



Te Manatū mō ngā Kaupapa Oranga Tangata

REGISTRATION OF SOCIAL WORKERS

Discussion Paper

July 2000

Foreword from the Minister of Social Services and Employment

When children, young people, families and communities are facing difficult issues, are vulnerable and under stress they need to be able to access high quality and effective services. The Government and the public need to feel confident that social workers working for the Department of Child, Youth and Family Services, in the health sector, the voluntary sector, and in all other social service agencies where social workers are employed, are competent to do the job. It is for these reasons that I am committed to establishing a social work registration system.

I have asked the Ministry of Social Policy to undertake a project to determine the best system for the registration of social workers in New Zealand.

This discussion document sets out our initial views on the need for and possible structure of a registration system for social workers. It asks seven key questions:

- Should there be a registration system for social workers in New Zealand?
- Which system is best suited for the social work occupation?
- Which categories of social workers should the registration system cover?
- What should be the function, form and composition of the Registration Board?
- What criteria should be used to assess a social worker's eligibility for registration?
- How could the registration system best meet the needs of Māori and Pacific social workers and clients?
- What sanctions should apply to social workers who are found to be in breach of the code of conduct?

The consultation is taking place early in the life of the project so we can hear, and keep an open mind to, a number of perspectives. The Government will make decisions on the issue of the registration of social workers after the results of this consultation process have been evaluated.

Public input will add value to the policy development process. Already the Aotearoa New Zealand Association of Social Workers has canvassed the views of its members through a consultation process. Submissions from Māori and Pacific groups and individuals are especially important. I therefore encourage those who have an interest to make their views known to the Ministry.

The deadline for submissions is **15 September 2000**.

This discussion document is also available on the Ministry of Social Policy website:

www.mosp.govt.nz/publications

Please use the website link to provide your feedback, and email your comments to the project team at:

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Thank you for your help.

Steve Maharey
Minister of Social Services and Employment

July 2000

Table of Contents

Foreword	ii
1 Introduction	1
2 Different types of registration	7
3 Model	11
4 Coverage	14
5 The Registration Board	15
6 Assessment process	17
1 Māori social workers and clients	20
8 Pacific social workers and clients	21
9 Disciplinary process	22

1 Introduction

Why do we need to regulate the social work occupation?

The issue of regulating the social work occupation has been the subject of debate over a number of years. There has been concern about the lack of credibility of social work as a profession. There has also been a growing expectation from the public, politicians and consumer groups that people in the occupation should be more accountable and their work more transparent.

The Minister of Social Services and Employment is committed to establishing a system for the registration of social workers in New Zealand. In the Security with Opportunity section of the 1999 Labour Party Manifesto, the Labour Party pledged to *establish a system of professional registration for social workers that covers the public and private sector*. This is a policy that is endorsed by the Alliance Party.

The nature of social work requires that social workers assist individuals, families and communities who are having to cope with stressful life events and difficult circumstances. These circumstances often make people vulnerable. It is essential that people in this vulnerable position are protected from any further harm which may result from poor social work practice.

The aim of a social work registration system would be to:

- *ensure safe practice in the social work occupation;*
- *protect the public from poor social work practice; and*
- *maintain high levels of professionalism and accountability in the social work occupation.*

How is social work defined?

Defining social work is not a simple exercise. The Aotearoa New Zealand Association of Social Workers Inc (ANZASW) has stated that a definition of social work requires further consideration. It is deliberating on this “taking into account the need for any definition to adequately reflect the indigenous nature of social work practice in Aotearoa New Zealand”¹.

The International Federation of Social Workers (IFSW) is an international body of over 80 member countries that approves the ethical standards and principles which are binding on the social work occupation in each member country. The IFSW has

¹ ANZASW Social Work Notice Board Supplement: Registration, May 2000.

recently drafted a revised definition of social work, after six years of consultation and debate. The IFSW definition takes into account the values, theory and practice of social work.

It is not the role of the Ministry of Social Policy to define what social work is (unless a model of social work registration is eventually selected that requires this). We see our role as taking the lead in determining which is the most appropriate method of regulating the social work occupation. As stated above, the primary aim of social worker registration would be to ensure safe practice, to protect the public, and to maintain high levels of professionalism and accountability in the social work occupation.

