



SSPA Submission to Social Services Committee

Inquiry into the Operation of the Social Workers Registration Act 2003

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Submission to the Social Services Committee Inquiry into the Operation of the Social Workers Registration Act 2003

SSPA wishes to speak to this submission

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Introduction

About SSPA

Social Service Providers Aotearoa (SSPA) is the New Zealand umbrella organisation for Ministry of Social Development-funded non-government providers working with children, young people, families, and communities. With a membership of some 200 social service providers in 16 regions, SSPA represents an approximate collective capacity in excess of 6500 staff and 5000 volunteers providing essential services to children, families and communities throughout New Zealand.

SSPA's membership is open to all providers approved under the Children Young Persons and their Families Act 1989:

- Providers approved under Section 396 Child & Family Support Services (providing foster care and residential services)
- Providers approved under Section 403 Community Services.

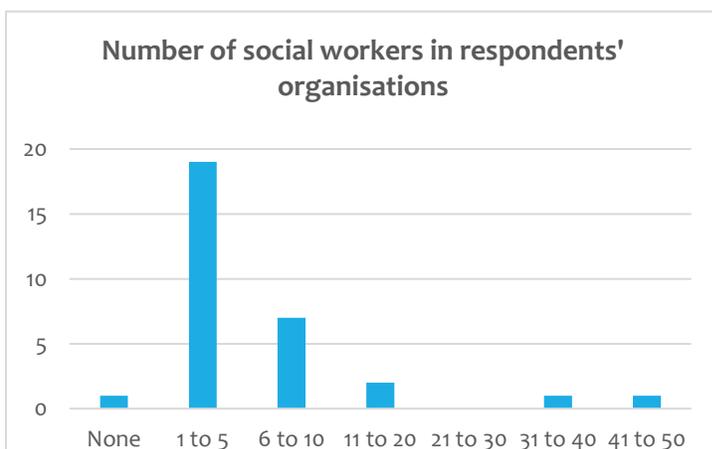
Our membership also includes other providers contracted by the Ministry of Social Development, and associated members that hold contracts with other departments such as Justice and Education, and the District Health Boards.

SSPA is governed by a National Executive Committee elected from among provider practitioner-leaders by the membership body at an annual AGM for a two year term. The current Executive consists of regional representatives as well as representatives of Māori, Pacific, refugee and migrant providers. A National Manager and Events and Administration Officer are based in Wellington.

SSPA exists to support member service providers to make a positive and significant difference in their communities through their work with children, young people and families. SSPA runs best practice professional development for member providers through the provision of resources, facilitation of forums, regional meetings, seminars and conferences. Effectiveness and efficiency of social service practice and decision-making across the sector are also our concern.

SSPA members and the social worker workforce

Many SSPA members employ social workers but we do not have a comprehensive picture of the number, nor the present extent of qualification and registration.



A survey of our members in preparation for this submission gives a snapshot:

Small organisations predominate, with teams of 1-5 social workers predominating. A small number of larger organisations are more substantive employers of social workers, as indicated.

We asked members about the qualification and registration of their social worker staff. SSPA members have a range of qualified and/or registered, as well as 'not qualified but experienced' social workers employed. A good number of their social workers are also members of ANZASW.

SSPA members' views

As noted above, we surveyed members and invited their input to a range of questions which we drew from the Issues paper. We had a 15% response, which provides us with an indicative but not conclusive view. This information was supplemented by 21 responses to the same set of questions from attendees at a specially-convened hui in South Auckland, including a significant number of Māori and Pasefika respondents.

The input from these sources is provided in the commentary that follows, along with the initial conclusions reached by the National Executive.

Please note the views in this submission do not represent the views of all SSPA members. In many cases, there is a range of views amongst our membership and we reflect that in this submission.

This submission is presented as follows:

- (a) General comments
- (b) Comments on some of the specific matters in the Inquiry's terms of reference
- (c) Summary of recommendations.

