.
 - To retain members, they felt that the length of appointment (particularly for the Chair) should be extended to five years as they only deal with a few charges every year. They emphasised the importance of a competent and experienced Chair to maintain the integrity of the process, robust outcomes and navigate case law and legal standards.
 - They also questioned the relatively low number of cases referred to the Tribunal, compared to other jurisdictions. They are concerned that this is due to a lack of reporting by organisations. They also noted the power imbalance between social workers and their clients and suspect that parents wanting to regain access to their children will avoid 'rocking the boat'.
 - In terms of additional tools, the Tribunal raised early restorative justice mechanisms. They also asked about a process when evidence given by a social worker raises questions about the quality of their own practice.
69. Three out of four members rated SWRB support of the Tribunal as very effective, with one member rating support as somewhat effective. In terms of increased operational support, they mentioned the need for regular training on relevant legal matters as well as timely

inductions.

Responsiveness to Māori

Māori are more likely to come into contact with a social worker

70. Section 100 of the Act outlines that the Board must ensure the aims and aspirations of tāngata whenua, and the need for appropriate involvement, are integral and ongoing priorities. As the SWRB, we recognise the Crown-Māori commitment as Te Tiriti o Waitangi partners and are committed to improving services and outcomes for Māori, strengthening the Crown's relationship with Māori, and developing our Māori capability.
71. As part of our commitment to ensuring the review reflects a diverse range of perspectives and we meet our obligations to Māori under section 100, we met twice with the SWRB's te Kāhui Ringa Rehe to discuss the work and seek direction, as well as receiving te ao Māori perspectives from various sector and public facing groups.

Main findings from engagement with Māori

Māori social workers, employers and associations provided detailed feedback including:

- How the Act and its implementation could better reflect te ao Māori, uphold Te Tiriti o Waitangi, and support sustainable pathways into the profession.
- Language and definitions within the Act could better reflect Māori concepts and approaches.
- Governance representation needs to be strengthened to increase tāngata whenua involvement.
- Education access.
- Workforce sustainability.
- Culturally grounded approaches to regulation and professional development.
- Including mention of He Whakaputanga and/or Te Tiriti o Waitangi in Section 100.

72. We know that Māori are more likely to be social work clients, with almost 50% of reports of concern made to Oranga Tamariki about tamariki and rangatahi Māori, and who also make up two-thirds of those in statutory care.² The social worker workforce has a high proportion of people who identify as Māori (25%) significantly higher than other regulated professions. For these reasons we would suggest consideration of further strengthened obligations to Māori, with an express reference to Te Tiriti o Waitangi in the Act.
73. There was also a call for tāngata whenua representation in governance roles to ensure both SWRB, the Professional Conduct Committees, and the Disciplinary Tribunal consider and implement equitable and culturally informed processes and outcomes. We consider it would be appropriate and beneficial to explore this further, given the evidence of Māori representation in both the workforce and client population.

We have reviewed our Crown entity status, including our funding model

SWRB is committed to an efficient funding mechanism that upholds public safety

74. The source of funding to undertake SWRB's functions is largely from fees and a levy charged to registered social workers, and fees charged to tertiary training organisations for

² Independent Children's Monitor, Outcomes for tamariki and rangatahi Māori and their whānau in the oranga tamariki system, 2025 <https://aroturuki.govt.nz/assets/Reports/outcomes/Outcomes-for-Maori-23-24-WEB.pdf>

education programme recognition vetting and annual programme support. This accounts for approximately 88% of SWRB's funding.

75. SWRB is also funded by government for the provision of other services, such as workforce planning and funding for its role as a Crown entity. This accounts for approximately 12% of total funding.
76. Since 2019 there have been four reviews of the fees and levy. Prior to 2019 a review had not been undertaken, with three public consultations on changes to fees and the levy. These were undertaken in line with Treasury and Office of the Auditor General guidelines. As a result of the reviews fees and the levy have generally increased to cover our costs.
77. The changes to fees and levy have supported ongoing investment in capacity and capability to meet the increased workload from mandatory registration, including upgrading the supporting IT systems and processes needed to be a modern regulator. It has also supported the establishment of reserve fund of three months operating revenue as a prudent financial practice in-line with other organisations. This has put SWRB in a sound financial position after the organisation being in a precarious position entering into mandatory registration in 2021.
78. Understandably changes to fees and the levy have not been popular with the social work sector which we recognise, especially with constraints on NGO funding. However, SWRB's main focus is to undertake its legislative and regulatory function to uphold safety for members of the public, albeit while being as efficient as possible. While SWRB has been through a significant period of growth since mandatory registration it is now in a period of consolidation. The changes to fees and the levy have enabled SWRB to remain financially stable, undertake its regulatory activities and invest in its systems and processes. We are confident that with the latter we will be able to have a more efficient system which will help to mitigate future cost pressures.
79. Some alternative funding options could be considered in the future, including additional Crown funding for its Crown activities, or the introduction of an operational levy. The Practising Certificate fee has, in effect, worked as a levy in the past, covering costs that could, or should, have been met by the Disciplinary levy, Education fees, or the Crown. An operational levy could be a more appropriate way to fund the costs of the SWRB in the future, although we recognise at this time it may not be appropriate to put further costs on organisations.

SWRB is a Crown entity

80. Since its establishment SWRB has operated as a Crown entity (Crown Agent), with a Board appointed and responsible to the Minister for Social Development and Employment. This is different to regulators in the health system (e.g. Nursing Council, Medical Council) which operate outside of Crown, albeit with Boards appointed by a Minister. We would note that proposed changes to the Health Practitioners Competence Assurance Act 2003 signal health regulators may move closer to being a Crown entity, particularly in relation to Crown accountability requirements.
81. This has enabled SWRB to have public accountability for its functions, and effective monitoring by MSD. It has also supported some expanded roles, such as the Workforce planning role as well as the investigation function for those operating as a social worker without a practising certificate.
82. There are costs associated with operating as a Crown entity for which SWRB receives funding for. SWRB receives modest funding to do this, the levels of which could be revisited in the future.

