



Common questions and answers about the Social Workers Registration Legislation Bill

18 December 2018

The following are some common questions and answers about changes to social worker registration that will be introduced by the [Social Workers Registration Legislation Bill](#) (SWRL Bill). This document was prepared by the Ministry of Social Development in consultation with the Social Work Alliance. It is available online at: www.msd.govt.nz/social-worker-registration.

Background on what’s happening	3
Why does the Social Worker Registration Act need to be changed?	3
What are the benefits of the SWRL Bill?.....	4
How many people are estimated to be social workers?	5
What does the social worker sector think of the changes?.....	5
After the SWRL Bill comes into force	6
Who will be a social worker?	6
What will registration as a social worker involve?.....	7
Why will registration as a social worker effectively be mandatory?	8
Why will it be possible to be registered as a social worker but not be practising?	8
What will scopes of practice mean?	8
What does having a practising certificate mean?.....	10
Will people who have a wealth of practical experience but not the right qualifications be able to register as a social worker?	10
Why are there different types of registration?.....	10
What effect will there be on people who are thinking about studying in 2019 for, or are already in the process of completing, a social work qualification?	11
Will there be any change in fees charged, such as for registration?	11
What will be the role of the Social Workers Registration Board?.....	11
What will be the responsibilities of employers of social workers?.....	12
What will be the responsibilities of social workers?.....	12
When will the Social Workers Registration Act be reviewed?.....	13
Why is the Board’s membership being reduced?	13
What role will the Ministry of Social Development have regarding social workers?	13

What is the government doing about workforce planning for social workers? 13

Some possible examples 13

I have a social work qualification and I am a member of a professional social worker association, but I work as a drug and alcohol worker. I am also a member of the Addiction Practitioners’ Association Aotearoa New Zealand (DAPAANZ). My District Health Board employer requires me to be a member of DAPAANZ. Will I have to register as a social worker? 13

Does being a registered social worker mean that I will not be able to be a member of a professional social worker association? 14

I am a Community Support Worker/Whānau Worker/Family Worker and do not have a social work qualification and do not plan to seek such a qualification. My employer requires me to be a member of a professional social worker association. Will being a member of a professional social worker association put me in breach of new section 6AA (unregistered person must not claim to be a social worker)? 14

I am a retired social worker but I provide volunteer social work services for a few hours each month. Will I need to be registered as a social worker? 14

I have a number of employees who are doing some social work who do not have a recognised social work qualification. What will I be required to do once the Social Workers Registration Act is amended? 15

I work alongside a social worker. We do the same work – assessment, intervention, developing care plans etc. My title isn’t social worker, but hers is. I am not registered or affiliated with any organisation. Will I be in breach of the Act? 15

We have staff who are not called social workers, but they are using a lot of social work skills and techniques. Some of them have a social work qualification, but some have no qualification at all. Our employer does not pay for registration for the qualified social workers and they cannot afford to pay for their own registration. Will they need to be registered? 16

I was off sick for two years for treatment for a long-term disability. I am returning to work now. What do I need to do to meet my CPD requirements? 16

I am a retired Life Member of a professional social worker association and am not registered. I am not practicing in any way, but my identity is ‘social worker’. Will I be in breach of the new 6AA if I identify as a social worker even though I am not practicing and do not intend to return to practice? 16

I am a retired social worker and sit on a Board of Directors for a social service organisation that provides social work services. (1) If I am registered will I need an annual practising certificate for this? (2) I am not registered; will I need to register to be a Director on this Board? 16

More information 17

Background on what's happening

Why does the Social Worker Registration Act need to be changed?

Under the current voluntary registration regime, anyone practising as a social worker is practising in an environment where serious misconduct and incompetence cannot be adequately addressed. Non-registered social workers who cause serious harm can potentially continue to practise without appropriate penalty or sanction (except as provided under employment law and in compliance with statutory restrictions on tasks that can only be done by a social worker).

It is estimated that a quarter of social workers (or around 2,000 people) are not registered. Little is known about this group, including how competent they are to practise social work.

Risks to the public, particularly vulnerable adults or children, may be exacerbated when social workers:

- are unqualified
- are not competent
- have a physical or mental health condition which affects their ability to practise
- have a criminal history, falsified identity or false qualification
- place their own interests above those of their clients.