General Comments

We commend the Minister and the Social Services Committee for considering the effectiveness of the operation of the Social Workers Registration Act 2003 (SWRA) and in particular the aim to simplify the SWRA and remove barriers and costs. Issues of complexity and cost were high on the list of members' concerns and we are happy to have this opportunity to detail these.

SSPA previous submission on mandatory registration

SSPA has consistently advocated for a professional, skilled, highly competent social services workforce, able to respond to children, young people, and families in need with professional support that reflects best practice. This position is applicable to the social worker workforce within SSPA's membership.

In a previous submission to the Social Worker Registration Board (SWRB) in July 2011 on the subject of mandatory registration, SSPA stated the importance of protecting the public and enhancing professionalism within social work, but noted a number of considerations, including:

- Limitations in the extent to which registration could engender good social work practice
- The contribution of experienced but unqualified social workers
- The financial impact for NGOs
- The challenges of moving towards a fully qualified social worker workforce.

Statement of Principle

SSPA remains committed to a professional and highly skilled social worker workforce and supports mandatory registration in principle as a potential means of protecting the public, providing standards for social work practice, recognising the profession of social work, and providing a framework for oversight of the profession.

This statement of principle in support of mandatory registration is made alongside a number of reservations which SSPA believes must be addressed in order to make registration successful and avoid unwanted consequences:

- Acknowledgement that while registration is a contributor to public confidence in social work practice, it is not sufficient in itself to provide an assurance of the quality and effectiveness of social work practice – support is needed for other systems that support good practice including resourcing
- Section 13 registration must remain an option – this is critical in particular for the NGO social worker workforce and is one of the ways we can ensure the required cultural competence is available
- Further support and qualification pathways are required to enable unqualified social workers to obtain a qualification
- The cost of registration and maintaining registration is too high and is onerous for social workers and their employers
- The processes for registration and assessment of competency require simplification and streamlining.

If mandatory registration proceeds, SSPA recommends the lead-in time recognises the need to make progress in addressing these concerns.

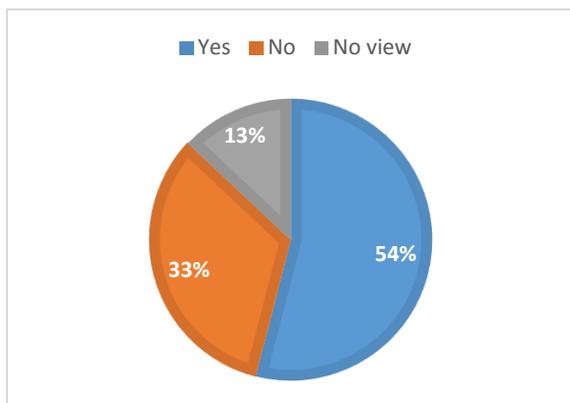
Comments on Specific Matters

SSPA has the following comments to make on specific matters in the Inquiry’s terms of reference listed below.

Whether registration of social workers should be mandatory and the potential challenges to registration at present

Should registration be mandatory?

As indicated in our statement of principle, SSPA supports mandatory registration of social workers.



In forming this view, we asked members the simple question of whether they support mandatory registration.

Over half answered that they did and one-third not in favour.

We heard a wide range of views for and against mandatory registration which can be summarised broadly:

| In favour of mandatory registration | Not in favour of mandatory registration |
|--|--|
| <ul style="list-style-type: none"> • Provides assurance to the public • Sets minimum standards and benchmarks • Provides protection for clients • Provides protection for practitioners • Ensures competence • Recognises the profession of social work • Provides accountability • Provides a national set of standards against which professional development should be assessed • Gives value to the training of social workers <p>“I have previously been less than enthusiastic, but I feel the time has come to support it. We do need to be able to signal to the general public that the profession does meet some minimum standards and that there are processes in place to say that social workers are safe for the people they are working with.”</p> | <ul style="list-style-type: none"> • Cost of registration • Qualification is more important than registration • There is no evidence to show that registration works and improves the quality of social work • Current NGO workforce has many unregistered practitioners and many without formal qualifications • Practical and cultural experience may be more relevant in working with Māori and Pasifika whanau and communities <p>“I believe mandatory registration can give a false sense of security to the public who perceive it as a stronger safety mechanism than it can ever be. I strongly believe in NZ demanding a well-trained, competent and supervised social work workforce however that is not merely a matter of regulation. It demands sound day to day oversight and supervision of practice and workloads/resourcing that enable safe practice to be achieved.”</p> |

