

# Submission on the Social Workers Registration Bill

30 January 2018

## **A. Introduction**

1. This submission outlines Barnardos' position on the Social Workers Registration Bill ('the Bill). Barnardos is Aotearoa New Zealand's largest and leading children's charity working towards the vision of "An Aotearoa New Zealand Where Every Child Shines Bright". Supporting the strengthening of the New Zealand social work profession is a vital ingredient towards achieving this vision, given the significant and often transformative role that social workers play in children's lives in a wide range of contexts.
2. This submission is informed by Barnardos' insights and knowledge regarding the likely practical implications and impact of the Bill. As well as highlighting key issues of concern regarding the Bill, this submission outlines Barnardos' suggestions for strengthening the Bill.
3. Barnardos is pleased to have the opportunity to make a submission on the Bill, and this builds on Barnardos' submission made in 2016 as part of the Review of the Social Worker's Registration Act 2003.

## **B. Background & Context**

### **Background to Barnardos**

4. Barnardos has been delivering services to children in Aotearoa New Zealand for over 50 years. Our vision as set down in our Strategic Plan 2016-2020 is "An Aotearoa New Zealand Where Every Child Shines Bright".
5. As well as advocating for the rights and well-being of all children in Aotearoa, Barnardos delivers services for children and their families and whanau every day around New Zealand across two operational arms: Barnardos Child and Family Services, and Barnardos Early Learning. Our social services work is delivered through Barnardos Child and Family Services; it is this work that informs this submission.

### **Our social work operating context**

6. Barnardos Child and Family Services delivers a wide range of services throughout Aotearoa New Zealand from before birth, to children during early childhood, throughout childhood and adolescence, and after children turn 18. Children are at the centre of the social services we provide. Our work contributes to positive, tangible change in the individual lives of children and

their families and whānau. This is the case whether it is through early intervention programmes for vulnerable children and their parents such as Family Start; by supervising children's contact with a parent or family member; through our Social Workers in Schools Service; through providing foster care and residential services; or by working with families and whānau to prevent family violence and child abuse, by equipping them with positive and practical parenting and communication skills and strategies. The majority of the CAFS work we deliver is as a contracted service provider to Government (we currently deliver contracts for Oranga Tamariki, Ministry of Education, Ministry of Justice and Ministry of Social Development). Much of our CAFS work is targeted, supporting particularly vulnerable individual children and their families, while other services we provide (such as [0800 What's Up](#)) are more universal, available for all Kiwi kids.

7. Barnardos CAFS staff are predominantly professional, experienced social workers. At the time of writing this submission, Barnardos employs 83 staff in designated social workers' positions.
8. Alongside our social workers, we also employ a range of staff working in related and supporting roles, which we refer to as Barnardos Child and Family Services Practitioners. These staff are not employed as social workers, however, they provide complementary experience, capability and specialist knowledge to ensure we are providing social services in a holistic way that leads to enduring and sustainable outcomes for the children, families and whānau we serve. Examples of areas that our Child and Family Services practitioners work in are family violence and parenting. Barnardos Child and Family Services Practitioners operate under a Competency and Proficiency Framework.
9. Given the large number of social workers Barnardos employs and the impact that the Bill will have on this section of our workforce, Barnardos has a strong mandate for making this submission.

### **C. Our position on this draft legislation**

#### **Barnardos supports the principle of mandatory registration of social workers**

10. Barnardos supports the objective of the Bill to increase the professionalism of the social work profession by introducing full mandatory registration of social workers in Aotearoa New Zealand, intended to protect the public from harm.
11. Barnardos supports the objective of the Bill because we believe that mandatory registration provides a mechanism through which to protect the public whenever they are engaged with a social worker. Through the requirement of registration, social workers will as a group and individually be held to a standard of professional social work practice and conduct. This will be a positive development for social work as a profession. We believe that

through appropriate and sustainable implementation, the Bill has the potential to contribute to a strengthening of the social work profession in Aotearoa New Zealand, as well as a strengthening the public protection system relating to the provision of social work practice.

12. Barnardos' support for mandatory registration of social workers is reflected in our strategic approach to our social worker workforce. Over the last four years, Barnardos has developed and implemented our "Social Workers Registration and Professional Membership Policy", with the aim of ensuring all Barnardos social work positions are held by a Registered Social Worker. Under the Policy, Barnardos supports qualified social workers to become registered by developing and achieving a Personal Development Plan within a two year timeframe. This has been further supported by Barnardos' Competency and Pay Progression Framework. Under this Framework, working towards and ultimately achieving social worker registration is financially incentivised. Taken together, these initiatives have resulted in an increase in social worker registration from 23 percent in 2013 to 59% in 2018 for staff employed by Barnardos as social workers.