83. Determining organisational status is a matter for government and MSD as monitoring agency. We note that SWRB's Crown Entity structure supports effective regulatory accountability, and that proposed HPCA Act changes indicate health regulators moving toward similar frameworks.
84. There is still a fairly low awareness of regulation. This represents an opportunity and a challenge to assess how SWRB can improve its presence with the general public.

SWRB and Social Work standing with the public

'Public voice' groups told us more awareness for the public is required

85. SWRB engaged with groups that represent members of the public, particularly those organisations that connect and engage with people receiving social work services, including:
 - Mana Mokopuna – The Children's Commission
 - Whaikaha – Ministry of Disabled People
 - Office for Seniors
 - Aged Care Commissioner
 - Disabled People's Assembly
 - Oranga Tamariki
 - Ministry of Health.
86. Most respondents agreed that mandatory registration has helped lift safety and quality, but some noted that real-world experiences don't always reflect this, especially in terms of cultural safety and responsiveness.
87. Key parts of the Act (like registration and complaints processes) are generally well understood in the sector, but there's a need for better public-facing education, so people know their rights and how to raise concerns. There can be a disconnect between service expectations and various legal frameworks a practitioner is operating within.
88. The public often want assurance that social workers are not just qualified, but safe, effective, and a good fit for their needs, especially for diverse or vulnerable communities.
89. Legislation provides a solid foundation but often addresses a problem after harm has occurred. Some organisations asked that a more proactive and less reactive model be considered. It was suggested that increasing the community voice would result in a less one size fits all approach.

Public trust in social workers has remained steady

90. In 2025 SWRB commissioned a survey on public trust in social workers, undertaken for SWRB by Research NZ. This updated the 2023 baseline report which was also undertaken by Research NZ.
91. It measured public knowledge, perceptions, and trust in social workers in New Zealand. It was conducted online with 1,000 adults, oversampling Māori and Pacific peoples for statistical confidence.
92. In 2025, 55% of respondents said that they have full trust and confidence in social workers, compared to 25% who said they had no trust. These numbers are similar to 2023, showing that trust in the profession is steady. This may be positive in light of trust declining in other

professions (as shown in a 2025 Research NZ survey).³

93. Trust in social workers is on par with other helping roles like Counsellors and Youth Workers, although lower than other professions such as Doctors, Nurses and Teachers.

Next steps

94. The Board Chair and Chief Executive are available to discuss the review with you. We are also available to support colleagues at MSD with any further information they may require to prioritise and progress areas for further work, that may result in future amendments to the Act, should you wish. In the meantime, we will continue to progress work on our engagement priorities and operational policies to ensure we are using the current provisions in the Act to their full extent.
95. We welcome your feedback on this report. Once we have incorporated any feedback we will provide you with a final report. After receiving the final report, you have 12 sitting days to table a copy in the House.
96. Once you have tabled this report in Parliament, we will publish it on our website, noting that we have already published engagement themes and the full submissions from the professional associations, as well as the key findings from the public trust research.

Appendices

Appendix One – Overview of legislative and policy issues for consideration

Appendix Two – Summary of engagement findings

Appendix Three – Summary of public trust research

³ [Research NZ Public Trust in professions July 2025](#)

Appendix One: Overview of legislative and policy issues for consideration

Area of the Act	Issue raised	Potential solution
Part 1 – Preliminary		
Section 3 Purpose	With the move to mandatory the initial focus was on embedding that change. There is now the opportunity to use our insights to build more responsive regulation. There has been some discussion and debate in the sector around the purpose/intention of the Act in relation to s3 (d), which is to enhance the professionalism of social workers. One view, which is generally how the SWRB has interpreted it, is that the social work profession is enhanced by regulatory activities, e.g. prescribing or providing mechanisms to ensure that social workers are competent to practise and accountable for their practise); as well as through the workforce function. Another view is that this provision should sit separately from the regulatory activities and aligns more with the Board's role as a steward. This could include carrying out separate/discrete activities focused on enhancing professionalism, e.g. regulatory resources and feeding insights back to social workers and employers on what we are seeing in terms of trends in complaints etc.	Consider clarifying the intent of this section. SME feedback that s3(d) could be added to s3(a) to make it clear that the regulatory activities outlined in s3(a) contribute to the professionalism of social workers. It could read 'to protect the safety of members of the public and enhance professionalism of social workers... However, if work to enhance professionalism is in addition to regulatory activities, the current drafting or similar should stand.
Section 4 Interpretation	There are different understandings of what supervision means, including by employers. This has resulted in poor supervision that is more akin to line management.	Consider including supervision in the interpretation section (as in the case of HPCAA 2003), with an emphasis that supervision

		should be carried out by a registered professional. The feasibility of any change would need to be considered, e.g. workforce implications to deliver this change. It is an area the SWRB could provide guidance to the sector on.
Part 1A – Scopes of practice for social work profession and prescribed qualifications		
	Policy intent is to protect the title rather than prohibit non-social workers from performing tasks described under the scope of practice. Unqualified practitioners are working in high-risk areas without the same oversight as qualified social workers.	Consider whether there are some social work tasks that should be restricted to social workers or performed under the supervision of social workers, e.g. - Psychosocial assessments - Care and protection risk assessments - Reviewing and closing off plans This is most likely to relate to Advanced or Senior Practitioner roles supported by specific qualifications or training. Nurse Practitioners are an example of this with specific assessment, diagnosis and prescription capability. Also, suggest looking at approaches taken in other jurisdictions, e.g. SWRB South Australia. See Part 4 of their Act https://www.swrb.sa.gov.au/data/assets/pdf_file/0017/1142009/The-Act.pdf
	Having the register for students proved an asset for Boards who sought to engage early with future members of the profession. Both Nursing and Medical Boards use the	Consider the merits and possibility in the current settings of developing a student scope

	student register information to share newsletters etc. There is also work underway to try to ensure continuity of the information from first enrolment, through registration and the career lifecycle. This approach would align with the idea of having a career pathway from novice to expert with corresponding scopes of practice, competence and guidance.	of practice, as Ahpra does for certain health professions. https://www.ahpra.gov.au/Registration/Student-Registrations.aspx Student registration in Australia sits alongside some mandatory reporting obligations (for students and education providers) and powers to deal with two issues; health impairment that may pose a risk during clinical placement and serious criminal conduct. There is no application, no fee and no public student register. The register is constructed from information provided by education providers about students enrolled in approved programs of study. This would be a big project, but it would provide clarity to professional roles and practice for the profession and the public.
	The bar needs lifting on supervision and who can work as a supervisor. Feedback suggests people with little social work experience are setting up supervision businesses.	Consider developing a supervisor's scope of practice. It would mean identifying qualifications, competences and CPD for those in this scope, as per the training standards. Workforce considerations would need to be taken into account.
Part 2 Registration, authorisation to practise within scope of practice, and practising certificates		
6AA Unregistered person must not claim to be a social worker	Issue of restricted tasks in addition to title protection. At present there are no social work tasks that are restricted to registered social workers.	Consider whether including restricted social work tasks would be viable/workable. For example, statutory and other functions under the Oranga Tamariki Act, the PPPR Act (need to

