



15 NOV 2017

9(2)(a)

On 14 August 2017, you mailed the Ministry requesting, under the Official Information Act 1982, the following information:

1. Any advice received in relation to:

- the Cabinet Minute of Decision (CAB-17-MIN-0234 Revised) Point 8 which reads:

"Agree that the SWR Act be clarified to reflect the intent that the requirements for registration and holding a practicing certificate arises only

- o If the job title or stature position title is "social worker" OR*
- o If a person is claiming to be a social worker OR*
- o If a person is undertaking 'restricted tasks' that can only be undertaken by a social worker"*

- The statement in the Cabinet Paper Increasing the Professionalism of the Social Work Workforce, Point 31 (page 6) which reads:

I propose that the SWR Act be clarified to reflect the intent that the requirement for registration arises only if the job title is "social worker", or if a person is claiming to be a social worker, or is a person is undertaken 'restricted tasks' that can only be undertaken by a social worker. This will additionally prevent current contracting practice which allows social service providers to employ unregistered social workers in "social worker" roles so long as they are "registrable".

- The Regulatory Impact Statement: Legislative changes to increase the professionalism of the social work workforce (Ministry of Social Development 1 May 2017) Point 215 (page 40) which reads:

215 The recommended form of occupational regulation to achieve the objectives is one of mandatory certification and title protection so that only those who are registered are able to call themselves "social

workers". Under this approach, it would be an offence to represent oneself as a social worker unless registered with the Board. This will allow employing and contacting agencies to specify where and when social workers and social work skills are required, ensuring a precise form of task licencing as and where appropriate. In contrast our analysis indicates that generic task or occupational licencing would be highly disruptive to the social services sector because of the difficulties in distinctly defining social work, and run counter to the multidisciplinary environment in which most social work happens.

2. Any advice received in relation to the identification on what constitutes a 'restricted task' that can only be undertaken by a social worker.

I apologise for the delay in providing you with this response.

In early 2017, the Ministry consulted with thirteen agencies on the Social Services Committee report on the Inquiry into the operation of the Social Workers Registration Act 2003. Copies of the correspondence with these agencies is attached, as per the following table:

Date	Title
1 February 2017	Email exchange with officials in the Ministry for Women
1 March 2017	Email exchange with officials in the Ministry for Pacific Peoples
20 July 2017	Email exchange with the Chairperson of the National DHB Health Social Work Leaders Council
17 January 2017	Email exchange with officials in the New Zealand Defence Force
19 January 2017	Email exchange with officials in the Department of Internal Affairs
20 January 2017	Email exchange with officials in New Zealand Police, including comment provided from the Minister of Police
20 January 2017	Email exchange with officials in the Department of Corrections
20 January 2017	Email exchange with officials in the Tertiary Education Commission and the Ministry of Education
10 January 2017	Email exchange with officials in The Treasury
20 January 2017	Email exchange with officials in the Ministry for Vulnerable Children / Oranga Tamariki
20 January 2017	Email exchange with officials in the Ministry of Health
20 February 2017	Email exchange with officials in the Ministry of Business, Innovation and Employment
16 March 2017	Email exchange with officials in the Social Workers Registration Board

For some of the agencies consulted, there was no information within the specific scope of your request, but comments from those agencies on the wider topic of definition of social work or social worker have been included in order to provide a comprehensive response. Some information has been withheld as outside of the specific scope of your request, for the sake of clarity.

You will note that the names and contact details of some individuals are withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

Some information is withheld under section 9(2)(g)(i) of the Act to protect the effective conduct of public affairs through the free and frank expression of opinions. I believe the greater public interest is in the ability of individuals to express opinions in the course of their duty.

Some information is withheld under section 9(2)(h) of the Act in order to maintain legal professional privilege. The greater public interest is in ensuring that government agencies can continue to obtain confidential legal advice.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public shortly. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely



James Poskitt
General Manager Community & Families Policy

9(2)(a) - Privacy of another

From: 9(2)(a)
Sent: Wednesday, 1 February 2017 1:10 p.m.
To: 9(2)(a)
Cc:
Subject: RE: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Kia ora 9(2)(a)

Thank you again for the opportunity to comment on the Social Services Committee report on the Inquiry into the operation of the Social Workers Registration Act 2003.

Out of Scope

Initially we would suggest putting consideration into the following areas, and we are happy to provide more detail and support as you draft these proposals.

- **A clear definition of social work** – page 12 of the Inquiry report refers to what the Committee considers “should” be defined as social work – it would be helpful to know what that is, and what informed the Committee’s conclusion. As mentioned in the report the advantage of having a clear definition in legislation is that is more accessible to the public than case law. At a minimum we would like to see a more detailed justification or consideration of why a statutory definition is not essential.

Accessibility is important for women who are looking to register, or concerned about whether they are eligible to register. Having to access the latest case law definition may place an undue time and potential cost burden on employees – which could lead to a lack of engagement with the registration process or the de-skilling of legitimate social workers who see the process as unclear and inaccessible.

Out of Scope

- **Any potential employment and de-skilling/undervaluation risks**

We would like to see a more detailed breakdown of the group who are not registered but identify as social workers and consideration as to how the professionalization of social work would be managed. There is a risk that, even with the transitional period that recognises experience as a substitute for qualifications, women of a particular age and experience level may be penalised in terms of employment opportunities if qualifications are seen as the preferred option immediately.

A clear definition of social work is also important from this perspective as it would be important to know how many people who identify as social workers will not be eligible to register as social workers and therefore not benefit from the professionalization of the occupation. The gender breakdown indicates that the majority will be women so this is a group that we would like to identify when we think about the under-utilisation of women and barriers to their career progression.

If you have any questions on any of the above points or want to discuss our level of input into the Cabinet paper process, please call or email me anytime.

I look forward to seeing the draft Cabinet paper.

Many thanks,

9(2)(a)

Ministry for Women
hīnitoanga mō ngā
Wāhine

9(2)(a) Policy Analyst

Level 9, Qual 11 House | 22 The Terrace
PO Box 10049 | Wellington 6011 |
www.women.govt.nz



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The information contained in this email message is intended only for the addressee and is not necessarily the official view or communication of the Ministry for Women. If you are not the intended recipient you must not use, disclose, copy or distribute this message or the information in it. If you have received this message in error, please email or telephone the sender immediately.

From: 9(2)(a)

Sent: Monday, 30 January 2017 11:29 a.m.

To: 9(2)(a)

Subject: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Good morning,

Just following up again to see if the Ministry for Women had any thoughts they wanted included in the draft Cabinet paper on this matter.

The draft will be getting sent for consultation this week (all going well).

Either way, you will receive a copy of the draft and be able to offer comment on that if you would wish to.

If you wish to have your voice included in the draft, please respond to me by Wednesday this week.

Regards,

9(2)(a)

From: 9(2)(a)

Sent: Tuesday, 17 January 2017 1:02 p.m.

To:

Cc:

Subject: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Good afternoon,

Following on from my initial request, this is a gentle reminder for those of you yet to submit your agency response back to me.

Could I please ask for any outstanding responses to be sent to me by close-of-play this Friday, 20th January.

Once I have reviewed the responses, I will look to have a draft response ready to send out for you to review, just to check that you are happy with how I have presented your agency views within the government position... hopefully by the end of next week.

Many thanks,

9(2)(a)

Senior Policy Analyst | Child, Family, Community and Youth Policy
National Office | Ministry of Social Development

9(2)(a)

Level 14 | The Aurora Centre | 56-66 The Terrace | P.O. Box 4566 | Wellington 6140 | New Zealand

MSD and the Social Workers Registration Board have been advisors to the Social Services Committee inquiry into the operation of the Social Worker Registration Act.

The Committee has concluded its inquiry and recently released its report -

https://www.parliament.nz/resource/en-NZ/51DBSCH_SCR71955_1/170b828c8c569c2b9b33e5dc08749ee79df34450.

We are preparing the government's response to this report and would like input from your work area to help inform the MSD component of the response. We have had very preliminary discussions with some of you already, but are now seeking something firmer.

The key recommendation of the Committee is that the Government make registration mandatory for social workers. Some of the recommendations of the Committee may have an impact on your areas of work.

This could be anything from employment of Social Workers (or people to do tasks that could be considered social work tasks), contracting with NGOs who employ Social Workers, to assurances of competency and accountability for staff employed or acting as Social Workers.

What we need from you is advice on if your work area would support the Committee's recommendations, including:

- Support (or not) for mandatory registration
- What the implications are of mandatory registration - possibly in a policy, financial, or potentially legal aspect
- Anything important that the Ministers should be made aware of
- Any other key issues you can see arising from the recommendations.

Thank you for your attention on this.

Regards,

9(2)(a)

Senior Policy Analyst | Child, Family, Community and Youth Policy
National Office | Ministry of Social Development

9(2)(a)

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OFFICIAL INFORMATION ACT

9(2)(a)

From: 9(2)(a)
Sent: Wednesday, 1 March 2017 2:42 p.m.
To: 9(2)(a)
Subject: RE: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003

Thank you 9(2)(a)

From: 9(2)(a)
Sent: Wednesday, 1 March 2017 1:37 PM
To: 9(2)(a)
Subject: RE: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003
The proposal would require all social workers (the specifics of who or what is social worker are still being defined) to become registered with the SWRB, it would be a blanket requirement applying to all those with an approved qualification or sufficient experience.

Out of Scope

From: 9(2)(a)
Sent: Wednesday, 1 March 2017 9:07 a.m.
To: 9(2)(a)
Cc:
Subject: RE: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003
Morning 9(2)(a)
Thank you for the update.

Our Minister also received a copy of this. The Ministers Office had one question, and raised concerns about the impact this may have on Providers who employ Social Workers. The key concern being that there may be an increased onus to get a qualified workforce to deal with the vulnerable children and young people cohort.

Out of Scope

So alongside this, is there messaging or work being done in the provider space to get them ready for the changes that are in the pipeline?

Are you able to clarify?

From: 9(2)(a)

Sent: Friday, 24 February 2017 5:18 PM

9(2)(a)

Subject: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003

Thank you again for your on-going feedback on our revised draft response and Cabinet paper documents, for the Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003.

I've attached for your information copies of the newly revised draft Cabinet paper and draft Government response to the Social Services Committee's report.

These draft papers have been sent to the Minister's office for her to review prior to circulating to her Ministerial colleagues for comment, and before the papers are finalised and lodged for the Cabinet meeting on 8 March 2016. We will let you know the form of the consultation process as soon as we have confirmation.

Thanks again.

9(2)(a)

Senior Policy Analyst | Child, Family, Community and Youth Policy
National Office | Ministry of Social Development

9(2)(a)

Level 14 | The Aurora Centre | 56-66 The Terrace | P O Box 1556 | Wellington 6140 | New Zealand

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9(2)(a) - Privacy of another

From: 9(2)(a)
Sent: Thursday, 20 July 2017 8:17 a.m.
To: 9(2)(a)
Subject: RE: Social Work Mandatory Registration - Agency Consultation

Importance: High

Hi 9(2)(a)

Thank you for forwarding the Social Workers Registration Amendment Bill for comment.

It is very pleasing to read in section 6AA that an unregistered person must not claim to be a social worker. This brings social workers in New Zealand in line with other countries where registration has been in place for many years. I also recognise the professional nature of social work similar to other professions such as doctors, nurses, teachers etc.

I do however have some serious concerns about section 6AB (a) – is employed or engaged by another person in a position that is described using the words social worker. This implies that the employer decides whether an employee is a social worker or not based on the title of the role they are employed in. I cannot think of any other profession where the employee's profession is decided by the employer. For example a doctor working as the Chief Medical Officer or engaged in research would not necessarily have a role title described using the word doctor but they are still considered a doctor and can be referred to as such.

Should section 6AB (a) remain as it is currently worded the Social Workers Amendment Bill will exclude qualified and currently registered (or who should be registered under mandatory registration) social workers whose job title is described using the word Professional Leader, Team Leader, Clinical Leader, Child Protection Coordinator, Case manager, Lecturer etc.

I trust that you and your team will review section 6AB (a) to define a person who is a social worker as one who has attained a recognised social work qualification and is employed in a position that requires them to hold a social work qualification/degree.

Kind regards

9(2)(a)

Chairperson
National DHB Health Social Work Leaders Council

9(2)(a)

From: 9(2)(a)
Sent: Wednesday, 19 July 2017 2:06 p.m.

To: 9(2)(a)

9(2)(a)

Cc: 9(2)(a)

Subject: RE: Social Work Mandatory Registration - Agency Consultation

Importance: High

Hi all,

As you were advised on Monday, we are now sending around the draft LEG paper and also the draft Amendment Bill for Agency Consultation.

I am assured that as members of Government agencies, we are allowed to share the draft Bill with you. So I would welcome any feedback you have on either the LEG paper or the draft Bill, especially if you think there are areas where the proposed Bill may interact with areas of your work or where your agency has responsibility for impacted legislation.

We are aiming to lodge the documents (following feedback) on Thursday next week (27 July), and have them discussed at LEG committee on 2 August.

With that in mind, could I ask for any comments you have to be provided to me by 9am on Monday 14 July (Monday next week) please.

Many thanks,

9(2)(a)

**Senior Policy Analyst - Older People & Vulnerable Adults Policy
National Office - Ministry of Social Development**

9(2)(a)

Level 9 | The Aurora Centre | 56-66 The Terrace | P O Box 1556 | Wellington 6140 | New Zealand

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17 January 2017

9(2)(a)

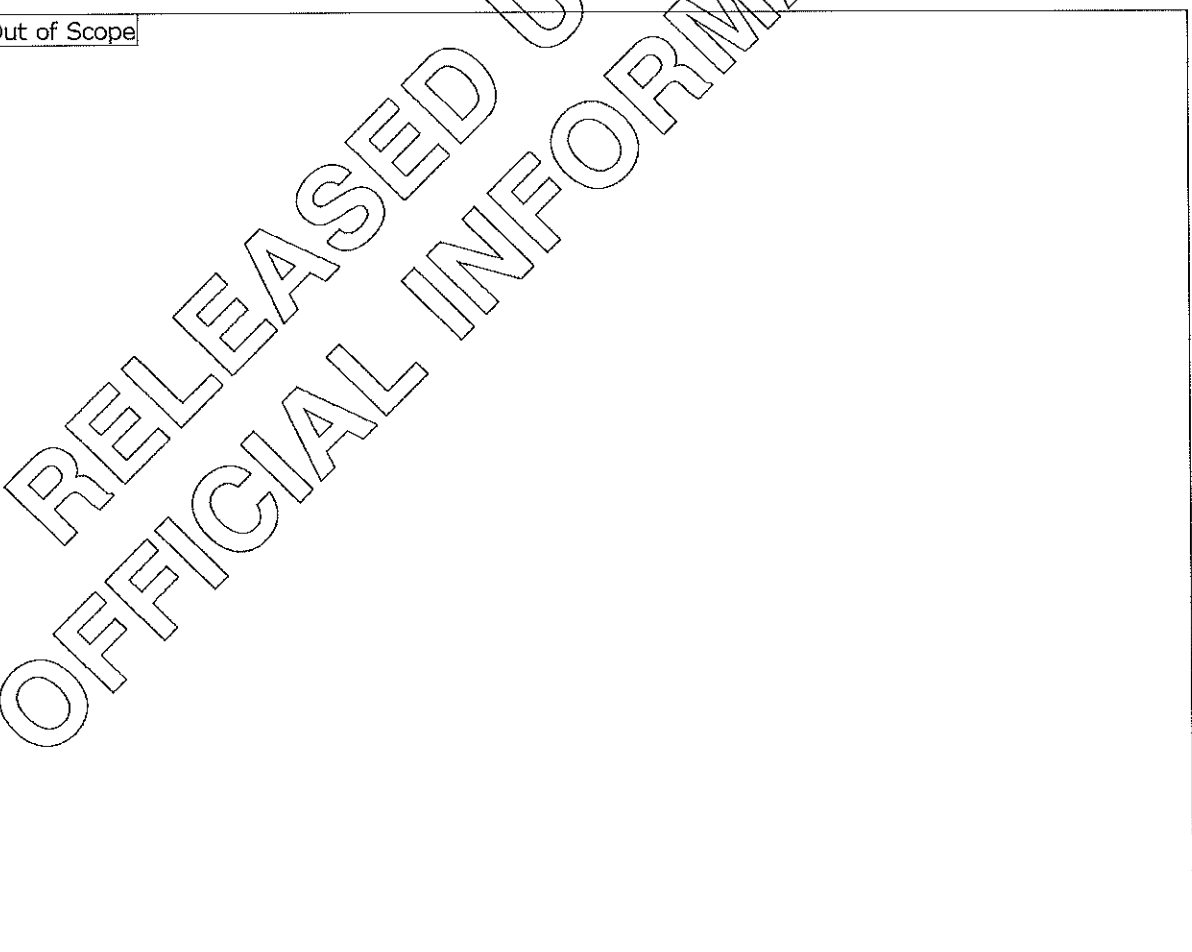
Senior Policy Analyst
Ministry of Social Development
P.O Box 1556
Wellington 6140, New Zealand

RE: Inquiry into the operation of the Social Workers Registration Act 2003

Thank you for inviting the New Zealand Defence Force (NZDF) to provide a response following the inquiry into the Social Workers Registration Act 2003. Your emailed invitation dated 20 December 2016 requested a response by no later than the 20 January 2017. The report of the Social Services Committee December 2016 has been reviewed prior to this response.

Please note that this letter dated 17 January 2017, is to be regarded as an initial response only. NZDF would like to reserve providing official correspondence, until clarification of the following questions and answers is received:

Out of Scope



Out of Scope

In addition, a clear delineation of roles and accountability between the employer – NZDF, and the powers and authority of the Social Workers Registration Board (SWRB) would need to be clearly understood and agreed upon at an executive level.

A suggestion to potentially counteract these complex issues would be a joint consultative process to develop a **Memorandum of Understanding (MoU)** between NZDF and the SWRB to define the scope, boundaries and agreed relationship for both parties moving forward.

Out of Scope

In summary, the NZDF supports mandatory registration for social workers. However, the NZDF recommends that further consideration and consultation in respect of the unique military aspects that may arise to determine the exact nature and role of the proposed concepts, and scope of the SWRB.

Should you wish to discuss this letter in further detail, please feel free to contact the undersigned on 9(2)(a)

Yours truly,

9(2)(a)

Director Integrated Wellness

9(2)(a) - Privacy of another

From: 9(2)(a)
Sent: Thursday, 19 January 2017 5:30 p.m.
To: 9(2)(a)
Subject: RE: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Hi 9(2)(a)

Out of Scope

Social/youth/community workers are on a continuum from undertaking functions that are mandated by law through to community development functions (like running a hall or an after school programme). DIA's grants are usually at the community led development end of the spectrum. In short, the impact to DIAs community development functions should also be minimal.

However, in a general sense, we see merit in the Social Services Committee's recommendation for mandatory registration for social workers; that it gives the public an assurance from the State that social workers – who work with the vulnerable people experiencing challenging social situations and problems – are qualified and trustworthy people. It may also enhance the professionalism of social workers. There is currently a process for registration, but it is only voluntary. This goal is undermined without mandatory registration as there is no distinction between a registered, unqualified or qualified social worker.

We agree that mandatory registration means that there is an effective disciplinary body that the public can contact that has oversight of social workers and can hold them accountable. Further, the disciplinary bodies' process would be more effective. If a person was found for professional misconduct but registration wasn't mandatory and the title "social worker" isn't protected, they very well could continue to hold themselves out as a social worker and continue practising.

We are not clear on how "social worker" is currently defined in the Act and whether it will be defined in any future amendments. Is it a reference to social workers employed by state institutions who have statutory obligations to uphold, eg powers to remove children? Would it cover, for instance, community workers and youth workers?

We also wonder how "social work" is/will be defined. This may be quite an important distinction and is perhaps something that should be considered more thoroughly, especially if the recommendation to restrict performance of "social work" only to registered social workers is followed through by MSD.

Please let me know if you have any further queries on these comments.

Regards

9(2)(a) | Policy Analyst | Information & Identity | Policy Group

Department of Internal Affairs Te Tari Taiwhenua

9(2)(a)

Level 6, 147 Lambton Quay | PO Box 805, Wellington 6140, New Zealand | www.dia.govt.nz

INTERNAL AFFAIRS

Te Tari Taiwhenua

From: 9(2)(a)

Sent: Tuesday, 20 December 2016 11:40 a.m.

Subject: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Good morning,

MSD and the Social Workers Registration Board have been advisors to the Social Services Committee inquiry into the operation of the Social Worker Registration Act.

The Committee has concluded its inquiry and recently released its report -

[https://www.parliament.nz/resource/en-](https://www.parliament.nz/resource/en-NZ/51DBSCH_SCR71955_1/170b828c8c569c2b9b33e5dc08749ee79df34450)

[NZ/51DBSCH_SCR71955_1/170b828c8c569c2b9b33e5dc08749ee79df34450](https://www.parliament.nz/resource/en-NZ/51DBSCH_SCR71955_1/170b828c8c569c2b9b33e5dc08749ee79df34450).

We are preparing the government's response to this report and would like input from your agency.

If you are not the right person, could you please advise who you believe would be best for us to work with on this?

I would like to be able to make contact with the people prior to Christmas, in order to give adequate time to exchange information and clarify the request.

The key recommendation of the Committee is that the Government make registration mandatory for social workers. Some of the recommendations of the Committee may have an impact on your areas of work.

This could be anything from employment of Social Workers (or people to do tasks that could be considered social work tasks), contracting with NGOs who employ Social Workers, to assurances of competency and accountability for staff employed or acting as Social Workers.