**This Bill provides an opportunity to strengthen the role & value of social work as a profession in Aotearoa New Zealand**

13. Furthermore, Barnardos is of the view that in considering this Bill and making future decisions in relation to it, Aotearoa New Zealand has an opportunity to strengthen the role and value of the social work profession in our country. Social workers are front-line professionals dealing with complex, multifaceted situations and human problems on a daily basis. Although it is a generalisation to say that the great majority of professional social workers are highly dedicated to their work and absolutely committed to seeking out and supporting their clients to experience positive outcomes, Barnardos knows this to be true, based on its long experience employing a diverse group of social workers.
14. However, social work as a profession does not always receive the recognition or support it deserves to function and develop in an effective and sustainable manner, and to flourish and embed as an integral part of a society where the holistic well-being of all people in Aotearoa New Zealand is a key aim. There is a need to recognise and in doing so re-humanise and re-value social work as a profession, so that social workers in Aotearoa New Zealand feel and know that the work they do - often in highly demanding environments witnessing the lived realities of children, families and whanau up-close - is valued. Social workers also need to know that they will receive the support they need to sustain themselves and their professional practice as they listen, help problem-solve, support and treat their clients with respect.

#### **D. Issues of concern & suggestions as to how these can be addressed**

15. Although Barnardos supports the objective of the Bill, the Bill raises a number of issues of concern that we urge the Committee to give further attention to, in order to ensure the Bill establishes appropriate and workable standards and frameworks which can be implemented in practice. The issues we have identified are outlined below, with corresponding suggestions as to how these can be addressed to further strengthen the legislation.

##### **Definition of practising as a social worker**

16. Barnardos is largely comfortable with the definition of practising as a social worker proposed under new s.6AAB (inserted by s.8 of the Bill), linking this strongly to the title of social worker which is able to be clearly defined and protected. It provides a clean and clear definition which Barnardos sees as likely to be straightforward to implement in practice. We do suggest, however, that it may be helpful for some guidance to be issued alongside the legislation, to help organisations affected by the Bill to clearly understand what the implications and effect of the definition are when applied. This would be helpful in supporting the transition to mandatory registration and the ongoing implementation of the legislation.

##### **The impact of costs related to mandatory registration**

17. Despite Barnardos' efforts to work towards ensuring all of the employees we employ as social workers are registered, a number of factors remain which have made achieving 100% registration for all Barnardos social workers a challenge. These are factors such as staff turnover, including that staff who become registered sometimes move on from our employment, together with recruiting new staff who may not hold registration, be newly graduated, have immigrated from overseas, or who are still working towards registration. Another challenging factor remains the competitive nature of the sector and the limitations of the financial remuneration we are able to offer as a non-governmental organisation/charity.
18. Although Barnardos has taken significant self-initiated efforts to ensure those persons we employ as social workers are registered as social workers – and although these efforts have been successful to a degree – mandatory registration as proposed by the Bill will help to further underpin this effort. We do note, however, that the requirement of mandatory registration will bring with it added costs. As well as paying registration fees for our social workers, Barnardos also pays the assessment fee associated with registration, recertification fees, and we provide up to two days study leave to support staff in their registration process. Other more 'hidden' costs which are directly associated with mandatory registration are likely to be the related professional development/training costs, as well as higher overall salary expenditure.

19. Furthermore, it is important to view these additional costs within the wider realities of our operating environment, where as a provider of services to Government, none of Barnardos' Government contracts have had a Consumer Price Index (CPI) adjustment over the last 9-10 years. During this time there has been no additional payment made by Government to support the costs of employees' social worker registration. As a result, Barnardos has had to absorb these registration-related costs.
20. Therefore, although perhaps not to the same degree as some other organisations, Barnardos will be impacted by the greater costs arising from the mandatory registration requirement, given that we will be legally required to shift the remainder of our social worker workforce to mandatory registration. This will result in creating budgetary pressure on some services and/or offices if there is no recognition of the associated cost pressures.