	Quality, safety and accountability issues raised with non-qualified/unregistered practitioners working in social work roles – but with different titles. Enabled through government contracts and in response to funding pressures.	streamline with other work happening in the PPPR Act space) and the Substance Addiction (Compulsory Assessment and Treatment) Act that might be restricted to RSW. Consider amending similar to s9 HPCAA https://www.legislation.govt.nz/act/public/2003/0048/latest/DLM203382.html?search=sw_096be8ed81f543b8_restricted+activities_25_se&p=1
6AAB key requirements for practising as a social worker	Questions around what it means to be practising as a social worker? What are social work services (and in what circumstances) can a registered social worker without a practising certificate provide? And how does this compare to someone who has never trained/registered? Section 6AAB is not fully backed by a criminal or disciplinary penalty. Whereas Section 6AA is backed up by Sections 148(2) and (3), Section 6AAB is only partially backed up by Section 148(5).	Consider whether this could be clarified
6 Entitlement of New Zealand-qualified applicants to registration within scope of practice	‘Fit and proper’ has ableist connotations to disabled people.	Consider reviewing the Act to increase inclusion and reduce barriers. Potential alternative language e.g. “capacity to practice safely and effectively” or “meets the standards of safe and ethical practice” could be tested with Whaikaha and disabled communities.
6(1)(d)	Students on placement/intern roles providing front-line social work services.	Consider options for addressing this. For example, limited/provisional registration of students/interns engaged in ‘front-line’ social work services. Another option might be recertification programmes as outlined in s41 and 43 of the HPCAA

	It can be problematic to assess what is deemed as ‘enough’ practical experience and specify social work tasks, in order to move someone from provisional registration status to full registration. It also needs clarification because some employers do not employ provisionally registered social workers in a social work role.	https://www.legislation.govt.nz/act/public/2003/0048/latest/DLM203821.html This would help articulate the “condition/s” and provide options for those who do not complete (s43). Explore the options of • granting full registration to NZ graduates, subject to a condition – recertification programme similar to s41 and 43 of HPCA, and possibly removing s.6(1)(d), or • provisional registration plus recertification programme Having a specific recertificate programme will provide certain level of assurance and build capability of new graduates. Example can be drawn from recertification programme required by OT. It covers bi-cultural competency and weekly supervision for the first 12 months. (Note: recertification programme is secondary legislation under HPCA).
8B Contents of authorisation of individual scope of practice	Currently there are no provisions that expressly allow the Board to impose conditions on the applicant’s individual scope of practice to ensure their fitness to practise. This is inconsistent with the other requirements under s6, such as experience and competence where the Board can impose conditions on the applicant’s general scope of practice to ensure future compliance with these requirements.	Considering these past decisions are based on matters of fitness to practise (see s47(2)), it is prudent to provide statutory mechanisms that allow the Board to ensure an applicant’s fitness to practise through conditions on their scope practice consistent with the other requirements for registration, without the risk of ultra vires decision making.

	In the past the Board has imposed conditions on the individual scope of practice of applicants under provisions of ss8, 8A, 8B and 8C on the basis of concerns around health, character or past convictions. However, s8B clearly states that conditions on the applicant's scope of practice must only be to ensure competence to practise.	Suggest adding something along the lines of 8B(3)(b): That the applicant remains a fit and proper person to practise as a social worker. [Note that the sentiment of "fit and proper" remains but would be replaced with more inclusive language.]
8D Board may require applicants to take and pass examination or assessment, section 8D(1)(b)	"...whether the applicant's ability to communicate in and comprehend English is sufficient to protect the safety of the public." While communication is essential, the current wording could disadvantage people who use NZSL, or people with speech or language impairments, especially if alternative communication methods are not considered. Deaf Aotearoa published some research that explains how signing Deaf people are commonly seen as exhibiting "bizarre behaviours", "physical agitation" and "violent gestures", and as a result are often misdiagnosed, not communicated with, not given informed care, have unnecessary admissions and unnecessarily long hospital stays.	It could be helpful to look at 7(d) which also mentions a need to ensure people can speak, write, and read English reasonably effectively.
Section 11 Temporary registration	Same issue as above.	As above. Advice on s13 applicants who received temporary registration for longer than three years was that on their three-year anniversary they ceased to be temporarily registered and are no longer RSW. Would this apply to others and also provisionally registered (beyond max time).
Section 21 Surrender of certificate of registration	This is difficult to put into practice	Consider removing s21(2) Check against s124 Certificates of registered information

Section 24 Cancellation of limited registration	As above, this is difficult to operationalise	Consider removing s24 (1)(c)
Part 3 Competence and fitness		
Section 31(1) and 33(1)(a)-(b)	Ss30(1) and 33(1)(a)-(b) do not align well, possibly because of a draft error. Under 31(1)(a) relevant to applications to return to practice after 3 years – the Board must consider whether an applicant is competent to practise as a social worker under s38. Under s31(1)(b) which is the section relevant to applications where the Registrar suspects on reasonable grounds or has reason to suspect that an applicant is not fit and proper, the Board must consider whether the applicant is fit to practise as a social worker under s47. However, s33(1)(a)-(b) only allows the Board to direct the Registrar to issue a practising certificate if the Board is satisfied the applicant is competent and fit to practise. Advice suggests the sections likely mean that the Board can assume fitness unless the Registrar has referred the application because of concerns about fitness. There is a risk that we are asking applicants to do something they are not required to do. A police vet is relevant to a fit and proper assessment, not a competence assessment (see s47(2)(c)).	Consider amending/exploring to address this issue.
Section 38A Professional development for practising social workers	Other regulators use re-certification programmes to ensure that a practitioner is competent to practise (s41 of the HPCA Act). The authority can set a re-certification programme to apply generally to all practitioners or a specific practitioner or specified class of practitioner. For example, the OTBNZ's re-certification programme was gazetted for new registrants and for existing registrants returning to practice. This placed the requirements on the scope of practice. If a practitioner did not complete the	Consider aligning with the HPCA Act. It would help to have clarity that competence is not solely connected with a complaint but can be used to raise professional practice, or as 38A describes professional development. (Note, we may already have the flexibility here.)