What we need from you is advice on if your agency would support the Committee's recommendations, including:

- Support (or not) for mandatory registration
- What are the implications of mandatory registration - possibly in a policy, financial, or potentially legal aspect
- Anything important that the Ministers should be made aware of
- Any other key issues you can see arising from the recommendations.

Please provide your indicative responses **by Friday 20th January**, at which point I will review and collate responses for a preliminary draft that will go back out for feedback on Friday 27th January.

As such, it would be appreciated if there was someone available to liaise with over early and mid- January. I will be in the office until 23 December, then back again from 4 January.

Regards,

9(2)(a)

Senior Policy Analyst | Child, Family, Community and Youth Policy
National Office | Ministry of Social Development

9(2)(a)

9(2)(a)

From: 9(2)(a)
Sent: Monday, 13 February 2017 3:31 p.m.
To: 9(2)(a)
Subject: RE: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003

Good afternoon 9(2)(a)

Thank you again for the opportunity to provide comments to the draft Government response and Cabinet paper.

We only have a small number of comments to make.

As we advised in our earlier response, we see support in principle the recommendation to make registration mandatory for social workers. However, we reiterate our concerns about how "social worker" and "social work" will be defined. We support the recommendation for the Ministry of Social Development to work on options for definitions and scope of practice for social work and social workers.

Out of Scope

Kind regards

9(2)(a) | Policy Analyst (Information & Identity) | Policy Group
Department of Internal Affairs Te Tari Taiwhenua

9(2)(a)
Level 6, 147 Lambton Quay | PO Box 805, Wellington 6140, New Zealand | www.dia.govt.nz

INTERNAL AFFAIRS

Te Tari Taiwhenua

From: 9(2)(a)
Sent: Thursday, 9 February 2017 2:49 p.m.
To: 9(2)(a)

9(2)(a)

Subject: Re: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003
Importance: High

Dear all,

Please find attached the draft Cabinet paper and government response, for your review and comment. The Social Services Committee report is available here https://www.parliament.nz/resource/en-NZ/51DBSCH_SCR71955_1/170b828c8c569c2b9b33e5dc08749ee79df34450.

As signalled to you yesterday, the consultation timeframe has been adjusted, although it is still the aim to have the Cabinet paper and response documents presented at the Cabinet Social Policy Committee on 8 March.

Could you please provide your feedback on these documents back to me **by 5pm on Monday 13 February 2017**. We appreciate this is a tight timeframe, and we thank you for your understanding and effort in providing your feedback.

9(2)(a)

Senior Policy Analyst | Child, Family, Community and Youth Policy
National Office | Ministry of Social Development

9(2)(a)

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9(2)(a)

From:

9(2)(a)

Sent:

Wednesday, 12 April 2017 4:56 p.m.

To:

9(2)(a)

Cc:

Subject:

RE: Social Worker Registration RIS and Cabinet paper for feedback - fast turn around requested please

Hi 9(2)(a)

Thank you again for keeping us in the loop and providing the opportunity to comment on these proposals. We only have a few comments to make.

DIA notes that these current proposals have pulled back on the previous recommendation to restrict the performance of 'social work' to 'registered social workers'. We also note that the previous paper mentioned that MSD would be doing further work to provide advice on legislative and financial implications for government agencies and the NGO sector, and to advice on the impacts on training programmes and programme providers. Both of these matters are not expressly covered in the Cabinet paper. We would recommend some lines to be included to clarify these and close the loop as the story in the paper feels incomplete.

Out of Scope

Kind regards

9(2)(a) | Policy Analyst | Information & Identity | Policy Group

Department of Internal Affairs Te Tari Taiwhenua

9(2)(a)

Level 6, 147 Lambton Quay | PO Box 805, Wellington 6140, New Zealand | www.dia.govt.nz

INTERNAL AFFAIRS

Te Tari Taiwhenua

Out of Scope

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

9(2)(a) - Privacy of another

From: 9(2)(a)
Sent: Friday, 20 January 2017 1:27 p.m.
To: 9(2)(a)
Subject: Police response: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Kia ora 9(2)(a)

Police would support the Committee's recommendation of mandatory registration of social workers, and the restricted use of the title social worker.

Out of Scope

The key area of interest for Police is: *assurances of competency and accountability for staff employed or acting as Social Workers*. Noting the types of tasks required of social workers under the CYPF Act, such as issuing a joint certificate for detention in Police custody, it is clearly important that social workers are qualified, fit to practice and competent. Improved procedures, accountability, professional development and a form of quality assurance can only improve the service to families and relationships between police and the social workers they work closely with.

Out of Scope

One area for consideration regarding recommendation 2 (only registered social workers can practice social work) is how this interacts with CYPE (Advocacy, Workforce and Age Settings) Amendment Bill's workforce provisions. As you'll be aware, the workforce provisions will expand the workforce that may be able to undertake certain functions under the CYPF Act. On one hand we are tightening what it means to be a social worker, and on the other hand we are expanding the professionals that can perform activities under the same legislation and with the same vulnerable population. It seems that there will need to be some clear definitions around activities that are restricted to social workers, and those that can be performed by a broader workforce, as both of these things are desirable.

Out of Scope

Ngā mihi,

9(2)(a)

9(2)(a)

Senior Policy Advisor, Crime Prevention | Policy Group | New Zealand Police

9(2)(a)

Police National Headquarters, 180 Molesworth Street, PO Box 3017, Wellington 6011, www.police.govt.nz

From: 9(2)(a)

Date: 20 December 2016 at 11:39:03 AM NZDT

To: undisclosed-recipients;

Subject: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Good morning,

MSD and the Social Workers Registration Board have been advisors to the Social Services Committee inquiry into the operation of the Social Worker Registration Act.

The Committee has concluded its inquiry and recently released its report -

https://www.parliament.nz/resource/en-NZ/51DBSCH_SCR71955_1/170b828c8c569c2b9b33e5dc08749ee79df34450.

We are preparing the government's response to this report and would like input from your agency.

If you are not the right person, could you please advise who you believe would be best for us to work with on this?

I would like to be able to make contact with the people prior to Christmas, in order to give adequate time to exchange information and clarify the request.

The key recommendation of the Committee is that the Government make registration mandatory for social workers. Some of the recommendations of the Committee may have an impact on your areas of work.

This could be anything from employment of Social Workers (or people to do tasks that could be considered social work tasks), contracting with NGOs who employ Social Workers, to assurances of competency and accountability for staff employed or acting as Social Workers.

What we need from you is advice on if your agency would support the Committee's recommendations, including:

- Support (or not) for mandatory registration
- What are the implications of mandatory registration - possibly in a policy, financial, or potentially legal aspect
- Anything important that the Ministers should be made aware of
- Any other key issues you can see arising from the recommendations.

Please provide your indicative responses **by Friday 20th January**, at which point I will review and collate responses for a preliminary draft that will go back out for feedback on Friday 27th January.

As such, it would be appreciated if there was someone available to liaise with over early and mid- January. I will be in the office until 23 December, then back again from 4 January.

Regards,

9(2)(a)

Senior Policy Analyst | Child, Family, Community and Youth Policy
National Office | Ministry of Social Development

9(2)(a)

Level 14 | The Aurora Centre | 56-66 The Terrace | P O Box 1556 | Wellington 6140 | New Zealand

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=====

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Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately

9(2)(a)

From:

9(2)(a)

Sent:

Monday, 13 February 2017 12:49 p.m.

To:

9(2)(a)

Cc:

Subject:

Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003

Good afternoon 9(2)(a)

9(2)(a) is on leave and has asked me to coordinate feedback on your papers from last week, so we can meet your timeframes. Firstly thank you for the opportunity to provide feedback on this.

Out of Scope

The definition of "social work" once it is developed will be critical, as it seems that there are between 6,000 and 18,330 social workers in New Zealand depending on the definition that is used.

Out of Scope

Regards

9(2)(a)



9(2)(a)

Team Leader, Crime Prevention Policy | Policy Group | New Zealand Police

9(2)(a)

Police National Headquarters, 180 Molesworth Street, Thorndon, PO Box 3017, Wellington 6140

www.police.govt.nz

Safer Communities Together

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OFFICIAL INFORMATION ACT

9(2)(a)

From: 9(2)(a)
Sent: Wednesday, 1 March 2017 12:37 p.m.
To: 9(2)(a)
Cc:
Subject: FW: Police Feedback: Ministerial Consultation Government Response to Social Workers Registration Act Inquiry

Hi 9(2)(a)

Fyi - feedback from Minister Bennetts office, Minister of Police.

Thanks

9(2)(a)

From: 9(2)(a)
Sent: Wednesday, 1 March 2017 12:05 p.m.
To: 9(2)(a)
Subject: Police Feedback: Ministerial Consultation Government Response to Social Workers Registration Act Inquiry

Hi 9(2)(a)

Ministerial feedback from Minister of Police. Sorry its 4 minutes late.

9(2)(a)

9(2)(a)

Private Secretary (Police) | Office of Hon. Paula Bennett | Minister of Police
7.6 Executive Wing | Parliament Buildings, Wellington 6160, New Zealand

9(2)(a)

www.beehive.govt.nz

Police is generally supportive of the draft Government Response to this Inquiry, including the recommendation for increased occupational regulation for social workers, such as mandatory registration, subject to further work on the best options to give effect to the Social Services Committee's recommendation (SOC paper Rec 8). Police would benefit from more confidence in the quality of the social worker workforce, who we work closely with.

Out of Scope

Police does not employ social workers into roles named as 'Social Workers', but we do employ people with social worker backgrounds (such as some, but not all, youth development staff and welfare officers, various liaison officer roles, chaplains). Additionally, some Police staff may undertake social worker qualifications as part of ongoing professional development.

Out of Scope

Out of Scope

Such expansion under the CYPF Act can reduce pressure on social workers and can make use of alternative professionals that may be better-suited to engaging with some families (e.g. iwi providers). Because of this, we believe it will be important to consider how a scope of practice for social workers is described. We are particularly interested in what specific duties in the CYPF Act should be restricted to registered social workers, and what duties are appropriate for a broader workforce to undertake.

Kind regards

9(2)(a)

9(2)(a)

Senior Policy Advisor, Crime Prevention | Policy Group | New Zealand Police

9(2)(a)

Police National Headquarters, 180 Molesworth Street, PO Box 3017, Wellington 6011, www.police.govt.nz

Out of Scope

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

9(2)(a) - Privacy of another

From: 9(2)(a)
Sent: Friday, 20 January 2017 3:30 p.m.
To: 9(2)(a)
Subject: RE: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act
Attachments: Appendix A - advice to MSD on inquiry into operations of Social Workersdocx

Good afternoon 9(2)(a)

Please find attached a response to your questions below from the Corrections perspective.

The proposed current approach would have far reaching implications for the Department and while we are supportive of those with the title of social worker coming under a mandatory regime, we are unable to support the proposed broad stroke approach.

We employ people to undertake specific roles which go far beyond that of social work and while some of the roles may have aspects of social intervention, this is in the minority of their role.

Please let me know if you have any queries about our response and what further action is required.

Regards

9(2)(a)

9(2)(a) | **Director Quality and Performance**
National Office | Department of Corrections Ara Poutama Aotearoa
Mayfair House, 44-52 The Terrace, Wellington | Private Bag 6140, Wellington |

9(2)(a)



From: 9(2)(a)
Sent: 19 December 2016 11:05 a.m.
Subject: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Good morning,

MSD and the Social Workers Registration Board have been advisors to the Social Services Committee inquiry into the operation of the Social Worker Registration Act.

The Committee has concluded its inquiry and recently released its report -

[https://www.parliament.nz/resource/en-](https://www.parliament.nz/resource/en-NZ/51DBSEH_SCR71955_1/170b828c8c569c2b9b33e5dc08749ee79df34450)

[NZ/51DBSEH_SCR71955_1/170b828c8c569c2b9b33e5dc08749ee79df34450](https://www.parliament.nz/resource/en-NZ/51DBSEH_SCR71955_1/170b828c8c569c2b9b33e5dc08749ee79df34450).

We are preparing the government's response to this report and would like input from your agency.

If you are not the right person, could you please advise who you believe would be best for us to work with on this?

I would like to be able to make contact with the people prior to Christmas, in order to give adequate time to exchange information and clarify the request.

The key recommendation of the Committee is that the Government make registration mandatory for social workers. Some of the recommendations of the Committee may have an impact on your areas of work.

This could be anything from employment of Social Workers (or people to do tasks that could be considered social work tasks), contracting with NGOs who employ Social Workers, to assurances of competency and accountability for staff employed or acting as Social Workers.

What we need from you is advice on if your agency would support the Committee's recommendations, including:

- Support (or not) for mandatory registration
- What are the implications are of mandatory registration - possibly in a policy, financial, or potentially legal aspect
- Anything important that the Ministers should be made aware of
- Any other key issues you can see arising from the recommendations.

Please provide your indicative responses **by Friday 20th January**, at which point I will review and collate responses for a preliminary draft that will go back out for feedback on Friday 27th January.

As such, it would be appreciated if there was someone available to liaise with over early and mid- January. I will be in the office until 23 December, then back again from 4 January.

Regards,

9(2)(a) [redacted]

Senior Policy Analyst | Child, Family, Community and Youth Policy
National Office | Ministry of Social Development

9(2)(a) [redacted]

Level 14 | The Aurora Centre | 56-66 The Terrace | P O Box 1556 | Wellington 6140 | New Zealand

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Inquiry into the operation of the Social Workers Registration Act 2003

The Department does not agree with the recommendation that the Government permit only registered social workers to practise social work

Issues:

1. The recommendation is not consistent with the regulatory regimes of other professional bodies

- The recommendation goes well beyond the approach taken by other professional bodies to registration
- The Social Services Committee's recommendation would restrict the whole range of activities considered to be "social work", regardless of the level of risk that the activity carried.
- In NZ the approach taken by professional bodies to registration is generally to have a combination of restricted activities and restricted titles.

Health practitioners

- The Health Practitioners Competence Assurance Act 2003 allows the Governor-General, on recommendation from the Minister of Health, to declare an activity to be a 'restricted activity' under that Act. Such a recommendation may only be made if 'members of the public risk serious or permanent harm' if the activity is performed by a person other than a member of a particular health profession practising in accordance with their scope of practice.
- Further, before declaring an activity to be restricted the Minister requires the words used to describe the activity do not inadvertently prevent an established but unregistered professional group from continuing to safely perform that activity.
- To the extent that an activity is not specifically restricted, it may be undertaken by health professionals and non-health professionals alike.

Lawyers

- The report states that it is an offence for lawyers who do not hold a practising certificate to provide legal services or to hold themselves out to be lawyers. This is not correct.
- Anyone may provide legal services to the extent that they are not "restricted areas of work" under the Lawyers and Conveyancers Act 2006. The restricted areas of work are defined in the Act and limited in scope, for example "work carried out by a person in appearing as an advocate for any other person before any New Zealand court or New Zealand tribunal".
- The Lawyers and Conveyancers Act 2006 restricts titles, such as "lawyer" and "solicitor". It is an offence to provide legal services without a practising certificate if you are also describing yourself with one of the restricted titles.

¹ Ministry of Health (NZ), *Restricted Activities under the Act* (2011) <www.health.govt.nz/our-work/regulation-health-and-disability-system/health-practitioners-competence-assurance-act/restricted-activities-under-act>, accessed 15 September 2012.

2. The recommendation is not based on an assessment of particular and identifiable risks
- The aim of bringing social workers in line with other regulatory professions would be better met by having restricted use of the title "social worker" potentially combined with some well-defined restricted tasks or areas of work (rather than restricting all social work tasks). As with medicine and law, these restricted areas should be defined and limited according to the potential risks to the public that would arise from having untrained social workers perform these task. The Board should be able to identify the particular risks and explain how registration would mitigate those risks (rather than referring generally to the safety of the public).
3. The recommendation is not manageable and would result in uncertainty
- When the areas of practice are not clearly defined this creates uncertainty for employers, practitioners, and the public.
 - The report notes that the Tribunal has developed "a body of case law" about whether a person is considered to be practising social work.
 - In 2013 the Board and the Ministry of Social Development jointly obtained a Crown Law opinion on the meaning of the phrase "employed or engaged as a social worker" in section 25 of the Social Workers Registration Act 2003 (Act).
 - This opinion concludes that a registered social worker is "employed or engaged as a social worker" and therefore required to hold a current practising certificate if her or she:
 - Is engaged with casework decisions at any level; and/or
 - In the context of performing his or her role, expressly holds himself or herself out as a registered social worker, or is held out in that way by his or her employer or colleagues.
 - The Crown Law opinion also notes, however, that the section is somewhat opaque and it is not possible to state with any certainty the approach that a court would take in interpreting it. Further, the opinion indicates that care must be taken not to give the phrase an unmanageably wide meaning or to interpret it in such a way as to be unpredictable or unexpected, thus catching people unawares.
 - The Tribunal has adopted a broad approach to the interpretation of "employed or engaged as a social worker" and has taken to citing the Crown Law opinion in its decisions in support of that view.
 - However, it is arguable that the Tribunal now interprets the phrase so broadly that it is unpredictable, and "catches people unawares" as was cautioned against by Crown Law.
 - For example in a recent case, a Complaints Assessment Committee appointed under the Act laid a charge pursuant to section 82(1)(b) of the Act in relation to Ms Angelo, a youth worker at Canteen, practising without a current practising certificate.² Ms Angelo was registered as a social worker, but did not hold a practising certificate as she believed that few elements of her position could be considered social work. Her employer also did not consider her to be engaged in social work or require

² *Complaints Assessment Committee v Angelo*, Social Workers Registration Board Complaints and Disciplinary Tribunal, RSW9/D1/SWDT/2015.

registration for the purposes of her role. The Tribunal, however, considered that many of the tasks she undertook constituted the practice of social work and as such she was required to hold a practicing certificate. It found the charge of conduct unbecoming was proved.

- The context of the Crown Law opinion is whether managers and supervisors of social workers should be included within the phrase "employer or engaged as a social worker", not whether other roles that do not involve social workers casework should be included. Although it will be dependant on the facts of each case, our view is that the Tribunal's interpretation of "employed or engaged as a social worker" is too broad.
- On 8 June 2016 Sean McKinley, Chief Executive and Registrar of the Board, wrote to the Chief Executive of Corrections in regards to staff who are registered social workers and not renewing their practising certificate. Mr McKinley further advised that the Board believe roles at Corrections involve social work practice and as such those staff in the roles who are registered social workers must have an annual practising certificate. Although Mr McKinley did not advise which roles in particular the Board considered to involve social work practice, the Department understands that this may include a wide range of roles such as probation officers, case managers and programme facilitators.
- Given the recent decisions of the Tribunal and its broad interpretation of the phrase "employed or engaged as a social worker", it is likely that the Tribunal will agree with the Board's assessment that these roles involve social work practice. If the recommendation was accepted, this would mean that the Department could only employ registered social workers to fill these roles. In the Department's view this would be unmanageable and unnecessary.
- This also has wider implications for staff who are currently engaged in these roles, and the recruitment of new staff into those roles. For example, the Department currently employs a number of law graduates into probation officer roles. These staff do not have experience in social work and thus would not have the ability to become registered without first gaining qualifications in social work.

9(2)(a)

From: 9(2)(a)
Sent: Thursday, 13 April 2017 4:42 p.m.
To: 9(2)(a)
Cc:
Subject: FW: Social Worker Registration RIS and Cabinet paper for feedback - fast turn around requested please

FYI

From: 9(2)(a)
Sent: Thursday, 13 April 2017 4:34 p.m.
To: 9(2)(a)
Subject: FW: Social Worker Registration RIS and Cabinet paper for feedback - fast turn around requested please

Hi 9(2)(a)

I have discussed with our policy team and legal and we go back to our earlier advice and position as below – we support mandatory registration for those in roles defined and titled as social worker however do not support the widening of the net to include Corrections staff other than those employed as social workers with the title of social work to complete social work tasks.

With regard to comment on why people choose not to register, the Chief Social Worker will certainly have a more up to date and perhaps empirical basis than I however – my immediate thoughts as a former social worker are:

- Cost – the current cost is high particularly for NGOs and personal individuals
- Process – often lengthy process with competency and registration (some of which will be addressed with the new legislation)
- No ability to opt out when change roles – and lack of clarity about what is a role and what isn't and the Board seemingly arbitrarily determining this
- No flexibility for those in non-direct social work roles – such as managers or those with no client contact
- Potentially social workers not seeing the value in registration as the current process is not seen as supportive or helpful but punitive and complex

Please do not take this as a Corrections view on why people choose not to register – merely anecdotal and experiential on my behalf.

I hope the feedback is sufficient for you to consider inclusion or not of particular perspectives.

Re the paper in general – we thought the first version sufficiently met our needs in regard to keeping our non-direct social work staff out of registration.

We referred to this issue in our earlier feedback to MSD. I've summarised some of the key points below:

- In 2013 the Board and the Ministry of Social Development jointly obtained a Crown Law opinion on the meaning of the phrase "employed or engaged as a social worker" in section 25 of the Social Workers Registration Act 2003 (Act).
- This opinion concludes that a registered social worker is "employed or engaged as a social worker" and therefore required to hold a current practising certificate if her or she:
 - Is engaged with casework decisions at any level; and/or
 - In the context of performing his or her role, expressly holds himself or herself out as a registered social worker, or is held out in that way by his or her employer or colleagues.
- The Crown Law opinion also notes, however, that the section is somewhat opaque and it is not possible to state with any certainty the approach that a court would take in interpreting it. Further, the opinion

indicates that care must be taken not to give the phrase an unmanageably wide meaning or to interpret it in such a way as to be unpredictable or unexpected, thus catching people unawares.