Who are New Zealand's social workers? – some statistics

The social work occupation is represented throughout the social service sector in a number of different settings. At the time of the 1996 Census 8,172 people identified themselves as working as social workers in New Zealand. The Census identified the following demographics regarding social workers:

- gender – 76% female, 24% male;
- ethnicity – 22% Māori, 6% Pacific nations, 72% New Zealand European and other ethnic groups;
- qualifications – 37% tertiary qualification that is not a university degree, 20% university bachelor's degree or higher, 24% school qualification, 19% no formal qualification. (Note: the Census data does not indicate the type of qualification, e.g. social work or other); and
- employment sector – 58% non-government sector, with the majority working in non-profit organisations, 36% central government, 6% other.

Are social workers currently regulated?

Currently there is limited statutory regulation of the social work occupation. Social work functions under the Children, Young Persons, and Their Families Act 1989 can only be carried out by people employed by the Department of Child, Youth and Family Services as social workers. An exception is reports under section 186 which can be completed by a person employed in the speciality of social work by the Director of an Iwi Social Service or a Cultural Social Service under that Act. There are also a number of other ways that good standards of social work practice are promoted:

- Through training –
Te Kaiawhina Ahumahi (TKA) operates under the New Zealand Qualifications Framework (NZQA) as the Industry Training Organisation for the social services. TKA has registered two qualifications, the National Certificate in Social Services and the National Diploma in Social Services, which have a specific social work strand. Twelve polytechnics and nine private institutions provide social work

training under this framework. TKA also allows workplace assessment, so that performance based credits can be gained towards qualifications.

Universities operate outside the NZQA framework. University degrees are accredited and approved by the Committee on University Academic Programmes.

Training is also provided by private organisations, including wananga. There is no national system for benchmarking the quality of the training that is provided to social workers by different educational institutions.

- Through a professional association –
The ANZASW provides a framework for voluntary self-regulation of the social work occupation through a competency based membership system. On joining ANZASW, and in order to gain full membership, social workers are required to undertake a competency assessment of their practice against the standards set by ANZASW. This assessment is recognised by the awarding of a Certificate of Competency. There is a mandatory five yearly renewal of the certificate. A fee is charged for the assessment and members pay an annual subscription. All members are required to observe the ANZASW rules and code of ethics. There are currently 1,314 members of ANZASW among the 20 branches/roopu established throughout New Zealand. Of those, 763 social workers are full members of ANZASW. ANZASW is formally affiliated to the IFSW.

Some social workers also belong to other professional associations (e.g. the Nurses' Association and the Association of Counsellors). However, ANZASW is the only recognised professional body which specifically regulates social workers.

- Through employment practices –
A variety of employers, including government agencies, have increasingly adopted a policy of employing social workers who have tertiary qualifications and/or who are members of ANZASW. Some agencies (e.g. the Department of Child, Youth and Family Services) have developed specific strategies to increase the professionalisation of social work staff within their agencies, including pay incentives for qualified social workers and opportunities for tertiary study.

Good practice is also encouraged through supervision, team meetings and in-house training programmes.

A framework for making decisions about regulating occupations

In 1999 the Ministry of Commerce (now the Ministry of Economic Development) published a *Policy Framework for Occupational Regulation – A guide for government agencies involved in regulating occupations*. According to the framework, the aim of regulating occupations is “to protect the public from the risks of an occupation being carried out incompetently or recklessly”.

The framework outlines three types of risk:

- the likelihood of significant harm occurring;
- the extent to which any harm caused is irreversible; and

- whether the risk is voluntarily entered into by the client.

Applying this framework to the social work occupation, the Ministry of Social Policy has concluded that social work has the potential to be a moderate to high risk occupation. It is very difficult to assess the prevalence of poor social work practice. However it is essential to protect the public from the outset by preventing poor practice and high risk situations from occurring. High risk situations may include misconduct, incompetence, malpractice or abuse.

According to the Ministry of Economic Development framework, the higher the potential for risk, the stronger the case for regulation. Consequently, the Government has decided to consider a system for the registration of social workers. It is proposed that this system would be supported by legislation.

