



Inquiry into the Social Workers Registration Act 2003

**Submission to the
Social Services Select Committee**

13 July 2016

Inquiry into the operation of the Social Workers Registration Act 2003

PSA submission to Government Social Services Select Committee

Introduction

Who we are

The New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi (the PSA) is the largest trade union in New Zealand with over 62,000 members. We are a democratic organisation representing members in the public service, the wider state sector (the district health boards, crown research institutes and other crown entities), state owned enterprises, local government, tertiary education institutions and non-governmental organisations working in the health, social services and community sectors.

The PSA has been advocating for strong, innovative and effective public and community services since our establishment in 1913. People join the PSA to negotiate their terms of employment collectively, to have a voice within their workplace and to have an independent public voice on the quality of public and community services and how they're delivered.

The PSA represents approximately 3500 social worker members who work in the government and community sectors.

The PSA is an affiliate of the New Zealand Council of Trade Unions.

PSA submission

1) **Should registration be mandatory?**

The PSA considers that registration should be mandatory in order to protect the integrity of the profession. A key stated purpose of registration is to retain title protection of the occupation of "social worker". This purpose is somewhat undermined without mandatory registration as there is no distinction between self-titled social workers who are unqualified, and qualified, but not registered, social workers.

However it would be essential that a mandatory framework not be used to define, or redefine, the profession of a social worker in any way which:

- could exclude anyone with relevant qualifications;
- creates artificial hierarchies within different practice fields of social work; or
- removes the purpose of the profession away from the internationally accepted definition of social work.

2) Adequacy of current competence assessments

The current process is time-consuming and paper-intensive. It's important that the requirement for reapplying for competence every 5 years is changed. It's our view that once competence has been established (i.e., through the registration process), a social worker should be assumed to be competent until proven otherwise. It should be noted that registration requires the annual renewal of a social worker's Annual Practising Certificate (APC). We consider that the initial registration process (which assesses competency) and the APC process are sufficient to safeguard standards, safety and practice.

While it is useful for competence to be examined via the practice standards and practice hours accumulated in order to register, many PSA social work members consider that there should be a choice to do this process face to face or via paperwork, depending on cultural, personal and geographical needs. The ability to present in person would also be consistent with the principles of the social work profession that values the translation of paper-based theories and ideas into spoken interactions and practice.

3) How fitness to practice social work is assessed by the board

See above.

The PSA also has concerns that the SWRB can take an overly punitive and restrictive approach to registration for social workers with historical criminal convictions. While we agree that certain categories of convictions, and recidivist offending, should prohibit registration as a social worker, we have seen trained social workers being prevented from registering due to minor and one-off past convictions.

We urge a more nuanced approach to assessing fitness to practice social work in relation to criminal history. This would allow for people who have served their sentence, successfully completed their degree, and demonstrated a period of trouble-free behaviour, to move forward and make a positive contribution to society. Indeed social workers who themselves have had troubled backgrounds can often provide a unique insight into dealing with people who are in difficult circumstances. We also believe it is consistent with strengths based approach of social work to support people going forward in a positive direction, rather than continual punishment of what they have done in the past.

4) The process and powers of the complaints assessment committee

For some of those involved, the current complaints assessment committee (CAC) has significant shortcomings. It can feel difficult to access, and the rights of parties can be difficult to understand. It can also feel that there is a presumption of guilt rather than innocence. The board can appear extremely heavy handed to social workers. If the core role SWRB is to protect the public rather than advocate for social workers, this should be clearly stated and social workers should be encouraged to join a union to provide representation and advocacy support at SWRB hearings.

This inquiry is a good opportunity to reform the CAC process to ensure that it is truer to the principle and values of social work by implementing a model based on natural justice and a supportive fact finding system of inquiry.

5) Appropriateness of suspension and cancellation of registration and practicing certificates.

This is directly related to context and the fairness of the CAC process as indicated above. We do not consider it appropriate for social workers to face job loss, suspension and/or sanctions for being unable to pay their Annual Practising Certificate (APC). We would argue that tools to support social workers to pay their APC should be put in place instead of disciplinary procedures. Such tools could include payment plans and the use of grace periods. The government should also consider ensuring that registration costs are factored into the employment costs of social workers, including in its contracts with external providers. This would go a long way to resolving a lot of unnecessary disciplinary activity.

We also want to raise concerns regarding the requirement for the Continuing Professional Development (CPD) to be signed by managers. In our experience this can act as another obstacle to social workers gaining their APC when managers won't, or can't, sign the CPD. Some examples of when this has occurred include:

- Managers refusing to sign the CPD because they the personal relationship between the manager and the social worker has broken down, or withholding the signature until an unrelated HR issue has been sorted out.
- Managers being unable to sign the CPD because they are on leave or because they are not registered themselves.

We urge the inquiry to review this requirement, including examining the professional development procedures for other professions, in order to ascertain whether the managers' signature should be continue be a requirement.

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