- The Tribunal has adopted a broad approach to the interpretation of "employed or engaged as a social worker" and has taken to citing the Crown Law opinion in its decisions in support of that view.
- However, it is arguable that the Tribunal now interprets the phrase so broadly that it is unpredictable, and "catches people unawares" as was cautioned against by Crown Law.
- The context of the Crown Law opinion is whether managers and supervisors of social workers should be included within the phrase "employer or engaged as a social worker", not whether other roles that do not involve social workers casework should be included. Although it will be dependant on the facts of each case, our view is that the Tribunal's interpretation of "employed or engaged as a social worker" is too broad.

We strongly disagree with the member of the Board's suggestion that "Probation Officers have traditionally always been social workers". The Tribunal's findings in this area are very recent and, as noted above, based on a possible misapplication of the Crown Law opinion.

We agree with the form of occupational regulation recommended in the draft RIS and Cabinet paper. The recommendation is now even less restrictive, as it does not recommend licencing tasks.

"Task based specification on a generic, statutory basis could result in people currently working in related areas being shut out because their work overlaps too much with tasks defined as Social Work Tasks (for example probation officers or Whanau Ora navigators). It could also result in having to use social workers, at greater cost, for tasks that could be undertaken by less specialised staff."

"The preferred form of occupational regulation to achieve the objectives is one of mandatory certification and title protection so that only those who register are able to call themselves 'social workers'. Under this approach, it would be an offence to represent oneself as a social worker unless registered with the Board. This will allow employing and contracting agencies to specify where and when social workers and social work skills are required. Generic task or occupational licencing would be highly disruptive to the social services sector because of the difficulties in distinctly defining social work, and run counter to the multidisciplinary environment in which most social work happens."

This would mean only people who have the title of "Social Worker" will need to register and probation officers will be able to complete all of their current tasks without concern that some of those tasks may be "licenced tasks" restricted to social workers.

9(2)(a) - Privacy of another

From: 9(2)(a)
Sent: Friday, 20 January 2017 2:10 p.m.
To: 9(2)(a)
Cc:
Subject: RE: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Thanks very much for such a comprehensive response 9(2)(a) it's saved me from having to draft similar comments.

My only additions are:

There are a wide range of roles and jobs described as "social work" and a number of qualifications associated with the training for these. My assumption is that the intention is to define "social work" more narrowly than currently – so that some occupations (and associated training) are no longer classified as "social work".

If this is the case, then potential students and graduates would be well served if good information was published about what jobs are available and the associated training and regulatory requirements. Otherwise, there is a risk of students embarking on education and training that doesn't lead to the jobs they aspire to.

Out of Scope

Cheers, 9(2)(a)

From: 9(2)(a)
Sent: Friday, 20 January 2017 1:41 p.m.
To: 9(2)(a)
Cc: 9(2)(a)
Subject: RE: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Hi 9(2)(a)

Just following up on 9(2)(a) email, in regards to the tertiary education costs.

The Tertiary Education Commission (contact 9(2)(a) cc'd this email) and the Ministry of Education (yours truly) met with staff of the Social Workers Registration Board in mid/late 2016 to discuss the potential implications of changes to registration requirements. Out of Scope

Out of Scope

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Kind regards

9(2)(a) Chief Policy Analyst | Tertiary Education

9(2)(a)

Out of Scope

From: 9(2)(a)

Sent: Friday, 20 January 2017 12:13 p.m.

To: 9(2)(a)

Cc:

Subject: RE: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Good afternoon 9(2)(a)

Thank you for the opportunity to comment.

We support the intent behind the proposal to make registration mandatory for social workers.

Out of Scope

Impacts might also depend on how policy develops around who must go through the social worker registration process. We would need to consider any potential impacts on school employees who undertake social work type tasks, such as guidance counsellors and youth workers.

As you are aware, the impact of the IIC work programme to the roles of social workers also needs to be considered. If the definition of social worker is expanded through the IIC worker this could also lead to increased costs.

We would appreciate further consultation as this develops.

Kind regards,

9(2)(a) Assistant Policy Analyst | System Policy

Out of Scope

9(2)(a)

From:

9(2)(a)

Sent:

Monday, 13 February 2017 4:15 p.m.

To:

9(2)(a)

Cc:

Subject:

FW: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003

Attachments:

2017.02.09 DRAFT Cabinet paper for consultation - re govt response on inquiry into SWRA.docx; 2017.02.09 DRAFT Government Response for consultation - re inquiry into SWRA.docx

Importance:

High

Good afternoon 9(2)(a)

Thank you for the opportunity to comment on the Cabinet paper and Government response. We generally support the intent behind the proposal to make registration mandatory for social workers. There are just two areas that we have feedback on.

Out of Scope

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OFFICIAL INFORMATION ACT

The Government response discusses the need to define 'social work' and 'social worker'. We agree that too broad a definition would cause unnecessary disruption to sectors where people carry out social work type activities. As noted in previous feedback, depending on how this definition takes shape, we would have to consider any potential impacts on school employees who undertake social work type tasks (for example guidance counsellors and youth workers).

Kind regards,

9(2)(a) Assistant Policy Analyst | System Policy

From: 9(2)(a)

Sent: Thursday, 9 February 2017 2:49 p.m.

To: 9(2)(a)

Subject: Re: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003

Importance: High

Dear all,

Please find attached the draft Cabinet paper and government response, for your review and comment. The Social Services Committee report is available here https://www.parliament.nz/resource/en-NZ/51DBSCH_SCR71955_1/170b828c8c569c2b9b33e5dc08749ee79df34450.

As signalled to you yesterday, the consultation timeframe has been adjusted, although it is still the aim to have the Cabinet paper and response documents presented at the Cabinet Social Policy Committee on 8 March.

Could you please provide your feedback on these documents back to me **by 5pm on Monday 13 February 2017**.

We appreciate this is a tight timeframe, and we thank you for your understanding and effort in providing your feedback.

9(2)(a)

Senior Policy Analyst | Child, Family, Community and Youth Policy
National Office | Ministry of Social Development

9(2)(a)

Level 14 | The Aurora Centre | 56-56 The Terrace | P O Box 1556 | Wellington 6140 | New Zealand

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9(2)(a)

From:

9(2)(a)

Sent:

Thursday, 13 April 2017 9:24 a.m.

To:

9(2)(a)

Cc:

Subject:

Social Worker Registration RIS and Cabinet paper for feedback - fast turn around requested please

Attachments:

2017.04.11 Draft Cabinet paper.docx; 2017 04 11 Draft SWRA RIS.docx

Good morning 9(2)(a)

Thank you for the opportunity to comment.

We generally support the intent behind the proposals to increase professionalism and quality of social work practice.

Out of Scope

Paragraph 94 refers to all teachers employed under the Ed Act having to be "registered". This should read "certificated". The distinction is important because a teacher can be registered but not hold a current practising certificate. The critical difference is that the teacher with a practicing certificate has been assured "within three years"

Social worker definition

You have noted that your mandatory certification approach will avoid inadvertently affecting related occupations such as school guidance counsellors. Your approach is to protect the title 'social worker' rather than reserve certain tasks. This will presumably mean that, for occupations that sit in the grey area in terms of whether they are social work, it will be for employers to make the call as to whether they will require employees to hold the title 'social worker'. We think that this approach is preferable to imposing registration requirements for selected tasks. The

implementation phase of this should consider how employers can be supported to make good decisions about whether they will require a 'social worker' for roles that sit in the grey area.

Out of Scope

Kind regards,

9(2)(a) Assistant Policy Analyst | System Policy

From: 9(2)(a)

Sent: Tuesday, 11 April 2017 10:49 a.m.

To: 9(2)(a)

Subject: Social Worker Registration RIS and Cabinet paper for feedback - fast turn around requested please

Hi everyone,

Please find attached the draft Regulatory Impact Statement (RIS) and accompanying Cabinet paper for the next stage of the Social Worker Registration Act work.

Please note there are some gaps, and areas with yellow highlights – these are areas where we are especially interested in getting feedback.

As is becoming habit, I apologise for the fast turn-around timeframes I am about to ask of you.

Our aim is to have the documents (including agency feedback) with our Minister on Tuesday 18 April (as Monday is a holiday) next week, and shortly thereafter out for Ministerial consultation ahead of us lodging the documents on 27 April - for SOC on 3 May.

Keeping in mind this is a short week due to Easter, **we are asking for agency feedback on these drafts by 5pm tomorrow (Wednesday) please**, to give us time to process any changes ahead of us sending these to our Minister. Our 'drop dead' time for responses is noon on Thursday, but we will only have limited ability to make changes by that point.

For those agencies we have been meeting with and/or seeking clarifications from, we thank for your time and input.

9(2)(a)

Senior Policy Analyst - Older People & Vulnerable Adults Policy
National Office - Ministry of Social Development

9(2)(a)

Level 14 | The Aurora Centre | 56-66 The Terrace | P O Box 1556 | Wellington 6140 | New Zealand

9(2)(a)

From:

9(2)(a)

Sent:

Tuesday, 10 January 2017 11:15 a.m.

To:

9(2)(a)

Cc:

Subject:

RE: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Hi 9(2)(a)

Some things to follow up as discussed (mostly pasted from other emails):

- MBIE has done significant work on regulating professions and is available to work with agencies on applying the framework. MSD may have contacted someone at MBIE, but there are high chances the message won't make it to the right people. 9(2)(a) and 9(2)(a) in the competition and consumer team 9(2)(a) are the relevant contacts.

Out of Scope

The Committee's

report does not attempt to define "social worker" so there is no way of knowing who would be affected.

- Accordingly, we do not (at this stage) support the proposal, even in principle. This is because in principle approval would set us off down a path we know nothing about.

Out of Scope

Happy to discuss any of these points, or put you in touch with colleagues if it would be useful.

Kind regards,

9(2)(a)

Analyst, Labour Market & Welfare | The Treasury

9(2)(a)

Out of Scope

Out of Scope

From: 9(2)(a)

Sent: Wednesday, 4 January 2017 4:54 p.m.

To: 9(2)(a)

Cc:

Subject: RE: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Kia ora 9(2)(a)

I've been forwarded your request for feedback on the Social Services Committee report.

As you're probably expecting, the Treasury does not hold any specific information on the implications of mandatory registration for social workers. However, from our related work, we have a few comments/questions as follows:

- What are the links (if any) between the registration proposal and the proposed national care standards?
- Would the proposed one year transition have implications (fiscal and/or employment related) for the government workforce? How would this be managed?
- We note that there are no proposed changes to safety checking processes, which is welcome. We are cautious about any expansion of safety checking.

I'll keep an eye out for your draft report.

Kind regards,

9(2)(a)

Analyst, Labour Market & Welfare | The Treasury

9(2)(a)

Out of Scope

9(2)(a)

From: 9(2)(a)
Sent: Friday, 20 January 2017 10:33 a.m.
To: 9(2)(a)
Subject: FW: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act

Kia ora 9(2)(a)

Out of Scope

- There is no agreed definition of social work or the role of a social worker in the report, and this is needed. What are the tasks that are distinct only to social workers as opposed to youth workers and family support workers? This is particularly important to understand when it comes to the new legislation which will allow the chief executive of Oranga Tamariki to delegate 'social work' tasks to non-social workers.

Out of Scope

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Out of Scope

Thanks again.

9(2)(a)

Out of Scope

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Out of Scope

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From: Out of Scope

Sent: Monday, 19 December 2016 11:29 a.m.

To: 9(2)(a)

9(2)(a)

Subject: Government response to the Social Services Committee Inquiry into the operation of the Social Worker Registration Act

Good morning,

MSD and the Social Workers Registration Board have been advisors to the Social Services Committee inquiry into the operation of the Social Worker Registration Act. The Committee has concluded its inquiry and recently released its report - https://www.parliament.nz/resource/en-NZ/51DBSCH_SCR71955_1/170b828c8c569c2b9b33e5dc08749ee79df34450.

We are preparing the government's response to this report and would like input from your work area to help inform the MSD component of the response. We have had very preliminary discussions with some of you already, but are now seeking something firmer.

If you are not the right person, could you please advise who you believe would be best for us to work with on this?

I would like to be able to make contact with the people prior to Christmas, in order to give adequate time to exchange information and clarify the request.

The key recommendation of the Committee is that the Government make registration mandatory for social workers. Some of the recommendations of the Committee may have an impact on your areas of work.

This could be anything from employment of Social Workers (or people to do tasks that could be considered social work tasks), contracting with NGOs who employ Social Workers, to assurances of competency and accountability for staff employed or acting as Social Workers.

What we need from you is advice on if your work area would support the Committee's recommendations, including:

- Support (or not) for mandatory registration
- What are the implications are of mandatory registration - possibly in a policy, financial, or potentially legal aspect
- Anything important that the Ministers should be made aware of
- Any other key issues you can see arising from the recommendations.

Please provide your indicative responses **by Friday 20th January**, at which point I will review and collate responses for a preliminary draft that will go back out for feedback on Friday 27th January.

As such, it would be appreciated if there was someone available to liaise with over early and mid- January. I will be in the office until 23 December, then back again from 4 January.

Thank you for your attention on this.

Regards,

9(2)(a)

Senior Policy Analyst | Child, Family, Community and Youth Policy
National Office | Ministry of Social Development

9(2)(a)

Level 14 | The Aurora Centre | 58-66 The Terrace | P O Box 1556 | Wellington 6140 | New Zealand

9(2)(a)

Out of Scope

From: 9(2)(a)

Sent: Wednesday, 26 July 2017 9:45 a.m.

To: 9(2)(a)

Cc:

Subject: RE: Social Work Mandatory Registration - Agency Consultation

Hi 9(2)(a)

Here is some content we hope will help with the Aide Memoire:

The Social Workers in Schools service (SWIS) specifies that a 'social worker' must be qualified and registered, or working towards registration. It is the responsibility of the provider to employ and support competent, qualified social workers; support social workers to remain registered or become registered if they are not already and provide opportunities for on-going training and professional development of social workers.

Out of Scope

Very happy to discuss,

Regards

9(2)(a)

Team Leader, Family Services
Level 18, The Aurora Centre, 56 – 66 The Terrace, Wellington | PO Box 546, Wellington 6140

9(2)(a)

Out of Scope

From: 9(2)(a)

Sent: Monday, 24 July 2017 4:49 p.m.

To: 9(2)(a)

Cc: 9(2)(a)

Subject: RE: Social Work Mandatory Registration - Agency Consultation

Thanks 9(2)(a) for following this up.

It would be helpful if you could give some indication whether there are any services that MVQCT contracts for that specify in the contract that it must be carried out by a social worker (registered, registerable or not specified). I'm presuming SwiS does for example, but I'm guessing none of the other contracts do. One way or another it would be good to give the Minister an indication of this.

Cheers

9(2)(a)



9(2)(a)

Senior Policy Analyst | Policy, Investment and Evidence
Ministry for Vulnerable Children, Oranga Tamariki

9(2)(a)

10 The Aurora Centre | Level 14 | 56 The Terrace | P O Box 1556 | Wellington | New Zealand

Out of Scope

Out of Scope

From: 9(2)(a)
Sent: Monday, 24 July 2017 1:01 p.m.
To: 9(2)(a)
Cc:
Subject: FW: Social Work Mandatory Registration - Agency Consultation
Importance: High

Hi 9(2)(a)

I understand you received copies of the attached mandatory registration call paper and Bill from 9(2)(a) last week.

We will be contributing a couple of paragraphs to the joint MSD/MVCOT aide memoire 9(2)(a) is drafting for Minister Tolley on it. The paragraphs we are preparing will briefly state what the implications of the proposed changes are 9(2)(a) MVCOT will be preparing some text around what it means for Oranga Tamariki social workers, and I would be grateful if you or someone from your team could prepare information on what it could mean for our contracted NGO providers. Any stats you could include would be helpful.

Please could I have this information by COP tomorrow if possible. If this is not doable, please let me know.

Many thanks

9(2)(a)

Out of Scope

9(2)(a) - Privacy of another

From: 9(2)(a)
Sent: Friday, 20 January 2017 4:32 p.m.
To: 9(2)(a)
Cc:
Subject: Re: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act
Attachments: MoH feedback on SWRA proposals.docx; Summary of MoH feedback on SWRA briefing.docx

Good afternoon,

Thanks for the opportunity to provide comments on the Social Services Committee inquiry into the operation of the Social Worker Registration Act.

We have attached our initial feedback on the proposals.

Thanks,

9(2)(a)
Policy Analyst
Safety and Access
Regulatory Policy
Strategy and Policy
Ministry of Health

9(2)(a)

Out of Scope

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Ministry of Health feedback on the Social Worker Registration Act proposals

Out of Scope

5. The Ministry supports reserving the title of "social worker" for registered social workers. Currently, a person could receive social work from an unregistered or unqualified person without knowing so. Reserving the title "social worker" for registered people would be in line with the HPCA Act, which only allows registered health practitioners to claim to be practising a profession regulated under the Act, or use the corresponding titles (such as doctor).
6. Social work is not easily defined, and there are a broad range of activities that could potentially fall under any description of activity. While supporting mandatory registration for anyone using the title, the Ministry does not want to limit a broad range of activities that people who do not have that title could also perform in some cases. The registration is important for clarifying for employers and consumers that someone calling themselves a 'social worker' has met a professional standard to which they are held accountable. The Ministry does not support allowing only registered social workers to do social work. This approach would be consistent with the way the HPCA Act operates, which allows anyone to practise any health profession (provided they do not hold themselves out to be a member of a profession). For example, while only a registered midwife can call themselves a midwife, anyone may deliver a baby. Social work covers a broad range of activities, some of which overlap with those of other professions (such as counsellors, teachers and community nurses), and it could be problematic to restrict social work only to social workers.
7. The Ministry is not opposed to careful consideration of restricting particular activities that are of extremely high risk to the public. (For example, while anyone may practise medicine, only registered health practitioners can practise surgery.) Potential restricted activities

would need to be considered very carefully to ensure it is reasonable and feasible to prevent any other person from carrying them out.

8. We note that there may be high numbers of people currently carrying out aspects of social work who do not meet the qualifications requirements to be registered social workers. In the interests of not losing this workforce, but still maintaining standards, competencies, ethics and disciplinary procedures for this group, the SWRB may wish to investigate whether a second level of registration (e.g. a separate scope of practice similar to enrolled nurses) is appropriate. This could enable a select group to carry out a limited range of social work activities that they are appropriately trained for, without losing the valuable contribution these people could be making.
9. We have provided further feedback below on specific proposals, and welcome the opportunity to review further drafts of the briefing.

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Inquiry into the operation of the Social Workers Registration Act
Report to the Social Services Committee

Proposal	Explanation	MoH view
Mandatory Registration 1 - That it make registration mandatory for social workers.	Currently, it is voluntary to register as a social worker. Making registration mandatory would: - align social work with similar professions (teachers etc) - provide an assurance of competence, accountability, and fitness to practice - help protect public safety, and enhance the professionalism of the Act.	Agree that registration for social workers should be mandatory, and clarify that only registered social workers can use the social work title. Could move to better align with the HPCA Act. The proposal will enhance the professionalism of social work, and ensure consistency, accountability, and clarity for the public. An appropriate definition of social worker will need to be developed.
2 - That it permit only registered social workers to practise social work, as defined in a legislative instrument (Order in Council or regulations)		We do not agree with permitting only registered social workers to practice social work. This would be difficult to enforce, and does not align with the HPCA Act or government's framework for occupational regulation generally. The HPCA Act allows anyone to practice any health profession, provided they do not hold themselves out to be a member of that profession.
3 - That it permit only registered social workers to use the title "social worker".	Anybody can use the title "social worker". Census information from 2013 shows that about 18,000 people identified as "social workers" in a wide definition that includes occupations such as health promotion officer, community worker etc. The number of people who identified as "social	We agree that only registered social workers should be able to use the title "social worker". This would be in line with the HPCA Act, which protects the titles of registered health practitioners.

Proposal	Explanation	MoH view
	workers" in 2013, based on a narrower definition, was 6,128.	
4 - That it introduce a particular form of registration for social work students.	This would have appropriate criteria and restrictions, and would help protect public safety during student placements.	The Ministry notes that its experience is that regulating students is difficult (particularly if any charge is associated with registration). It is not required under the HPCA Act as (a) students are not able to use titles associated with health professions and (b) where students are undertaking restricted activities, this is pursuant to an exception in the Act which allows students to undertake those activities in the course of training or instruction and under the control of a health practitioner of the appropriate kind. This may be a more appropriate means of regulating the activity of students.
5 - That it require social workers to practice in accordance with scopes of practice to be developed by the Social Workers Registration Board (SWRB).	The SWRB should prescribe general and specialist scopes of practice, similar to the authorities' role in health professions. This would allow for additional prerequisites in certain areas of social work, and allow for specialisation after further post-qualification education.	We agree that scopes of practice should be developed. The types of scopes to be developed should be determined by the SWRB. We recommend that they should not be too broad and cover professions not considered to be social work.
Out of Scope		

Out of Scope

Summary

38 - Government examine legislative options to determine the best means for implementing those recommendations.

MoH would like to discuss with MSD what the best potential options are for implementing the recommendations.

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9(2)(a)

From: 9(2)(a)
Sent: Monday, 13 February 2017 4:48 p.m.
To: 9(2)(a)
Cc:
Subject: Re: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003
Attachments: MoH comments on government response.docx; MoH comments on cabinet paper.docx

Good afternoon,

Thanks for the opportunity to provide comments on the government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act.

The Ministry supports mandatory registration of social workers. In particular, the Ministry supports restricting the use of the title "social worker" to only registered social workers, rather than restricting particular activities to only be undertaken by social workers, which is in line with the approach taken under the Health Practitioners Competence Assurance Act.

Out of Scope

Thanks,

9(2)(a)
Policy Analyst
Safety and Access
Regulatory Policy
Strategy and Policy
Ministry of Health

9(2)(a)

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9(2)(a)

From:

9(2)(a)

Sent:

Wednesday, 12 April 2017 5:35 p.m.

