



New Zealand Council Of
Christian Social Services

**Submission to the Social Services and Community Committee on the Social
Workers Registration Legislation Bill**

31 January 2018
New Zealand Council of Christian Social Services
3-5 George Street, Thorndon
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Introduction

New Zealand Council of Christian Social Services (NZCCSS) works for a just and compassionate society in Aotearoa New Zealand. We see this as a continuation of the mission of Jesus Christ. In seeking to fulfil this mission, we are committed to: (a) giving priority to the poor and vulnerable members of our; society and (b) Te Tiriti O Waitangi.

(NZCCSS) has six foundation members; the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support New Zealand and the Methodist and Salvation Army Churches.

Nationally the range and scope of our six members is extensive and comprises 213 separate provider sites, delivering a range of 37 types of services via 1024 specific programmes, located in 55 towns and cities throughout New Zealand. Further details on NZCCSS can be found on our website www.nzccss.org.nz

Within this range of services, NZCCSS social workers and social care workers deliver services to all age groups from new born and antenatal, children and young people, and older people (65+), through to those at the final stages of their biological lives.

The preparation of this submission draws on the extensive experience of our member agencies and follows consultation with the NZCCSS Child and Family Policy Group, which comprises Chief Executive Officers and practitioners, who meet regularly to inform NZCCSS of their current experience of working with children and families in communities.

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We request an opportunity to appear before the Select Committee to make further comment on this Bill.

Summary of key points and recommendations

NZCCSS supports many aspects of this Bill. However, without the inclusion of a scope of social work practice to give meaning to the protected title of 'social worker', we believe this Bill is fatally flawed.

NZCCSS also raises concern the NGO context in which this Bill sits is not sufficiently understood. Specifically, risks associated with sustained underfunding of the NGO social service sector and the impact this risk has on the implementation of the Bill.

NZCCSS recommendations:

- I. The Bill is not progressed through the House. Select Committee to undertake further consultation to inform a revised Bill.
- II. The lead agency on this Bill should undertake robust consultation with NGO community services to better understand the issues affecting the NGO social work landscape and which act as barriers to the implementation of this Bill.
- III. The function of the SWRB be broadened to take responsibility for the promotion of social work, monitoring the implementation of the Act, including how effective the Act works within a NGO setting, monitoring the risks associated with underfunding, and the constraints to provision of social work services in communities.
- IV. The Social Workers Registration Act ensures costs associated with registration of social workers are reduced to a similar level as the Nursing Council's fees for Registered Nurses. This could be achieved by a change of funding structure for this Crown Agency established to provide a professional safety and public good function. We recommend that government appropriation provides the funding for the SWRB, and revenue gained from fees returned to government. We note that implementation of the Act and likely changes to regulatory functions will require resourcing.
- V. Government contracts with NGO community services need to reflect the real cost of delivering services and the cost of registration and professional development and training.
- VI. Government must provide fair and equitable funding for NGO providers.
- VII. The global definition of social work practice is included in the Interpretation Section of the Bill.
- VIII. SWRB (as the regulated authority) has developed a 'general scope of practice' and NZCCSS recommends that the Board is given the authority to prescribe a scope of practice or scopes of practice for the profession.
- IX. The inclusion of the approach taken by the Health Practitioner Competency Assurance Act 2003, in which professions covered by the act are defined by a reference to a scope of practice defined by the regulatory 'Authorities', along with what should be covered in the scope of practice (11 (1)(a) to (2)(d).
- X. Supports the amendment of Section 13 to enable its application to exempt from registration under *exceptional circumstances* and *specific conditions* with details to be worked through with the regulating body and the NGO sector.
- XI. Alignment is needed across the social work workforce on the number of hours of 'continuous professional development' across NGO and public sector social workers (ii) As discussed above, the full cost of training needs to be included in government contracts with the NGO sector.
- XII. More information is needed before NZCCSS can support changes to the size and configuration of the Board.

Section A: General Comments

1. Understanding the NGO social work landscape

NZCCSS supports the policy intent of this Bill “to increase professionalism of the social work profession and ensure the public is protected from harm” but is concerned the Bill does not recognise the environment in which employers of NGO social workers operate. This coupled with the absence of a scope of practice, has potential to undermine the client and public safety intent of this Bill. NZCCSS believes that prior to the Bill proceeding, government needs to understand the interface between NGO community-based sector and the public sector (i.e District Health Boards, Oranga Tamariki), along with the specific challenges faced by NGO services in meeting new requirements set out in this Bill.