### **Professional development for social workers**

21. Barnardos supports the idea of ongoing professional development for social workers in Aotearoa New Zealand. However, the Bill appears to remain vague as to the practical implications of ongoing professional development requirements for social workers.
22. We suggest that it would be helpful for the Bill to include clear indications as to what will count as professional development (e.g. undertaking training or courses and specifying other things that social workers can point to as constituting their professional development). This will help social workers and employers to have clarity around the expectations concerning professional development.
23. We also encourage the Committee to consider further what systems and processes will need to be established to support the ongoing professional development of social workers in New Zealand. For example, who will monitor the professional development of social workers in New Zealand? How will social workers attest to the professional development they have undertaken or how will they be required to record this? Clarifying these matters will also enable employers of social workers to gain a clearer understanding as to new financial costs that they may carry under the new social worker registration regime relating to professional development of social workers.

### **Ensuring an inclusive and diverse social work profession for Aotearoa New Zealand**

24. Barnardos believes that the Bill has struck an appropriate balance in terms of the grace period it establishes for the removal of the s.13 experience-based pathway to social worker registration under the current Act. Five years is a relatively generous amount of time and it should be possible for those

currently on this pathway to take appropriate steps towards registration within that time.

25. However, Barnardos is concerned to emphasise that it believes that in light of the Bill's effect of removing the s.13 sufficient practical experience pathway to registration, other conscious steps need to be taken to ensure the social work profession in Aotearoa New Zealand is encouraged to grow inclusively, to ensure diversity of social workers in the profession. We urge the Committee to consider what steps could be taken by the tertiary education sector to ensure that pathways into social worker educational qualifications and training sufficiently take into account and attach value to relevant prior professional and life experience, prior learning and previously demonstrated cultural competence. This is essential to encourage and develop a diverse social work profession to serve all New Zealanders.
26. Barnardos further notes that in our experience, new graduates need one-two years of social work practice following graduation to develop an applied competence. It is Barnardos' view that existing tertiary programmes and providers could helpfully adjust current curricula and add additional components to strengthen social work qualifications, such as a requirement to complete an internship/practice year upon graduation. Assessment of applied practice competence could be undertaken with the graduate in partnership with the employer and training institution, or approved assessment body.
27. Barnardos understands that the Minister for Children, Hon. Tracey Martin will be undertaking a review of social worker training and pathways into training, and therefore any consideration by the Committee of the implications of the removal of s.13 of the current Act may be complementary to the Minister's work.

#### **Mandatory requirement for employers to report to the Social Workers Registration Board**

28. While Barnardos supports the principle of the mandatory requirements on employers to report to the Social Workers Registration Board if they believe a social worker it employs not to be competent or having engaged in serious misconduct, we have some concerns about the way new s.38B (as inserted by s.22 of the Bill) and s.47A (as inserted by s.28 of the Bill) are currently drafted.
29. Regarding new ss.38B(2) inserted by s.22 of the Bill, we suggest that it would be helpful to clarify what an employer's 'reasonable steps' may constitute, to assist the social worker to improve his or her competence. As currently drafted, new ss.38B(2) explicitly states "including by way of professional development", however, we suggest that for clarity the subsection is redrafted to also include alongside professional development the following: "training by way of practical training or undertaking a course of instruction, and/or a period of supervised practice."

30. Regarding new s.47A inserted by s.28 of the Bill, we suggest that the Committee gives further consideration to how the reporting requirements on employers sit alongside and align with employment law processes that the employer and social worker may be concurrently engaged in. The practical implications for employers and social workers will be important to consider here. It appears to Barnardos that in instances of serious misconduct by social workers, the employers' obligation to manage relevant employment processes governed under employment law should be their primary responsibility, followed by the requirement to report serious misconduct to the Board. However, as new s.47A is currently drafted, it remains unclear to Barnardos at what point in such an employment law process concerning serious misconduct by a social worker would an employer be required to report that misconduct to the Board, especially given the confidentiality governing such employment issues.

**Voluntary de-registration and/or a separate category of registration for social workers working in a supervisory/managerial role**

31. Barnardos draws the Committee's attention to the fact that the Bill is currently silent on the matter of voluntary de-registration of social workers. We see this as potentially problematic as there may well be instances where a social worker wishes to be voluntarily de-registered (that is, de-registered of their own initiative, rather than a de-registration that is imposed on them), for example, when a social worker moves from a social worker role to an policy role, or to delivering social services in a capacity other than as a social worker.

32. We suggest that this could be dealt with by adding a provision to the Bill allowing for the possibility of voluntary de-registration, outlining a process which is able to occur easily and at no additional cost to the social worker. Allowing for voluntary de-registration will also have the benefit of helping to avoid confusion as to the status of a person's role, in a way that simply waiting for registration to lapse would not provide.