To:

9(2)(a)

Subject:

RE: Fw: Social Worker Registration RIS and Cabinet paper for feedback - fast turn around requested please

H 9(2)(a)

I'd still argue that, based on the definitions in the policy framework for occupational regulation below, nurses and all other health practitioners covered by the HPCAA are certified rather than licensed.

<https://www.dpmc.govt.nz/cabinet/circulars/co99/6>

For example, there is nothing to stop me (with no nursing knowledge) from doing pretty much anything a nurse does, as long as I don't call myself a nurse. (Employers would be crazy to hire me, of course.)

Health practitioners do have to operate within their scopes of practice (so a GP can't perform neurosurgery, for example), but scopes of practice don't apply to people who are not registered health practitioners.

Cheers

9(2)(a)

Certification: An agency is empowered by statute to certify to the public that individuals have satisfied particular requirements that indicate their competence in a particular field. The certified practitioner is given the exclusive right to use a certain title, for instance, "Registered Psychologist" or "Chartered Accountant". Those who are not certified can offer their services in competition with certified practitioners but under a different title. Certification provides information to the public by giving assurance that the practitioner has met certain requirements at the point of certification. It does not deal with the quality of the work done or the competence of the practitioner once the person has been given the right to use the certified title, except that certification is usually accompanied with disciplinary processes aimed at providing a means of removing the right to use the protected title if the practitioner falls below the standards acceptable to the regulating body.

Licensing workers in an occupation: This regime explicitly prohibits all but licensed persons from offering certain services. Entry to the occupation is dependent upon the worker meeting prescribed standards. Entry qualifications normally involve education and some discretionary criteria related to character or fitness to practice. (For example taxi drivers are licensed following an examination on their knowledge of their area and a police check to ensure that they are a "fit and proper person" to operate a taxi).

Licensing of workers is the least flexible form of occupational regulation as those not meeting the entry requirements are unable to practice. It minimises the risk to the public from unskilled practitioners by requiring that all who practice have met particular standards on entry but it does not usually deal directly with the continuing relevance of those standards or the current competence of workers after they are licensed. (There are some exceptions to this. For example, people licensed under the Electricity Act are required to undertake refresher training on safety procedures to maintain their knowledge in this area).

As with certification, a disciplinary process exists which may result in transgressors having their licence suspended or removed.

Where the licensing is primarily within the control of the occupational group the group has incentives to increase the barriers to entry by raising the standards required. This means that there is less competition to existing members of the group and this enables higher prices to be charged.

Licensing reduces public search costs but can reduce consumer choice as there are limits on the range of practitioners able to provide a particular service and there is less incentive on licensed practitioners to distinguish by differing levels of quality and service. While there may be competition within the occupation, it is restricted to competition for a limited and specific range of services.

9(2)(a)

Principal Advisor | Health Workforce New Zealand | Ministry of Health

9(2)(a)



Fr 9(2)(a)

Td

Date: 12/04/2017 04:49 p.m.

Subject: RE: Fw: Social Worker Registration RIS and Cabinet paper for feedback - fast turn around requested please

Thanks so much for this.

Just as an FYI -- MBIE use Nurses as an example of Occupational Licensing, explicitly stating that Nurses are licenced rather than registered (ref para 93 of RIS).

Suspect it may be a terminology difference between you?

From: 9(2)(a)

Sent: Wednesday, 12 April 2017 4:33 p.m.

To: 9(2)(a)

Cc: 9(2)(a)

Subject: Re: Fw: Social Worker Registration RIS and Cabinet paper for feedback - fast turn around requested please

Hi 9(2)(a)

Thanks for the opportunity to comment. The Ministry of Health supports the proposals to strengthen the professionalism of the social worker workforce through amendments to the Social Worker Registration Act. Specific comments are included in tracked changes on the attached. In the RIS, our comments are mostly around clarifying that the HPCA Act operates primarily on protection of title. Happy to discuss anything that's not clear.

On a related note, I notice there are a number of references to medical practitioners in the SWRA. Last year, the Health Practitioners (Replacement of Statutory References to Medical Practitioners) Bill was passed amending 7 separate Acts to extend functions previously restricted to doctors, to other health practitioners such as nurse practitioners and registered nurses. As other legislation is amended, the Ministry is looking for further opportunities to make best use of our health workforce by extending statutory functions to health practitioners beyond just doctors. This is a 'heads up' that we may wish to discuss the possibility of amendments to the SWRA along these lines, as your proposed amendments proceed. We can provide further advice on this once we have had a chance to examine the references to medical practitioners in the SWRA more fully.

Kind regards

9(2)(a)

Principal Advisor | Health Workforce New Zealand | Ministry of Health

9(2)(a)



Out of Scope

9(2)(a)

From: 9(2)(a)
Sent: Thursday, 3 August 2017 3:45 p.m.
To: 9(2)(a)
Subject: Social Worker Registration
Attachments: Social Workers Registration Legislation Bill (ver 1.15) 28 July.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi again 9(2)(a)

We have been having on-going discussions with the Social Worker Registration Board (the Board) and MBIE's regulatory specialists, trying to satisfy the Board that the proposed way we are seeking to regulate social workers is consistent with other professions.

MBIE believe we are ok, the Board believe we are inconsistent... and they keep using professions that sit under the HPCA Act as examples. In fact, their position would seem to be they see themselves as a health profession, and if anything they think they should sit under the HPCA Act. In particular, they comment on themselves as one of the "talking professions" including occupational therapists, psychotherapists and counsellors.

So, what am I asking of you...

Would you be willing to meet with us to outline clearly how professions under your Act are regulated, would you see HPCA Act as suitable for something like social workers, and do you see the approach we are intending as consistent (or not) with others in the health sector.

Clearly if you have subject matter experts then you are welcome to include them in the discussions. I'm not proposing a date at this point, but that will be the aim in time. For now, an exchange of ideas should suffice.

I attach a copy of our draft legislation, so you can see what we are on about. And we welcome your comments.

Much appreciated.

9(2)(a)

Senior Policy Analyst - Older People & Vulnerable Adults Policy
National Office - Ministry of Social Development

9(2)(a)

Level 9 | The Aurora Centre | 56-66 The Terrace | P O Box 1556 | Wellington 6140 | New Zealand

9(2)(a)

From: 9(2)(a)
Sent: Thursday, 17 August 2017 1:44 p.m.
To: 9(2)(a)
Cc:
Subject: Re: scenarios from swrb re: limitation of employer defined social work

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks 9(2)(a)

At a cursory glance, there does seem to be some misunderstanding in the SWRB scenarios document about the HPCA works. It does not stop non-registered people from carrying out the activities that registered people undertake (except for 5 restricted activities, like surgery). Instead it works by stopping people from implying they are registered health practitioners when they are not. I could treat someone's pneumonia or sprained ankle (with no relevant qualifications except an expired First Aid certificate) as long as I don't claim to be a member of a regulated health profession. However the scenarios document is correct that it is not employers or government agencies who determine who is a member of a profession under the HPCA Act, but the responsible authorities (registration boards).

I have invited my colleague, 9(2)(a) to join us on Monday as she has a good deal of knowledge in this area and has spoken to the SWRB recently about how the HPCA Act works.

See you on Monday
Kind regards

9(2)(a)

Principal Advisor | Health Workforce New Zealand | Ministry of Health 9(2)(a)



From: 9(2)(a)
To:
Date: 17/08/2017 01:22 p.m.
Subject: scenarios from swrb re: limitation of employer defined social work

Hello again,

Here is some light background information for you.

The Social Worker Registration Board put together a range of scenarios to demonstrate how they see a profession working, being regulated, or being defined. This was their way of telling us that the proposal we are putting forward for how social workers will be defined etc. was inconsistent with how the HPCA Act operates.

9(2)(g)(i) - Free and Frank

The path we are proposing is:

- Title protection (all social workers must be registered)
- Very limited task restrictions (i.e. certain statutory tasks required to be undertaken by a social worker)
- Definition not in legislation, but made by Govt agencies (in contracts directly with staff, or indirectly with NGOs) or

other employers who would specify when they think a social worker may be required (i.e. in contract service specs) – and then seek clarification from the Board. Even employees who think they are social workers, or they should be social workers, could raise the query with the employer and/or the Board for their clarification.

I give you the link for the information on the Bill:

<https://www.parliament.nz/en/pb/bills-and-laws/bills-digests/document/51PLaw25251/social-workers-registration-legislation-bill-2017-bills>

And also the RIS and Cabinet Paper:

<http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/regulatory-impact-statements/regulatory-impact-statement-legislative-changes-to-increase-the-professionalism-of-the-social-work-workforce.html>

We have also extended an invite to 2 MBIE staff to come along to the meeting, as they are regulatory specialists.

Kind regards,

9(2)(a)

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Out of Scope

From: 9(2)(a)

Sent: Monday, 20 February 2017 5:12 p.m.

To: 9(2)(a)

Cc:

Subject: FW: Government response to the Social Services Committee Inquiry into the operation of the Social Worker Registration Act 2003 [IN-CONFIDENCE]

Hi 9(2)(a)

I hope you are good.

Further to my phone message, I am just catching up on developments with the Government Response to the Social Services Committee Inquiry and I had a few queries. Sorry also that I didn't ring 9(2)(a) as MSD reception didn't have her phone number.

Definition of "Mandatory Registration".

A key concept in the Cabinet paper and Government Response is what is meant by "mandatory registration". I would appreciate your advice on this. As you will be aware, registration can be a feature of various forms of occupational regulation. For example:

- Protection of title – it could be mandatory for persons who use the title "social worker" to be registered, but any person may carry out social work so long as they do not use that title.
- Protection of title with restricted tasks – it could be mandatory for persons who use the title "social worker" to be registered and only "registered social workers" may carry out certain "restricted tasks".
- Licensing of an occupation - It could be mandatory for persons who use the title "social worker" to be registered, and only "registered social workers" may carry out "social work" activities.

Paragraphs 18 to 23 of the Cabinet paper touch on the differences, but I still found the paper unclear on the use of this concept.

My reading of the Social Services Committee report is that it uses the term "mandatory registration" to refer to licensing of an occupation. Refer recommendation 2: "only registered social workers to practise social work, as defined in a legislative instrument". Paragraph 20 of the Cabinet paper outlines that this is the meaning of the term for the purposes of the Cabinet paper and Government Response. If this is the case, then MBIE has significant reservations moving to mandatory registration for the reasons as outlined in our comment. Such regulation would seem to be disproportionate to the level of risk and costs imposed, and on its face appears to be inconsistent with the 2016 Amendment Act relating to workforce settings.

However, the uncertainty arises as the paper discusses the importance of the definition of "social work" and appears to leave open the possibility that this could be limited to certain "restricted tasks", such as "uplifting a child from their home" (refer paragraph 6 of the Government Response). If so, I think this use of the term "mandatory registration" is inconsistent with the use by the Social Services Committee. The term "social work" implies a fuller description of the function rather than a specified list of restricted tasks. It may be clearer to say define "social work" or a list of "restricted tasks".

Other parts of the paper reference the ANSCO definition of social worker as a possible basis for a definition of "social work" [i.e. "Assesses the social needs of individuals, families and groups, assists and empowers people to develop and use the skills and resources needed to resolve social and other problems, and furthers human wellbeing and human rights, social justice and social development"]. The paper appears to imply some support for the use of this definition on the basis that this relates to approximately the existing voluntary registered pool of 6,128 people. However, this definition is not risk-based. In addition, it does not take into account that other professions, that do not describe themselves as social workers, may competently carry out some of these activities. For example, my understanding is that a constable may also uplift a child from their home, and under the 2016 Amendment Act, the chief executive may delegate other professionals with suitable qualifications, skill and experience to carry out specified functions.

As an aside, the paper also discusses the importance of the definition of "social worker" and it is not clear why this is the case. Is it envisaged that the definition of "social worker" could be other than a person who is registered under the new regime? That is, is the paper envisaging a fourth category of occupational regulation where "social worker" will not be a protected title?

Recommendation in the Cabinet paper

The Cabinet paper seeks "agreement in principle" to increased occupational regulation of social workers, such as mandatory registration.

However, the Government Response outlines that the "Government accepts that only registered social workers should carry out certain social work activities..." and that "it follows, that only registered social workers should be permitted to use the title 'social worker'" (paragraph 6). This Government Response appears to commit the Government to a "protection of title" regime, at a minimum, and potentially to a "protection of title with restricted tasks". If so, the only matter to be determined following further work is what tasks or activities will be restricted to registered social workers.

This would seem to be inconsistent with the Cabinet recommendation. Could you please clarify if it is your intention that this paper is seeking agreement to a minimum of protection of the title of social worker, with the matters to be clarified in report back relating solely to the scope of tasks or activities that would be restricted to registered social workers? If so, this would appear to have financial and legislative implications that should be addressed in this Cabinet paper.

Your advice on this matter would assist us in understanding how to advise MBIE and Treasury Ministers.

Thanks very much for this. I look forward to hearing from you.

Best wishes

9(2)(a)

Principal Policy Adviser | Competition and Consumer Policy | Building, Resources & Markets Group
Ministry of Business, Innovation & Employment

9(2)(a)

Level 5, 15 Stout Street, PO Box 1473, Wellington 6140

From: 9(2)(a)
Sent: Thursday, 16 February 2017 3:10 p.m.
9(2)(a)

Subject: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003

Thank you for your feedback on our draft response document and Cabinet paper, for the Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003.

I've attached for your information copies of the draft Cabinet paper and draft Government response to the Social Services Committee's report. These draft papers have been sent to the Minister's office for her to circulate to her Ministerial colleagues for comment, before the papers are finalised and lodged for the Cabinet meeting on 8 March 2016. We will let you know the form of the consultation process shortly.

We tried as much as possible to capture the sense of each response provided to us, and incorporate them in to the draft Government response document. We will let you know if there are any changes to these draft versions of the Cabinet paper and Government response before the finals are circulated to your Ministers.

Thanks again.

9(2)(a)
Senior Policy Analyst | Child, Family, Community and Youth Policy
National Office | Ministry of Social Development

9(2)(a)
Level 14 | The Aurora Centre | 56-66 The Terrace | P O Box 1556 | Wellington 6140 | New Zealand

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9(2)(a)

From:

9(2)(a)

Sent:

Friday, 24 February 2017 9:57 a.m.

To:

9(2)(a)

Cc:

Subject:

FW: Government response to the Social Services Committee inquiry into the operation of the Social Worker Registration Act 2003 [IN-CONFIDENCE]

Attachments:

2017.02.23 Government Response to SWRA (draft) v11.docx; 2017.02.23 Revised Cabinet paper for SWRA (draft).docx

Importance:

High

Hi 9(2)(a)

I appreciate you are working under tight timeframes so I am sending you an initial unofficial reaction to the papers.

Out of Scope

With these qualifications, our initial comment is as follows:

The Cabinet paper is well written and the amendments have greatly improved the paper.

As I understand it, there is now an "agree in principle" to strengthening the form of occupational regulation for social workers, subject to further work on options and a regulatory impact assessment. This further work will focus on whether to move to a "licensing of tasks" regime or "licensing of an occupation". This is good.

Out of Scope

Best wishes

9(2)(a) [redacted]

Principal Policy Adviser | Competition and Consumer Policy | Building, Resources & Markets Group
Ministry of Business, Innovation & Employment

9(2)(a) [redacted]

Level 5, 15 Stout Street, PO Box 1473, Wellington 6140

Out of Scope

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

9(2)(a)

From:

9(2)(a)

Sent:

Wednesday, 12 April 2017 4:56 p.m.

To:

9(2)(a)

Cc:

Subject:

RE: Some urgent questions about SWR Act work [UNCLASSIFIED]

Hi 9(2)(a)

9(2)(a) my chip in, but my understanding is:

- only health practitioners who are registered under the HPCAA are able to use the titles protected by the Act or claim to be practising a profession that is regulated by the Act (i.e. Level 3)
- once registered, a registered health practitioner must operate within an approved scope of practice. I don't think this level of regulation is specifically outlined in the Cabinet framework. However, any non-registered person may carry out those activities as long as they do not use the protected titles.
- certain tasks are 'restricted activities' and these are specific high risk tasks. These restricted activities may only be carried out specified health practitioners who specifically have those tasks identified within their scopes of practice. No unregistered person or registered person who does not have that activity included within their scope of practice may carry out these tasks (i.e. Level 4)

The examples of 'restricted activities' are:

- surgical or operative procedures below the gingival margin or the surface of the skin, mucous membranes or teeth.
- clinical procedures involved in the insertion and maintenance of fixed and removable orthodontic or oral and maxillofacial prosthetic appliances.
- prescribing of enteral or parenteral nutrition where the feed is administered through a tube into the gut or central venous catheter.
- prescribing of an ophthalmic appliance, optical appliance or ophthalmic medical device intended for remedial or cosmetic purposes or for the correction of a defect of sight.
- applying high velocity, low amplitude manipulative techniques to cervical spinal joints.

Thinking about how this translated to the registration of social workers requires thought. It would be useful to be clear:

- Is it proposed that registered social workers would be restricted as to their scopes of practice?
- Is it proposed that unregistered persons may carry out any of the tasks of social work so long as they don't use the protected titles?
- Also very important, how would the protection of the title "social worker" link to other legislation which specifically defines tasks for "social workers"? For example: the Contraception, Sterilisation, and Abortion Act 1977; the Victims' Rights Act 2002; the Family Proceedings Act 1980; and the Adoption Act 1955. If left unamended, these Act could have the effect of creating a list of restricted activities and operate as a level 4 regime.

A level 5 regime is one where the 'scope of practice' for a registered practitioner is all restricted activities and no one else may carry out those tasks (including other registered professionals). Usually in such cases there are a range of exceptions.

Best wishes

9(2)(a)

From: 9(2)(a)

Sent: Wednesday, 12 April 2017 4:08 p.m.

To: 9(2)(a)
Cc:
Subject: Some urgent questions about SWR Act work

Something I'd like to talk over with you as soon as possible

We are trying to figure out how the HPCAA fits into your framework which we are using for the RIS. The HPCAA seems to be a good model, but we are having trouble fitting it onto your levels.

It would seem there is

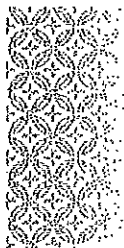
Level 3 – title protection – various medical practitioners have to be registered to call themselves XYZ

Level 4 – certain tasks are specified – as “restricted activities” which can only be done by XYZs. The CYFP Act already has a few which must be done by SWkers.

Level 5 – ????

Comments back from the Board are strongly in favour of task if not occupational licencing. We are try to assess their critique quickly to be sure that

- our proposal to extend title protection to “social worker” will have some impact.
- there is a no feasible option for task or scope of practice specification – maybe the HPCAA provides one.



9(2)(a)

Principal Analyst | Child, Family, Community and Youth Policy | Social Policy

9(2)(a)

The Aurora Centre | Level 14 | 56 The Terrace | P O Box 1556 | Wellington |
New Zealand



MINISTRY OF SOCIAL
DEVELOPMENT
TE MAHATU WHAKAHIAPO ORA

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9(2)(a)

From: 9(2)(a)
Sent: Wednesday, 12 April 2017 5:30 p.m.
To: 9(2)(a)
Cc:
Subject: RE: Social Worker Registration RIS and Cabinet paper for feedback - fast turn around requested please [IN-CONFIDENCE]

Hi 9(2)(a)

I'm responding to your email on behalf of 9(2)(a) at MBIE – thanks for the opportunity to comment on the Cabinet paper and RIS.

We appreciate that you have taken into account our previous feedback in carrying out the regulatory impact assessment for the proposals. We understand that you are under tight deadlines and also need to allow time for Ministerial consultation, so we have kept our comments high-level instead of providing specific comments on the individual papers.

MBIE comments on the draft Cabinet paper and RIS:

1. Out of Scope
- 2.
3. **Developing the other viable options:** There has not been a consistent analysis of the range of options in the RIS. We consider that some viable alternatives, such as the contractual model, have not been properly developed and analysed as a viable option (e.g. the option of developing an employer code or funding contracts requiring a certain level of standards). The RIS would benefit from including a comparison table of all the options against the objectives.
4. **Clarifying the preferred option:** If the preferred option of mandatory certification is chosen, we would want the option better described in the RIS, to make it clear that if people cannot hold themselves out as 'social workers', they can still carry out *social work tasks* (which are very broad) without using the protected title.

Social work covers a very broad range of tasks – has it been considered whether mandatory certification is required for types of social work where the potential harm is low?

There is already a range of regulation which restrict tasks to social workers (e.g. the Contraception, Sterilisation, and Abortion Act 1977; the Victims' Rights Act 2002; the Family Proceedings Act 1980; and the Adoption Act 1955 specifically define tasks for social workers). We acknowledge the difficulty of defining social work (paragraph 84 in the RIS), but we consider this still needs to be more discretely defined or have clear boundaries put in place, given the proposal makes it an offence for people to hold themselves out as 'social workers'.

5. Out of Scope

6.

7.

8.

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OFFICIAL INFORMATION ACT

We hope this feedback will be useful as you develop these proposals further. If you require clarification on any of our comments above, please feel free to give me or 9(2)(a) a call to discuss further.

9(2)(a)

Kind regards

9(2)(a)

POLICY ADVISOR

Competition & Consumer Policy | Ministry of Business, Innovation and Employment

9(2)(a)

9(2)(a)

From:

9(2)(a)

Sent:

Friday, 21 April 2017 3:23 p.m.

To:

9(2)(a)

Cc:

Subject:

RE: Social Workers Registration Act - Departmental draft RIS [UNCLASSIFIED]

Hi 9(2)(a)

Thanks for calling today.

Out of Scope

But from a quick discussion, we are much happier with the discussion and the preferred position reached in this paper.