	programme, then s.43 applied. This avoids the use of conditions on scope. Noting that s.118(e) of HPCAA also supports the function of RAs to ‘recognise, accredit, and set programmes to ensure the ongoing competence of health practitioners’	Consider accrediting and monitoring programmes in preference to prescribing. This would also mean adding revocation of accredited programmes. See HPCAA s12(5)(6) https://www.legislation.govt.nz/act/public/2003/0048/latest/DLM203387.html?search=sw_096be8ed81f543b8_revocation_25_se&p=1&sr=1
Section 38 Competence to practice as a social worker	When questions have been raised about a social worker’s competence, we have been advised that we cannot assess the one or two competencies in question. Instead, we need to assess all competencies. This has time and cost implications. Clear criteria would be needed to guide a new more targeted approach.	Consider amending to enable the Board to assess the competence/competencies in question. SWRB understands other regulators take this more targeted approach. Note that competence is also referenced in code of conduct and code of ethics.
Section 38 B Mandatory requirement for employers to report to Board if social worker is believed not to be competent	At present the SWRB complaints team go to the Board first. Resource implications and slows the process down. If employer doesn’t report to us, we have no teeth to take the issue up with the employer. There are often matters which should be raised with the organisation rather than a singular complaint against a social worker.	Consider amending/streamlining so that the SWRB can undertake the review/ competence assessment process without first having to take it to the Board’s Complaints Committee. Note any change would need to ensure the social worker still has the opportunity to respond to the competence notification. In the meantime, this could be delegated to the Registrar and a triage team. Consider whether SWRB powers should be extended to employers who fail to carry out

		their obligations. It would be a policy shift but it could be made an offence (punishable by a fine) for an employer to not make a mandatory report under s38B (Competence) 47A (Serious misconduct) or 51(1C) (Health).
Section 39 Reviews of competence to practise as a social worker	At present the Registrar goes to the Board prior to initiating a competence assessment. (Note review not the same as competence assessment. Review starts, then ask Board to agree to a competence assessment.)	Consider whether the Registrar could also initiate a competence assessment without going to the Board first. This is another area that could be addressed through delegation, with the potential to reduce resource especially if we are able to assess one or two competencies (in question) rather than all.
Section 42 Competence assessments	As above, question as to whether the Registrar should be able to do this to better manage resources and the need to go to the Board.	Consider amending to allow the Registrar to do this.
Section 45 Actions if a social worker fails assessment	The legislative process has many specified steps which make it time consuming for the secretariat and the applicant.	As above, it may be possible to manage this through a delegation to the Registrar.
Section 47 Fitness to practise as a social worker	At present, when the Board is made aware of an applicant with a public safety or character concern, such as if they are before a court for a serious offence (which the Board must consider sub51(1)(b)), they must either find them a fit and proper person or not a fit and proper person (s47). Moreover, the Act requires the Board to consider any application it receives promptly or as soon as practicable (subs 8(3) and 8(5)), however, it cannot fairly make a decision where a matter is before a court. This results in a potential legislative gap, where the Board is unable to fairly make a decision but is urged to do so by two separate sections.	Consider amending to provide a mechanism where the Board could reserve (in effect defer its decision) on the basis of matters before the court, reconsidering the applicant once the court matters come to a close. Suggest amending along the lines of: S47(3)(iv): criminal or civil proceedings are currently before a court against them (whether in New Zealand or overseas).

Section 47(2)(d) Fitness to practice criteria “... unable to satisfactorily perform the functions required to practise as a social worker because of a mental or physical condition...”	This section may imply that having a mental or physical condition inherently disqualifies someone from practising, without considering reasonable accommodations. At present the language takes a medicalised approach to disability where the impairment/condition disqualifies someone from practising (in contrast to the social model where the barriers created by an inaccessible society are what disables people).	This wording could be reframed around the intent, which is to stop people from practising who pose a risk to their clients, themselves or others.
Section 47A Mandatory requirement for employers to report serious misconduct allegations to the Board	At present, a mandatory report needs to be turned into a complaint before it can be sent to a PCC. For example, the secretariat takes the mandatory report to the Board, then the Board (C&N Committee) instructs the secretariat to refer it to a PCC. A mandatory report is not a complaint, but should it be?	Consider amending to include either a mandatory report or complaint; and options for streamlining/speeding up the process. Also need to consider whether ‘serious’ is too high of a threshold. Should we be thinking about misconduct more generally?
Section 49 Action if the Board considers social worker not fit and proper	This is another area outlined in the Act where there are a lot of different steps required, with time and resource implications.	Consider whether there are options to reduce handling.
Section 50 Board to ask for Police vet, and consider convictions and other information	Opportunity to reduce time and resource implications re Police vetting for registration and in complaints	Consider amendment to receive PV results collected by other agencies that are completing the process at the same level
Section 51 Reporting conditions affecting ability to practise as a social worker	Another area where handling process needs simplifying. The main legislative mechanism to ensure the Board are aware of any convictions received by Registered Social Workers is through section 63 of the Act. However, in the Secretariat’s experience, court Registrar’s rarely give effect to this section, which creates gaps in ensuring Social Workers’ fitness to practice. The secondary mechanism is through practising certificate declarations made once a year, but this creates a delay of months before the Board is notified of convictions.	Consider options to reduce handling. Consider inserting a new subsection in section 51, to require social workers to notify if they are convicted of a criminal offence. Through this tertiary mechanism, the Board can be assured that social workers are notifying the Board of being convicted or charged with a serious offence of any offence promptly. Example: (1B) A social worker becomes aware of an investigation or of charges being laid