NZCCSS recommendations:

- I. The Bill is not progressed through the House. Select Committee to undertake further consultation to inform a revised Bill.
- II. The lead agency on this Bill should undertake robust consultation with NGO community services to better understand the issues affecting the NGO social work landscape and which act as barriers to the implementation of this Bill.

2. The role of the Social Workers Registration Board

Given the need for a better understanding of the NGO environment in which this Bill will sit, NZCCSS believes the Bill should provide for SWRB as delegated Authority for the Social Work community, to undertake robust consultation with NGO community services to understand the configuration of the social work landscape and unique issues affecting members. In addition, the function of SWRB should be broadened to take responsibility for advocating for the sector, highlighting the risks associated with underfunding, and the constraints to provision of social work services in small communities. Currently there is no regulatory body providing strategic oversight of the NGO sector.

NZCCSS recommendation:

- III. The function of the SWRB be broadened to take responsibility for the promotion of social work, monitoring the implementation of the Act, including how effective the Act works within a NGO setting, monitoring the risks associated with underfunding, and the constraints to provision of social work services in communities.

3. Mandatory Registration

The mandatory registration of social workers is generally supported across the NZCCSS network. NZCCSS members support phasing in the Legislation over a two-year period to allow for organisations to adjust to the change in landscape. Some of our members have required social workers to be registered, or be working towards registration, while others have supported voluntarily registration. The difference in approach reflects the diversity of service configurations and settings across our network.

4. Cost barriers at a time of increased complexity

Although NZCCSS notes the Bill removes the 5-yearly competency re-assessment (see comments below), the cost of registration and the ongoing cost of Annual Practice Certificates remain a key challenge to NZCCSS members (employers and individual social workers) gaining registration. Sitting behind this challenge to mandatory registration is a funding environment which has seen a stagnant level of government funding to NGOs to deliver services for nearly a decade. At the same time, members have experienced increased complexity in the work and demand for services to support the delivery of largely government funded services.

“We are dealing with cases that 5 years ago were dealt with by CYF. Now they are referred to the NGO system but funding does not reflect the complexity of these referrals. For our member agencies this means finding resources from already stretched budgets to undertake high-end social work” [NZCCSS Network]

“It has been a function of previous governments to push statutory work out to the community sector. This has taken place without the inclusion of adequate funding for professional services and has resulted in the depletion of funds and stressful work environments for the sector. We are unable to absorb this added cost without risk to clients and our valuable workforce” [NZCCSS Network].

4.1 The flow-on impact of stagnant funding levels

Members feedback point to the very real flow-on impact on services and ability to provide professional development opportunities, including the ability of employers to support employees to become registered (via payment of fees) and to support other workforce development (training/supervision). Other flow-on impacts of stagnant government funded contracts identified included:

Workforce recruitment of social workers. The recruitment and retention of qualified and trained staff is a further challenge to NGOs in a funding environment which does not recognise or reflect the real cost of service delivery, ongoing training and development, and membership of professional bodies.

Pay equity between NGO and public sector social workers. Members report pay equity issues between the NGO and the public sector is an emerging issue. Members advise of a pattern of training social workers only for them to leave for higher paid positions at Oranga Tamariki and DHBs. The difference in remuneration is up to \$15-20,000.

To date NZCCSS is not aware of any discussion by funders or government on how the costs will be met within our sector. As discussed, given the substantive role played by NGO social workers, it is critical the government understands the interface between the NGO and government sector, the value of community-based social workers and the risk to government, communities and individual families and whānau, if the NGO sector is not supported to the same extent as the public sector to retain staff and implement mandatory registration.

NZCCSS Recommendations:

- IV. The Social Workers Registration Act ensures costs associated with registration of social workers are reduced to a similar level as the Nursing Council’s fees for Registered Nurses. This could be achieved by a change of funding structure for this Crown Agency established to provide a professional safety and public good function. We recommend that

government appropriation provides the funding for the SWRB, and revenue gained from fees returned to government.

- V. Government contracts with NGO community services reflect the real cost of delivering the service and the cost of registration, training and professional development.
- VI. Government must support fair and equitable funding for NGO providers to enable pay equity between the NGO and the public sector social workers.