A key principle in developing a system of social work registration is that it will be unique to New Zealand and will take into account our particular situation and needs, including, most importantly Māori models of social work practice.

The international scene

During the course of this project, the Ministry of Social Policy has gathered information from a number of sources. This has included reviewing literature from other countries regarding their responses to risk in the social work occupation. This review has highlighted some common dilemmas and debates. Overall, there is no international consensus on the issue of social work registration, although there is consensus that effective monitoring and accountability mechanisms should be put in place to protect clients.

Overall, the purpose of social work registration internationally seems to be to protect the public from misconduct, incompetence, malpractice and abuse by setting and enforcing standards of practice for social workers. In this way, a safeguard is provided for the public, and unfit social workers are excluded from the social services workforce. Definitions of what constitutes “social work” differ between countries and states. International definitions commonly refer to social work as assisting people to regain or enhance their usual state of well-being. As discussed earlier, the IFSW has drafted a proposed international definition of social work.

A variety of systems are used for regulating social work practice internationally. Social work statutory registration systems operate in all states in the US, some Canadian provinces, Japan, Hong Kong, South Africa, Germany, Israel, France and the Netherlands. Regulations governing the training of social workers exist in England, Wales and Scotland. Statutory registration is proposed in these countries. Australia has a self-regulating system based on agreement between the profession, educators and employers. Scandinavian countries and Finland have self-regulating systems linked with industrial union representation. Much of the information available on overseas social work registration systems relates to proposed British and existing US systems. The US system is predominantly a licensing system which operates independently in each state within a national standards framework in which registration is compulsory. The British system is proposed to be based around

certification within regulations for the whole social service sector. (These different types of registration are discussed further in section 2, pages 7-10.)

Most overseas registration systems require some form of competency assessment and include a disciplinary process. The most common entry criteria in overseas social work registration systems are an academic qualification from an accredited social work training programme combined with “good moral character”. Registration systems are usually established by legislation. Registration authorities are either appointed by the government or are independent statutory bodies. The authorities are composed of a variety of members, from solely registered social workers to a combination of professional and lay representatives.

A variety of transitional arrangements have been used by other countries when introducing new systems for social work registration. A variety of sanctions are also used by registration authorities for disciplinary offences, ranging from verbal or written reprimands to permanently removing the social worker’s name from the register. Overseas registration bodies generally charge fees for applications, initial registration, renewals and examinations.

How are other occupations regulated in New Zealand?

Many occupational groups in New Zealand are regulated, including occupations that are similar to social work, such as teaching and nursing. A formal qualification and demonstrations of competence are usually required for registration, along with renewal of membership over time.

What is the timeframe for this project?

The Government expects that legislation would be required to establish a new social work registration system. It is likely that legislation would be accompanied by regulations. The regulations will contain much of the detail of the registration system (for example, administrative procedures). The Government has agreed that legislation be introduced to the House by the end of this year. Consequently, we anticipate that the Bill will be referred to Select Committee for its consideration during late 2000 and early 2001. During this period the Committee will call for public submissions to be made on the Bill. This will give the public a chance to convey their support for or disagreement with the Bill. This would mean the Bill will probably be enacted in mid-2001. We anticipate that a further year will be required to set up and implement the new system.

About this discussion document

This document has been prepared by the Ministry of Social Policy. It sets out issues relating to the registration of the social work occupation that the Ministry believes are most significant. Note that the opinions and options outlined in this paper do not yet represent Government policy.

Section 2 provides information on four different types of registration that could provide a framework for the social work occupation. The following seven sections ask questions about different aspects of a system for social work registration. The sections discuss:

- the model;
- coverage;
- the Registration Board;
- the assessment process;
- Māori social workers and clients;
- Pacific social workers and clients; and
- the disciplinary process.

Your responses

You are encouraged to use the questions as a way of organising and presenting your feedback. The Quick Guide to Questions provided separately from this document provides a space for you to provide your feedback on the questions. It also provides space for any additional comments you may like to make. The entire discussion document is available on the Ministry's website www.mosp.govt.nz/publications. Please feel free to complete the Quick Guide to Questions section electronically and email your response to the project team. Alternatively, you may wish to hand-write your responses in the space in the Quick Guide to Questions and mail them to us as your submission. Please respond to as many or as few of the questions or discussion points contained in the paper as you wish. The Ministry is also interested in hearing about any other options you consider may be missing from this paper.

