

Registration Legislation Bill

Introduction

1. The National Collective of Independent Women's Refuges (NCIWR) is a non-governmental organisation delivering services to women and children affected by domestic violence in New Zealand. NCIWR provides support, advocacy, legal, and health services to 26,699 clients annually. Forty-seven percent of these are women, and 53 percent are children.
2. Please note we wish to appear before the Select Committee for this Bill.
3. In principle, NCIWR supports the implementation of mandatory registration, with several caveats. We see this Bill as an important step toward ensuring safety for all clients, and especially those in vulnerable situations who require skilled support from social work-qualified practitioners.
4. We note a number of concerning problems with the bill. Specifically, there are: the identification of who is acting in the role of a social worker being decided solely by a job title conferred by employers rather than by the fulfilment of duties within an agreed scope of practice; the need to nurture and encourage new potential practitioners from a range of backgrounds into specialist fields of social work, requiring a separate temporary stage of registration that accounts for additional needs for time and supervision requirements before full registration is accessible; and the barriers to NGOs seeking registration for their workers and the corresponding need for Government support in facilitating the shift toward mandatory registration.
5. For the majority of our member Refuges, the introduction of mandatory registration without accompanying support for the requirements inherent in the registration process would have catastrophic impacts on the recruitment and retention of our workforce, and for the financial viability of each organisation, which is particularly concerning given the often precarious situations of clients and associated need for well-trained and prepared staff.

Supporting a fair and robust approach to mandatory registration

Overview

6. NCIWR supports mandatory registration in principle, with two principal caveats: we protest the arbitrary designation of the term 'social worker' based on job title or self-representation and argue that this be replaced with an established scope of practice, and we contest that a 'grace period' tier of



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registration for beginning social workers be introduced, during which time they can gain exposure to the field of social work and work toward the attainment of a qualification that would make them eligible for registration.

Mandating registration for a social work-specific scope of practice

7. Clause 8, new S. 6AAA provides protection for the title of social worker, so that only those who are registered may use that title or claim to be practising as a social worker. This directs that only people who are registered as a social worker may use that title, and only people who are registered and hold a current annual practising certificate may "claim to be practising as a social worker". We fully support this section.
8. At present, this Bill proposes to mandate social workers' registration based on whether they use the term 'social work' in their position title or their own description of their work. We argue that, fundamentally, mandating registration for social workers but not including in this mandate the registration of all professionals acting in a social work capacity without using the title social worker fails to ensure safety for clients or a minimum standard of competence for workers, and undermines the purpose of this Bill. Translated into practice, this means the breadth of professionals undertaking social work roles who refer to themselves as social workers will be decreased, while the often complex scope of practice with vulnerable clients will not, in actuality, gain any safeguards. Rather, the only way to establish and maintain a baseline level of competence that does appreciably safeguard clients from ill-prepared or unfit social workers is to define the scope of social work and mandate registration for all professionals working within that scope, rather than relying on individual and organisational decisions about role title to determine whether these safeguards will be applied. We therefore do not support the proposed S. 6AAB.
9. We submit that law governing the regulation of social work as a profession should align with the Health Practitioners' Competence Assurance Act (HPCA), in which regulation of professions requires the definition of a practice of those professions. Accordingly, there are ample other professions from which to base an approach oriented toward a scope of duties rather than title. Doctors, teachers, and lawyers, as well as myriad other health professionals, have required registration governed by registration bodies, and scopes of practice considered to encapsulate the core duties of their professions. People who regularly undertake these activities must be registered under their compulsory registration. It is

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therefore unthinkable that the professional of social work not be similarly subject to a defined scope of practice, but rather left to the determination of individuals or organisations.

10. Further, there are far more desirable alternatives to establishing whether a practitioner is, in fact, practising as a social worker. As referenced in the report arising from the Inquiry into the Operation of the Social Workers Registration Act (p. 12), there is a sufficient body of case law to determine whether a person can be considered to be practising social work. Alternatively, this could be defined in legislation. We contest the argument that an established scope of practice is non-essential or difficult to capture, as both domestic and international social work bodies have created and refined a summary of what can be considered constitutive of a social worker role or duty.
11. This same Inquiry recommends that Government requires social workers to practice in accordance with scopes of practice to be developed by the SWRB. This is entirely negated if, instead, registration is limited to those whose employers designate to have a 'social work' role, rather than those practising within an agreed scope. Quality assurance through mandatory registration amounts to little if the obvious solution to avoiding registration costs and accompanying professional development and competency imperatives is simply a change in job title while a worker maintains the same set of (social work) duties they were employed for prior to registration.

