

Social Workers Registration Legislation Bill
Social Services and Community Committee

The Salvation Army New Zealand Fiji, Tonga and Samoa Territory Submission

EXECUTIVE SUMMARY:

1. The Salvation Army generally **supports** in principle the core objectives of this Bill, particularly the aim of increasing the professionalism of the social work profession and ensuring the public is protected from harm¹. Generally, we support;
 - 1.1 the protection of the 'social worker' title and the mandatory registration of social workers;
 - 1.2 the exception in this Bill to the Clean Slate regime to help determine the eligibility and fit of a person seeking registration;
 - 1.3 requiring employers to report to the Board if we have any reason to believe a registered social worker is not competent to effectively fulfil their tasks and job requirements;
2. This Bill has significant effects for NGOs and community groups like The Salvation Army who employ numerous fully registered social workers, as well as other community workers, within our various social programmes. These effects will not be fully known and understood by the NGO sector until the Bill has passed and the final legislation is in operation.
3. There are specific aspects of this Bill that **we either do not fully support, or recommend further clarification or discussion about**. These are discussed further below. However, summarily;
 - 3.1 There is **no clear definition in the Bill about what constitutes social work in Aotearoa New Zealand**. This puts the onus of determining which roles will require the official social work title, and which will not (even if the required tasks are similar to other social work tasks), back on the organisations themselves;
 - 3.2 **We recommend more discussion is needed around the section 13 experience-based pathway**. If this section and pathway was removed, it would help meet the Bill's objectives of professionalising this profession. However, The Salvation Army, as with other NGOs, has benefitted greatly from this alternative pathway for professionals to attain their registration;
 - 3.3 The increased **financial costs of this Bill** will eventually be passed on to employers². NGOs are already stretched under their existing social service contracts. The Salvation Army seeks clarification as to whether current and future contracts will be amended to reflect these cost increases.

¹ Social Workers Registration Legislation Bill, Explanatory Note, p.1.

² <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/regulatory-impact-statements/2017.05.12-swra-cabinet-paper-for-cabinet.pdf> at 7

BACKGROUND:

4. The Salvation Army is an international Christian and social services organisation that has worked in New Zealand for over one hundred and thirty years. The Army provides a wide-range of practical social, community and faith-based services, particularly for those who are suffering, facing injustice or those who have been forgotten and marginalised by mainstream society. We have over 90 Community Ministry centres and Churches (Corps) across the nation, serving local families and communities. The Army's Addiction, Supportive Accommodation & Reintegration Services (ASARS) provide services at more than 30 locations throughout the country. ASARS support people seeking help with alcohol, other drugs, and gambling related problems, emergency housing options and assisting people transitioning from prison to the community.
5. We are passionately committed to our communities as we aim to fulfil our mission of caring for people, transforming lives and reforming society through God in Christ by the Holy Spirit's power³.
6. This submission has been prepared by the Social Policy and Parliamentary Unit of The Salvation Army. This Unit works towards the eradication of poverty by encouraging policies and practices that strengthen the social framework of New Zealand.
7. This submission has been approved by Commissioner Andrew Westrupp, Territorial Commander of The Salvation Army's New Zealand, Fiji, Tonga and Samoa Territory.

GENERAL COMMENTS:

8. The Salvation Army generally supports the objectives and intents of this Bill. However, there are aspects of the Bill that we are not completely supportive of, or provisions that we recommend amendments or further discussion is advisable.
9. The Salvation Army is a standing member of the New Zealand Council of Christian Social Services (NZCCSS). Our staff also provided input for the NZCCSS submission to this Bill. We fully support and endorse their submission.
10. Generally, we contend that certain provisions of this Bill (e.g. clause 5 – protection of the social worker title) place further pressure on our ability to provide effective and efficient assistance to our communities through the social service contracts we have with the Government. Like other NGOs and social service providers, we are increasingly dealing with very complex, difficult, desperate, time and resource-consuming cases through our social services. While we always attempt to honourably meet our social service contract demands, our staff and resources are *already* stretched within the current contracts for services we have. We submit that many of these contracts are not adequately funded by Government

³ <http://www.salvationarmy.org.nz/our-community/mission/>

departments, and do not accurately account for the complexity and sheer size of our workloads. This Bill will likely place more financial and management pressure on NGOs and social service providers, who are often functioning within underfunded contracts and who cannot pay their social workers the same pay levels they would receive in government or district health board positions. We are dealing with families at the coalface and the Social Services and Community Committee must understand the realities and complexity of the cases our social workers (and organisations) are dealing with daily.

SPECIFIC COMMENTS ON THE LEGISLATION:

CLAUSE 5:

- 11.** We recommend that the Committee establish in this legislation a clear, recognised definition of social work practice in Aotearoa New Zealand. We support the protection of the social worker position enshrined in this Bill. But the onus should not be placed on different organisations to individually define what social work is for them. Organisations could differ in their own definitions of social work practice that would fall under this legislation and so jobs that require the social work job title could vary between NGOs and government organisations. This is not an advisable approach. This legislation is the ideal place for a universally accepted definition of social work for our nation to be codified.
- 12.** We recommend the Committee adopt the definition of social work practice advanced by the Aotearoa New Zealand Association of Social Workers⁴. This global definition has been accepted by the International Federation of Social Workers, and the International Association of Schools of Social Work.
- 13.** Additionally, the Board (and this legislation) are the regulatory mechanism governing social work in Aotearoa. Therefore social work should be defined by this body, and not by the individual organisation to provide clarity and greater protection for this profession.
- 14.** Another issue of concern is the ability for positions to be re-classified by organisations so that they will not be 'official' social worker positions. This would in effect defeat the core objectives and intent of this legislation as roles and tasks could be changed to avoid the social worker registration process, and consequently fall outside of the regulatory checks and balances provided by the Board and the principal Act. Again, this is more unnecessary pressure being placed on NGOs and social service providers who provide social work in Aotearoa.
- 15.** Establishing a single, clear definition of approved social worker practice would also limit the potential for organisations to assign what is essentially specialised and sensitive social work to less qualified or competent staff to reduce their registration and employment costs. This would go against the stated objectives of this Bill.