Broadly, there is support in principle for mandatory registration (standard setting, assurance, professionalism) but reservations on various grounds (cost, doesn't guarantee standards of delivery). The 'pro' arguments set out the principles for a professional social work regime; the 'cons' highlight real concerns about the operation of registration and require evidence that it is effective, and warn of the "false sense of security" about the degree of assurance a registration scheme can provide.

SSPA acknowledges the validity of both perspectives and this forms the basis for our qualified support for mandatory registration provided certain considerations can be resolved.

The challenges to registration

Our members clearly identified cost issues as the greatest challenge when considering registration, even amongst many of those in favour of mandatory registration. This was raised by SSPA in its 2011 submission to the SWRB and remains current and serious.

(a) The high costs of registration and maintaining registration

We heard a number of views that the registration fee is too high, including by comparison with nurses. Others reflected on the cost of registration in the context of average social worker salaries. We understand that some organisations pay the registration fee for their social workers; in other cases, this is the responsibility of the individual. In either case it is a significant cost for NGO employers and social workers.

We asked members to estimate the additional cost per year for their organisation if mandatory registration is introduced. Estimates ranged from under \$1000 to \$20,000, dependent on the size of the organisation.

We also asked members to identify the costs for their organisation generated by the registration process, including maintaining registration, in addition to the registration fee. Some of the comments received:

- We pay the costs of registration so around \$1200 per year currently, but could increase to \$2000 a year if all are registered.
- Approx \$15,000 ongoing training and development costs
- We have a \$1500 annual training budget to help with the continuing professional development as well as work time used for filling in forms.
- We have kept track of this as a great % of staff development offered by us is relevant to maintaining registration.

One member commented, "We are already meeting this cost as we see it is valuable and gives staff credibility and reassurance to funders and also families we work with. I believe funders need to be supporting this as part of contracts."

A Pacific provider outlined how their organisation had addressed the need for qualified social workers and the associated contracting and cost issues. They had moved from having a largely unqualified, though experienced, workforce to one where all were qualified. They understood this had a direct impact on the contract unit price for medium/high risk services, although this was not a transparent part of their contract negotiations.

SSPA notes the points made about the cost of contracting services delivered by qualified and registered social workers and recommends that the cost of maintaining registration be factored into contracts where this is a specific requirement.

Further, we recommend that the SWRB be asked to ensure the cost of registration is reduced, as part of an overhaul of the registration process aimed at streamlining and simplifying the required steps. We understand there is a view that mandatory registration will bring the cost of registration down, presumably because of the greater volume. We are sceptical about this argument and ask the Social Services Committee to require evidence. The cost of registration should be reduced, with or without mandatory registration.

(b) The complexity of the registration system

Members outlined concerns about the registration process which some described as being overly complex and laborious.

One commented: “My social workers find the registration process time consuming and challenging but overall believe that registration is essential and important and the process ultimately of benefit.”

One described the process as being essentially “an assessment of the applicant's writing skills”.