Recognition of prior experience and provisions for beginning social workers

12. We support the phasing out of recognition of practice experience as a basis for registration for new registration applicants as outlined in the Bill and recommended in the Inquiry's report, but support the transitional pathway so that registered social workers who obtained their registration through recognition of prior experience may continue to do so under s. 13. While many workers who have been practising in the field have done so since before social worker education programmes were easily accessible, and are valued and experienced social workers whose experience should be recognised by way of registration, we agree that new workers committing to a career in social work should be expected to have tertiary qualifications aligned with registration requirements. However, we argue for the introduction of a temporary exception to this to allow for 'trial' periods for beginning social workers, as outlined below.

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13. Women's Refuge frequently gains social workers through the personal commitment of people who have become aware of social issues and consequently become involved in social work practice, typically then re-training to gain formal qualifications and become eligible for registration. We argue that the nature of the work often attracts workers who may not be ready to commit to a full course of tertiary study, or who may be working in social work-related roles while studying towards a social work qualification. In the field of family violence in particular, the gradual introduction of young workers who become involved before cementing their decision to be educated in this area is an important avenue into the profession and one that draws candidates who are uniquely placed to make meaningful differences in clients' lives. We would therefore like to see a grace period be established, with additional supervisory requirements, so that they may continue to work as social workers while deciding to commit to a full course of study or completing that course of study, after which time they would be eligible for full registration. To this end, we propose that a grace period be implemented, during which beginning social workers can practice with intensified supervisory oversight for a period not exceeding five years, after which they must meet the expectations normally required for registration. This, we feel, is essential for harnessing the passion and enthusiasm of beginning workers and enabling them to explore their preparedness to practice in a demanding field without the initial pressure to undertake lengthy and costly courses of study until they are certain of their future motivation.

The NGO sector and resource constraints

14. The costs associated with applying for registration and undergoing competency assessments are disproportionately high when compared to equivalent professions such as teaching or nursing. The impact of the relative high cost of registration is exacerbated by the nature of social work employers: while the majority of employers hiring teachers or nurses are either state-funded or for-profit, a high proportion of social workers are employed by small, resource-constrained not-for-profit organisations which do not have capacity to sufficiently invest in professionalisation of their workforce.
15. The Cabinet paper corresponding with this Bill alludes to the fact that the cost of registration will be borne by individuals "but ultimately flow to their employers" Census data shows that more than half of social workers are employed in the not-for-profit sector. However, 66% of social workers who are registered with the SWRB are employed in the public sector, demonstrating the constraints posed to NGOs of matching costs. In addition, Government departments are typically prepared to pay to support

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their social workers' registration and corresponding professional development obligations, while this is often unfeasible for social service agencies operating on shoestring budgets with little room to meet additional costs.

16. These costs span initial registration fees, annual practising certificate fees, competency assessment fees, and the costs of attaining an appropriate qualification, including both fees and time out of/away from the workplace. Accordingly, the resourcing inherent in mandating registration for all of Women's Refuge's currently employed social work staff would place huge financial stress on the Refuges.
17. An additional unseen impact of the discrepancy between the Government departments and NGOs is the ability to become an employer of choice. Given budget constraints, remuneration for Women's Refuge social workers is, like other under-funded social service agencies, generally unable to compete with other employers with regard to competitive remuneration for staff. The inability to pay fully fund the costs associated with registration, and the corresponding implication that social work-educated practitioners may be unable to claim their professional identity accordingly and forego their usual job title to take a position at Refuge further limits our ability to attract and retain competent and valued staff.
18. This discrepancy has wider implications for the professionalisation of the social work sector, as progress toward professionalisation is likely to be impeded by the cost involved in registering staff and, accordingly, an anticipatable trend toward hiring less-qualified staff to fulfil roles traditionally held by social work-qualified workers. This, together with the perception of NGOs as less desirable employers if they are unable to honour social workers' education by conferring upon them a social worker title and accordant registration expectation, may mean that an increasing split sector-wide will occur between the professionalised (State) and de-professionalised (NGO) workforces, which in term de-legitimises the highly skilled and integral role of the specialist agencies, such as family violence organisations. We therefore submit that the unintentional policy consequences must be taken into account when considering the ramifications of mandatory social work sector-wide.
19. Mandatory registration does not intrinsically need to de-legitimise or create separation between the professional status afforded to the State and NGO sectors. Given the high per capita costs of registering social workers (even given an expected decrease in her capita costs with an increased registration



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volume), and the relative poverty of the social service organisations employing social workers, we argue that the Crown should support fee reductions and the costs of attaining the requirements for registration for the voluntary sector, such as those relating to competency assessment fees, registration fees, external supervision, and professional development of staff. Further, per capita financial support for registration costs should be encapsulated into an amendment to this Bill to ensure equity of access to registration by a range of employers and sectors. This will then directly benefit and provide quality control for the public service as a whole, as the voluntary sector fulfils a vital function in providing services to a large population that would otherwise be dependent solely on state services.