33. Another issue that we foresee potentially arising under the Bill is the need for registration of social workers who are working in a supervisory/managerial role, rather than a direct client role. For some of our CAFS employees who work in a managerial role for Barnardos, it has been a challenge for them to be recertified due to a tension which exists in meeting both the social work based continuing professional development requirements and addressing their professional development needs in their role as managers. The two are not necessarily aligned. In Barnardos and other organisations, there will likely remain a group of social workers who are not employed as social workers, but are in management or supervisory roles and who wish to maintain or gain registration. One way to address this could be to include a separate category of registration under the Bill that would cover this group and more accurately reflect the shape and function of their roles.

## Powers of professional conduct committees

34. Regarding new s.68A inserted by s.46 of the Bill, Barnardos is concerned that the power to call for “things” is too vague as to provide clarity of the law to those it applies to.
35. We suggest that the Committee takes steps to ensure more specific clarification of what could constitute ‘things’ under s.68A, or that the word ‘things’ is replaced with a phrase along the lines of “or other things relevant to the committee’s investigation of a complaint concerning professional conduct”.

## Membership of the Social Workers Registration Board and Social Workers Complaints and Disciplinary Tribunal

36. Barnardos is concerned that the membership of both the Social Workers Registration Board and the Social Workers Complaints and Disciplinary Tribunal should reflect and support the focus on strengthening social worker registration in Aotearoa New Zealand.
37. Therefore, we suggest that the proposed amendments to s.106 as reflected in s.55 of the Bill are further amended so that ss.106(1)(a) reads: “The Board comprises (a) 4 social workers who currently hold or have previously held registration (not being social workers whose registration is suspended or who has had their registration suspended previously)”.
38. We also suggest that it is stipulated in the legislation that consideration must be given to the diversity of the social worker members of the Board, to reflect diversity of New Zealand society and the diverse groups social workers serve. For example, it would be important to ensure that the social workers represented on the Board together have experience working with a range of population groups, including ages and life stages (children through to older people) and with people of different cultures, socio-economic groups and support needs.
39. We also suggest that ss.106(1)(b) provides some guidance as to the other people on the Board, and seeks to encourage diverse membership of the Board so that it includes persons with lived ‘user experience’ of social work. To this end, we suggest amending ss. 106(1)(b) to read: “3 other people with experience or expertise relevant to the Boards’ mandate and function, including at least two people with prior lived experience of receiving social work services or support.”
40. Regarding the membership of the Tribunal, to consistently reflect the focus on strengthening social worker registration in Aotearoa New Zealand, we suggest that ss.116(1)(b) as amended by s.56 of the Bill is amended to read: “5 social workers who currently or have previously held registration (not being social workers whose registration is suspended or who has had their registration suspended previously)”. Again, as per our suggestion in paragraph 39 above regarding the composition of social workers on the



Board, we suggest that the legislation should require consideration to be given to ensuring a diverse composition of the social worker representatives on the Tribunal.

### **Status of the Social Workers Registration Board**

41. Consideration of the Bill provides an opportunity to consider the broader framework in which the social work profession operates and is governed in Aotearoa New Zealand. We note that the Social Workers Registration Board is solely reliant on social workers' registration fees for its operation, and does not currently have an advisory role to Government or the social work profession. This has led to a state of affairs whereby no one 'owns' or 'leads' social work as a profession in New Zealand. We suggest that consideration of the Bill provides a timely opportunity to consider the ongoing status of the Social Workers Registration Board, and in particular whether a) it is adequately funded to be able to deliver its functions effectively and efficiently; and b) whether the mandate of the Social Workers Registration Board should be broadened to enable it to fulfil an advisory function to Government (as a body that knows the social work sector and can consult with the sector) and to the social work profession (sharing best practice and facilitating networks across the social work profession), thereby acting as the primary trusted advisor on and 'guardian' of social work as a profession in Aotearoa New Zealand.

### **E. Conclusion**

42. Barnardos thanks the members of the Social Services and Community Select Committee for considering our submission. As outlined, Barnardos supports the objective of the Bill. However, Barnardos hopes that the Committee will consider and direct further work to strengthen the Bill as per the suggestions proposed in this submission, so that Aotearoa New Zealand's system of social worker registration is effective, efficient and sustainable. This will help contribute to the well-being of all people in Aotearoa New Zealand, including our children and tamariki.

### **Contact details for anything relating to this submission**

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