	We have recently sent out information to the sector about what to do if charged vs convicted.	against them, which may lead to a criminal conviction. (1C) A failure to report under subsections (1A) and (1B) may constitute professional misconduct and be the subject of a complaint to the Board under section 59. Operationally, we could also look at putting an MOU in place with Court Registrars.
Section 51 (1A) “A social worker who believes on reasonable grounds that another social worker is unable to satisfactorily perform the functions required to practise as a social worker because of a mental or physical condition must promptly report that belief to the Board”	This wording could inadvertently foster a culture of surveillance and stigma around disability, if not balanced with provisions for support or reasonable accommodation. Note that this section has been significant in ensuring that social workers who have developed a cognitive impairment or serious mental health condition receive a thorough medical examination to ensure they can continue practising.	Consider amending to be less ‘condition focused’. Potentially creating unnecessary barriers to disabled people. Needs to be balanced with the benefits of ensuring social workers receive an appropriate medical examination to ensure they can continue practising safely.
Section 55 Power to order medical examination and section 56 Conduct and consequences of examination	These sections allow the Board to require medical examinations if a social worker is suspected of being unable to perform due to a condition. It goes on to say a medical practitioner chosen by the Board. This is too narrow and should be re-worded to registered health professional. This would allow e.g. referral to a psychologist or a more appropriate professional. It has also been questioned as to whether the Board should have the authority to choose the medical practitioner, over a social worker choosing someone they feel safe/comfortable	There could be an opportunity to add in a requirement that if a person requires a medical examination, this should include identification of reasonable accommodations/other supports which could be put in place to help support a social worker to continue to practise safely. In practice the medical examination can make recommendations including accommodations and supports. Consider re-wording to allow an increased range of registered health professionals.

	with. This may adversely impact on our commitments to Māori as they may be required to see a pakeha specialist. Note -this section mirrors s49 of the HPCAA which allows health authorities to appoint the assessor.	Consider updating the wording to reflect a more collaborative approach where the Board and the social worker mutually decide on the assessor.
Section 57A Interim suspension of registration or practising certificate or both or change to individual scope of practice	Where potential public safety issues are raised, competence is being questioned/used resulting in s 57A(2)(a) being overused because of the process required by 57A(2)(c).	It has been suggested that an additional clause 57A (2)(d) along the lines of ‘where there could be a serious risk of harm to the public or self’. [For example, we have had three suicidal social workers recently and had to consider suspension and psychological assessments.]
Part 4 Discipline		
Section 63 Notifications of convictions	Question raised about the relevance of this section as this rarely/never happens. Only social workers notify us as part of the practising certificate renewal process – self declaration. This can mean a delay of several months before the Board is notified of a conviction (leaving a gap) that may affect a social worker’s fitness to practise.	Consider options for addressing this delay e.g. providing guidance to Court Registrars. Another option would be to introduce a mandatory requirement for social workers to promptly self-report a conviction to the Board (along the same lines as 47A for employers).
Section 65A Action to be taken by Board on receipt of notice of conviction	Advice suggests that the s65A process cannot kick in until SWRB receives a notification from a Court Registrar under s63. A self-declaration does not give the SWRB certainty that the social worker has actually been convicted.	This means that the SWRB needs to write to the Court Registrar to seek confirmation and not all court registrars are willing to give us the information.
Section 83 Penalties	Feedback from the Disciplinary Tribunal suggests that there is ambiguity with the s83 penalties. Particularly clauses 1(a)(i) and 1(a)(ii). There has been confusion when trying to interpret the intention of this section.	Consider amending to make the intent clearer.
Part 5 Appeals		
Part 6 Social Workers Registration Board and Social Workers Complaints and Disciplinary Tribunal		

Section 97 Social Workers Registration Board established	SWRB is a Crown entity with Crown agent status. This means SWRB must give effect to government policy when directed by the Minister. SWRB has faced some criticism from the profession that it is not 'independent enough' and is vulnerable to government interference.	Consider the potential benefits of moving to 'autonomous Crown entity' status.
Section 99 Functions of the Board	Cabinet has mandated the SWRB as the workforce planning and strategy lead. This policy decision is not explicitly supported in the legislation.	Consider including the workforce planning/lead role in the functions listed in s99. Consider the merits of providing the SWRB with the power to obtain certain information from the profession and employers to better enable the SWRB to advise government and the sector on workforce issues. For example, see s134A(2) of the HPCA Act.
Section 99(i)	Question re seeking clarity about the rights of the Board vs rights of educators should the Board be dissatisfied with the provision and delivery of qualifications, or it believes educators are not meeting standards set out in s99(1)(i).	Consider strengthening s99(i) so that it is clear that the Board has the power to address unsatisfactory performance. For example, the Act could specifically mention revoking a social work qualification. Arguably these powers should be free from Ministerial direction.
Section 100 Obligations of the Board in relation to Māori	SWRB has received significant sector feedback that this section should include te tiriti o Waitangi obligations. There is a strong case e.g. proportion of clients, social work workforce, harm identified by State. Māori over-represented in all.	Consider strengthening obligations to Māori by including te tiriti o Waitangi. Consider strengthening Māori representation on PCCs and the Tribunal.
Section 108 Board may set fees	Levies are not at this stage being applied. This suggests that fees for registration and practising certificates are being used to fund management of complaints and other matters which cause some tension with the Auditor-General's <i>good practice guide on setting and administering fees and levies for cost recovery</i> .	SWRB needs to review how fees and levies are being used to fund the Board's regulatory functions. The disciplinary levy should only be used for disciplinary matters.