Please note that any submission you make may be the subject of a request under the Official Information Act 1982. Withholding particular submissions on the grounds of privacy, or for any other reason, will be determined in accordance with that Act. If you feel there is any part of your submission which you consider should be properly withheld under that Act (e.g. for reasons of privacy), please indicate this clearly in your submission by marking it "Confidential" and giving reasons why you think it should be kept confidential.

2 Different types of registration

Should there be a registration system for social workers in New Zealand?

The Minister of Social Services and Employment is committed to establishing a system of social work registration in New Zealand to ensure that social workers are practising safely, to protect the public, and to maintain high levels of professionalism and accountability in the social work occupation.

Question 1

Should there be a registration system for social workers in New Zealand?

Please tell us why.

In developing a registration system, one of the most critical decisions to be made is the type of framework that is best suited for the social work occupation. The type of tasks performed in a particular occupation and the associated risks will determine the most appropriate form of registration. Ideally, occupations should be regulated at the lowest level possible, to avoid unnecessary inflexibility, barriers to entry and the creation of exclusive and elite sub-groups within the occupation.

The type of registration selected will have a variety of implications, most notably financial and workforce implications. The costs of registration will be borne by individual social workers, their employers and/or the government. There will be cost implications in the short term (e.g. costs associated with existing staff becoming registered) and long term (e.g. payment of annual registration fees). The Ministry of Social Policy has not undertaken an analysis of the relative costs of the different types of registration. This will be done once a preferred model is selected.

The availability of social workers to become registered and perform the tasks allocated to registered social workers is also an issue. Each model will have different impacts on the availability and supply of social workers. For example, if registration is too onerous or is set at a high level, some people may choose not to enter the occupation because they perceive they would not be able to meet the required standard, thereby creating a shortage of social workers. Again, workforce issues will be considered in more detail once the preferred model of registration is selected.

Four types of registration are possible – disclosure, notification, certification and licensing. These are described briefly below.

Disclosure

Under a disclosure regime, practitioners are required to disclose specific information to potential clients. Providing this information helps the client decide whether or not to use the service. Disclosure systems are most frequently used to protect an individual's finances, and where clients have a choice of whether to use a particular service or not. For example, financial advisors are required to communicate certain information about how they manage their clients' funds.

Disclosure systems assume that risk is entered into voluntarily and that clients are both sufficiently capable and sufficiently well informed about the nature of the service to act on the information provided.

It is difficult to know what information social workers could be asked to disclose under a disclosure regime which would be of assistance to clients. They could disclose their qualifications, any relevant convictions, years of practical experience, the client's legal rights or the circumstances under which confidential information could be disclosed (e.g. abuse, suicidal intent, intention to commit a crime). It is not clear how this type of information would help manage the risks from poor social work practice. More importantly, many social work clients are involuntary and, as such, are not in a position to make choices about whether or not to use a particular social work service.

Notification

Under a notification system, practitioners are required to give their name and address and pay a fee to a Registration Board. Notification systems do not usually require any demonstration of competence. Notification is normally required where the threat to public safety is minimal. It provides a means of identifying practitioners so information can be provided to them and may be used to enforce other legislation. For example, having a register of second-hand dealers may assist the Police in investigating thefts.

Because notification systems do not generally restrict entry by virtue of competence or any other criteria, they do not require a complaints or disciplinary process. For these reasons, the capacity of a notification system to address questions of poor social work practice is questionable.

Certification

Under a certification system, a Registration Board would have the power by law to certify that individuals were competent to practise in their occupation. A set of requirements or criteria is applied to assess competency. Only people who have been through the certification process have the right to use a particular occupational title. Certification does not preclude other people practising in the occupation, but uncertified practitioners are not able to call themselves by the certified title. Certification provides the public with an assurance that certified practitioners have

met certain requirements to be certified. Certified practitioners are subject to a complaints and disciplinary regime.