We are still unclear on the extent of the risks to public safety and wellbeing posed under existing arrangements, and consequently whether the preferred option is well-targeted at mitigating those risks. However, the proposals have some benefits in streamlining the existing regime, enabling a multi-disciplinary approach to complex social work, and allowing persons to continue to carry out social work functions so long as they don't call themselves social workers. In addition, we support the introduction of principles to govern the prescription of qualifications (paragraph 126) and the statement that the intention is not intended to raise any additional barrier to overseas-trained social workers (paragraph 142).

We will have a particular interest in:

- Out of Scope

- Scopes of practice – could be used in a number of ways and potentially could be quite restrictive. We would hope to see some clear objectives, principles and process in the Act for the Board to determine scopes of practice.

These matters may be able to be addressed through the drafting.

Best wishes

9(2)(a)

Out of Scope

9(2)(a)

From: 9(2)(a)
Sent: Wednesday, 12 July 2017 2:51 p.m.
To: 9(2)(a)
Subject: RE: Social Worker Registration [IN-CONFIDENCE]
Attachments: Stocktake of protected title regimes.docx

Hi 9(2)(a)

Yes. That is fine. I attach a word version if that is easier.

Best wishes

9(2)(a)

From: 9(2)(a)
Sent: Wednesday, 12 July 2017 2:34 p.m.
To: 9(2)(a)
Subject: RE: Social Worker Registration [IN-CONFIDENCE]

Hi 9(2)(a)

Thanks again for your time today.

Just checking, are you ok if I scan the hand-out you gave, and then provide it to the Board as part of our advice that the model we are proposing has precedent?

9(2)(a)

From: 9(2)(a)
Sent: Wednesday, 12 July 2017 11:11 a.m.
To: 9(2)(a)
Subject: RE: Social Worker Registration [IN-CONFIDENCE]

Hi 9(2)(a)

I am free this afternoon to chat (with the exception of between 3 – 3:30 pm). Let me know what suits. A meeting might be easier.

9(2)(g)(i) - Free and Frank

I had in mind that usually the protection would relate to the "title" and only persons who called themselves a "social worker" must be registered. But I have some recollection that there are variations on how they define the area of practice to which the title relates.

I will do a scan of some other title protection occupations to check how they deal with the definition issue and should be able to discuss this afternoon. I might bring someone else with me if they are free.

Best wishes

9(2)(a)

Principal Policy Adviser | Competition and Consumer Policy | Building, Resources & Markets Group
Ministry of Business, Innovation & Employment

9(2)(a)

Level 5, 15 Stout Street, PO Box 1473, Wellington 6140

From: 9(2)(a)
Sent: Wednesday, 12 July 2017 10:36 a.m.
To: 9(2)(a)
Subject: Social Worker Registration
Importance: High

Hello MBIE peeps,

Are either of you available today to have a chat (either in person or on the phone) to help us clarify thinking on the draft amendment Bill we have from PCO.

Sorry to be pushy, but we are under time pressure as we need to provide back to PCO by the end of today so they can revise the draft if required.

We have had comment from others that "the approach we are trying is not consistent with how other registered professions operate".

So we are trying to find any examples (if there are any) of other regulated professions who are managed by the same means we are attempting for social workers.

The path we are taking is:

- Title protection (all social workers must be registered)
- Very limited task restrictions (i.e. statutory tasks required to be undertaken by a social worker)
- Definition not in legislation, but made by employers or contracts.

Obviously the definition part is the tricky aspect.

Our policy intent was that a person working as a social worker must be registered.

Once the legislation comes in, any person working as a social worker who not registered must change their title to something else, and stop holding themselves out to be social workers. They can go back to using the title of a social worker only once they have obtained registration.

So that it will essentially be up to employers to decide if the role they have requires a social worker (assuming it is not including any of the listed statutory tasks), or allows govt agencies to stipulate via contracts with NGOs that the service being contracted for requires a social worker.

We welcome any input you could provide on this.

Please and thanks

9(2)(a)
Senior Policy Analyst - Older People & Vulnerable Adults Policy
National Office - Ministry of Social Development

9(2)(a)
Level 9 | The Aurora Centre | 56-66 The Terrace | P O Box 1556 | Wellington 6140 | New Zealand

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<p>Chartered Professional Engineers of New Zealand Act 2002</p>	<p>6 Title of chartered professional engineer</p> <p>A person is a chartered professional engineer if he or she—</p> <p>(a) is registered; and</p> <p>(b) holds a current registration certificate.</p> <p>7 Protection of title of chartered professional engineer</p> <p>(1) No person, other than a chartered professional engineer, may use in connection with his or her business, trade, employment, calling, or profession—</p> <p>(a) the title "chartered professional engineer"; or</p> <p>(b) any words, initials, or abbreviations of that title that are intended to cause, or that may reasonably cause, any person to believe that the person using those words, initials, or abbreviations is a chartered professional engineer.</p> <p>(2) Despite subsection (1), a person may use that title (or words, initials, or abbreviations of that title) in representing qualifications or titles awarded by overseas agencies in accordance with the rules.</p> <p>(3) A person who contravenes subsection (1) commits an offence, and is liable on conviction to a fine not exceeding \$5,000.</p>
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Education Act	<p>349 Restrictions on appointment of teachers</p> <p>(1) An employer may not appoint to a teaching position—</p> <p>(a) any person—</p> <ul style="list-style-type: none"> (i) whose registration has been cancelled; and (ii) who has not since been registered again; or <p>(b) any person whose practising certificate is suspended under section 402 or 404(1)(d) or cancelled under section 404(1)(g); or</p> <p>(c) any person whose authorisation has been cancelled and who has not since—</p> <ul style="list-style-type: none"> (i) been authorised again; or (ii) been registered as a teacher; or <p>(d) any person whose limited authority to teach is suspended under section 402 or 404(1)(d).</p> <p>(2) No employer, other than a sponsor, may permanently appoint to any teaching position any person who does not hold a practising certificate.</p> <p>Teaching position means a position in the general education system that—</p> <ul style="list-style-type: none"> (a) requires its holder to instruct students; or (b) is the professional leader, deputy professional leader (however described), or assistant principal of a school; or (c) is the professional leader of an early childhood service or other educational institution. <p>general education system means the system of education provided in—</p> <ul style="list-style-type: none"> (a) registered schools; and (b) early childhood services; and (c) other educational institutions and services established or deemed to have been established, or provided, under this Act or the Education Act 1964. <p>employer means any one of the following who employs, or intends to employ, 1 or more teachers or authorised persons in a teaching position:</p> <ul style="list-style-type: none"> (a) the board of trustees of a State school; (b) the sponsor of a partnership school kura hourua; (c) the managers of a school registered under section 35A; (d) the person or body that appoints staff at an early childhood education and care service; (e) the Secretary, in his or her capacity as an employer under section 91N.
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7 Unqualified person must not claim to be health practitioner

(1) A person may only use names, words, titles, initials, abbreviations, or descriptions stating or implying that the person is a health practitioner of a particular kind if the person is registered, and is qualified to be registered, as a health practitioner of that kind.

(2) No person may claim to be practising a profession as a health practitioner of a particular kind or state or do anything that is calculated to suggest that the person practises or is willing to practise a profession as a health practitioner of that kind unless the person—

(a) is a health practitioner of that kind; and

(b) holds a current practising certificate as a health practitioner of that kind.

(3) No person may make an express or implied statement about another person that the other person is prohibited by subsection (1) or subsection (2) from making about himself or herself.

(4) Subsection (2) does not prohibit a person from stating his or her willingness to practise a profession for the purposes of seeking employment if the person is, or would on obtaining that employment be, qualified to be registered as a health practitioner of that profession and to hold a current practising certificate as a health practitioner of that profession.

(5) Every person commits an offence punishable on conviction by a fine not exceeding \$10,000 who contravenes this section.

8 Health practitioners must not practise outside scope of practice

(1) Every health practitioner who practises the profession in respect of which he or she is registered must have a current practising certificate issued by the responsible authority.

(2) No health practitioner may perform a health service that forms part of a scope of practice of the profession in respect of which he or she is registered unless he or she—

(a) is permitted to perform that service by his or her scope of practice; and

(b) performs that service in accordance with any conditions stated in his or her scope of practice.

(3) Nothing in subsection (1) or subsection (2) applies to a health practitioner who performs health services—

(a) in an emergency; or

(b) as part of a course of training or instruction; or

(c) in the course of an examination, assessment, or competence review required or ordered by the responsible authority.

9 Certain activities restricted to particular health practitioners

(1) The Governor-General may, from time to time, by Order in Council made on the recommendation of the Minister, declare an activity that constitutes or forms part of a health service to be a restricted activity.

New Zealand
Institute of
Chartered
Accountants

14 Improper use of terms implying membership of Institute

(1) Every person commits an offence who,—

(a) not being a member of the Institute, uses in connection with his or her business, employment, or profession any written words, initials, or abbreviations of words intended to cause or which may reasonably cause any other person to believe that the person is a member of the Institute; or

(b) not being entitled to do so under the rules, describes himself or herself in writing as a chartered accountant or a chartered accountant in public practice or an associate chartered accountant or an associate chartered accountant in public practice or an accounting technician, or

(c) not being a member of the Institute, describes himself or herself in writing as a registered accountant, unless it is proved that the manner and circumstances in which the description was given were such as to raise no reasonable inference that it was referring to membership of the Institute; or

(d) not being entitled to do so under the rules, uses in connection with his or her name, or with the name under which he or she carries on business, the initials CA, ACA, FCA, FACA, CA (PP), ACA (PP), or AT or an abbreviation of the words chartered accountant, associate chartered accountant, registered accountant, or accounting technician, or any combination of any such initials or abbreviations, unless it is proved that the manner and circumstances in which the initials or abbreviations were used were such as to raise no reasonable inference that they were referring to membership of the Institute.

(2) Every person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding \$5,000.

chartered accountant means a member of the Institute who, under the rules of the Institute, is entitled to use the designation chartered accountant

Lawyers and
Conveyancers
Act

21 Provision of legal services

(1) A person commits an offence who, not being a lawyer or an incorporated law firm,—

(a) provides legal services in New Zealand; and

(b) describes himself, herself, or itself as—

(i) a lawyer; or

(ii) a law practitioner; or

(iii) a legal practitioner; or

(iv) a barrister; or

(v) a solicitor; or

(vi) a barrister and solicitor; or

(vii) an attorney-at-law; or

(viii) counsel.

(2) This section is subject to the exceptions set out in sections 25(2) and 27.

legal services means services that a person provides by carrying out legal work for any other person

legal work includes—

(a) the reserved areas of work;

(b) advice in relation to any legal or equitable rights or obligations;

(c) the preparation or review of any document that—

(i) creates, or provides evidence of, legal or equitable rights or obligations; or

(ii) creates, varies, transfers, extinguishes, mortgages, or charges any legal or equitable title in any property;

(d) mediation, conciliation, or arbitration services;

(e) any work that is incidental to any of the work described in paragraphs (a) to (d)

lawyer means a person who holds a current practising certificate as a barrister or as a barrister and solicitor

Registered
Architects Act
2005

6 Title of registered architect

A person is a **registered architect** if he or she—

- (a) is registered; and
- (b) holds a current certificate of registration.

7 Protection of titles registered architect and architect

(1) No person, other than a registered architect, may use in connection with his or her business, trade, employment, calling, or profession—

- (a) the title "registered architect" ; or
- (b) any words, initials, or abbreviations of that title that are intended to cause, or that may reasonably cause, any person to believe that the person using those words, initials, or abbreviations is a registered architect.

(2) No person who designs buildings, prepares plans and specifications for buildings, or supervises the construction of buildings may use the title "architect" unless he or she is a registered architect.

(3) Despite subsections (1) and (2), a person may use the title "registered architect" or "architect" (or words, initials, or abbreviations of those titles), in accordance with the rules, in representing qualifications or titles awarded by overseas agencies.

(4) A person who contravenes subsection (1) or subsection (2) commits an offence, and is liable on conviction to a fine not exceeding \$10,000.

registered architect has the meaning set out in section 6

<p>Valuers Act</p> <p>A registration regime for 'valuers'; but protection of title for 'public valuers'.</p>	<p>35 Public valuers to have annual practising certificates</p> <p>(1) In this section year means a year ending on 31 December.</p> <p>(2) Notwithstanding anything to the contrary in the foregoing provisions of this Act, no member of the Institute shall after the commencement of this Act be entitled to act as a public valuer unless he is the holder of an annual practising certificate issued in accordance with this section.</p> <p>(3) Every person who acts as a public valuer in breach of the last preceding subsection commits an offence against this Act.</p> <p>(4) Every person, whether registered under this Act or not, commits an offence against this Act, who, not being the holder of an annual practising certificate issued under this section, uses or causes to be used in connection with his business, trade, calling, or profession, any written words, titles, initials, or abbreviation of words, titles, or initials, which are intended to cause or may reasonably cause any other person to believe that he is a public valuer registered under this Act:</p> <p style="padding-left: 40px;">provided that nothing in this subsection shall prevent or be deemed to prevent any person from being employed as a valuer or from using in connection with his occupation the word valuer.</p> <p>(5) Subject to the payment of the prescribed fee, the Registrar, on application in that behalf by any registered valuer, shall issue to him an annual practising certificate and any such certificate shall be in force during the year in respect of which it is issued:</p> <p style="padding-left: 40px;">provided that if at any time during the currency of any such certificate the holder thereof ceases to be registered as a valuer the certificate shall be deemed to be cancelled.</p> <p>(6) Every person entitled to receive an annual practising certificate under this section shall be deemed to have obtained that certificate when he has duly applied to the Registrar for it and has paid the prescribed fee.</p>
<p>Social Workers Registration Act</p> <p>A registration regime with protected title for "registered social worker"</p>	<p>148 Offences</p> <p>(2) Every person commits an offence, and is liable on conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding \$10,000 or both, who holds himself or herself out as a registered social worker when—</p> <p>(a) he or she is not a registered social worker; or</p> <p>(b) he or she is a registered social worker, but his or her registration is suspended.</p> <p>registered social worker means a person in respect of whom the information stated in section 123(1) is entered in the Register</p>

9(2)(a) - Privacy of another

From: 9(2)(a)
Sent: Thursday, 16 March 2017 9:50 a.m.
To: 9(2)(a)
Cc:
Subject: FW: Job titles of social workers
Attachments: Job titles of social workers.docx

Good morning all,

Thank you for the time yesterday.

Please find attached a document from 9(2)(a) outlining the many titles that may be used by a social worker.

Regards

9(2)(a)
Acting Chief Executive & Registrar | Social Workers Registration Board | www.swrb.govt.nz
9(2)(a) Level 6, 11 Chews Lane, PO Box 3452, Wellington 6140, New Zealand

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OFFICIAL INFORMATION ACT

The 'Job Title' issue:

Social workers call themselves many different titles. It is not unusual for a profession to use a variety of different titles. For instance, Occupational Therapists are called 'Rehabilitation Advisor' or even 'Mental Health Therapist'.

I am a lawyer and a social worker. As a social worker I was called "Abortion counsellor", "Needs Assessor" and "Probation Officer". I was only called 'social worker' when I worked in Child Protection, in the hospitals or in community health.

As a lawyer I have never been called 'Lawyer' but I have been called "Legal Advisor", "Legal Researcher", "Professional Standards Manager" and now "Health and Policy Advisor". I was providing legal advice and using my legal knowledge, skills and expertise in all of these roles. Many Registrars of regulatory authorities are 'lawyers' with APCs – as they are often giving legal advice.

To determine if I need an Annual Practising Certificate - it's about what I do, what my qualification is and whether I am using my professional skills, knowledge and expertise in that role. The job title is irrelevant.

List of titles social workers might call themselves:

- Counsellor
- Community Development Officer
- Alcohol and Drug counsellor
- Youth worker / Youth aide worker
- Professor
- Educator
- Researcher
- Administrator
- Community liaison officer
- Case manager/worker
- Needs assessor
- Service Co-ordinator
- Family therapist
- Relationship counsellor
- Social service worker
- Child, Youth and Family Co-ordinator
- Mental health worker
- Hospital discharge planner
- Child Advocate
- Children's Service Worker
- Child Support Officer
- Client Advocate
- Communications Director
- Community Coordinator
- Community Outreach Worker

- Community Support Specialist
- Community Support Worker
- Corrections Unit Supervisor
- Crisis Therapist
- Employee Assistance Counsellor
- Family Advocacy Representative
- Foster Care Therapist / Co-ordinator / Assessor
- Guidance Counsellor
- HIV Mental Health Coordinator
- Human Service Worker
- Information and Referral Specialist
- Job Coach
- Life Coach
- Life Skills Counsellor
- Manager — in hospitals, rest homes, dementia units, assessment/treatment and rehabilitation units, children's homes, residential facilities,
- Mental Health worker
- Mental Health Counsellor
- Parole Officer
- Policy Planning Specialist
- Probation Officer
- Program Coordinator/Manager
- Psychiatric Social Worker
- Psychological aide
- Public Health Manager
- Research Analyst
- Social and Human Service Assistant
- Social Worker
- Social Policy Advisor
- Administrator
- Adolescent Specialist
- Adoption Specialist
- Budget Analyst
- Case Management Aide
- Youth Worker
- Administrator
- Adolescent Specialist
- Adoption Specialist
- Budget Analyst
- Case Management Aide
- Professional Supervisor
- Men for non-Violence worker / counsellor/ manager
- Maori health worker

- Maori professional advisor
- Pacific Island advisor / co-ordinator
- Cultural advisor
- addictions worker
- addictions worker - compulsive gambling
- assistant, social services
- Disability management / co-ordination
- child and youth worker
- child welfare worker
- community and social services worker
- community centre co-ordinator / worker
- community counsellor - social services
- community development worker
- community liaison worker
- community mental health worker
- community rehabilitation worker
- community services officer - social services
- community service worker
- community worker
- co-ordinator, community centre
- co-ordinator, youth development
- crisis intervention worker
- detention home worker
- developmental service worker
- development service worker
- disability management worker
- drop-in centre worker
- drug addiction worker
- family service worker
- field officer, veterans affairs
- halfway house supervisor
- halfway house worker
- help centre supervisor - social services
- hostel co-ordinator
- hostel outreach worker
- instructor, life skills
- intellectual disabilities worker
- life skills coach
- mental health support worker
- mental health worker
- Maori Mental Health worker
- Maori Health worker
- Maori affairs worker

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- registered social service worker
- rehabilitation officer - social services
- rehabilitation service worker
- rehabilitation worker - social services
- Refuge settlement worker - community services
- Senior practitioner – social services/ health / mental health
- shelter supervisor - social services
- shelter workshop supervisor
- social rehabilitation worker
- social services assistant / worker / co-ordinator / officer
- special education worker / co-ordinator
- street outreach worker
- substance abuse worker
- supervised access worker
- supervisor, halfway house
- supervisor, women's centre - social services
- veterans' affairs field officer
- volunteer co-ordinator, social services
- women's centre co-ordinator - social services
- women's centre program supervisor - social services
- women's refuge supervisor
- youth development co-ordinator
- youth hostel co-ordinator
- youth services worker
- youth worker
- youth worker - social services
- refugee settlement officer / coordinator / counsellor / therapist
- IHC support worker / case manager

The "I can never come off the Register" Issue:

This is never a concern of any other profession where registration is compulsory. I have never heard a doctor or nurse or lawyer be concerned about not being able to 'come off' the register. Their concerns mainly lie in being 'struck off' the register.

This question reflects the voluntary environment where people think that if they can choose to go on the register, they should be able to choose to come off the register, for example, when an employer won't pay for their APC. Making it mandatory to register will hopefully make it a *desirable* to be on the register – as it is in all other professions, thereby enhance the professionalism of the workforce.

Of course people can come off the register when they no longer wish to practice social work again – ie retire. The concern about 'never being able to get off the register' is worrying as we wonder if this is related to the required CPD that people have to do – and they simply can't be bothered with it.

9(2)(a)

From: 9(2)(a)
Sent: Friday, 17 March 2017 10:46 a.m.
To: 9(2)(a)
Cc:
Subject: Useful papers
Attachments: Canadian Ass SW - Scopes of Practice.pdf; College of SW (UK) - roles and tasks.pdf; Ontario College of SW- Scopes of Practice Position Paper.pdf

Hi,

Please find attached 3 papers that might be useful in terms of 'defining social work' or 'defining social work practice'.

The Ontario College paper outlines the difference between 'social work' and 'social service work'.

The College of Social Work (UK) – although it's a 'draft', helps to explain the roles and tasks of social workers.

The Canadian Association of SW discusses the role of a SW and explains how SW and Social Service worker is regulated in Canada.

Out of Scope

Please don't hesitate to be in contact if you need further clarification.

Kind regards

9(2)(a)

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SOCIAL WORK SCOPE OF PRACTICE

PREAMBLE

Social work developed as a 20th century profession out of its voluntary philanthropy and social reform roots. These roots are linked to deeply rooted values and concepts of charity, equality and compassion toward others in time of need. The profession's contemporary roots are particularly connected to social welfare developments in the 19th century. These developments included reform movements to change negative societal attitudes toward people in need; charity societies to help individuals and families; settlement houses to improve living conditions at the neighborhood level; and rising feminist advocacy for human rights, social justice and gender equality. The profession of social work is uniquely founded on altruistic values respecting the inherent dignity of every individual and the obligation of societal systems to provide equitable structural resources for all their members.

Social work's primary concern is the social well-being of all people equally with attention to their physical, mental and spiritual well-being. Social work pioneers were among the first to address the significance of deeply connected relationships that constitute the social context of people's lives.

The primary focus of social work practice is on the relationships between individuals, their natural support resources, the formal structures in their communities, and the societal norms and expectations that shape these relationships. This relationship-centred ecological focus is a distinguishing feature of the profession. Given this rich heritage, social work is recognized for its familiar "person-in-environment" perspective, which characterizes the unique relationship-centered focus of the profession.