We asked members to describe their interaction with the SWRB. The responses were a mix of positive and negative experiences, some to do with the response they got; others relating to the registration process:

| Mainly positive | Mainly negative |
|---|---|
| <ul style="list-style-type: none"> • We have had positive and negative experiences (over admin process) over the years but have always found them helpful. We have invited them to our community to talk about their role which they have done. • Generally no problems at all. A phone call away. S13 required a bit more work as you would expect. • My Social Worker finds them a useful resource and often quotes information from them • Slow but friendly • Adequate but slow • They are easy to get hold of if information is required. It is reasonably easy to access the web site for annual practicing certificates but would prefer they send reminders and instructions each year. | <ul style="list-style-type: none"> • Punitive • Unnecessarily nit picky at times eg having to redo process because latest form was a couple of words different. Historically inconsistency in S13 decisions (not had any for a long time). • Difficult to understand process. Not supportive via phone to discuss issues. Use of postage for registration is outdated and should be available to send through via email. • Timeliness (lack of) in dealing with applications • Negative- inconsistent and subjective |

Members also highlighted frustrations with the dual competency processes (via SWRB and ANZASW) as well as the complexity of the competency assessment process.

The comments indicate there is room to streamline and simplify processes, which should lead to lowered cost, both for the SWRB in administering the legislation, and for social workers and the organisations that employ them, and to more timely and easy processes for social workers seeking to register or renew their practicing certificates.

We were concerned to note that a number of members had reported that they had experienced the SWRB as somewhat punitive and harsh when they were following up administrative matters of concern, such as late APC renewals. This is a matter we would like the SWRB to consider and to revise their approach.

(c) De-registration and maintaining annual practising certificates

The Issues Paper did not specifically ask about de-registration, but members raised several concerns that we wish to bring to the attention of the Social Services Committee.

Based on members' experience, although social work registration is currently voluntary, once registered it is almost impossible for a social worker to voluntarily deregister and there may, as a result, be significant consequences for that person. For example, we heard of an NGO social worker that had been taken to the Tribunal for practicing without an APC. She told them she was no longer a practising social worker and was now delivering a parenting programme. The Tribunal's view was that she was practicing as a social worker. She therefore had to register, but during that period she was under a disciplinary charge for misconduct by the Complaint Board of SWRB for not renewing her APC on time and working during the period when she was not registered.

SSPA recommends that a process for voluntary de-registration be developed.

We understand that a significant portion of disciplinary hearings relate to NGO social workers not renewing their APC on time. Whilst we appreciate the requirement to pay on time, the experience of this process for often experienced practitioners is damaging to morale and confidence, and we presume imposes costs on the SWRB.

To remedy this (and to reduce Tribunal hearings on administrative grounds) the SWRB should be more explicit about their process and have an information campaign that raises awareness for social workers around renewal, change of role, deregistration and consequences etc. A reminder system would be of benefit to all parties. Many registered social workers (and their employers) do not realise that if they are late paying the fee or renewing their competency certificate, they are not allowed to work.

Defining social work for the purposes of registration

The Issues Paper poses two related questions about whether all or only some areas of social work should be subject to registration, and how this would be defined. The latter question brings up the issue of the title 'social worker' and what is implied or understood by its use.

The question of whether only certain areas of social work should be subject to mandatory registration is a complex one. The easy answer, if this course of action is decided, is to mandate registration for social workers employed by MSD or the new entity that will replace CYF.

We do not recommend this course of action, however, as it will create significant problems:

- It creates an unhelpful and unrealistic distinction between social workers doing statutory child protection and youth justice work and those doing equally complex work in others areas where statutory powers may be used, most notably by social workers in the health sector.
- It creates a further distinction between statutory social workers and social workers operating in the NGO sector, which may, unintentionally, be seen to be a lower category. The existing distinctions, relating mainly to the level of resourcing available, are already problematic; entrenching them in different approaches to registration is highly undesirable.
- The changes proposed to the CYPF Act in the Bill under consideration envisage greater delegation of statutory duties to social workers outside MSD, including the NGO sector. This further strengthens the argument not to distinguish between social workers operating in different employment settings.

The terminology for those who practice social work and those who practice other forms of social service work is unclear, but SSPA does not recommend this be addressed via the legislation. The SWRB has a role to play in defining what a 'social worker' is, and the professional body, ANZASW, is also a key player, along with provider representative groups such as SSPA.