		Consider the merits of an operational levy.
Part 7 Register and Registrar		
Section 122 Register to be maintained in parts	The requirement to hold the register in three separate parts is out of step with the practicality of how the register is maintained – which is not in parts. The different components are straightforward to identify using electronic tools.	Consider updating/modernising this section.
Section 127 Social Worker may ask for registration to be cancelled	Feedback that s127 –133 are too detailed. These should not be steps that need to go to the Board. They could be handled/operationalised through the secretariat. Section 127(3) shouldn't need to happen.	Consider amending so that these are not Board events. There is scope to address this through policy and the delegation schedule.
Section 128 Entry to be cancelled on death of social worker	Operational detail. As above. Section 128(4) is unnecessary.	Remove 128(4) as a requirement.
Section 131 Review of registration of overseas qualified person	These functions don't need to involve the Board	This should be a Registrar function (not the Board).
Section 132 Cancellation of registration on Board's direction	This is another area where Board involvement is not necessary. The Board would not be doing this unless it was recommended by the Registrar. It is a duplication of effort.	This should be a Registrar function (not the Board).
Section 136 Inspection of Register	This section appears to be outdated. The register is available on our website and is not kept in hardcopy in the office (available for public inspection).	Consider updating/future proofing. Need to ensure accessibility to third parties, e.g. ACC or Oranga Tamariki need to check it against their own data.
Part 8 Miscellaneous, transitional, and consequential provisions		
Section 148A Failure by the employer to report to Board not offence	There are no consequences for employers who fail to make a mandatory report. We believe it is likely that many employers are either unaware of their obligations or choosing not to report to us.	Consider amending this to make it an offence not to make a mandatory report.

	This is an issue we are addressing through guidance and communications, but it may also need to be signalled through a change in the Act.	
Other issues		
Section 59(3)(b) and section 71(2)(b) contain outdated reference to the “Commissioner for Children”.	There is currently no such office, and this appears to be a latent problem since 2003 when the Children’s Commissioner Act 2003 was enacted and renamed the Commissioner for Children as the “Children’s Commissioner” (see section 6 of the Children’s Commissioner Act 2003) but did not update the SWRA.	MSD following this up with PCO. Likely to be tidied up through PCO’s administrative powers under the Legislation Act 2019 or through other MSD legislation progressing (that is adjusting the Children and Young People’s Commission) that should be able to make consequential amendments to the references in the SWRA 2003 in the next few months.
Mediation and other resolution tools	A significant proportion of complaints are low level. The SWRB should have the power to recommend mediation and other early resolution tools. Feedback from PCC members suggests that it is a redundant step for PCCs, particularly at the end of a long process.	Consider amending to allow the SWRB (Complaint and Notification’s Committee) the power to assess and recommend certain complaints go to mediation/other early resolution avenues.
PCC investigations	There are cases that could be referred to the Tribunal without going to a PCC first. For example, if a social worker is convicted of certain offences – particularly where a client has been harmed and there has already been a Police investigation and conviction by the court, then the Act should provide that those cases are referred directly to the Disciplinary Tribunal.	Consider amending the Act to provide a mechanism for the Board to refer these cases directly to the Tribunal, rather than the PCC needing to carry out a second investigation. Consider looking into other jurisdictions where professional codes of conduct specify that criminal findings against a professional member are automatically considered a breach of confidence in that person and reflect that they are not fit to practice (not a fit and proper person). Need to bear in mind that the Court has a different lens to a PCC or Tribunal with different thresholds.

		Likewise Consider whether certain types of misconduct e.g. anything involving a breach of professional boundaries (already investigated by the authorities) should go directly to the Tribunal
Requiring information/evidence before referring a matter to a PCC	PCC members have highlighted that sometimes they have insufficient information in relation to an accusation. PCCs then need to follow up, and which can take over 12 months, concluding that there is insufficient evidence.	Consider a mechanism in the Act that allows the SWRB to ensure there is enough information received in relation to an accusation/complaint (full and evidenced) before it goes to a PCC. Explore operational policy fix with the SWRB (lawyer or other) undertaking the investigation on behalf of the PCC and then presenting the investigatory findings back to the PCC. This would avoid the PCC getting extraneous information with the investigation being carried out by trained investigators who can stay on track.
Removing names from the register	Concerns have been raised about social workers having their name removed from the register after a misconduct or disciplinary matter and being able to move into related roles relatively easily. It was also felt that in such cases the social worker is able to erase their wrongdoing from public record and not be held to account.	Consider options for addressing this. For example, unless suppressed, Tribunal cases with names are published. It may also be possible to set up another register.
Use of the term “state” -see example in section 7	An unusual term that is not defined in interpretations.	Consider changing to e.g. overseas country or jurisdiction.

Appendix Two: Summary of Engagement Findings

Purpose of the Report

This report provides a summary of feedback received during the engagement phase of the 2025 review of the Social Workers Registration Act 2003 (the Act). It provides the key themes that have guided our assessment of whether the Act remains fit for purpose and supports a safe and effective social work profession in Aotearoa New Zealand.

The summary report largely presents the feedback as was provided to the Social Workers Registration Board (SWRB). This has helped inform the main Review report, but is not the final view of the Board, these will be provided in the final report.

While we reference specific submissions such as those from professional bodies, we will also publish these in their entirety for transparency.

A word of thanks

We would like to thank everyone who took the time to respond to our survey, draft submissions and questions, attend webinars and meet with us. We appreciate your input and thoughts that helped shape our advice and areas for improvement.

Background

Under section 104 of the Act, the Social Workers Registration Board (SWRB) is required to review the operation of the Act every five years. This is the first review since the introduction of mandatory registration in 2021.

Throughout this engagement we were guided by our values of:

- Matatika – we will align with best practice
- Manaaki – we are respectful of our stakeholders
- Mahitahi- we are collaborative
- Māia – we are brave and courageous.

On 2 July 2026, prior to commencing our external engagement, we sought guidance and feedback from the SWRB's External Advisory Group¹. This helped inform some of our subsequent sector engagement.

¹ The SWRB's External Advisory Group was established earlier this year and has representatives from Social Services Providers Aotearoa, Aotearoa New Zealand Association of Social Workers, Tangata Whenua Social Workers Association, New Zealand Council of Christian Social Services, Council of Social Work Educators Aotearoa New Zealand, Tūhoe Hauora, The Ministry of Social Development, Oranga Tamariki, The Ministry of Health, Te Whatu Ora.