The types of harm that could be caused by social workers include:

- poor professional judgement or poor practice (including failure to properly investigate reports of risk to vulnerable adults or children, inadequate or incorrect assessments, and breaches of confidentiality)
- inappropriate relationships (including relationship boundary violations)
- abusive (abuse of trust or power)
- criminal (dishonesty, theft, violence, sexual assault).

The full disciplinary power of deregistration is ineffective in a voluntary system, as those who have had their registration cancelled can still practise social work. Non-registered social workers with serious complaints lodged against them may be able to continue to practise if they change employment and do not disclose that complaints have been raised.

While there is information about the nature of complaints raised about registered social workers available from the Board, there is a lack of similar information available about complaints made to employers about non-registered social workers and any resultant disciplinary or employment outcomes. There are a number of examples where the actions of social workers have been investigated and found to have caused harm to clients. Examples include:

- inadequate assessments and poor judgement leading to physical or emotional harm – leaving children in dangerous living situations, or not detecting risks of self-harm or suicide
- forming inappropriate relationships with clients

- financial harm from either dishonesty or taking advantage of a vulnerable client
- failure to liaise with client's family members and collaborate with other case workers leading to a serious lack of proper care.

Outside of the registration system, the responsibility for detecting and addressing harmful practice or addressing misconduct falls solely to the social worker's employer. Currently, if a social worker is a member of a professional organisation, for example the Aotearoa New Zealand Association of Social Workers, then they may also be subject to discipline arising from their practice, but they would still be able to continue to practise as a social worker.

For these reasons, the SWRL Bill introduces mandatory registration of social workers and other efficiency changes relating to the Board that increases the safety of vulnerable adults or children and protects them from social workers who are not competent or fit to practise or who may have acted in breach of the Board's Code of Conduct.

The SWRL Bill also aims to increase the professionalism of the social work profession while making procedures more efficient and effective.

What are the benefits of the SWRL Bill?

Once passed and in force, the SWRL Bill will ensure increased protection and safety of vulnerable adults or children by:

- protecting the title 'social worker' so that it can only apply to registered social workers
- requiring that any person practising as a social worker or holding themselves out as practising as a social worker must be registered under a scope of practice and have a current practising certificate
- setting out that practising as a social worker means to do so within an individual's scope of practice which may be subject to conditions
- ensuring social workers are appropriately qualified, competent, and fit to carry out their work via the registration system, scopes of practice and practising certificate maintenance
- requiring ongoing professional development
- having processes in place to address any concerns about a social worker's practice through a complaints and disciplinary process
- ensuring that social workers who have had their registration cancelled are not able to practise social work again (for example, employers can search on the Board's website or public register to check if a person is registered and has a current practising certificate)
- requiring employers to report to the Board if a social worker is believed not to be competent, or unable to perform the functions of a social worker because of a mental or physical condition, or to have engaged in serious misconduct
- requiring social workers to report to the Board if they believe another social worker is unable to satisfactorily perform the functions of a social worker because of a mental or physical condition.

Requiring all social workers to be registered provides a mechanism for any employer to check the status of any potential new employee as well as supporting continuing professional development. In particular, it is expected that smaller NGOs will benefit from these external mechanisms.

Better information on social workers will also be available to inform workforce planning.

How many people are estimated to be social workers?

In 2016, based on 2013 Census data, around 75 percent of social workers (or 6,000) were estimated to be registered out of a total of 8,000. That leaves around 2,000 people possibly practising with no assurance of their competence or fitness to practise.

These numbers are a best estimate because with the current voluntary registration system for social workers, there is no single reliable source of data on the social worker profession.

The breakdown by employers of registered social workers was approximately:

- NGOs (31 percent) (but most of these provide social work services under government contracts)
- Ministry for Children – Oranga Tamariki (23 percent)
- District Health Boards (23 percent)
- other government agencies (2 percent)
- self-employed (4 percent)
- not practising (18 percent).

The [Select Committee considering the SWRL Bill](#) noted that the 2013 Census showed 6,128 people who identified themselves as social workers, but that around 18,000 people identified with a wider definition that covered occupations such as community, family support, and youth workers, and health promotion and disabilities services officers. It is possible that some of these people may be undertaking social work tasks or have social work qualifications.

In October 2018, the Board revised the estimated total number of social workers. It suggested that over the next two years, registrations are expected to increase from 7,500 to up to around 11,000. This revision takes into account the increase in the number of graduates per year since 2013 (about 700 per year) and the number currently on the Register of social workers.