Social work practice reflects a balance of three components: practice perspectives; practice principles; and concrete practice provisions, i.e., specific guidelines. This document addresses all three of the practice components of social work, client and service support, as well as providing an overview of social work's specific perspective and practice domains.

The purpose of the National Scope of Practice Statement (NSPS) is to foster a growing understanding of the social work profession. The NSPS is a reference for social workers, CASW member associations, students in social work, those served by social workers and the community at large to inform the public and promote an accountable, effective profession. The statement is prepared as a consultation document. It can be used in part or whole to assist in meeting the information needs of diverse audiences, including legislators and those served by social workers, who may require or prefer a plain language statement that briefly and concisely describes the scope of social work (Appendix 3).

Scope of Social Work

A basic goal of social work is to facilitate the “social well-being” and “social functioning” of the “person-in-environment.” Each of the key concepts in this statement is essential to the understanding of the scope of social work. The World Health Organization (W.H.O.) recognizes social well-being as an integral component of a person’s overall state of health, complementary to, but different from, physical, mental and spiritual well-being. Social functioning refers to the way people perform their social roles and to the way societies provide structural supports to help them perform their roles. The person-in-environment perspective recognizes the impact of societal systems such as natural support networks and the formal structures within communities that may enhance or inhibit individual social well-being.

At the core of social work practice, these concepts guide the work of practitioners in diverse fields of service. However, depending on the chosen area of practice, the roles and responsibilities of social workers can widely vary. For this reason, it is proposed that this scope of practice statement be more clearly defined, in order to effectively examine the bounds of the social work profession. The scope of social work has several defining elements.

Practice Domain

The person-in-environment domain gives social work a common organizing framework and a holistic context for its mission and vision. The global vision of social work is a world consistently working toward social justice and well-being for all citizens. The central mission is to have social workers engaged in activities that will improve social well-being structures and enhance individual, family and community social functioning at local, national and international levels.

Practice Preparation

In Canada, the profession of social work constitutes a community of post-secondary educated social workers. They are guided in their work by international ethical principles (Appendix 4); a national code of ethics (Appendix 5); provincial statutes governing registration, regulations and standards of practice; common curriculum requirements in

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schools of social work; and an expanding repertoire of evidence-based methods of practice. Social work includes generalist and specialist prepared practitioners who are well grounded in the knowledge, skills and ethical foundations of social work. Social workers are equally committed to the use of knowledge from the humanities and sciences to advance the development of common human rights, equitable social justice, and sufficient structural supports for individual, family and community social well-being in all human societies. To this end, social workers are expected to be sensitive to the value of cultural and ethnic diversity and strive to end discrimination, oppression, poverty, and other forms of social injustice.

Like other professions in Canada, accredited baccalaureate education is considered the first professional practice degree, preparing social workers to practice as generalists. Adept in the areas of assessment, counseling and advocacy, these workers may practice with individuals, families, groups and communities, working at the micro, mezzo and macro levels. It may be argued however, that BSW-level practitioners lack the specialized training in advanced research and therapeutic intervention such that is taught at the graduate (Master's) and post-graduate (PhD) levels (New York State Education Department, 2004). Acknowledging this issue, many US states for example, have clearly outlined the roles and responsibilities that differentiate BSW-level from MSW-level practice. To further define social work roles, MSW-level practice is now often being divided by specialization in either macro-level practice or clinical therapy (Commonwealth of Massachusetts, n.d.; State of Michigan, 2005; Texas State Board of Social Work Examiners n.d.).

Practitioners

Social workers are expected to have a comprehensive understanding of the complex nature of their own person-in-environment systems. They are prepared to rise above personal biases and preferences to advance the social well-being of others through their practice of social work. Practitioners are instructed to constantly monitor and evaluate personal and professional influences that bear on the scientific and intuitive ways they use themselves as social change agents in practice situations. At the professional level, they are expected to perform a variety of professional roles, integrate the relevant codes of professional conduct that apply to their practice activities and adhere at all times to explicit standard of care tenets.

In Canada, social work registration is regulated by designated provincial bodies. The registration process promotes ethical practice and serves to protect social work consumers by making certain that practitioners are competent to provide services. Recently, there has been a growing trend toward licensure for social workers in other jurisdictions and it is proposed that the CASW follow this lead (Kurzman, 2004). Like registration, the process of licensure ensures competency and adherence to ethical practice. The license however, would hold practitioners to a new level of accountability, as non-licensed practitioners could face legal action for holding themselves out to be social workers (MacDonald & Adachi, 2001). In many regions, new BSW and MSW workers are required to complete a period of employment under the supervision of more

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experienced practitioners (Pennsylvania Society for Clinical Social Work, 2006). Also within this process, continuing education and periodic reconfirmation could be made mandatory for license renewal.

The consumers of social work services in Canadian communities often belong to the most vulnerable populations. In order to protect their safety and to be sure that quality programs and services are being provided by highly-trained, competent professionals it seems only reasonable to require that practitioners adhere to licensure guidelines. This form of regulation will also lend credibility and protect the integrity of the social work profession.

Practice Methods

Social work's practice methods are rooted in the early adoption of a clearly stated study, diagnosis and treatment process to systematize practice in a person-in-environment context. Implementation of the practice process was initially done through a variety of fields of practice, including child welfare, family services, medical social work, psychiatric social work and school social work, and several method specialties, including social casework, social group work and community organization.

Contemporary practice methods are based on a systematic process of problem solving which empowers individuals, families, groups and communities to identify and use their own problem solving skills in order to improve their life situations, and requires social workers to simultaneously address broader social issues which affect people's ability to obtain needed resources. The practice method is facilitated through the application of social work values, ethical principles and practice skills to accomplish the core functions of social work (Appendix 3).

Practice methods in social work are those commonly used by qualified social workers (Appendix 1) or identified as restricted activities limited to social workers with specific qualifications (Appendix 2). Social work practice activities used to accomplish the core functions include direct practice with consumers, community organizing, advocacy, social and political action, policy development and implementation, education, and research and evaluation.

Future Direction

Social work's original scope of practice was broadly defined by its pioneering and value-based person-in-environment perspective, which shifted to a narrower scope defined by practice methods and the influence of scientific methods of intervention. Today, social work practice continues to be influenced by the scientific method but the sphere of influence is broadening again to include new advances being made in the humanities and sciences. The profession's distinguishing focus on relationship networks between people in their social environment contexts will continue to be a valued aspect of its scope of practice and increasingly a focus borrowed by other helping professions.

Perhaps the next challenge for Canadian social work will be to redefine itself again, this time along the lines of professional licensure. As registration guidelines vary widely from province to province it is proposed that there may be a role for the CASW to create a more common ground by further clarifying the scope of practice and creating a licensure system that would assure greater accountability and proper qualifications of all social work practitioners. Just as professionals are encouraged to participate in continuing education for the growth and relevancy of their practice methods, so too does the field of social work find itself faced with an opportunity for growth and the betterment of practice.

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APPENDIX 1

The following list is an example of practice methods commonly used by social workers. It is not presented as an exhaustive list or as an exclusive list that only social workers can practice.

Case management	Psychosocial therapy	Community resource coordination
Child protection assessments	Psychotherapy	Developmental social welfare
Client-centred therapy	Social casework	Grassroots mobilization/locality development
Clinical social work	Social group work	Program evaluation
Crisis management	Client advocacy	Neighbourhood and community organizing
Discharge planning	Network facilitation	Political and social action
Family and marital therapy	Network skills training	Social planning
Family mediation	Structural social work	Social policy analysis and development
Group therapy	Class action social work	Structural change

APPENDIX 2

Proposed Roles and Responsibilities Based on Education and Specialization

Roles and Responsibilities	BSW	MSW	
		Macro	Clinical
Advocacy for individual/group/community	X	X	X
Education, information and referral	X	X	X
Facilitation of linkages with community resources	X		
Psychosocial assessment	X		X
Case management	X		X
Individual, family and group counseling	X		
Intervention planning and evaluation	X		
Program planning and evaluation	X	X	
Research	X	X	
Community organization	X	X	
Education and training related to community needs and problems		X	
Development of social welfare policy		X	
Consultation regarding agency practice and policy development		X	X
Supervision (macro social workers)		X	
Supervision (clinical social workers)			X
Individual, marital, family and group therapy			X
Treatment planning and evaluation			X
School social work			X
Corrections social work			X
Medical setting social work			X
Psychotherapy with adults and children			X
Independent clinical practice			X

Adapted from State of Michigan (2005), and Texas State Board of Social Worker Examiners (n.d.)

APPENDIX 3

Brief Scope of Practice Statements

The following statements provide examples of what might be a brief and concise scope of practice statement that meets the requirements of a legislative body and/or the needs of the general public.

Social work is the application of social work knowledge, values, focus and practice methods in a person-in-environment context to accomplish the core functions of social work:

- helping people obtain basic human need services;
- Counseling and psychotherapy with individuals, families and groups;
- Helping communities/groups provide or improve social and health services; and
- participating in relevant legislative and social policy processes.

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APPENDIX 4

IFSW Declaration of Ethical Principles of Social Work

- Social workers serve the development of human beings through adherence to the following basic principles:
- Every human being has a unique value, which justifies moral consideration for that person.
- Each individual has the right to self-fulfillment to the extent that it does not encroach upon the same right of others, and has an obligation to contribute to the well-being of society.
- Each society, regardless of its form, should function to provide the maximum benefits for all of its members.
- Social workers have a commitment to principles of social justice.
- Social workers have the responsibility to devote objective and disciplined knowledge and skill to aid individuals, groups, communities, and societies in their development and resolution of personal-societal conflicts and their consequences.
- Social workers are expected to provide the best possible assistance to anybody seeking their help and advice, without unfair discrimination on the basis of gender, age, disability, colour, social class, race, religion, language, political beliefs, or sexual orientation.
- Social workers respect the basic human rights of individuals and groups as expressed in the United Nations Universal Declaration of Human Rights and other international conventions derived from that Declaration.
- Social workers pay regard to the principles of privacy, confidentiality, and responsible use of information in their professional work. Social workers respect justified confidentiality even when their country's legislation is in conflict with this demand.
- Social workers are expected to work in full collaboration with their clients, working for the best interests of the clients but paying due regard to the interests of others involved. Clients
- Are encouraged to participate as much as possible, and should be informed of the risks and likely benefits of proposed courses of action.
- Social workers generally expect clients to take responsibility, in collaboration with them, for determining courses of action affecting their lives. Compulsion which might be necessary to solve one party's problems at the expense of the interests of others involved should only take place after careful explicit evaluation of the claims of the conflicting parties. Social workers should minimize the use of legal compulsion.
- Social work is inconsistent with direct or indirect support of individuals, groups, political forces or power-structures suppressing their fellow human beings by employing terrorism, torture or similar brutal means.

APPENDIX 5

CASW Code of Ethics Obligations

A social worker shall carry out his/her professional duties and obligations with integrity and objectivity.

A social worker shall have and maintain competence in the provision of social work service to a client.

A social worker shall not exploit the relationship with a client for personal benefit, gain or gratification.

A social worker shall maintain the best interest of the client as the primary professional obligation.

A social worker shall protect the confidentiality of all information acquired from the client or others regarding the client and the client's family during the professional relationship unless:

- a) The client authorizes in writing the release of specified information, or
- b) The information is released under the authority of statute or an order of a court of competent jurisdiction.

A social worker who engages in another profession, occupation, affiliation or calling shall not allow these outside interests to affect the social work relationship with the client.

A social worker in private practice shall not conduct the business of provision of social work services for a fee in a manner that discredits the profession or diminishes the public's trust in the profession.

A social worker shall advocate for workplace conditions and policies that are consistent with the code.

A social worker shall promote excellence in the social work profession.

A social worker shall advocate change:

- a) In the best interest of the client,
- b) For the overall benefit of society, the environment and the global community.

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**Approved by the CASW Board
August 1, 2008**

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**ADVICE NOTE: ROLES AND TASKS
REQUIRING SOCIAL WORKERS**

The College of Social Work

Consultation document

Deadline for responses: 28 June 2013

Respond to Mark.Ivory@tcsw.org.uk

The College of Social Work | 30 Euston Square | London | NW1 2FB
Tel: 020 8463 2929 | www.tcsw.org.uk

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Advice Note: Roles and Tasks requiring social workers

Introduction

Social workers are uniquely educated, trained and qualified to support individuals and families in meeting some of life's biggest challenges; for example, caring for family members, rebuilding family relationships, coping with the difficulties of growing old, or finding answers to the problems of mental distress or disability.

Social workers are society's safety net as they are professionally qualified to intervene in people's lives for the protection of children or adults at risk of abuse or neglect who could otherwise be harmed.

Social workers work with other professionals to play a key role in helping children, adults and families improve and take control of their lives when their safety or ability to participate in the lives of their communities is restricted.

'Social worker' is a protected title. Social workers are educated to at least degree level, and in England must be registered with the Health and Care Professions Council to practise as a social worker. The College of Social Work provides a set of professional standards (the Professional Capabilities Framework) and core values for social workers, while the HCPC provides Standards of Conduct, Performance and Ethics and Standards of Proficiency.

Social workers often work in multidisciplinary teams, and often work with unqualified colleagues (e.g. family aides, care assistants) who they supervise and support. To make the best use of social workers, as well as to get the appropriate balance of skills in a team, The College of Social Work (TCSW) has produced this definitive guidance for employers and commissioners.

When must a social worker be used?

TCSW advises that social workers *must* be used in two sets of circumstances. First, in situations defined by law where local authorities have a legal duty to intervene because social workers are uniquely educated, trained and qualified to undertake the work required. And, second, in situations where consistently and reliably reaching the minimum necessary standards of practice requires the use of social workers. Using social workers in both these circumstances protects the authorities and the service providers, not least because social work is a regulated profession.

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It would however be extremely unwise to restrict social workers to working solely on such 'reserved tasks' because this would be harmful for people who use social work services, and likely to add significantly to costs.¹ In some cases the reserved task activities (which may include the deployment of statutory powers) come as the final process in a much longer set of interventions e.g. when taking a child into care after a period spent attempting to help the birth family to make changes that would allow the child to remain in parental care. There is also a growing body of evidence that the involvement of social workers in early intervention work may be of great benefit to people who use services in helping them to make changes to their lives that will reduce the likelihood of crisis and the need for intensive support later in their lives.²

TCSW has therefore produced a list of tasks which we believe should only be undertaken by social workers, which we define as 'Reserved Tasks'.

In addition, TCSW believes that social workers can add value to other tasks that can legally be undertaken by other professionals, but will benefit from the unique blend of skills, knowledge and values that social workers bring. These tasks are listed in the section headed 'Other Tasks'.

Reserved Tasks³

TCSW advises that a registered social worker should always be both responsible for dealing directly with people and overseeing cases in situations where:

- a. Social care intervention is needed to safeguard a child or adult from abuse, neglect or exploitation.
- b. Risks must be assessed and responses planned when there is a strong possibility that a child or adult at risk of abuse or neglect may cause harm to themselves or other people.

¹ The Business Case for Social Work with Adults: A discussion paper, TCSW, December 2012.

² The Business Case, *ibid*

³ This list draws partly on work done by the General Social Care Council, the Association of Directors of Adult Social Services, and in Scotland and Wales. See *Social Work in Adult Social Services*, ADASS, 2012; *Social Work at Its Best: A statement of social work roles and tasks for the 21st century*, GSCC, 2008; *Changing Lives: Report of the 21st century social work review*, Scottish Executive, 2006; *Social Work in Wales: A profession to value*, ADSS Cymru et al, 2005. This list covers areas where there is a legal requirement on local authorities to do this work.

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- c. An adult or child with social care needs may need admission to hospital for treatment for mental health problems – either formally or informally – under the Mental Health Act 1983.
- d. There is a requirement for the assessment or review of an individual with complex social care needs.
- e. A safeguarding enquiry is necessary in the case of an adult at risk of abuse or neglect or who has been abused or neglected.
- f. A representative of the local authority is required for the local Safeguarding Adults Board. Safeguarding adults review teams should also include a social worker with substantial experience of safeguarding work.
- g. There appears to be a need to remove a child from their parents or carers or an adult from their home to a place of safety.
- h. There is serious likelihood of family disintegration or relationship breakdown which threatens to impair health and wellbeing of children or adults at risk of abuse or neglect.
- i. There is evidence leading to concern that parents or carers are unable to look after their children.
- j. A child is in care whether for a period or on a continuing basis.
- k. A person is in need of social care and support but unable to exercise mental capacity or provide informed consent.
- l. Future care or custody arrangements are disputed in relation to a child or adult at risk of abuse or neglect.
- m. People are being assessed as foster parents or adopters.
- n. A court requires a formal report into the social circumstances of an accused or convicted person or a mental health patient.
- o. A mental health patient with social care needs is being discharged into the community (including but not limited to those placed on Community Treatment Orders) or is subject to Guardianship.
- p. A service user requests assistance from a social worker.
- q. Making a report to support an application for an adoption order.

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- r. There is a requirement for the assessment or review of a carer looking after a person with complex social care needs.

Other Tasks

TCSW advises that a registered social worker should usually be responsible for dealing directly with people or overseeing cases in situations where:

- a. Building relationships with people who need social care support, winning their trust and finding good ways of communicating with them to help them assess and review their situation, decide what they want to achieve, overcome barriers, and obtain support that feels right for them. Where needs are complex, this task should be reserved to social workers (see [d] above).
- b. Building relationships with carers, winning their trust and finding good ways of communicating with them to help them assess and review their situation, and obtain support that feels right for them and those for whom they care. Formal assessments or reviews for carers of people with complex social care needs should always be carried out by social workers (see [r] above).
- c. Aiding people who wish to do so to assess their own social care needs, identify resources, make decisions, and arrange and manage their own support. Where needs are complex, this task should be reserved to social workers (see [d] above).
- d. Providing or arranging advocacy for people who do not have a voice, and helping them to be more in control of their own lives.
- e. Taking a lead on community development to assess, identify and maximise the strengths or assets locked up in individuals, their families and their communities. It may involve repairing, constructing and reinforcing networks of support for individuals in their own communities who would otherwise require admission to institutional care, in the light of an assessment of risk.
- f. Working with individuals, their families and communities to focus on the attachments that people form, in the light of theoretical models of attachment, and how resilience can be built up when they have been broken, eg through bereavement. Social work skills in this area may be key to avoiding institutional care.

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- g. Taking a lead in 'reablement' services so that older people are re-enabled to live independently after a spell in hospital or to avoid admission to hospital. It may involve building and using social capital in communities to connect people to a variety of sources of support rather than merely adapting people's own homes.
- h. Taking a lead whenever community solutions may be a safe and effective means of upholding people's rights and meeting their needs under the Mental Health Act. Those Approved Mental Health Professionals (AMHPs) who are social workers use a 'social model' to assess people in relation to their social and environmental contexts, a skill set which should be encouraged and promoted in the interests of people with mental health problems.
- i. Helping parents develop the skills and understanding to be more effective in meeting their children's need for care, development and control.
- j. Supporting the physical, intellectual and emotional development of children and young people who need help, and helping disadvantaged people of all ages improve their health and wellbeing.
- k. Arranging good quality alternative care for children and young people whose parents cannot care for them, and for adults who can no longer manage in their own homes.
- l. Helping children and adults to overcome the problems of disability, negotiate the transition to adulthood and achieve independent living.
- m. Helping people in poverty to improve their financial position, informing them about their entitlements, and supporting them to access training, work opportunities and benefits.
- n. Enabling people who are dissatisfied with the services they receive, including social work services, to make use of representations and complaints systems to seek explanations, apologies and redress.
- o. Helping to ensure that public resources are allocated fairly and any changes applied fairly, and informing commissioners of any evidence that the type, scale or quality of services is not matching needs.
- p. Seeking to promote social justice by challenging neglect, discrimination and exclusion, and helping to build safe, strong and caring social networks and communities.

The College of Social Work | 30 Euston Square | London | NW1 2FB
Tel: 020 8453 2929 | www.tcsw.org.uk

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The College will be developing schemes to support the measurement of achievement under the PCF.

Please send your responses to mark.ivory@tcsw.org.uk

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Ontario College of
Social Workers and
Social Service Workers



Ordre des travailleurs
sociaux et des techniciens
en travail social de l'Ontario

Position Paper on Scopes of Practice

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Ontario College of Social Workers and Social Service Workers Position Paper on Scopes of Practice

Introduction:

Articulating a scope of practice for a profession is a critical regulatory function. Typically a scope of practice is a description of a profession's activities, including the boundaries of these activities, especially in relation to other professions where similar activities may be performed.

The objectives of this paper are to assist members and employers in understanding the purpose of a scope of practice statement, the scopes of practice of the two professions, the distinctions between them and the relationship between the scope of practice statements developed by the College and job descriptions developed by employers for members of the College.

There can be confusion around the purpose of a scope of practice statement. Some incorrectly believe it can be used to give exclusive license to a profession to carry out particular tasks. Others are not clear on how it can relate to their job - that is, whether they may perform a task outside their scope of practice or how their scope of practice can inform their job description. Additionally, there is perplexity regarding the scope of practice statements for each of the two professions regulated by the College, specifically regarding the perceived lack of distinction between the scope of practice statement for social work and the scope of practice statement for social service work.

Background to the College's Scope of Practice Statements

The College's transitional Council provided the Policy Rationale for the Scope of Practice to the Ministry of Community and Social Services in connection with the Registration Regulation made under the *Social Work and Social Service Work Act, 1998*, which defines the "role of a social worker" and the "role of a social service worker".¹ The transitional Council also developed the scope of practice statements for both professions.