The changes to the delegations of social workers under the CYPF Act proposed in the current Bill will impact on this debate about registration. It is helpful that the select committee is considering both matters within an approximately similar timeframe, and SSPA will address some of the implications further in its submission on the CYPF Bill

The adequacy of current competence assessments and other pre-requisites for registration

Support for an independent competency assessment process

Members reflected a very high level of support for a system of independent assessment of competency which is seen as a key component of good professional practice, in addition to theory:

“Degrees are about learning and academic requirements, competency shows you can implement that into practice.”

There is a good deal of interest in practical competency assessment as opposed to the current purely paper-based system – see further details below.

Areas for improvement

We received a number of comments identifying areas for improvement in the current system:

- ...instead of sending all the documentation why not employ brokers to do on the work assessment.
- My preference would be to have a regime that recognises specialisms somehow.
- I think a form of competency is worthwhile. What we have currently is a real minimal level of competency, but it's a start. I would over time like the standard to go up somewhat.

Some respondents highlighted the problem of dual assessment:

- I don't believe being able to produce information on paper is necessarily proof of good practice and standard of work. I do think that if there are to be 2 systems it would be useful to combine as not only would it save time it would also save money. However the requirements for each are different and I'm not sure how it would work as I feel we need to heighten our standards rather than lower them
- They could use the same assessment as ANZASW.

Potential for work-based competency assessment

SSPA recommends the SWRB investigate the potential for work-based competency assessment and in particular the system of assessment against the qualifications framework used by Careerforce, the Industry Training Organisation for the non-qualified social services workforce. This may be particularly relevant for unqualified social workers and provide a stronger system for assurance. A work-based assessment would mitigate the concerns of our members who lack confidence in a paper-based competency assessment process.

SSPA is supportive of the Careerforce apprenticeship model that enables social services workers to obtain a level 4 qualification. In addition to the value of a certificate-level qualification for part of the social services workforce, it is also a pathway towards the formal degree-level qualification required for registered social workers. We note the range of qualifications in the social services area at levels 5 and 6 and recommend exploration of the possibility of a level 7 (degree-equivalent) qualification that is substantially work-based, which would provide a viable option for study for those who may have families to support and would find full-time study hard to manage.

Retention of S13 registrations

SSPA strongly recommends retaining s13 registration and we reiterate our advice provided in 2011:

“We acknowledge the unique history of social work in New Zealand, which in addition to qualified social workers includes the valuable contribution of under-qualified and/or non-qualified but experienced people. They should not be lost to our communities or social work because of mandatory registration. Hence we support a continuation of Section 13 registrations.”

This means SSPA agrees with the issue raised whereby “sufficient practical experience” be retained as a basis for registration in the absence of a recognised qualification (Issues Paper p9).

Further, we oppose the option of removing Section 13 registration after a transitional period. This would have a significant negative impact on the NGO social worker workforce and impact the ability of NGO providers to carry out vital services they are contracted to deliver.

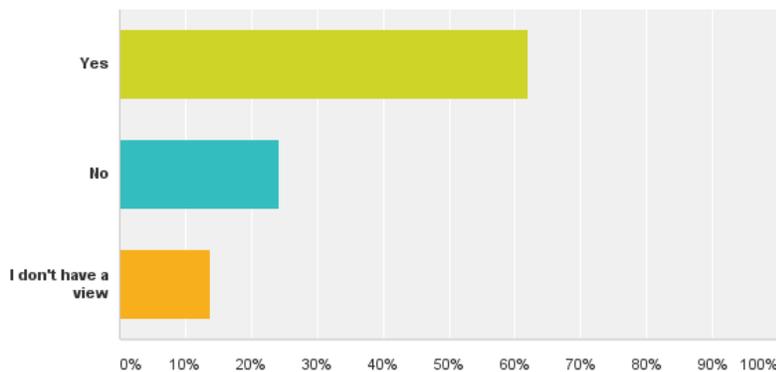
We note that our survey of South Auckland providers in particular indicated a high level of support for recognition of the value of practical experience and cultural knowledge. It is imperative that any move to make registration mandatory does not undermine this “valuable contribution” - retaining Section 13 registration is strongly recommended on these grounds.