An example of certification is the model applying to chartered accountants. People who wish to use the title “Chartered Accountant” in New Zealand must satisfy certain qualifications criteria. However, anyone, regardless of qualifications, may practise in the industry and may call himself or herself an Accountant. Consumers can decide whether they want the security the title Chartered Accountant provides, or to purchase usually less costly services from a non-certified practitioner.

With a certification system the public could be assured that certified social workers meet a minimum competency standard and are subject to a complaints and disciplinary process. Certification could be compulsory for some social workers (for example, those performing statutory functions) and voluntary for others. Employers could adopt a policy of only employing certified social workers. Alternatively, legislation could be amended to ensure that statutory social work functions were carried out only by certified social workers. If a certification system were chosen for the social work occupation, entry criteria would need to be determined, a complaints and disciplinary process developed, and a Registration Board established to take on the role of certifying social workers.

Licensing

There are two types of licensing: licensing tasks and licensing the workers in an occupation.

Licensing tasks

Under this regime licensed practitioners are granted an exclusive right to perform certain tasks. For example, only certain groups of medical practitioners are allowed to prescribe drugs. Regulation of this kind is generally used where poor performance of a particular task is likely to impose severe costs or consequences on users of the service or where the government wishes to control who is to carry out certain functions for the state.

In considering whether licensing of social workers is desirable we need to consider whether there is work performed by social workers that poses such a degree of risk to clients that these tasks ought to be restricted to fully trained professionals.

This type of system is already used in a limited sense by social workers employed by Child, Youth and Family who perform tasks under the Children, Young Persons, and Their Families Act 1989. For example, only Child, Youth and Family social workers can execute a “place of safety warrant” to search for a child or young person who is suspected to be suffering from ill-treatment, neglect, deprivation, abuse or harm (section 39).

A task licensing system would provide assurance that the most risky tasks in the social work occupation are performed by licensed social workers. This type of

licensing system would require that a list of specific tasks be identified that may only be performed by licensed social workers. Careful consideration would need to be given to this process to ensure that the tasks would not become outdated as the practice changes over time. It would also require the development of criteria to assess competency, a complaints and disciplinary process and a Registration Board.

Licensing workers in an occupation

This regime explicitly prohibits all but licensed practitioners from working in a certain occupation. Entry to the occupation is dependent upon the practitioner meeting prescribed standards. Entry qualifications normally involve specific educational qualifications and criteria related to the individual's character or fitness to practise. A disciplinary process is also a feature of this system.

Licensing of workers is the least flexible form of occupational regulation as those not meeting the entry requirements are unable to practise in that occupation. It minimises the risk to the public from unskilled practitioners by requiring that all who practise have met particular standards on entry.

Licensing the social work occupation would require that a definition of social work be developed. The definition would need to be specified in legislation. It would need to be worded in a way that would allow it to be applied in practice. Under the licensing model the definition of social work is central because it is the definition that prescribes exactly what is licensed. The challenge in defining social work as an occupation is to ensure that the definition is narrow enough to exclude other helping occupations (e.g. counselling) but broad enough to encompass all the things that a social worker might do.

As noted in the introduction, the IFSW is currently developing a revised definition of social work. This would need to be adapted to be relevant to New Zealand social workers. Overseas experience indicates that defining social work in a meaningful way is extremely difficult.

Conclusion

Some of these types of registration are more appropriate than others. Given the level of potential risk associated with social work and the way the occupation operates (for example, most often clients are not voluntary), a system based on a disclosure or notification regime would not seem to meet the objectives of a social work registration system. It is important to ensure that social work practice is safe, of a high quality, and that high levels of professionalism and accountability are maintained within the sector.

We are very interested to hear your views regarding the possibility of developing a registration system that is based around a certification or licensing model. Our questions in the following sections have been structured around the assumption that either a certification or licensing system will be the most appropriate for the New Zealand social work profession.

3 Model

Which system is best suited for the social work occupation?

As discussed in the previous section, four types of registration are possible. The Ministry of Social Policy has come to the conclusion that two types of registration, disclosure and notification, would not be appropriate for the social work occupation. We are most interested to hear your views on the appropriateness of either a certification or licensing model. In the following section, the advantages and disadvantages of each model are identified, followed by questions.