It is also estimated the proportion of social workers employed by NGOs will increase significantly following mandatory registration coming into effect.

What does the social worker sector think of the changes?

The Ministry of Social Development has worked with the Social Work Alliance in developing the legislative changes proposed in the SWRL Bill (particularly those in the Supplementary Order Paper).

The Social Work Alliance is convened by the Board, and includes:

- Aotearoa New Zealand Association of Social Workers
- Careerforce

- Council for Social Work Education Aotearoa New Zealand
- District Health Boards' Health Social Work Leaders' Councils
- Ministry for Children-Oranga Tamariki
- New Zealand Council of Christian Social Services
- Social Service Providers Aotearoa
- Social Workers Registration Board
- Tangata Whenua Social Workers Association
- New Zealand Public Service Association.

The Social Work Alliance has been a strong advocate for the inclusion of scopes of practice into the SWRL Bill.

After the SWRL Bill comes into force

Who will be a social worker?

A person is a social worker if they are registered under the Social Workers Registration Act under a scope of practice that specifies the social work services the social worker may do. An individual's scope of practice sets out a social worker's area of practice, competencies, responsibilities, necessary qualifications, and any conditions limiting their practice.

A registered social worker may only practise as a social worker if they have a practising certificate.

Whether or not a person will need to be registered as a social worker, or is entitled to be registered, will be determined if:

- they, or their position description, job title, or someone else (such as their employer) suggests they are practising as a social worker; and/or
- the qualifications claimed or implied as being needed by a person for their job as part of a profession are the same as required for a practising social worker.

Registration as a social worker does not solely arise from the tasks being performed by a person in a job, but whether they are practising as a social worker. Nor can an employer simply change a job title to avoid someone needing to be registered as a social worker.

As part of implementing the SWRL Bill, the Board will provide guidance that determines what positions, held by a registered social worker, come within the definition of social work and those that don't. The two year lead in time before registration becomes mandatory and scopes of practice apply will give time for this to happen.

In new section 4 of the SWRL Bill, the definition of social work service is broad and does not require direct contact with clients: "**social work service** means a service provided for the purpose of assessing, supporting, improving, or protecting the well-being of individuals, families, groups, or communities".

The entitlement to registration under new section 6 will require the Board to be satisfied that the person:

- has a prescribed qualification

- is competent to practise as a social worker within a scope of practice
- is a fit and proper person
- is competent to practise with Māori and other ethnic and cultural groups
- has enough practical experience in practising as a social worker.

No person may practise as a social worker unless:

- they are registered as a social worker (and their registration is not suspended);
- they practice within the terms of their scope of practice including complying with any conditions;
- they hold a practising certificate issued by the Board (and their practising certificate is not suspended).

A person would not need to be registered or have a practising certificate if (as set out in section 6AA):

- they do not claim to be a social worker (that is they do not use names, titles, words, abbreviations, or descriptions stating or implying they are a social worker)
- they do not claim to be practising as a social worker or do anything that is calculated to suggest that they practise or are willing to practise as a social worker, or undertake 'restricted' tasks.

This could be the case, for example, if a job advertises for either a social worker or a counsellor and a counsellor with no social work qualification gets the job, who does counselling in a school. That is, the counsellor brings their professional skills in counselling to the job and they do not deal with any social work services such as providing advice to clients, assessing clients or helping a social worker with clients. So, while social workers may provide counselling, counsellors cannot provide social work services.

What will registration as a social worker involve?

In two years following Royal assent of the SWRL Bill, when changes to registration and scopes of practice come into force, a person may be known as a social worker and practise as a social worker only if:

- the person has applied to be registered as a social worker and has specified the scope of practice they wish to be registered under
- the person meets eligibility requirements (for example, professional qualifications, fitness, competency, etc)
- the Board has authorised that the person may practise within a scope of practice, which is known as their individual scope of practice and includes any conditions set by the Board
- once registered, the person (who can now be known as a social worker) has applied and been granted a practising certificate, which the Board may decide should be subject to conditions.

The Board alone has the legal authority to determine which qualifications are required for social workers in New Zealand.

Social workers are required to renew their practising certificates annually, and will need to maintain their competence. Over time the Board will review the mechanisms by which registered social workers will demonstrate continuing competence. In the meantime, registered social workers are required to continue undertaking professional development as before.