The scope of practice for the profession of social work was supported by the former voluntary regulatory body of the social work profession in Ontario (the Ontario College of Certified Social Workers) in the legislative process leading up to the enactment of the *Social Work and Social Service Work Act*, as an accurate description of the practice of social work. It is also consistent with the legislation of other provinces which define either the practice of social work or the term "social work".

The scope of practice for the profession of social service work was supported by the vocational learning outcomes for social service workers published by the College Standards and Accreditation Council (CSAC) with respect to the CSAC Program Standards for Social Service Worker Programs. The CSAC was given the mandate to express the vocational and

¹ Please refer to the Appendix of this document for the definitions of "role of a social worker" and "role of a social service worker".

generic skills components of the program standard for social service worker programs delivered by the Ontario Colleges of Applied Arts and Technology.

The Purpose of a Scope of Practice Statement:

The College's Code of Ethics and Standards of Practice Handbook sets out the scope of practice statement for social work and the scope of practice statement for social service work. **The scope of practice statement for each profession is a general statement describing, but not exclusively limiting, the performance of the activities for each profession.** Such statements provide three types of information – what the profession does, the methods the profession uses and the purpose for which the profession does it. It is acknowledged that there is overlap between the scope of practice statement for social work and the scope of practice statement for social service work.² However, the two scope of practice statements differ from each other in three critical areas:

- 1) **What the profession does:** the scope of practice statement for social work includes the activity of social work **diagnosis**; the scope of practice statement for social service work does not.
- 2) **The methods the profession uses:** the scope of practice statement for social work uses **social work** knowledge, skills, intervention and strategies; the scope of practice statement for social service work uses **social service work** knowledge, skills, intervention and strategies.
- 3) **The purpose for which the profession does an activity:** the scope of practice statement for social work includes as a purpose for social work activity the achievement of **optimum psychosocial functioning**; the scope of practice statement for social service work does not include this purpose.

Bodies of Knowledge:

The scope of practice statement for social work uses social work knowledge, skills, intervention and strategies; the scope of practice statement for social service work uses social service work knowledge, skills, intervention and strategies. As with all human service professions, there is not a precise line that clearly demarcates the bodies of knowledge between the two professions. There is however, a distinction based on formal levels of training and education that distinguishes the intensity, breadth, depth, comprehensiveness and theoretical richness of the relevant bodies of knowledge for each profession.

Social Service Work Formal Training

The formal training for a social service worker is a post secondary diploma from a social service worker program offered at a College of Applied Arts and Technology (CAAT). This program is two years in length. The social service worker programs adhere to standards set by

² To review the Scopes of Practice Statements for social work and social service work in their entirety, please refer to the OCSWSSW Code of Ethics and Standards of Practice Handbook, Second Edition, pages 1 -2. http://www.ocswssw.org/sections/pdf/Standards_of_Practice_Final.pdf

the Ontario Ministry of Training, Colleges and Universities (MTCU). The social service worker program “provides students with practical, integrated learning experiences and a body of knowledge related to the promotion of human well being and the affirmation of strengths and capacities of people in their environments.”³

In accordance with the 2007 MTCU standards, all graduates of social service worker programs of instruction must have achieved the 9 vocational learning outcomes in addition to achieving the essential employability skills learning outcomes and meeting the general education requirement. The Vocational Learning Outcomes ensure the graduate has reliably demonstrated the ability to:

- develop and maintain professional relationships which adhere to professional, legal and ethical standards aligned to social service work
- identify strengths, resources and challenges of individuals, families, groups and communities and assist them in achieving their goals
- recognize diverse needs and experiences of individuals, groups, families and communities to promote accessible and responsive programs and services
- identify current social policy, relevant legislation, and political, cultural and/or economic systems and their impacts on service delivery
- advocate for appropriate access to resources to assist individuals, families, groups and communities
- develop and maintain positive working relationships with colleagues, supervisors and community partners
- develop strategies and plans that lead to the promotion of self-care, improved job performance and enhanced work relationships
- integrate social group work and group facilitation skills across a wide range of environments, supporting growth and development of individuals, families and communities
- work in communities to advocate for change strategies that promote social and economic justice and challenge patterns of oppression and discrimination.

Students’ classroom learning is complemented by supervised field experience. Individual Colleges of Applied Arts and Technology determine the specific program structure and curriculum and therefore hours of field experience are not uniform across programs. However, typically students in a social service worker program will spend between 500 and 600 hours in field placement throughout their program.

³ Social Service Worker Program Standard, Ministry of Training, Colleges and Universities, March 2007

Social Work Formal Training

Social work programs are recognized as distinct professional programs within the university system and are subject to external accreditation requirements developed and evaluated by the national professional education association. In Canada this body is the Canadian Association for Social Work Education (CASWE) and in the United States, the Council on Social Work Education (CSWE).

The first university level degree for a social worker is the Bachelor of Social Work (BSW) degree, the norm being a 4 year honours degree, obtained in a university social work program, accredited by the CASWE or equivalent. Two years of general study are followed by two years of social work study. The second level university degree is a Master of Social Work (MSW), a graduate degree, post-baccalaureate of a further one to two years, also obtained from an accredited university social work program. While some social workers possess a BSW or MSW, many hold both degrees. Still others will also have obtained a doctoral degree.

In accordance with CASWE Standards for Accreditation, the curriculum at the Bachelor of Social Work level “will ensure that graduates will be broadly educated and prepared for general practice and have sufficient competence for an entry level social work position. Competence is evidenced by an ability to arrive at professional judgements and practice actions, based on integration of theory and practice within the context of professional values and the relevant social work code of ethics.”⁴ The curriculum ensures that students have:

- Knowledge base related to human development and behaviour in the social environment.
- Critical analysis of Canadian social work, social welfare history and social policy and their implication for social work practice with diverse populations, including racial minorities.
- Beginning level analysis and practice skills pertaining to the origins and manifestations of social injustices in Canada, and the multiple and intersecting bases of oppression, domination and exploitation.
- Practice methods and professional skills required for generalist practice (i.e. analysis of situations, establishing accountable relationships, intervening appropriately and evaluating one's own social work interventions) at a beginning level of competence.
- Understanding of social work's origins, purposes and practices.
- Understanding of and ability to apply social work values and ethics in order to make professional judgements consistent with a commitment to address inequality and the eradication of oppressive social conditions.
- Awareness of self in terms of values, beliefs and experiences as these impact upon social work practice.

⁴ CASWE Accreditation Manual, June 2007, SB 5.3

- Ability to undertake systematic inquiry and critical evaluation related to social work knowledge and practice.
- Knowledge of multiple theoretical and conceptual bases of social work knowledge and practice including the social construction of theory and practices that may reflect injustices.
- Knowledge of other related occupations and professions sufficient to facilitate interprofessional collaboration and team work.
- An understanding of oppressions and healing of Aboriginal peoples and implications for social policy and social work practice with Aboriginal peoples in the Canadian context.
- Opportunities to develop an appreciation of social work purposes and ethics and to develop her/his social work values and professional judgement.
- Preparation to practice in a range of geographical regions and with diverse ethnic, cultural and racial populations.

In addition to course work, field education is an integral component of the curriculum. Students are required to complete a minimum of 700 practice hours at the BSW level.⁵

In accordance with the CASWE standards for accreditation, curriculum at the MSW level "will prepare students to have sufficient competence for advanced, specialized or supervisory social work roles." Graduates from MSW programs "shall have demonstrated ability to critically analyze, synthesize, use, evaluate and develop theory in relation to complex practice problems in the context of social work values and ethics."⁶ MSW programs will normally provide a minimum of 450 practicum hours in one year degree programs plus an additional 450 practicum hours and/or a thesis in two year degree programs.⁷

Although the objectives and curriculum for BSW and MSW programs differ, the scope of practice statement is the same for all social workers, regardless of level of education.

Differences between social work knowledge and social service work knowledge

Although there is overlap in the curricula of college social service work programs and university based social work programs, four differences have been identified between the bodies of knowledge of the two professions:⁸

- 1) **Intensity:** As demonstrated in the review of the curricula for the two professions, the complexity and comprehensiveness of the university BSW program requires that the understanding of the body of knowledge is at a much more intense level than would be possible in a two year college program. In addition to knowledge and application of

⁵ CASWE Accreditation Manual, June 2007, SB 6.5

⁶ Ibid, SM 5.2, 5.2.2

⁷ Ibid, SM 6.5

⁸ Excerpt from the Policy Rationale for the Scope of Practice, adopted by the Transitional Council of OCSWSSW and provided to the Ministry of Community and Social Services in connection with the Registration Regulation made under the *Social Work and Social Service Work Act, 1998*.

multiple theoretical and conceptual bases, the BSW program stresses systematic inquiry, critical evaluation and analysis and making professional judgements. The social service work program stresses identifying strengths, resources and challenges, social and political issues that impact service delivery and advocating for appropriate resources. Practicum requirements within a BSW program are generally more stringent than the field placements in a CAAT program. By design, all of the courses in a social work program are not social work courses but are required of the student to develop an understanding and ability in the process of knowledge building including knowledge of the sources and content of the body of wisdom that underpins the profession.

- 2) **Breadth:** The two additional years of university study before a BSW student takes a social work course build a broad general knowledge base which permits and facilitates the ability of students to study the distinctive social work courses in greater breadth. The broader perspective of areas of study in a university program develops in the students the ability to understand the interconnection of bodies of knowledge and the need to understand presenting situations in a holistic manner.
- 3) **Theory:** The common goal of all university teaching is to teach students to think critically in an analytic manner. That is, not only to learn what is, but of greater importance, to know how to assess knowledge, critique it, consider alternatives and to understand the strengths and limitations of various components of knowledge. The social service worker will have been taught some theory but would not be expected to have the breadth of knowledge of individual theories, or the skills to assess and test the validity of individual theories. The social service worker would not be expected to have the range of theoretical perspectives required in the practice of contemporary social work.
- 4) **Research:** It is a requirement in all university social work programs that students understand how knowledge is evaluated, critiqued and developed. All Faculties of Social Work require both statistical and research courses of social work students to equip them with the ability to assess their knowledge, to test current knowledge in the profession and to contribute to new approaches to practice or new knowledge for the profession.

In summary, there is not a clear dichotomy between the two professions' bodies of knowledge. Indeed, some university social work programs grant advanced standing to individuals with social service work diplomas. However, these bodies of knowledge are not interchangeable. The differences, though subtle, are critical. These differences relate to general knowledge, depth of perception, ability to analyze, ability to critique, ability to test and to seek new knowledge.

Social Work Diagnosis:

As previously mentioned, the scope of practice statement for social work includes "diagnosis", while the scope of practice statement for social service work does not. The College defines social work diagnosis as "that series of judgements made by a social

worker based on social work knowledge and skills in regard to individuals, couples, families and groups. These judgements:

- a) serve as the basis of actions to be taken or not taken in a case for which the social worker has assumed professional responsibility; and
- b) are based on the Social Work Code of Ethics and Standards of Practice.

Such judgements and the procedures and actions leading from them are matters for which the social worker expects to be accountable.”⁹

While diagnosis can also be made in regard to couples, families and groups, when working with an individual, the expectations of a social worker are to individually understand the personality structure of the client as well as understand the societal realities in which the client functions. This analysis is referred to as “person in environment” and focuses on the need to make an accurate formulation of “who is the client”, “what is their reality” and “how do the two interface”. This process is called the formulation of a social diagnosis and is the essence of social work practice.¹⁰

This activity requires that a social worker make an ongoing series of judgements as to the nature of the presenting situation and based on these judgements formulate the actions to be taken or not taken, actions for which the social worker must be prepared to be held accountable. In order to act in the client’s best interest and in the public interest, it is essential that social workers ensure that diagnosis is an essential component of the statement to the public as to the nature and dimensions of social work practice.

The activity of social work “diagnosis” has been excluded from the scope of practice statement for social service work because the two year time frame for the completion of a social service work program limits the depth and breadth of the interpersonal and social theory taught to social service workers. Based on the theoretical and practical knowledge acquired in the social service work programs at a College of Applied Arts and Technology, the social service worker will understand that “diagnosis” is the summary of judgements on which professional action is taken. The social service worker may follow a suggested course of action based on a diagnosis that was identified by another professional, but will not be the person who will have arrived at such a judgement.

⁹ OCSWSSW Code of Ethics and Standards of Practice, Second Edition 2008

¹⁰ The concept of “social diagnosis” was introduced by Mary Richmond, nearly four decades ago. Social diagnosis, based on the gathering of “social evidence” was in her view, critical for developing a social treatment plan. [Richmond, M. (1917). *Social diagnosis*. New York: Russell Sage Foundation.] This early work was built on by Florence Hollis who wrote about the importance of a “psychosocial study”, as a basis for developing an effective treatment plan. [Hollis, F. (1972) *Casework: a psychosocial therapy*. (2nd ed.). New York: Random House] More recently, the term “diagnosis” has been revisited in the social work literature by Francis J. Turner, who views diagnosis as an essential component of social work practice. [Turner, F. J. (2002) The Nature and Function of Diagnosis. In *Social Work Practice, A Canadian Perspective* (2nd Ed.) Prentice Hall: Toronto, Chapter 13, 155 – 164.]

Achievement of Optimal Psychosocial Functioning:

As previously stated, the scope of practice for social work includes achieving “optimum psychosocial functioning”, while the scope of practice for social service work does not. As noted, an essential component of all definitions or descriptions of the social work profession include the concept of “person in environment”. Over the decades it has been replaced by the more technical phrase “psychosocial”.

The essential thrust of this concept is that to fully understand and effectively intervene in the lives of clients, it is imperative that the range of social systems that are part of their realities, as well as the persons themselves, are taken into account in the diagnostic and intervention processes. Implied in this term is the ability by the practitioner to not only assess the nature and functioning of the personality of the client(s) including the broad range of cultural, historic, values, strengths, potentials and areas of stress but as well how such a unique profile interfaces with the broad spectrum of complex and interfacing societal systems with which a client interacts. Thus, one of the outcomes of social work interventions and strategies is to achieve optimum functioning at both the emotional, interpersonal and social systemic level.

Based on the vocational learning outcomes referred to above, it is apparent that the term “psychosocial” is not an aspect that is expected to be mastered within a social service worker program. Although social service workers will understand that the social and psyche of the person are interrelated, they will not have obtained the depth and breadth of knowledge required to bring about changes in the psychosocial functioning of the individual.

Not all practice situations will require changes in psychosocial functioning of an individual. However, a client's psychosocial issues may create barriers to their making use of services or treatment, and in these more complex situations, a resolution of these issues and hence a change in psychosocial functioning may be critical.

Activities permitted in law:

There are specific activities that are permitted by legislation to be performed by social workers and/or social service workers. While this is not an exhaustive list, it highlights some of the activities permitted by legislation that are frequently encountered by social workers and/or social service workers.

- 1) *Ontario Vital Statistics Act*: Social work and social service work members of the College may serve as a guarantor on an application for an Ontario birth certificate. In accordance with the regulation made under the *Ontario Vital Statistics Act*, the member must be a member in good standing with the College. In addition the guarantor must be a Canadian citizen who has known the applicant personally for at least two years and is confident that the statements made by the applicant are true.
- 2) *Ontario Disability Support Program Act*: Social work members of the College may complete the Activities of Daily Living Index in the Disability Determination Package. The Disability Determination Package is used to determine whether or not the applicant is a person with a disability as defined by the *Ontario Disability Support Program Act*.

- 3) *Health Care Consent Act*: Social work members of the College may act as evaluators for the purpose of determining whether a person is capable with respect to his or her admission to a care facility and for the purpose of determining whether a person is capable with respect to a personal assistance service.
- 4) *Substitute Decisions Act*: Social work members of the College, who have successfully completed a training course for assessors, given or approved by the Attorney General, and are covered by professional liability insurance of not less than \$1,000,000 are qualified to do assessments of capacity.
- 5) *Psychotherapy Act*: Bill 171, the *Health System Improvements Act* amends a number of acts including the *Regulated Health Professions Act* and includes the new *Psychotherapy Act*. By virtue of an amendment to the RHPA, members of the OCSWSSW are authorized to perform the controlled act of "treating by means of psychotherapy technique". When the controlled act is proclaimed, members of the OCSWSSW will be authorized to perform the controlled act. The College is in the process of determining the competencies required of its members to practise psychotherapy.

Scopes of Practice and Job Descriptions:

It is important to note that the College has no oversight over employers and has no authority to direct or advise an employer regarding whether to hire social workers or social service workers to perform specific jobs within an organization.

In addition, a scope of practice statement differs from a job description, in which an employer defines the parameters of the various roles and duties to be performed by the social workers and social service workers they hire. An employer is not obligated to allow a social worker or social service worker to perform all of the activities described in the scope of practice statement. Additionally, an employer may require a social worker or social service worker to perform activities that are not described in their scope of practice provided that the College member is permitted by law to perform those activities and is competent to do so.

That being said, employers may find it helpful to utilize the scopes of practice for the professions when making a determination respecting the requirements for a position within their organization. If the requirements for a position include one or more of the functions of diagnosis, social work knowledge, achieving optimum psychosocial outcomes or the activities permitted in law for a social work member of the College, it would be logical for the incumbent to be a social work member of the College.

If the requirements for a position include social service work knowledge, skill and judgement and activities permitted in law for a social service work member of the College, it would follow that the incumbent be a social service work member of the College.

In making a determination requiring the use of social work knowledge or social service work knowledge for a position, it would be useful for an employer to consider the intensity and breadth of knowledge, skill and judgement required by the clients and the program(s) the

position will serve. Also important will be the consideration of the need for the application of a variety of theoretical concepts and the need for research skills.

As an example, it is expected that a social service worker would be able to apply crisis intervention skills in circumstances where the goal of service is to provide support and link the client to other helping resources. The social worker, however, based on their advanced level of therapeutic knowledge and skill would also be able to assist the client in dealing with issues that result from past trauma.

Conclusion:

This paper aims to clarify:

- The purpose of a scope of practice statement
- The differences between the scope of practice statements for social work and social service work
- The rationale for these differences
- The relationship between a scope of practice statement and a job description

It is hoped that this paper will be useful to members and employers in understanding the differences in scopes of practice and applying this information to job descriptions and hiring practices.

For more information, please refer to the article "Scope of Practice – Demystified" found in Perspective, Fall/Winter 2004/05, Volume 3, Number 1.

<http://www.ocswssw.org/uploads/PerspectiveEngFall04.pdf>

Appendix

"Role of a Social Worker" and "Role of a Social Service Worker" as defined by Ontario Regulation 383/00 (Registration) made under the *Social Work and Social Service Work Act*, 1998.

Ontario Regulation 383/00, s. 9 (1).

"role of a social worker" means the role of a person who assesses, diagnoses, treats and evaluates individual, interpersonal and societal problems through the use of social work knowledge, skills, interventions and strategies, to assist individuals, dyads, families, groups, organizations and communities to achieve optimum psychosocial and social functioning."

Ontario Regulation 383/00, s. 10 (1).

"role of a social service worker" means the role of a person who assesses, treats and evaluates individual, interpersonal and societal problems through the use of social service work knowledge, skills, interventions and strategies, to assist individuals, dyads, families, groups, organizations and communities to achieve optimum social functioning."

9(2)(a)

From: Sarah Clark 9(2)(a)
Sent: Friday, 7 July 2017 3:27 p.m.
To: 9(2)(a)
Cc:
Subject: delay on scenarios

Hello to you all

Just to let you know I'm delaying sending over the scenarios – partly as they are still quite legal in their language and I'd like to simplify them a little. 9(2)(g)(i) - Free and Frank

This means that support workers who might do one or two social work tasks, do not necessarily need to hold an APC – because a reasonable person would not think that they were employed or engaged as social worker. So there are lots of roles within the social services sector that can happily co-exist. We often have people undertake roles that don't need apc's – (but which might have aspects of sw).

- Caregiver
- Social work assistant
- Youth worker or Low level social service work
- Some community support roles (case by case basis) – depending on the level of responsibility that person has, and the actual tasks they do.

Anyway, have a good weekend and we'll be in touch next week.

Cheers
Sarah

Sarah Clark | CE & Registrar | Social Workers Registration Board | www.swrb.govt.nz

9(2)(a) Level 6, 11 Chews Lane, PO Box 3452, Wellington 6140, New Zealand

9(2)(a)

From: Sarah Clark 9(2)(a)
Sent: Tuesday, 11 July 2017 4:57 p.m.
To: 9(2)(a)
Cc:
Subject: senarios from swrb re: limitation of employer defined social work
Attachments: 2017-07-11 Advice on the use of contracts and job titles.DOCX

Hello all

It's taken us a little but more to get our document refined following our meeting last week, but we hope it will provide you with a sense of our concern that the approach currently taken undermines the intent of mandatory registration. We also would like to signal also that the sector itself will be likely to have similar concerns.

I would also like to distinguish between this advice, and that which we may offer on the draft as it stands. Clearly the latter is regarding technical aspects, whereas this is in the policy space. However I would anticipate that these points are ones that we would raise in a submission with the scope of practise model (as in the HPA Act) the preferred approach. Once the Cabinet Paper and RIS are published it will allow for wider discussion amongst the sector, which might also allow our comments to be put into a wider context.

Let us know if you have any questions or queries.

Kind regards

Sarah

Sarah Clark | CE & Registrar | Social Workers Registration Board | www.swrb.govt.nz

9(2)(a) | Level 6, 11 Chews Lane, PO Box 3452, Wellington 6140, New Zealand

Defining social work practice

Purpose

This is a follow up to last Thursday's meeting at which we raised concerns about the legislative changes to increase the professionalism of the social work workforce Regulatory Impact Statement (RIS) and in particular, the proposal that the primary mechanism for defining 'social work' would be requirements related to job titles, contracts and statutory reference.

While the Social Workers Registration Board (SWRB) agrees with the level of regulatory framework being suggested in the RIS i.e. level 3 certification and title protection, we believe there are a number of issues with the proposed mechanism.