Certification

Under a certification system only people who had been through a certification process would have the right to use a certain title or the term “certified” or “registered social worker”.

The advantages of a certification system are that it would:

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

The disadvantages of a certification system are that it:

- would not prevent non-certified individuals practising social work in certain settings; and
- may exacerbate workforce issues, i.e. there may be too few social workers who meet the certification requirements to fill all the available social work positions.

Licensing

There are two types of licensing – licensing tasks and licensing the workers in an occupation.

Licensing tasks

Under this system only licensed social workers would have the authority to perform certain tasks.

The advantages of a system that licenses tasks are that:

- high risk tasks would only be able to be performed by licensed social workers, therefore decreasing the potential for harm to occur from performing those tasks poorly; and
- it would provide an appropriate balance between regulating high risk tasks and allowing low risk tasks to be performed by unlicensed social workers.

The disadvantages of a system that licenses tasks are that:

- it would require that specific tasks be identified;
- the tasks specified may become obsolete over time;
- the tasks would be confined to an “elite” group of licensed social workers, creating sub-groups of social workers with different levels of status;
- it may exacerbate workforce issues, i.e. there may be too few social workers who meet the licensing requirements to fill all the available social work positions; and
- all other non-licensed tasks could be performed by a non-licensed social worker for whom there are no licensing requirements, decreasing the accountability of the occupation as a whole.

Licensing the social work occupation

This regime would explicitly prohibit all but licensed social workers from performing services defined in legislation as social work.

The advantages of licensing the social work occupation are that it:

- would provide a high level of assurance that social work is being performed by competent practitioners; and
- would minimise the risk of poor practice.

The disadvantages of licensing the social work occupation are that it:

- would require a high level of compliance for all social workers, including those who perform low risk tasks;
- may exacerbate workforce issues, i.e. there may be too few social workers who meet the licensing requirements to fill all the available social work positions;
- would require longer term transitional arrangements to allow employers time to adjust to the new system, e.g. arrangements for upskilling existing social work staff; and
- would require a definition of social work that is capable of practical application.

Question 2

Which type of registration would best meet the goal of ensuring safe practice in the social work occupation?

Certification

Licensing tasks

Licensing the social work occupation

Other (please specify)

Please tell us why.

Question 3

Are there certain tasks that only registered social workers should do?

If yes, what are these tasks?

4 Coverage

Which categories of social workers should the registration system cover?

Social workers in New Zealand typically fall into one of the following categories:

- statutory social workers employed by government – i.e. social workers who are delegated social work functions through legislation (e.g. social workers employed by Child, Youth and Family who operate under the Children, Young Persons, and Their Families Act 1989, the Adoptions Act 1955, or the Guardianship Act 1968);
- non-statutory social workers employed by government (e.g. in hospitals or a probation service);
- social workers employed by non-government social service organisations that receive government funding (e.g. Barnardos);
- social workers employed by non-government social service organisations that are privately funded;
- private paid practitioners (including those paid by their community, iwi, hapu or whanau to perform social work tasks);
- volunteer unpaid social workers (including those given authority by their community, iwi, hapu or whanau to perform social work tasks);
- social work practitioners who do not have direct contact with clients (e.g. educators, managers, trainers, supervisors and policy makers); and
- social work students on placement.

At the time of the 1996 Census there were 8,172 people working as social workers in New Zealand. Over half of those social workers (58%) were employed in the non-government sector, the majority of these in non-profit organisations. A significant number of social workers (36%) were employed in the public sector, primarily concentrated in central government organisations.

According to the Ministry of Economic Development framework, decisions about the most appropriate form of registration ought to be based around consideration of the potential for harm resulting from poor practice, i.e. the higher the risk the more stringent the form of regulation that should be applied. We suggest you keep this in mind when answering the following question.

Question 4

Referring to the dot-point list above, should registration be compulsory or voluntary for these social workers?

Please tell us why.

5 The Registration Board

What should be the function, form and composition of the Registration Board?

A significant aspect of a social work registration system will be the Registration Board. The Registration Board would be established under legislation to administer the system. Similar authorities in other occupations include the New Zealand Psychological Society and the New Zealand Law Society.