Why will registration as a social worker effectively be mandatory?

Once in force, two years following Royal assent of the SWRL Bill, it will be an offence for anyone to knowingly:

- use names, words, titles, initials, abbreviations, or descriptions stating or implying that they are a social worker if they are not registered as a social worker
- claim to be practising as a social worker unless they are registered as a social worker and hold a current practising certificate

On conviction, a person is liable to be sentenced to a term of imprisonment of up to three months or a fine not exceeding \$10,000.

It will also be an offence to make an express or implied statement about another person that they are a social worker or that they practise as a social worker. On conviction, a person is liable to a fine not exceeding \$10,000.

These measures should encourage any person who wants to call themselves a social worker and/or practise as a social worker to be registered with the Board and have a practising certificate.

Why will it be possible to be registered as a social worker but not be practising?

Some people may wish to hold onto their registration as a social worker but not maintain their practising certificate because:

- they are employed in a different occupation that does not involve practising as a social worker, but wish to retain the option to return to practising as a social worker in the future
- they are not in employment due to illness, travelling, or having children, but may return to practise as a social worker in the future
- they are retired, but wish to retain their registration for personal reasons.

What will scopes of practice mean?

The introduction of provision for scopes of practice in the SWRL Bill follows the longstanding experience under the Health Practitioners Competence Assurance Act 2003.

The use of scopes of practice is something that is commonly applied to health practitioners. It will be familiar to many social workers.

Under the Health Practitioners Competence Assurance Act, a scope of practice outlines the breadth of professional practice carried out within the relevant profession (for example, nursing). The registration authority (for example, the Nursing Council) prescribes the qualifications required for each scope. A health practitioner covered by a

scope of practice may only practise in areas in which they are deemed competent and provide health services that are specified in their scope of practice.

Scopes of practice	
Do	Do not
<ul style="list-style-type: none"> • Give employers, professionals and members of the public a clear picture of the skills, knowledge, professional standards and range of services they can expect of a member of a profession. This provides clarity about boundaries on what is within and outside a professional’s area of competence. • Provide a reference point for ongoing competence assessment and complaints about lack of competence. Scopes of practice can be used in disciplinary actions against a professional, for example professional misconduct or working outside of a scope of practice. • Provide a reference point for an employer or funder of a service when deciding what skill set and competence they need. • Allow the Board to place conditions on an individual’s scope of practice such as whether they need to be supervised, where they can work, which social work services they can provide, etc. 	<ul style="list-style-type: none"> • Control or require entry into a profession. Membership of a profession is determined by registration requirements, as specified by the appropriate regulatory authority (this is the Social Workers Registration Board in the case of social workers). • Provide a way of determining whether particular tasks belong to one profession or another. For example, a significant proportion of a medical practitioner’s role could be undertaken by a registered nurse who is operating at the top of their scope. The overlap is entirely appropriate, and is overseen by the respective regulatory authorities. In this case, the relevant scope of practice for medical practitioners does not prevent a registered nurse from doing the same task, such as prescribing some medications.

A scope of practice informs employers, the general public, and other professionals of the range of activities covered by the profession, and the guiding governance framework the profession works within. Scopes of practice can and do evolve over time to include new areas of activity or specialisation for a specified profession, and can illustrate career progression pathways.

The introduction of provision for scopes of practice was largely driven by the social work sector. Almost 80 percent of submitters to the Social Services and Community Committee requested the provision for scopes of practice.

Scopes of practice for social workers will not control who does social work tasks unless:

- they are registered as a social worker and/or are in fact practising as a social worker
- they or their employer refer to themselves or imply they are a social worker (including being specified in a job description).

In some situations, legislation requires that only a social worker may undertake restricted activities.

Other people may undertake tasks similar to those done by social workers, but they are not practising as a social worker, are not part of the social worker profession, and

therefore cannot refer to themselves or be referred to by their employer as a social worker. There may be an overlap between professions in the type of tasks undertaken. The Board is required to consult with the sector in the development of scopes of practice.

What does having a practising certificate mean?

A practising certificate provides assurance that the Board considers a social worker is fit and competent to practise as a social worker, has not had their registration suspended or cancelled, and communicates any conditions that the social worker is subject to.

A practising certificate must be renewed annually.

Will people who have a wealth of practical experience but not the right qualifications be able to register as a social worker?

The current practical experience pathway to registration as a social worker will continue for five years following Royal assent of the SWRL Bill.