This document provides more detail about our concerns and the reasons for them, and illustrates the ramifications of the current proposals by describing likely scenarios where they would present an issue.

Overview

The key issue for us is the current proposal for defining social work and who does that work.

We are concerned that the social work profession will react strongly and unfavourably to this aspect of the proposed legislation. It will be seen as undermining professional autonomy and identity.

Much of the discussion on the benefits of mandatory registration has been around keeping the public safe by ensuring those people working with the most vulnerable are both competent and accountable.

Protecting the title of 'social worker' and clearly defining what constitutes 'social work' are essential elements of this.

The Government, employers and the public need to have both the comfort of knowing that only registered social workers can use the title, and clarity around what constitutes social work. They need to know that those who are 'doing social work' are registered. They also need to be confident in the consistency of the definitions being applied.

As the proposed legislation is currently written, it is the employer or those who are negotiating and managing contracts who will define what social work is and who should do that work.

We believe this raises a number of issues that need to be considered:

1. There is potential for perceived or actual conflict of interest by employers if they are in the position of defining who is doing social work and what that work actually is. The complexity of the relationship between social worker, employer and client is what makes an independent regulator necessary. It should be the regulator and the regulator alone that defines what social work is and who is qualified to do it.
2. Should employers, or those negotiating contracts, be in a position to define what constitutes social work and who should do it, there will likely be inconsistency in the definitions used

and how they are applied. Employers and contract managers may have differing opinions about what social work practice is both within the same organisation and between organisations. We would also note that social workers are found across the social services sector, requiring a consistent standard whether they work in health, Oranga Tamariki, justice or elsewhere.

3. The number of social workers who are required to hold an APC will drop significantly, if the requirement of an APC is restricted to the title 'social worker' or a contractual obligation. We have identified over 130 different titles used by social workers who are practising and currently hold an APC. There will no longer be any obligation on those people to remain in the profession or to retain a high level of competence and practice.
4. There is potential for unqualified, unregistered social service workers to be employed to carry out what would traditionally be considered social work. Employers may seek to avoid the additional costs associated with hiring a registered social worker (e.g. the cost of APCs and supervision) by changing the role title and definition to allow them to hire a social service worker to carry out work that would usually be considered social work.
5. We are also concerned this could lead to less experienced social workers not getting the professional support or development they need and which would be required of them should they be registered.
6. There is also the potential for an imbalance of power and lack of clarity around accountability. Who would be the adjudicator if the applicant for a role believes the role constitutes social work but the employer does not? How would the interpretation of individual employers be able to be challenged? Who would rule on any disputes or determine whose interpretation is correct?
7. The proposed mechanism is inconsistent with other professional regulatory legislation – both in New Zealand and internationally – and would put us out of step with other professions. It is usual for a profession to regulate itself. This is why the SWRB, Tribunal and Complaints Assessment Committee all have social workers on them. Allowing employers to decide who is practising social work will remove this from the profession.
8. The key mechanism that other professional regulators use to regulate and protect the public is through an Annual Practising Certificate (APC).¹ In other professions, this licence to practise can be considered more important than the job itself. For a regulator to be effective, it needs to be able to determine when a professional requires a practising certificate. Removing this independence and power from the regulator, will undermine the effectiveness of the regulatory regime.

¹ Note: The regulator grants APCs to competent professionals and limits (or removes) them if there are issues with competence /conduct or health.

9. The public is likely to be confused about the role of the employer and the role of the regulator when it comes to defining who is a social worker and what work they do.
10. It is unclear under the proposed legislation, what would happen in the case of sole practitioners and those who do not receive government funding and do not have government contracts. Who will be responsible for defining the work they do as social work?
11. The SWRB is concerned that social workers who have faced disciplinary charges may still be able to practise by taking on a role that has been defined as something other than social work.

Scenarios

To further illustrate the ramifications of what is currently proposed, we have prepared the following hypothetical scenarios and further comment after each scenario.

Scenario 1

Joan has been in social work for 35 years. She has recently retired from her role as Practice Leader for Social Work at a DHB. She wants to now set herself up as a Professional Supervisor to provide practising social workers with supervision. She understands that employers want a supervisor with a breadth of social work experience, and that registration or a current APC is irrelevant to their requirements. The SWRB has a policy that states all registered social workers who are supervising social workers must have an APC, as we believe that providing supervision amounts to practising social work. This has been confirmed in case law². Joan reads the amended Act, realises that if she calls herself a 'Professional Supervisor' without using the words 'social worker' she won't need to pay for her APC. Local employers are desperate for external supervisors and know that Joan will do a good job. In their contract with Joan, the employers do not specify that she needs to be registered or have an APC. Legal advice confirms that this is perfectly legal.

While the above scenario may be legal, it would go against the principle and intent behind the new legislation.

The SWRB does not want to see any social worker in any role practising outside of the new regulatory framework, regardless of their competency or experience. In the scenario above, Joan as

² See RSW9/D1/SWDT/2015 – CAC v Angelo, where the Social Workers Complaints and Disciplinary Tribunal confirm the Crown Law opinion which concludes that a registered social worker is "employed or engaged as a social worker" and required to hold a current practising certificate if he or she:
 "3.1 Is engaged with casework decisions at any level; and/or
 3.2 In the context of performing his or her role, expressly or implicitly holds himself or herself out as a registered social worker, or is held out in that way by his or her employer or colleagues."

a Supervisor ensures that social workers receive professional supervision and guidance on case work which in turn ensures good practice and public safety.

If Joan isn't required to have an APC, she is no longer obliged to keep up-to-date with practice trends, and this will affect frontline social work practice.

We also do not want to see the SWRB's focus shift away from ensuring social workers are competent to practise to policing how employers and contractors are defining social work.

We are concerned that the social work profession may have a negative response to employers being able to define what does and doesn't constitute social work as it will be seen as undermining their professional status, autonomy and identity. No other profession has their practice defined by employers, and it would not be accepted in any other profession. The following scenario illustrates how unusual this proposal is.

Scenario 2

Mr Jones is the Medical Director of Northland DHB. He is a surgeon and does not use the title 'Dr' as the correct title for a surgeon is 'Mr'. He never actually sees patients but is responsible for the leadership and direction of all of the doctors and surgeons who work at the DHB. He has to ensure that they are all competent, fit to practice and keep clinically up-to-date. A new law to regulate the medical profession has come in and it states that employers can decide if someone is practising medicine. The CEO of the DHB is looking to lower costs and speaks with the Medical Director. The CEO states that because the Medical Director does not see patients and is not called 'doctor', they do not classify this as 'practising medicine' and so therefore they will not pay for his APC. The recently negotiated funding contract with the Ministry of Health reflects this and only doctors that see patients will need an APC. Mr Jones is shocked by the suggestion that he is not 'practising medicine' and the implications of that. He realises that if he does not need to apply for an APC, he also does not need to make an annual declaration to the Medical Council that he is fit to practise, keeping up his CPD, and has not committed any crimes in the last year. He is also worried about how he will be a role model for his junior doctors, as if he is 'not practising' he won't have to keep up with the latest drugs or clinical treatment options. He will no longer be professionally accountable for poor practice or professional misconduct. He phones the Medical Council which believes he is practising medicine in his role as Medical Director. Although it doesn't sit right with him and seems very unfair, he pays for his APC himself as his professional status is more important to him than the job. He also pays to attend conferences and other professional training seminars.

Scenario 3

Hone works as a Mental Health worker for an NGO in Wairoa. His role is specifically to work with people with a gambling addiction. He has a qualification in social work. The NGO's funding contract with the Ministry of Health says that any of the 'helping professions' or 'anyone with requisite skills' can be employed in Hone's role. His employer does not want the

cost of paying for his APC so despite Hone being registered as a social worker and believing in his own mind that he is using all of his social work knowledge, skills and expertise, he does not have a practising certificate. Hone has not had any supervision or done any continuing development during his four years in Wairoa. He then shifts to Auckland and applies for a job as a Rehabilitation Officer at Corrections. This role is for a specialist skilled in working with people with a gambling addiction. In the funding contract between Corrections and MoJ, it states that the role requires a registered social worker with a current practising certificate. Hone gets the job, updates his practising certificate, and is now deemed to be 'practising social work'.

This scenario illustrates how different employers can apply different definitions to suit their purposes for essentially the same work. However, the Wairoa employer would have no guarantees about Hone's continued competence and ability to do a good job without an APC. Without supervision or continuing professional development, Hone may be less likely to keep pace with current standards of practice and opportunities which may be open to his peers.

Scenario 4

Philippa is a newly-graduated social worker with a Bachelor in Social Work. She applies for and is granted provisional registration. She applies for a 'Community Development Co-ordinator' role at Refugee and Migrant Services (RMS). The job description doesn't state they want a 'social worker' or someone with a 'social work qualification' but states that 'a relevant qualification is required'. RMS's contract with MSD states that registered social workers they employ must have an APC if they are practising social work but provides no definition of what is 'practising social work'. Philippa gets the job and is offered well below the starting salary for a social worker, and is told her employer will not support her to maintain her registration or have an Annual Practising Certificate. The employer says that as an NGO they simply can't afford to pay for her APC and would rather spend the money on the refugees. They also say as far as they are concerned, Philippa won't be practising social work. Philippa needs the job to pay off her student loan and accepts the role. Her employer tells her that given she is not 'practising' she does not need to have supervision or do any continuing professional development and that they will not be paying for any. Although she loves her job, Philippa often wishes she had a 'wise social work head' to run the difficult cases past. After two years in the job, Philippa is not able to move from provisional to full registration and her social work registration has been cancelled as she has not completed any CPD, not had regular supervision, cannot complete a full competence assessment and is unable to provide evidence of 2000 hours of supervised social work practice. She cannot get a job in MVCOT or a DHB as she cannot state on her CV that she has been doing 'social work'.

As this scenario shows, there is a very real risk that new graduates could find themselves in a position of not being able to advance or develop educationally or professionally if employers/contract negotiators define what is and isn't social work.

Scenario 5

Meredith has applied for a job with Corrections as a Probation Officer. She has a PhD in Social Work and an impressive job history as a social worker spanning 24 years including

working in prisons in the UK. She is keen to return to NZ and is already registered as a social worker here so doesn't think there will be too much of an issue getting an Annual Practising Certificate. However, at the interview she is told that Corrections do not think that she will be 'practising social work' and will not be paying for her APC. Meredith is confused as she knows that the case law states that being a Probation Officer has been deemed to be 'practising social work' and re-reads the Selena Going case. She sees that the Tribunal received expert evidence and that the tasks a 'Probation Officer' do are social work tasks i.e. undertaking psycho-social assessments and develop rehabilitation plans³. She is concerned that Corrections is getting the benefit of employing fully qualified social workers but not supporting the profession, which is at odds with how other countries like the UK regulate social work. She is offered the job but refuses the role. She does not think she can work for an employer who does not support her profession or professional development.

As this scenario illustrates, there is a potential cost issue for individual social workers under the current proposals because those deemed by their employer not to be 'practising social work' would have to fund their own APCs, and professional development (currently some employers pay for APCs and professional development).

There is also the potential cost of not attracting experienced social workers to roles not deemed to be practising social work because they do not wish to sacrifice their professional identity and professional development.

The SWRB is also concerned that very experienced professional social workers will leave the profession, as they may consider their employers are devaluing what they do in order to save money.

Once registered, a social worker is responsible for his or her conduct both in their professional and personal lives and accountable to the SWRB, regardless of their practising status. If someone is 'not practising' but commits professional misconduct, this would have implications for the professional disciplinary case law. The case law that develops in the Social Workers Tribunal would be out-of-step with all other national and international professional disciplinary case law as the following, and final, scenario illustrates.

Scenario 6

Although Philippa loves her role as a 'Community Development Co-ordinator' working with refugees, she finds she can't make ends meet on her salary. As she has been helping some of the older refugees with money matters, she has also been helping herself to some of their money. This goes undiscovered for four years and the total amount Philippa takes is nearly \$5000. A co-worker finally notices, questions her, then phones both her employer and the professional regulator. After an investigation, Philippa is dismissed from the job. The SWRB then has to decide whether Philippa, who remains on the register but is not 'practising social

³ *Complaints Assessment Committee v Going* (RSW8/D1/SWDT/2016).

work' (according to her employers) should face disciplinary proceedings. Philippa is investigated by the Police for the alleged stealing and with an excellent lawyer manages to get a discharge without conviction on the condition that she repays the money. The SWRB decides that a Complaints Assessment Committee should investigate and at the end of their investigation, decides she should be charged in the Tribunal. The prosecutor has to decide what to charge her with. In normal circumstances, because this offence has happened 'at work' she would be charged with professional misconduct. However, her clever defence lawyer argues that because she was 'not practising social work' she cannot be charged with professional misconduct but rather the lesser charge of 'conduct unbecoming of a social worker and reflecting adversely on the social worker's fitness to practise as a social worker'. This type of charge is usually used for conduct 'outside of work' e.g. criminal offences.

Such a scenario would seem to undermine the purpose of professional regulation.

The SWRB is required to initiate a disciplinary process if someone complains, if we receive notification of a conviction, or notification of concern about a registered social worker (regardless of whether or not an APC is held). If less people are required to hold an APC, but the same number are accountable for conduct, competence or health issues, the SWRB will have less money to regulate the profession.

Comparison to the Health Practitioners Competence Assurance Act

MSD has stated that amendments to the Social Workers Registration Act should be based on the HPCA Act, as this provides a good framework for regulation of health professionals, and the SWRB wholeheartedly agrees.

However, one other issue we would like to raise is that part of the RIS appears to incorrectly interpret the HPCA at paragraph 89 – stating that "any non-registered person may carry out those activities as long as they do not use the protected titles".

We disagree with this interpretation. Under Section 7 of the HPCA, a non-registered person cannot do anything *calculated to suggest* they are a health practitioner without first being registered as a health practitioner and holding an APC.

This is achieved in other professional spheres by having a scope of practice and allowing an independent regulatory authority to make those decisions. Those decisions are challengeable in the District Court or in the Tribunal.

Section 7 of the HPCA Act states:

Unqualified persons must not claim to be health practitioner

- 1) *A person may only use names, words, titles, initials, abbreviations, or descriptions stating or implying that the person is a health practitioner of a particular kind if the person is registered, and is qualified to be registered, as a health practitioner of that kind.*
- 2) *No person may claim to be practising a profession as a health practitioner of a particular kind or state or do anything that is calculated to suggest that the person practises or is willing to practise a profession as a health practitioner of that kind unless the person—*

- a. *is a health practitioner of that kind; and*
 - b. *holds a current practising certificate as a health practitioner of that kind.*
- 3) *No person may make an express or implied statement about another person that the other person is prohibited by subsection (1) or subsection (2) from making about himself or herself.*
 - 4) *Subsection (2) does not prohibit a person from stating his or her willingness to practise a profession for the purposes of seeking employment if the person is, or would on obtaining that employment be, qualified to be registered as a health practitioner of that profession and to hold a current practising certificate as a health practitioner of that profession.*
 - 5) *Every person commits an offence punishable on conviction by a fine not exceeding \$10,000 who contravenes this section.*

This section of the HPCA Act not only provides title protection but also means that regardless of job title or contract, if a person does anything to suggest they are practising, it is an offence.

Under the current Social Workers Registration Act proposals, it won't matter if a person does 'anything to suggest they are practising social work' as long as their job description does not require them to be a social worker and their title is not 'social worker'.

We do not believe this is effective regulation of our profession. It will still allow social workers to practise social work using the full range of their skills, knowledge and expertise and therefore holding huge amounts of power, without being accountable.

In summary

In summary, we would like to see the current proposed legislation relating to the definition of social work practice revised.

We would like to see the title of social worker and the definition of what constitutes social work practice specified under the regulations via a Scope of Practice, so that there is consistency and accountability across the profession regardless of role or employer. We believe that the Scope of Practice, which we developed through consultation, provides a useful mechanism and is consistent with the approach taken by the HPCA Act and other regulatory bodies.

We would be happy to provide further comment or to assist in any other way in order to achieve that.

9(2)(a)

From:

9(2)(a)

Sent:

Wednesday, 12 July 2017 2:02 p.m.

To:

9(2)(a)

Cc:

Subject:

RE: Social Workers Registration Amd Bill - first cut

Hi Leon,

Here are my comments. Hopefully I have not repeated what Jan has already said.

Clause 6AB – what is 'restricted work'?

Out of Scope

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Out of Scope

Thanks

9(2)(a)

From: 9(2)(a)

Sent: Monday, 10 July 2017 4:38 p.m.

To: 9(2)(a)

Cc:

Subject: Social Workers Registration Amd Bill - first cut

Hi all,

We have just received the draft SWR Amendment Bill from PCO.
PCO make it clear this is a very rough first draft, and there may be gaps.

Could you please focus in the next day or so on answering the questions in the text and send me responses.

Reminder that we are after technical expertise and comment, NOT policy comment. Policy decisions were made at Cabinet, and can't be dealt with now.

Out of Scope

Regards,

9(2)(a)

Senior Policy Analyst - Older People & Vulnerable Adults Policy
National Office - Ministry of Social Development

9(2)(a)

✉ E: Leon.Mitchell007@msd.govt.nz

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9(2)(a)

From: 9(2)(a)
Sent: Tuesday, 10 October 2017 3:51 p.m.
To: 9(2)(a)
Subject: FW: Scope of Practice and Practice of Social Work
Attachments: General Scope of Practice and Practice of Social Work.pdf

From: Sarah Clark 9(2)(a)
Sent: Tuesday, 18 July 2017 4:17 p.m.
To: 9(2)(a)
Subject: FW: Scope of Practice and Practice of Social Work

From: SWRB Consultation
Sent: Friday, 14 July 2017 10:47 AM
Subject: Scope of Practice and Practice of Social Work

Kia ora from the Social Workers Registration Board

Following on from our email to you on Monday 10th July, we are now sending you the refined 'Scope of Practice' and 'Practice of Social Work' definition. If you have any comments please let us know by Friday 28th July.

The Board will be using the 'Scope of Practice' and the 'Practice of Social Work' definition in a policy entitled 'When an Annual Practising Certificate is required'. We hope this policy will assist registered social workers and employers of registered social workers to determine if someone needs to hold an Annual Practising Certificate. Once the policy is finalised it will be on our website and we will let you know.

Please note as stated previously the definition of 'social work' is no longer included.

Out of Scope

We would again like to thank for your submission and contribution to this process.

Nga mihi
Social Workers Registration Board

General Scope of Practice – Social Work

Social workers are registered professionals who are educated to work in partnership with clients and communities to assess, manage and evaluate individual and interpersonal situations incorporating analysis of environmental, cultural, structural, societal and economic issues. Social work seeks to enable and empower people and their communities to address life challenges, enhance well-being and challenge societal barriers. Across a variety of practice settings, social workers use indigenous, social sciences and humanities knowledge, social work theories, skills, strategies and interventions. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work practice.

Social workers assess and manage risk, trauma and safety and apply critical thinking and professional judgment.

Social workers create and review social policy, undertake socio-political research, community development, community organising, networking and advocacy in relation to social justice, poverty and inequality.

Social workers use their expertise in professional and/or team leadership, social work management, supervision, coaching, mentoring, teaching and tutoring social work, consultancy and advisory roles.

Such practice is undertaken in accordance with Te Tiriti o Waitangi, the IFSW definition of social work, the Social Work Registration Board's Code of Conduct and 10 core competencies, the ANZASW's Code of Ethics and within the individual social worker's area and level of expertise.

Definition of the Practice of Social Work

What do social workers do?

The Social Workers Registration Board defines the practice of social work as the following:

1. *Establishing collaborative relationships with clients and their communities to overcome barriers and obtain support, based on an understanding of their history and the personal, spiritual, whānau, social, and cultural meanings of who they are and what they want to achieve. 'Client' includes but is not limited to individuals, whānau, hapū, iwi, groups, organisations, communities, staff, supervisees and students.*
2. *The assessment and evaluation of client situations and needs incorporating analysis of structural, cultural, social and economic issues using indigenous, social sciences and humanities knowledge, social work theories, skills, strategies and interventions.*
3. *Across a wide range of practice settings work collaboratively with clients to:*

- a. Identify, explore and assess strengths, needs, situations, and support networks and understand the client's perspective in order to determine and prioritise goals;
 - b. Analyse micro, meso and macro influences on clients and the client's social system;
 - c. Develop plans to enhance client well-being;
 - d. Enhance their well-being, resilience and ability to cope with major life stresses such as grief, loss, trauma and other major events and challenges. The focus of this work may be at personal and/or systemic levels;
 - e. Research, assess and refer clients to community resources. This includes working with clients to develop their capacity and confidence to advocate for themselves or providing or arranging advocacy for people who do not have a voice, as well as negotiating and challenging institutional barriers.
 - f. Review and reflect on goals, plans, situations and modify these if required.
4. Apply critical thinking and professional judgement to assess and manage risk where there is potential or actual abuse, neglect or harm to self and others. Interventions may include the use of statutory power.
 5. Direct practice with clients in the context of a 'front line' role which may include counselling and case management. This could be as a sole practitioner or in a team or roopu.
 6. Professional and/or team leadership, social work management, supervision, coaching, mentoring, consultancy and advisory roles where the person influences the practice of social work. 'Practice' is wider than 'front line' social work and may be paid or voluntary.
 7. Teaching and tutoring social work practice, theory and skills.
 8. Social policy analysis, policy creation and review and practice development, as well as socio-political research.
 9. International, social and community development; community organising, networking and advocacy in relation to social justice, poverty and inequality. Maximizing strengths or assets already existing in communities; developing and supporting groups or organisations to build resilience and enhance social well-being and functioning.
 10. Engaging in processes to ensure competence in the above.