Function

Depending on the system that is chosen, the functions of the Registration Board may be to:

- certify or license individuals as registered social workers;
- maintain a “register” of all licensed or certified social workers;
- re-certify or re-license social workers;
- set and enforce codes of conduct and standards of practice;
- investigate complaints;
- conduct disciplinary hearings and impose sanctions, including de-registration;
- set the entry criteria; and
- to liaise with the profession and keep up-to-date with contemporary practice issues.

Question 5

Referring to the dot-point list above, should a Registration Board have these functions?

Specify any other functions the Registration Board should have.

Form

The Registration Board could be a government body or entity independent of government. Again, the type of system that is chosen will probably have some bearing on this decision. Both the New Zealand Psychological Society and the New Zealand Law Society are owned and administered by members. Members pay annual membership or practising fees.

Question 6

What should the Registration Board be?

Part of a Government department

Legally separate from the government, but government owned (i.e. a Crown entity)

Private or non-government owned

Please tell us why.

Composition

The role of the Board would be fundamental to the success of the registration system. For this reason, we are aware that there may be a high level of interest amongst the social work sector in the composition of the Board and the appointment process.

For example, members of the Registration Board could be experts in the social work occupation, or a mixture of social workers and lay representatives, tangata whenua and perhaps clients. The Board could be appointed by the Minister of Social Services and Employment, nominated and elected by social workers (or a combination of these), or selected by other means.

An Executive, who must be members of the society and who are elected by members, manages the New Zealand Psychological Society. Of the Executive, four Directors are appointed to manage different portfolios (e.g. Professional Affairs, Scientific Affairs, Social Issues and Training and Standards). Two members of the Executive are Bicultural Representatives. The Executive may delegate its powers to committees as it sees fit. Similarly, the Council of the New Zealand Law Society is elected by members, and must be members themselves. Council members are appointed primarily on a geographical basis, ensuring representation from around New Zealand. Members of the Teacher Registration Board, on the other hand, are appointed by the Minister of Education.

Question 7

The role of the Registration Board would be to administer the registration system. What skills, perspectives and experience should Board members have?

Question 8

Who should appoint the members of the Registration Board?

Question 9

How should members of the Registration Board be appointed?

6 Assessment process

What criteria should be used to assess a social worker's eligibility for registration?

Entry criteria

Irrespective of whether a certification or licensing system is chosen, a process for assessing social workers' eligibility for registration would need to be developed.

A number of different criteria could be applied to determine whether social workers are competent and therefore eligible for registration by the Registration Board. The criteria potentially include a combination of the following:

- recognised academic qualifications in social work;
- recognised academic qualifications in other relevant occupations;
- evidence of relevant prior learning, including previous social work experience;
- evidence of good moral character, including Police checks, references;
- evidence of cultural competency, including demonstrated commitment to the Treaty of Waitangi and competence in tikanga Māori;
- attested competent and safe supervised practice;
- competency assessment interview by the Registration Board; and/or
- paper based examination by the Registration Board.

It is likely that a combination of these criteria would be applied. Further, it is likely that the social worker would be required to adhere to any rules and the standards of practice and code of conduct set down by the Registration Board.

Question 10

Referring to the dot-point list above, which should be included as part of the entry criteria to decide whether a social worker is eligible to be registered?

Are there any other criteria that should be used to decide if social workers are eligible to be registered?

Levels of registration

Some overseas social work registration systems grant different levels of registration, for example:

- full registration;
- provisional registration – granted prior to fulfilling all the registration requirements;
- limited registration – for social workers with particular areas of expertise;
- temporary registration – granted in instances where tasks normally performed by registered social workers are undertaken by non-registered social workers (e.g. a manager) on a short term basis; and/or
- exemptions – may be granted to students who are under close supervision by a fully registered social worker.

Consideration also needs to be given to the requirements for social workers formerly registered in New Zealand who return to the country to practise after an extended period overseas, and social workers with overseas qualifications who wish to practise in New Zealand.

Question 11

Referring to the dot-point list above, which different levels of registration should be able to be granted?

If you said no to some of these, what are your suggested changes?