Any person currently registered as a social worker based on their practical experience will continue to be registered following the legislation change.

Any non-registered person who is not currently practising as a social worker but intends to do so in the future, and who does not have the right qualifications, has five years to apply for registration under the practical experience pathway or obtain the required qualifications.

If a similar non-registered person is practising as a social worker, then they have two years to ensure they are eligible and have applied for registration under the practical experience pathway. If they do not apply for registration, or they are not found to be eligible to be registered, then they will need to stop practising as a social worker within two years following Royal assent of the SWRL Bill.

Why are there different types of registration?

The Board has discretion to register a person on a time-limited basis and for them to be subject to conditions.

Provisional registration applies where a person is fit and competent, and they are working towards meeting the eligibility requirements for registration that they do not currently meet. Under provisional registration, the person will always be subject to conditions. Provisional registration will last for a period of no more than two years, but may be renewed up to a total period of no more than eight years.

Temporary registration applies to people who are fit and competent to practise as a social worker but who are visiting or temporary living in New Zealand. The Board may agree to temporary registration for the person to work at a specific location.

Limited registration applies where a person is working towards meeting the eligibility requirements for registration, but for good reasons they need more time to complete their work.

What effect will there be on people who are thinking about studying in 2019 for, or are already in the process of completing, a social work qualification?

There will be no immediate effect on anyone who is currently studying towards a social work qualification, or who is planning to commence study in 2019.

Under the SWRL Bill, the Board will need to prescribe qualifications required under each scope of practice. This will have to be completed within two years of the SWRL Bill gaining Royal assent. The Board is required to consult with the sector in prescribing qualifications.

At the time of prescribing qualifications for the scope of practice for a generic social worker, all students enrolled in qualifications on the Board's current schedule of recognised qualifications will be eligible to apply for registration under that scope once they have completed their qualification.

Will there be any change in fees charged, such as for registration?

The Board is responsible for setting fees charged to social workers based on a fair cost-recovery basis. The list of fees is available at: <http://swrb.govt.nz/for-social-workers/new-registrations/fees/>

Any change in fees will be communicated in advance by the Board as well as being made available publicly on its website.

What will be the role of the Social Workers Registration Board?

The [Board is a Crown Entity](#) which is responsible for implementing the Social Workers Registration Act. The functions of the Board are set out in the [Social Workers Registration Act](#) and amendments proposed in the SWRL Bill.

The Board's primary function is to prescribe or provide mechanisms to ensure that social workers are competent and fit to practice and are accountable for the way in which they practise.

New functions for the Board under the SWRL Bill include:

- determining scopes of practice
- prescribing qualifications
- authorising scopes of practice for individual social workers (and endorsing these on a social worker's practising certificate, and putting them on the Register)
- putting conditions on scopes of practice for individuals (these are currently on registration and/or practising certificates)
- requiring social workers to do professional development
- deciding on when to assess the competency of a social worker (this is currently done every five years)
- using new criteria to decide whether or not a social worker is fit to practise
- considering the impact of convictions for social workers in some cases

- assessing reports from employers and social workers on issues of a social worker's competency, serious misconduct, or fitness to practise
- setting criteria for reporting serious misconduct or issues of competence or issues of fitness to practise
- deciding what to refer to a Professional Conduct Committee (this is currently to a Complaints Assessment Committee).

The performance of the Board is monitored by the Ministry of Social Development and audited by the Office of the Auditor-General.

What will be the responsibilities of employers of social workers?

The SWRL Bill contains three new responsibilities for employers of social workers.

New section 38B specifies that an employer must report to the Board if a social worker is believed not to be competent to continue practising as a social worker. This applies to employees who leave after concerns have been raised as well as current employees.

New section 47A specifies that an employer must report to the Board any serious misconduct allegations relating to a social worker they employ or recently had employed.

New section 51(1C) specifies that an employer must report to the Board any concerns that a social worker is unable to satisfactorily perform the functions required to practise as a social worker because of a mental or physical condition

The SWRL Bill also states that failure by employers to meet these requirements is not an offence. However, there could be civil action taken against employers who fail to report on serious issues.

What will be the responsibilities of social workers?

A person who refers to themselves as a social worker must ensure that they are registered, and if they practise as a social worker then they also need to maintain their practising certificate.