Section B: Legislation

1. Definition of social work

- 2. **5 Section 4 amendments to SW registration Act 2003 (Interpretation)**
- 3. (1) In section 4, repeal the definition of **registered social worker**.
- 4. (2) In section 4, insert in their appropriate alphabetical order:
- 5. **restricted work** means any task or activity that is described in an enactment with words to the effect that it can only be undertaken by a social worker 5
- 6. **social worker** means a person who is registered under this Act as a social worker

The Social Workers' Registration Bill refers to the roles and competence of social workers. NZCCSS members support the protection of the title 'social worker' supported by the legislation, however are concerned the Bill is silent on defining social work practice. To address this omission, NZCCSS supports the inclusion of the International Federation of Social Workers (IFSW) global definition of social work the interpretation section of the Bill.

“Social work is a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledge, social work engages people and structures to address life challenges and enhance wellbeing.
<https://anzasw.nz/wp-content/uploads/Global-Definition-of-Social-Work-July-2014.pdf>

As you may be aware, the global definition reflects a robust consultation process and is broadly supported in New Zealand. The definition enables regional and national amplifications, within the intent of the higher principles. Currently there is a regional amplification under consultation to incorporate *“a commitment to the principles of the Treaty of Waitangi, promoting tino rangatiratanga for Māori, and challenging the continuing impact of colonial oppression on the wellbeing of tangata whenua.*

NZCCSS Recommendation:

VII. The global definition of social work practice is included in the Interpretation Section of the Bill.

2. Absence of a Scope of Practice

There is no requirement currently in the Bill for the regulating authority to develop a scope of practice for the profession in New Zealand. This omission in effect places the regulatory role on employers to define the tasks/activities which constitute social work. NZCCSS questions whether this would reflect good regulatory practice. An unintended consequence of this approach could

be the undermining of the client and public safety intent of this Bill, particularly given stagnant levels of NGO contract funding and emerging pay equity issues. As a result of cost pressures faced by the sector, NZCCSS is concerned there is potential for some employers to seek to reduce staff costs by changing social worker job descriptions to other job titles.

NZCCSS is aware SWRB has produced a policy statement “**When an Annual Practising Certificate is Required, 2017**” to provide guidance to employers on when an Annual Practising Certificate is required. This document sets out a general scope of practice along with guidance for employers of social work on when an Annual Practising Certificate is required.

4. Employers of social workers (page 4) When an Annual Practising Certificate is Required, 2017

It is important that employers of social workers understand the obligations and legal requirements on them and their employees. It is not the role of employers to define what constitutes ‘practising social work’ and the requirement to hold a practising certificate cannot be avoided because an employer does not require a social worker to be registered.

*If there is any doubt over whether a role could be considered ‘practising social work’ employers should contact the SWRB and discuss the role and job description. **An employer cannot decide if a practising certificate is required. This is a decision for SWRB.***

NZCCSS notes the approach taken by the **Health Practitioner Competency Assurance Act 2003**, in which professions covered by the act are defined by a reference to a scope of practice defined by the regulatory ‘Authorities’, and which include the following requirement (11 (1) to (2)(d)).

Health Practitioner Competency Assurance Act 2003

<http://www.legislation.govt.nz/act/public/2003/0048/latest/DLM203312.html>

Part 2 Registration of, and practising certificates for, health practitioners

Prescribed scopes of practice, qualifications, and experience

11 Authorities must specify scopes of practice

(1) Each authority appointed in respect of a profession must, by notice published in the Gazette, describe the contents of the profession in terms of 1 or more scopes of practice.

(2) A scope of practice may be described in any way the authority thinks fit, including, without limitation, in any 1 or more of the following ways:

(a) by reference to a name or form of words that is commonly understood by persons who work in the health sector:

(b) by reference to an area of science or learning:

(c) by reference to tasks commonly performed:

(d) by reference to illnesses or conditions to be diagnosed, treated, or managed.

NZCCSS recommendations:

- VII. SWRB (as the regulated authority) has developed a ‘general scope of practice’ and NZCCSS recommends that the Board is given the authority to prescribe a scope of practice or scopes of practice for the profession.
- VIII. The inclusion of the approach taken by the **Health Practitioner Competency Assurance Act 2003**, in which professions covered by the act are defined by a reference to a scope of practice defined by the regulatory ‘Authorities’, along with what should be covered in the scope of practice (11 (1)(a) to (2)(d)).