Our engagement focused on three key areas of the sector

We have sought feedback from three key parts of the sector, including the social work sector, other regulators and experts, and organisations that connect and engage with people receiving social work services. These included:

Social work sector	‘Public Voice’ Organisations	Regulatory bodies/experts
Two public webinars/hui	Mana Mokopuna	Psychology Board
Online survey guided by an information document	Whaikaha	Pharmacy Council
Aotearoa New Zealand Association of Social Workers (ANZASW) submission and hui	Office for Seniors	Physiotherapy Board
Tangata Whenua Social Workers Association (TWSWA) submission	Aged Care Commissioner	Ministry for Regulation
Social Service Providers Aotearoa (SSPA) hui	Disabled People’s Assembly	Ministry of Health
New Zealand Council of Christian Social Services (NZCCSS) hui	Oranga Tamariki	
Age Concern - hui with elder abuse and neglect prevention social workers and kaimahi		

As part of our commitment to ensuring the review reflects a diverse range of perspectives and we meet our obligations to Māori under section 100, we have also sought guidance and feedback from the SWRB’s te Kāhui Ringa Rehe. Te Kāhui Ringa Rehe. This group of social workers and Māori public servants has extensive experience and knowledge of working in communities and the government sector. They support the Board in fulfilling their legislative requirements and support us to become an active partner with Māori.

Key Findings from the Engagement with the sector

Feedback was sought and received from registered social workers, managers, educators, students, NGO and government employers, and members of the public.

Engagement was carried out between July and November 2025 and included:

- An online feedback form (71 responses, with 73% received from social workers)
- Online hui with social workers, educators, and the public (two held in August)
- Written submissions from the Aotearoa New Zealand Association of Social Workers (ANZASW) and the Tangata Whenua Social Workers Association (TWSWA)
- Targeted hui with sector stakeholders who represent the public voice including disabled people, older people, children and Māori, (five organisations met with plus four written responses)
- Reviewed findings from SWRB surveys including Workforce, Education, and Employer surveys.
- Advice from the SWRB External Advisory Group
- Advice and discussion with the SWRB's Kāhui Ringa Rehe (Māori advisory group)

Key points from engagement

Engagement with the sector, employers, educators and tangata whenua representatives show:

- Strong support for mandatory registration, though it is not seen as a sufficient measure in and of itself to ensure quality of practice and public safety.
- The complaints process is seen as necessary, however concerns were raised over timeliness and how easily accessible it is to use, especially for people in vulnerable situations.
- More practical guidance on effective supervision, mandatory reporting and continuing professional development.
- Strengthening the standing of Te Tiriti in the Act.
- Barriers affecting Māori and Pacific students and practitioners were highlighted including in education, registration, and complaints resolution.
- Concerns about registration costs

Strong support for registration and standards

There was broad agreement that mandatory registration and professional standards are important for public safety and the credibility of the profession. 94% of respondents in the sector feedback form agreed or strongly agreed that the requirement for all social workers to be registered and meet professional standards for registration is important for public safety.

Registration is seen as a necessary mechanism for ensuring accountability and consistency across the workforce. Some respondents noted that while registration sets a minimum standard, it does not in itself guarantee high-quality or culturally competent

practice. Factors such as supervision quality and workplace culture were seen as equally critical.

“Registration helps increase the faith and trust of the community in the workforce and profession.”

Accountability processes need greater awareness and support

While the accountability and complaints provisions were supported, there was concern about their accessibility and implementation. Many noted that clients and employers may not understand or feel confident using the reporting processes.

“There’s a reliance on clients to raise concerns, but they often lack the knowledge or confidence to do so.”

Specialised Scopes of Practice

There is an appetite from the sector to look at specialised scopes of practice to improve public safety and ensure people working in high-risk areas have the skills and experience required.

Better education and guidance needed

Feedback indicated a need for clearer guidance and practical education on the Act’s requirements, particularly around supervision, mandatory reporting, and employer responsibilities. Suggestions included workshops, case studies, and clearer definitions.

There was also recognition of the time it takes to get a new/beginner practitioner up to speed to that they are capable to handle the complexity of cases.

Employers are clear about registration, but continuing professional development (CPD) is an important part of safe and effective practice that could have more focus. Lack of resources can limit the capacity for CPD.

Equity, inclusion and systemic barriers

A number of submissions raised the need for the Act and its implementation to better support neurodiverse, gender-diverse, and minority social workers and students. There were concerns about systemic barriers during training, registration, and placement.

Concerns about registration costs

Feedback highlighted concern about the affordability of registration and practising certificates, particularly for NGO-based social workers. Many responders noted that the cost is a disincentive for entering or remaining in the profession and is seen as

placing an unreasonable financial burden on social workers and employers. It is also seen as a disincentive for employing registered social workers.

Tangata Whenua Feedback Summary

Tangata Whenua engagement

As the SWRB, we recognise the Crown-Māori commitment as Te Tiriti o Waitangi partners and are committed to improving services and outcomes for Māori, strengthening the Crown's relationship with Māori, and developing our Māori capability.

Section 100 of the Act outlines that the Board must ensure the aims and aspirations of Tangata Whenua. The social worker workforce has a high proportion of people who identify as Māori (25%) especially compared to other regulated professions.

Feedback was received from:

- Discussion with te Kāhui Ringa Rehe, SWRB's Māori advisory group
- Written feedback from the Tangata Whenua Social Workers Association
- Reviewed findings from the Workforce Survey 2024 – Iwi based/Kaupapa Māori Spotlight Report

Main findings

Māori social workers, employers and associations provided detailed feedback including:

- How the Act and its implementation could better reflect te ao Māori, uphold Te Tiriti o Waitangi, and support sustainable pathways into the profession
- Language and definitions within the Act
- Governance representation needs to be strengthened to increase tangata whenua involvement
- Education access
- Workforce sustainability
- Culturally grounded approaches to regulation and professional development.
- Including mention of He Whakaputanga and/or Te Tiriti o Waitangi in Section 100

More Tangata Whenua in governance

There was a call for sufficient tangata whenua representation in governance roles to ensure both SWRB, the Professional Conduct Committees, and the Disciplinary Tribunal consider and implement equitable and culturally informed processes and outcomes.