Social workers should also:

- receive professional supervision in line with the Board's policy
- undertake professional development in line with the Board's policy
- maintain an accurate professional development log in line with the annual practising certificate renewal declaration
- disclose any professional disciplinary proceedings or criminal offending or civil offending both in New Zealand and overseas.

The SWRL Bill specifies in new section 51(1A) that a social worker must report to the Board concerns that another social worker is unable to satisfactorily perform the functions required to practise as a social worker because of a mental or physical condition.

When will the Social Workers Registration Act be reviewed?

The Board is required to review the operation of the Social Workers Registration Act every five years, including whether any legislative change is desired. The next review is due in 2020.

Why is the Board's membership being reduced?

The reduction in the Board's membership was requested by the Board itself. The change from the current 10 members to seven is intended to improve its efficiency. The future Board membership will comprise four social workers (whose registration or practising certificate is not suspended) and three other people.

What role will the Ministry of Social Development have regarding social workers?

The Ministry of Social Development will continue to monitor the performance of the Board, and to be responsible for the Social Workers Registration Act.

There may also be some further cross-government work following implementation of the SWRL Bill relating to the future of the social workers profession, which may involve the Ministry of Social Development.

Once in force, two years following Royal assent of the SWRL Bill, the Ministry of Social Development will be given the power to obtain information from a person who is reasonably suspected as holding themselves out as being a social worker or practising as a social worker, while not being registered and/or having a current practising certificate. The Ministry of Social Development must first ask the person for the information sought before issuing a written notice requiring the information, unless doing so would prejudice the maintenance of the law.

What is the government doing about workforce planning for social workers?

In 2019, government agencies will be considering what might need to be done in relation to workforce planning for social workers.

Some possible examples

I have a social work qualification and I am a member of a professional social worker association, but I work as a drug and alcohol worker. I am also a member of the Addiction Practitioners' Association Aotearoa New Zealand (DAPAANZ). My District Health Board employer requires me to be a member of DAPAANZ. Will I have to register as a social worker?

The test for whether a person is practising as a social worker and therefore needs to be registered as a social worker is based on whether:

- they, or their position description, job title, or someone else (such as their employer) suggests they are practising as a social worker; and/or

- the qualifications claimed or implied as being needed by a person for their job as part of a profession are the same as required for a practising social worker.

Registration as a social worker does not solely arise from the tasks being performed by a person in a job, but whether they are practising as a social worker. Nor can an employer simply change a job title to avoid someone needing to be registered as a social worker.

As part of implementing the SWRL Bill, the Board will provide guidance that determines what positions, held by a registered social worker, come within the definition of social work and those that don't. The two year lead in time before registration becomes mandatory and scopes of practice apply will give time for this to happen.

In this case, if the person's job as a drug and alcohol worker required a professional qualification as a nurse, psychologist or social worker, and the person got the job on the basis of having a professional social worker qualification, then they would in effect be practising as a social worker. All people practising as a social worker must be registered.

Does being a registered social worker mean that I will not be able to be a member of a professional social worker association?

Once the new process for registration comes into force, all people wanting to be known as a social worker and/or to practise as a social worker will need to be registered.

Registration as a social worker does not prevent any person from joining a professional association for social workers, such as the ANZASW or the Tangata Whenua Social Workers Association. It will depend on the specific membership rules of the association.

I am a Community Support Worker/Whānau Worker/Family Worker and do not have a social work qualification and do not plan to seek such a qualification. My employer requires me to be a member of a professional social worker association. Will being a member of a professional social worker association put me in breach of new section 6AA (unregistered person must not claim to be a social worker)?

A person will be in breach of new section 6AA if they are:

- not registered as a social worker; and
- are using names, words, titles, initials, or descriptions stating or implying that they are social worker; and/or
- claim to be practising as a social worker.

Each professional association for social workers, such as the ANZASW or the Tangata Whenua Social Workers Association, will determine who is eligible to apply for its membership. If an association's membership criteria states that only people who are practising as a social worker may become members, then those members will need to be registered as a social worker.

I am a retired social worker but I provide volunteer social work services for a few hours each month. Will I need to be registered as a social worker?

It makes no difference whether work is paid or voluntary when determining if a person is practising as a social worker.

Undertaking social work tasks or services by itself does not necessarily mean that a person is practising as a social worker and therefore needs to be registered.

It will depend on the specific situation of the role being performed, the requirements of the role, and whether there is any explicit or implied claim that the person performing the role is practising as a social worker.