3. Scope of the Social Work Registration Board's role

The Board's role as regulatory authority over the social work profession is defined within the Bill, however the introduction of mandatory registration may bring with it unintended consequences, and perverse incentives unless the costs of registration, pay equity and contract funding, and career pathway and supply/demand issues are not also addressed.

As discussed earlier in this submission, an expanded role that enables the Board to have monitoring and oversight of the profession to identify, highlight and respond to any unintended consequences and perverse incentives would provide assurance.

The following are key issues raised by members:

1. There is high potential for inconsistency across employers about what constitutes social work practice.
2. There is no precedence for the absence of a scope of practice prescribed in legislation.
3. As a consequence of perverse incentives of the absence of a scope of practice in the Bill, there is risk employers may re-title social work positions to avoid registration costs and future pay equity requirements.
4. As a further consequence of the above, there is potential for the emergence of a group of workers undertaking social work tasks under a different employment title and outside the regulatory system, which over time could undermine the public and client safety policy intent of this Bill.

4. Experience-based pathway to registration [Section 13]

Section 13 of the Social Workers Registration Act 2003 has played a critical role in providing an alternative pathway for social workers with sufficient experience and competency, but no registrable social work qualification. The repeal of section 13 is not a surprise given legislation was introduced 14 years ago as a first step towards mandatory registration and as a grandparenting provision.

The removal of an 'experience-based pathway' will have a significant impact in some areas, and more work is needed to be undertaken to understand the specific issues around this. NZCCSS members support Section 13 remaining in place with strict parameters. Members would support its application in *exceptional circumstances* and under *specific conditions* with details to be worked through with the regulating body and the NGO sector.

NZCCSS Recommendation:

- X. Supports the amendment of Section 13 to enable its application to exempt from registration under *exceptional circumstances* and *specific conditions* with details to be worked through with the regulating body and the NGO sector.

5. Removal of competency assessments for NZ qualified social workers

Overall, NZCCSS supports the move to exempt NZ qualified social workers from the requirement to complete an annual competence assessment unless Section 6 (1) (a) *the Board has received information about that person, and (b) the information raises doubt about his or her competence to practise as a social worker.* The move to a 4-year social work qualification was considered a positive move by some members in terms of increasing the competency of the profession over time.

6. Professional development programmes for practising social workers.

NZCCSS supports the focus of the Bill towards professional development programmes.

Hours of training – Some members raised the point that there is no consistency in number of hours of continuing professional development social workers are required to undertake. For example, the service specifications for some government contracts state that registered social workers must complete 150 hours of continuing professional development over a three year period to maintain their registration. [Service Specifications for Oranga Tamariki](#). However, the [Social Workers Registration Board](#) requires a minimum of 20 hours of continuing professional development per year to maintain social work registration.

NZCCSS Recommendation:

XIII. (i) Alignment is needed across the social work workforce on the number of hours of 'continuous professional development' across NGO and public sector social workers (ii) As discussed above, the full cost of training needs to be included in government contracts with the NGO sector.

Cultural competency – NZCCSS would be deeply concerned if the changes proposed in this Bill undermined ongoing cultural competency training for social workers. As part of this, reflection should include consideration of a Kaupapa Māori social work practice framework and how this can be best implemented, supervised and supported. Cultural competency is unlikely to be learned within short period of study but rather evolves overtime through relationship building, exposure to te Reo Māori and to cultural practises. Any cultural competency training would need to be ongoing.

7. Change to the size and membership of the Board

i) Reducing the number of members of the Board from 10 to 7 and

The policy rationale behind the amendment to the size of the board is not clear. NZCCSS believes the reduction to the size of the board (reducing social workers by from 6 to 4) should not create a situation whereby the views of social workers can be overridden by non-social workers. More information is needed before NZCCSS can support this recommendation.

ii) amend the criteria for appointment to the Board to include someone to represent the interests of the employers of social workers.

As above, to fully consider the inclusion of employers on the Board, NZCCSS requires further details on the policy rationale for this amendment to the membership criteria. What type of employer representation on the board is an important consideration, given the diversity of the employment setting across social work practice. NGO employers would need to be considered along with public sector employers such as Oranga Tamariki. Again, more information is needed before NZCCSS can support this recommendation.

NZCCSS Recommendation:

XII. (i) and (ii). More information is needed before NZCCSS can support these proposed changes.