

Date: 30 January 2018

To: The Parliamentary Select Committee: Social Services and Community Committee

From: Birthright New Zealand

SUBMISSION: Social Workers Registration Legislation Bill

About Birthright

Birthright has been operating in NZ as a national organisation for over 60 years. We work to strengthen and enrich the lives of children and families. We specialise in working with families led by one person. Our vision is nurtured, resilient, inspired children and families.

Birthright New Zealand is a charitable trust with 11 affiliate organisations throughout the country who deliver a variety of social services to children and their families. These organisations work with families with a wide variety of needs. They assess needs, provide social work services and also work closely with other community service providers to ensure children and families who need support can access appropriate services.

Introduction

Birthright New Zealand is supportive of the intent of the Social Workers Registration Legislation Bill. Mandatory registration will increase the professionalism of social work and protect the public in a more comprehensive way than is possible under a voluntary regime. We do, however, have comments about a few specific clauses as well as some concerns about the implementation of the Bill – most particularly the cost implications for Birthright affiliates and other small Non-Government Organisations (NGOs).

General Comments on Amendments to the Social Workers Registration Act 2003

Clause 8: *New sections 6AAA (Unregistered person must not claim to be a social worker) and 6AAB (Definition of practising as a social worker)*

We agree with the Regulatory Impact Statement *Legislative changes to increase the professionalism of the social work workforce* (RIS) that a legal definition of social work is problematic for a variety of reasons. We believe that protecting the term “social worker” is a pragmatic solution but suggest that a scope of practice could be considered and included in the regulatory framework.

We welcome the increased clarity and transparency that sections 6AAA and 6AAB provide around which positions are subject to the Act. The RIS outlined the problem of disputes between the Social Worker Registration Board and individuals moving to roles that are not social work roles but that include some tasks or skills common to social work. We expect that sections 6AAA and 6AAB will solve this problem.

We note the concerns mentioned in the Report of the Social Services Committee regarding employers changing job titles to avoid social worker registration requirements. However, we believe this risk is mitigated by the government – as employer and funder of social services – increasingly requiring services to be provided by social workers. As a result, it is not in the interest of NGOs with government contracts to avoid registering social workers by changing job titles. In Birthright’s case, in 2016 we proposed that all affiliate social workers be registered or working towards registration by 2020.

Clause 10: Section 13 repealed (Board may recognise practical experience in certain cases)

We believe that there is a need for more pathways to registration. In particular there is a need to retain a shorter route to registration for those individuals who may find the barrier of four years of full-time or eight years of part-time study too large to overcome but who have pre-existing experience (including life experience), skills, knowledge or qualifications that are relevant to the social work profession. These individuals could include:

- Sole parents needing to combine study with supporting their families.
- Older individuals wanting to change careers and who may or may not have related qualifications such as nursing or teaching.
- Individuals with experience working in non-registered social services roles who want to build on their knowledge and skills and become social workers.

Consideration needs to be given to:

- Endorsing condensed social work qualifications for use in specific situations, such as when the applicant has a qualification in a related field or has specific specialist skills. There is a precedent for this approach in the case of teacher trainees, where one-year teacher qualifications were created for university graduates. The certainty of a shorter timeframe may encourage a greater diversity of applicants to undertake social work study with the aim of becoming a social worker, compared to the possible perceived uncertainty of the outcome of “Recognition of Prior Learning” processes.
- Creating career pathways for non-registered social services workers to become registered social workers. This could involve investigating the potential for a level 7 social work qualification that is largely work based.
- Retaining Section 13. This is not a widely used provision so there is a very limited risk that retaining it will impact on the overall professionalism of the social work profession. The RIS details that only 124 social workers have been registered under section 13 since 2003, out of a total pool of 6260 registered social workers as at 31 March 2017.

Clause 22: New section 38A (Professional development programmes for practising social workers)

We note that although this section is based on Section 41 of the Health Practitioners Competence Assurance Act 2003 (HPCA Act), it is not exactly the same:



nurtured ~ resilient ~ inspired
children & families

- We welcome the inclusion of 38A(5): “When setting or recognising professional development programmes, the Board must be guided by the principle that professional development should not impose undue costs on practising social workers or their employers.”
- Section 41(4) of the HPCA Act states: “Every recertification programme must allow a reasonable time for the practitioner to whom it relates to comply with its requirements.” We suggest that a similar statement is included in the Social Workers Registration Legislation Bill, along the lines of: “When setting or recognising professional development programmes, the Board must allow a reasonable time for the specified social worker or social workers to comply with its requirements.”

General Comments on the Impact of Implementing the Changes

The RIS confirms the importance of NGOs as employers of social workers, stating that 30% of social workers are employed by NGOs. The Departmental Disclosure Statement acknowledges both that NGOs are the main employers of non-registered social workers, and that NGOs don't appear to have been specifically consulted. With regards to NGOs, it states that “it is difficult to be confident as to the likely impacts on them, and their employees, of the proposed approach” (p. 5).

The biggest impact on Birthright affiliates, as small NGO employers, is financial.

We see it as desirable that the costs of registration are met by the employer as part of our investment in the development of our employees, particularly when it is a requirement of their employment. We also recognise that this would be a prohibitive cost for many individual staff if they were expected to pay their own registration.

However, the cost of registration combined with the cost of providing or paying for continuing professional development and the potential cost of supporting some staff to complete study, as well as the subsequent upward pressure on remuneration, is also prohibitive for many Birthright affiliates and we are aware that this is the case for other NGOs as well.

The RIS acknowledges that NGOs will need support from the government (p.23). It also identifies that if NGOs cannot meet increased remuneration and continuing professional development expectations that staff may leave to go to government agencies or NGOs that can afford to offer better salaries and support (p.39). This is already occurring in some Birthright affiliates, without the added cost pressures associated with mandatory registration. For example, we have lost social workers to the aged care industry since pay rates for support workers have increased due to the pay equity settlement. As a result, we recommend that the costs of obtaining and maintaining registration, as well as paying appropriate remuneration for registered social workers, are factored into NGO contracts with the government.

In the case of NGOs that do not have contracts with the government, including some Birthright affiliates, costs pressures are unable to be mitigated by increases in contract rates. As a result, we

also recommend that grants are developed that can be used to meet the range of costs associated with mandatory registration.

Conclusions and Recommendations

In conclusion:

- Birthright New Zealand is supportive of the intent of the Social Workers Registration Legislation Bill.
- We agree with the approach of protecting the term “social worker” rather than trying to define and protect “social work” in the legislation but suggest that a scope of practice be considered and included in the regulatory framework.
- We believe there should be more pathways to registration.
- We recommend endorsing condensed social work qualifications for use in specific situations, such as when an applicant has a qualification in a related field or has specialist skills.
- We recommend investigating a work-based Level 7 qualification.
- We recommend further consideration is given to retaining Section 13.
- We recommend that an additional clause is added under section 38A regarding allowing a reasonable time for the requirements of professional development programmes to be met. We suggest the following wording: “When setting or recognising professional development programmes, the Board must allow a reasonable time for the specified social worker or social workers to comply with its requirements.”
- We recommend that the costs of obtaining and maintaining registrations, as well as paying appropriate remuneration for registered social workers, are factored into NGO contracts with the government.
- We also recommend that grants are developed that can be used to meet the range of costs associated with mandatory registration. In particular, these grants will be necessary to help NGOs that don’t have contracts with the government to meet the costs of the new regime.

Oral submission

We are available to appear in front of the Select Committee if you would like us to discuss our submission further.

Heather Hayden
Chief Executive Officer
Birthright New Zealand