In this case, if the role specifies practising as a social worker and the role requires the skills and qualifications of a social worker, then the person will need to be registered as a social worker and hold an annual practising certificate.

The Board will be providing guidance to inform decisions about who is practising as a social worker.

I have a number of employees who are doing some social work who do not have a recognised social work qualification. What will I be required to do once the Social Workers Registration Act is amended?

It will depend on whether the employees are practising as a social worker or just doing some social work-related tasks.

Any person who is practising as a social worker must to be registered and hold an annual practising certificate. Any employer of a person who is practising as a social worker should ensure their employee is suitably qualified.

The Board can advise on whether unqualified people currently practising as a social worker are eligible to apply for registration.

Any person who is practising as a social worker and does not have a recognised social work qualification may be able to use the practical experience pathway in the SWR Act as the basis to apply for registration. All practising social workers will need to be registered within two years of the SWRL Bill gaining Royal assent.

I work alongside a social worker. We do the same work – assessment, intervention, developing care plans etc. My title isn't social worker, but hers is. I am not registered or affiliated with any organisation. Will I be in breach of the Act?

Not necessarily, although it would be unusual (and confusing) for two people who work alongside each other doing exactly the same tasks to have different job titles. It is possible, however, for people with different professional backgrounds (for example, they identify as a social worker, nurse or occupational therapist) to be employed as "needs assessors". This is an example of how some tasks that are commonly undertaken by social workers can also be undertaken by people from different professions.

Questions to ask in this scenario include:

- Is the person doing anything that is calculated to suggest that they practise as a social worker?
- Is there any reference or expectation in the position description to being a social worker and/or practising as a social worker?
- Does the position description and/or expectations of the employer require the same qualifications and practical experience as a social worker?

- What profession does the person have, have had, or identify with?

We have staff who are not called social workers, but they are using a lot of social work skills and techniques. Some of them have a social work qualification, but some have no qualification at all. Our employer does not pay for registration for the qualified social workers and they cannot afford to pay for their own registration. Will they need to be registered?

Not necessarily. Doing social work tasks alone does not mean someone is practising as a social worker according to the new requirements. In this example, if the same tasks can be done regardless of whether a person has a social worker qualification, then only the qualified people will need to be registered if they use names or do anything that suggests they are a social worker.

I was off sick for two years for treatment for a long-term disability. I am returning to work now. What do I need to do to meet my CPD requirements?

If the person has maintained their registration but has not had a practising certificate, then they will need to apply for a practising certificate. Check with the Board on professional development requirements.

I am a retired Life Member of a professional social worker association and am not registered. I am not practicing in any way, but my identity is 'social worker'. Will I be in breach of the new 6AA if I identify as a social worker even though I am not practicing and do not intend to return to practice?

Not necessarily. It might depend on the context in which the person is saying that they identify as a social worker and being part of the profession, and whether it relates to the person carrying out a job or role.

If the person was not claiming or implying they are currently a social worker, and they are in no way practising as a social worker, but simply saying that earlier in their life they had trained and worked as a social worker, then there should not be any breach of new section 6AA (unregistered person must not claim to be a social worker). So, it should be ok for a person to refer to themselves as a retired social worker or formerly a social worker.

I am a retired social worker and sit on a Board of Directors for a social service organisation that provides social work services. (1) If I am registered will I need an annual practising certificate for this? (2) I am not registered; will I need to register to be a Director on this Board?

(1) No. A person needs to have a practising certificate only if they are practising as a social worker.

(2) Not necessarily. It depends on what are the specific requirements of being a Director for that organisation.

The person's responsibility as a Director on the Board is to contribute to the organisation's governance. This would not normally be considered social work, because they would not be directly or indirectly involved with practising as a social worker. The person may usefully draw upon their experiences as a social worker, but being in a governance role does not mean they are involved with providing social work services and therefore they are not practising as a social worker.

However, if the position description and/or requirements of being a Director stated that a person must be a social worker, then the person would need to be at least registered. They person may not need to have a practising certificate if they are not practising as a social worker and there is no requirements for the position that they are practising as a social worker.

More information

You can find out more about the proposed legislative changes at:

www.msd.govt.nz/social-worker-registration.

Any questions about registration or practising as a social worker, or anything else about implementing the legislative changes, go to the [Social Workers Registration Board](#).