⁴ <http://ifsw.org/get-involved/global-definition-of-social-work/>

REMOVAL OF SECTION 13 PATHWAY:

16. We contend that the section 13 experience-based pathway for registration should be retained, and not removed from this Bill.
17. We acknowledge the 5-year transition period the Board has to consider these types of applications. This is helpful. However, we believe that this pathway should be retained to ensure staff employed by organisations with large volumes of experience, organisational, community and cultural knowledge, and life skills, are not lost to the profession or organisation because they could not become registered by the Board if the pathway was removed.
18. Organisations could of course reassign these staff members to other, non-social work titled jobs. But as per paragraph 13 of our submission, this would mean this staff member falls outside of the regulatory protection of the Board and Act. Surely professionalising and protecting the social work profession would mean that more workers would attain their registration and subsequently fall within the regulatory framework of the Act.
19. We believe greater thought and discussion is required regarding the Degree level Social Services qualification provided by tertiary institutions and clarifying the reasons why the tertiary institutions have not applied for their courses to have the SWRB recognised Social Work Qualification. NGOs, including The Salvation Army would benefit by having these Social Service graduates being assessed for competency and “fitness to practise” under the “Section 13 Pathway”. Under the section 13 there is a potential for an increase in skilled registered social workers. NGO's and social service providers will be missing out as the Social Services qualification is not registerable. The Ministry of Health for many contracts for services with NGOs and social service providers is requiring this kind of registration process for workers working under these contracts.

CLEAN SLATE EXCEPTION:

20. We support this exception to ensure people are fit and proper to be registered with the Board.

EMPLOYERS REPORTING TO THE BOARD

21. We support the provisions in this Bill where the employer has to report to the Board for those stated purposes.
22. However, as per paragraphs 10 and 11 of this submission, we recommend the Board adopt the ANZASW definition of social worker practice. Employers would be better equipped to fulfil their reporting back requirements under this Bill if there was a clearly defined definition of social work practice that the Board had adopted, and that organisations were adhering to. This clear definition would allow employers to measure their employee's

performance to the nationally accepted standards and definition codified in the legislation for a social worker.

FINANCIAL IMPLICATIONS OF THIS BILL

- 23.** As mentioned in paragraph 3 above, the increased costs of registration that will emerge from this Bill will eventually fall upon employers. Registering more people engaging in social work will help protect and professionalise this profession. But it would also mean more people might need to be registered who were not previously registered which brings more costs for NGOs and social service providers.
- 24.** We contend that social service contracts between the government and NGOs and social service providers should be adjusted to account for these increased costs. Additionally, the discrepancy in remuneration rates between social workers employed by the government (local and central), and those employed by NGOs and social service providers should also be addressed and accounted for in both current and future contracts for social service provision. Cash-strapped NGOs, particularly the smaller, local community groups and social service providers providing valuable social work, should not be expected to carry increased costs to potentially register more staff on top of their normal social and community work services.
- 25.** Furthermore, these are not one-off costs for organisations. These cost increases would include the annual practicing certificate renewals, continuing professional development costs, supervision, and costs involved in staff taking time for their proposed 20 hours per year of continuing professional development. We fully support these requirements as they are part of our contribution ensuring fully qualified, supported and highly skilled social workers. However, all these costs will add up and place some NGOs and social service providers in difficult fiscal positions.
- 26.** Also, this increased professionalism would place more pressure on NGOs and social service providers to increase salary levels to meet the levels of those working in government ministries, district health boards, or privately funded social service providers. This would place greater strain on already stretched NGOs and social service providers.
- 27.** We also note there used to be 20 scholarships for NGOs to support the upskilling of their social work workforce who were essentially section 13 candidates. We recommend that this scholarship should be reintroduced and even be expanded to further professionalise the area. The Regulatory Impact Statement refers to the Health Practitioners Competency Assurance Act as being the comparable framework. There has been significant resource and targeted funding to support this workforce, such as mental health and addiction workforce scholarships like Skills Matters (previously Clinical Training Agency). These are administered through organisations such as *Te Pou*, *Le Va*, and *Te Rau Matatini*. We submit the social work profession requires similar scholarship investment.

CONCLUSION:

- 28.** The Salvation Army sincerely supports the intent and objectives of this Bill. A professionalised and protected social work profession is beneficial for our nation, and specifically for vulnerable New Zealanders whose lives often intersect with social workers and social service providers.
- 29.** We also support significant parts of this legislation in principle. Most of these we have chosen *not* to allude to in this submission.
- 30.** However, we have stated clearly provisions in this Bill that we do not support, or that we believe require further debate and discussion.
- 31.** Finally, we submit that the Committee must understand more the significant financial and service pressures placed on NGOs and social service providers, delivering services under government contracts to some of the most vulnerable individuals and families in our nation. These pressures are coupled with the increased demand, complexity and desperation of these vulnerable New Zealanders. More often than not, NGOs, social service providers and community groups deliver these services with compassion and professionalism while operating in tight or underfunded government contracts for service and offering pay rates for social workers (and other staff) that are strikingly lower than those doing similar jobs in the government and health sectors. This is not a complaint. This is a snapshot into the reality that we and other organisations function in and we implore the Committee to come to grips with these realities and amend and adopt legislation accordingly.
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