Renewal of registration

Under a social work registration system, social workers would be required to renew their registration regularly. This renewal process could take the form of the payment of annual practising certificate or annual licence fees, updating registration details, providing evidence of attendance at ongoing training and/or supervision, or re-demonstrating competence. Renewal of registration could take place after an appropriate period, for example once a year with a more substantial review of competence and fitness to practise every five years.

Question 12

Should there be a renewal process?

If yes, what should this involve?

Transitional arrangements

An issue around establishing an entirely new social worker registration system is that unqualified social workers who have been practising for a number of years could be excluded if they are unable or unwilling to demonstrate that they meet the entry criteria, especially where the entry criteria are based on academic qualifications. Other countries and states where academic qualifications are required for registration use a variety of transitional arrangements. Most commonly, these include provisional registration pending qualification and/or “grandparenting” provisions. Grandparenting refers to a situation where a person’s employment conditions change and either they are not bound by the new requirements, or there is a period of time before they are affected.

Question 13

What transitional arrangements should be put in place to support a new registration system?

7 Māori social workers and clients

How could the registration system best meet the needs of Māori social workers and clients?

We are aware that any system to regulate the social work occupation, if not developed properly, could have the potential to disadvantage some groups within the sector. Most significant is the possible impact on Māori social workers.

The 1996 Census indicates that of the 8,172 people who were working as social workers, 22% were Māori. Of all the Māori social workers, one third (34%) had a tertiary qualification, compared to 58% of social workers in all “other” ethnic groups, including New Zealand European. The majority of Māori social workers were employed in private non-profit services (44%), followed by central government 37%, other private organisations 11% and local government 2%. Māori are over represented in the social work profession compared to the general population. However, it is highly likely that Māori are also over represented as social work clients. For example, in 1999 Child, Youth and Family statistics indicated that 37% of its clients were Māori, while 26% of its social work staff were Māori.

It is critical that any registration system for the social work occupation does not disadvantage or create barriers for Māori social workers. It is generally accepted that it is “best practice” for Māori clients to have Māori social workers. If Māori social workers do not become registered, more Māori clients may be seen by non-Māori social workers, or alternatively Māori social workers could end up with higher case loads.

Question 14

How could the registration system best meet the needs of Māori social workers and clients?

8 Pacific social workers and clients

How could the registration system best meet the needs of Pacific social workers and clients?

The Ministry of Social Policy is aware of the need to ensure that social worker registration does not present a barrier to Pacific social workers.

In 1996, 6% of all social workers were of Pacific Islands descent. Of all the Pacific social workers, 38% had a tertiary qualification and 19% had no qualifications. The majority (41%) of Pacific social workers were employed in private non-profit organisations, followed by central government (37%), other private organisations (13%) and local government (3%). In March 2000, Child, Youth and Family employed 123 social workers of Pacific Island descent, 59 of whom had tertiary qualifications.

Demographic changes will mean that more Pacific social workers will be required in the future, particularly in areas dealing with children and young people.

Question 15

How could the registration system best meet the needs of Pacific social workers and clients?

9 Disciplinary process

What sanctions should apply to social workers who are found to be in breach of the code of conduct?

One of the roles of the Registration Board would be to investigate complaints, conduct disciplinary hearings and impose sanctions, including de-registration. There would be a right of appeal for decisions made by the Board.

Common sanctions used in other occupations include withdrawal of an individual's practising certificate, suspension, fines, striking their name off the register, requiring their practice to be supervised by a senior practitioner for a specified period of time, issuing a verbal or written warning, or ordering a social worker to undergo additional training or professional development. Usually the type of sanction is proportional to the misdemeanour that has been committed. Consequently, a range of sanctions would be preferable.

Question 16

What types of sanctions should the Registration Board be able to apply?

Thank you for taking the time to consider the issues raised in this discussion paper. We look forward to receiving your submission. You can either email your submission:

through our website at www.mosp.govt.nz

or post your written feedback on the Quick Guide to Questions to:

The Project Manager
Registration of Social Workers Project
Ministry of Social Policy
Private Bag 39993
WELLINGTON

The final day for submissions is Friday 15 September 2000.

Thank you.