Strengthen educational pathways

Education pathways were noted as an area for operational improvement to address workforce shortages. This is being looked at in more detail through Sustainable Social Work Pathways - Tauwhiro Ararau - Social Worker Workforce Strategy and Action Plan 2025-2030. There is a commonly held view across much of the feedback that the four-year degree programme is unnecessarily demanding for ākonga, especially for those who already have significant life experience and commitments to juggle. There is also strong demand for opportunities to work and earn while learning and to see concrete strategies to address systemic barriers to formal education and training that disproportionately affect tangata whenua, Māori and Pacific students.

The effect of funding on social work practice

The effects on the social work profession and as a practice in relation to capacity and capability as a result of funding decisions was noted. Impacts included the focus of and capacity for continuing professional development, and access to effective and appropriate supervision.

Self-care for social workers

TWSWA raised the importance of self-care for social workers to improve the sustainability of kaimahi and social work practitioners through practice, process and education.

Māori social worker survey shows strong support for registration

The SWRB Workforce Iwi based/Kaupapa Māori Spotlight Report 2024 report analysed the survey responses from 415 respondents who work at an iwi based or Kaupapa Māori organisation. The results were analysed to identify key themes relating to public safety and the impact of the legislation from a Māori perspective.

Main survey findings

- 47% of the respondents believe the profession is more respected since registration became mandatory and that registration provides assurance to whanau and communities that social workers are competent and accountable.
- 95% of social workers employed by Iwi-based/Kaupapa Māori organisations were confident their employer had adequate policies for dealing with serious practice and conduct issues
- 95% of respondents said they would raise concerns with SWRB about another social worker's practice and/or conduct (where it wasn't possible to resolve with the employer).
- Among those who said they would not raise concerns with the SWRB, some believed that it was up to the employer to deal with concerns of this kind, and others were not aware that it was an option. Some participants highlighted a lack of understanding by management of registration requirements, suggesting uncertainty at an employer level.
- 40% of respondents indicated an interest in CPD focused on legislation, policy and ethics. This was the highest response for CPD options and indicates this is an area of strong interest.

"Obtaining registration as social workers demonstrates to our community that we are competent in our work and accountable for our actions."

– Pacific social worker in Māori organisation.

Public voice summary

SWRB engaged with groups that represent members of the public, particularly those organisations that connect and engage with people receiving social work services, including:

- Mana Mokopuna – The Children's Commission
- Whaikaha – Ministry of Disabled People
- Office for Seniors
- Aged Care Commissioner
- Disabled People's Assembly
- Oranga Tamariki
- Ministry of Health

Registration does not always improve safety in practice

Most respondents agreed that mandatory registration has helped lift safety and quality, but some noted that real-world experiences don't always reflect this, especially in terms of cultural safety and responsiveness.

Being more responsive to the public

Legislation provides a solid foundation but often addresses a problem after harm has occurred. Some organisations asked that a more proactive and less reactive model be considered. It was suggested that increasing the community voice would result in a less one size fits all approach.

Public awareness of the Act is limited

Key parts of the Act (like registration and complaints processes) are generally well understood in the sector, but there's a need for better public-facing education so people know their rights and how to raise concerns. There can be a disconnect between service expectations and various legal frameworks a practitioner is operating within.

More focus needed on quality and fit, not just credentials.

The public often want assurance that social workers are not just qualified, but safe, effective, and a good fit for their needs, especially for diverse or vulnerable communities.

Conclusion

In summary, the engagement has found that while the Social Workers Registration Act 2003 overall is working well in practice with broad support for mandatory registration, its continued effectiveness depends on addressing a number of challenges raised by responders. These related to:

- how SWRB operates and engages with the workforce and sector
- sustainable education pathways that support a strong and qualified workforce
- cost of registration
- increasing responsiveness to the public and raising public understanding

By focusing on these areas, the Act can better safeguard public safety and support a robust, future-focused social work profession that meets the needs of the individuals, whānau and communities of New Zealanders.

Appendix Three: 2025 Public Trust in Social Workers – Summary of research findings

Why Trust Matters

Social workers are there for people during some of life's toughest moments—supporting children, families, the elderly, and others facing hardship. But for that support to work, people need to trust the person helping them. It has been shown that professions with higher public trust have more positive outcomes, and are better placed to assist people in need.

The Social Workers Registration Board has commissioned research into public trust in the profession in the new environment. A follow-up survey was completed in 2025, to compare against the baseline research from 2023 to see how things are going.

Trust is Steady

In 2025, 55% of respondents said that they have full trust and confidence in social workers, compared to 25% who said they had no trust. These numbers are similar to 2023, showing that trust in the profession is holding steady.

Social Workers are aligned with similar Professions

Trust in social workers is on par with other helping roles like counsellors, youth workers and whānau support workers, although lower than other professions such as doctors nurses and teachers.

Reasons People Give for Trust

Among those with high confidence:

- 36% said it's because of the compassion and care social workers show.
- 24% mentioned their professionalism and training.
- 21% appreciated their dedication and work ethic.
- 21% highlighted the positive impact social workers have on communities.

Understanding Builds Trust

People who know more about what social workers do are more likely to trust them. For example, 58% of those with full trust said they understand the role well, compared to 50% of those with low trust.

Awareness of Standards may be Growing

Levels of awareness have remained consistent with 76% believing that social workers have a Code of Conduct (2023 result: 74%). 65% believe training is required (2023 result: 63%). 50% believe registration is required (2023 result: 49%).

Two markers had changes from the baseline results, with more respondents believing that social workers are held accountable (64% up from 59%), though 51% believe the profession is regulated (down from 56%).

Focus on Inclusion

Trust levels vary across communities: Māori respondents were more likely to express low trust, while Asian, Middle Eastern, Latin American and African respondents were more likely to express high trust. Tailoring communication and engagement to different communities can help bridge these gaps.

Consistency and Commitment

The stability between 2023 and 2025 is a good sign.

Overall there has been no significant change in public trust since the first survey in 2023. This could be potential seen as positive in light of the drop in other professions trust.¹The slight drop in the sense of regulation is a reminder to keep explaining what regulation means and why it matters.

The 2025 research confirms that levels of trust of social work are consistent in Aotearoa New Zealand. The public sees the heart and professionalism behind the work. With continued effort to explain, engage and listen, trust in social workers can grow even stronger—helping more people feel safe and supported when they need it most.

¹ [Research NZ Public Trust in professions July 2025](#)