If Section 13 registration is withdrawn as a future option, we urge that the current Section 13 registered social workers be enabled to retain their registered status under current conditions. It may have been originally anticipated that the Section 13 registrants would move through a qualification pathway and be able to be registered via a qualification. It is apparent, however, that that has not happened in all cases as members are reporting that we have a sizeable group of ‘experienced but not qualified’ social workers in our part of the NGO workforce. Removal of the ability to practice from this valued group of social workers would have a deleterious effect on the NGO social services sector.

Oversight, complaints, disciplinary processes

We focused our considerations on the issues associated with service users having access to robust and reliable complaints mechanisms.

We asked members whether the mechanisms that are already available for service users to raise concerns are sufficient.



Close to two-thirds of respondents felt that current mechanisms were sufficient, but nearly one-quarter disagreed.

Some felt that there were already numerous avenues for service users to complain, while others felt that access to these was complex and this acted as a deterrent.

Members felt that providers should have robust complaints mechanisms but felt that this was not necessarily consistent. In this case, additional access to an overarching mechanism could ensure all complaints are addressed.

Two specific comments raise important points:

- It is difficult to separate individual practice out from the stressors provided by unsafe and underfunded work places. The registration board should also be able to look to provide comment on the workplace and factors that contributed to a poor outcome.
- They can complain to the agency, and this is where most probably go. Only those with serious concerns would bother with the ANZASW or NZSWRB processes. I think the SWRB process should be more user friendly.

We also note concerns from members about the time taken for disciplinary matters to be resolved. One member gave us an example of a complaint taking more than a full year to resolve, which creates uncertainty, loss of income and stress for the social worker concerned, uncertainty for the employer and also potentially leaves matters unresolved for the complainant.

Summary of Recommendations

1. SSPA supports mandatory registration in principle, and recommends the lead-in time to introduce a mandatory regime recognises the need to address a number of concerns:
 - Acknowledgement that while registration is a contributor to public confidence in social work practice, it is not sufficient in itself to provide an assurance of the quality and effectiveness of social work practice – support is needed for other systems that support good practice including resourcing
 - Section 13 registration must remain an option – this is critical in particular for the NGO social worker workforce and is one of the ways we can ensure the required cultural competence is available
 - Further support and qualification pathways are required to enable unqualified social workers to obtain a qualification
 - The cost of registration and maintaining registration is too high and is onerous for social workers and their employers
 - The processes for registration and assessment of competency require simplification and streamlining.
2. The cost of obtaining and maintaining registration be factored into contracts, in particular where there is a specific requirement for social workers to deliver services.
3. The SWRB be asked to ensure the cost of registration is reduced, as part of an overhaul of the registration process aimed at streamlining and simplifying the required steps, regardless of whether mandatory registration proceeds or not.
4. The SWRB prioritise streamlining and simplifying their processes, which should lead to lowered cost, and to more timely and easy processes for social workers seeking to register or renew their practicing certificates.
5. The SWRB consider and respond to feedback from some SSPA members that they had experienced the SWRB as somewhat punitive and harsh when they were following up administrative matters of concern, such as late APC renewals.
6. A process for voluntary de-registration be developed.
7. The definition what a ‘social worker’ is should not be contained in the legislation but be a matter for the SWRB to manage, in association with the appropriate professional groupings such as ANZASW and with provider representatives such as SSPA.
8. The SWRB and Careerforce should investigate the potential for work-based competency assessment.
9. The SWRB, NZQA and Careerforce should investigate the potential for a level 7 social work qualification that is substantially work-based
10. Consideration be given to including recognition of work-based qualifications, in particular the apprenticeship model that leads to a Level 4 qualification.
11. Section 13 registration be retained as a permanent option.
12. In the event that Section 13 registration is withdrawn as a future option, the current Section 13 registered social workers be enabled to retain their registered status under current conditions.