



5 September 2024

Tēnā koe

Official Information Act request

Thank you for your email of 20 August 2024, requesting a copy of REP/24/5/391. I have considered your request under the Official Information Act 1982 (the Act). Please find the following Aide-mémoire attached to this letter:

- REP/24/5/291 - Aide-mémoire - *Meeting with the Social Workers Registration Board*, dated 7 May 2024.

Please note that some information is withheld under section 9(2)(f)(iv) of the Act to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials. The release of this information is likely to prejudice the ability of government to consider advice and the wider public interest of effective government would not be served.

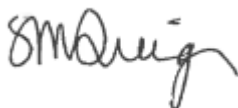
There is also some information withheld under section 9(2)(h) of the Act to maintain legal professional privilege.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with my decision on your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

pp. 

Magnus O'Neill
General Manager
Ministerial and Executive Services

Aide-mémoire



MINISTRY OF SOCIAL
DEVELOPMENT
TE MANATŪ WHAKAHIATO ORA

Meeting

Date: 7 May 2024 **Security Level:** In Confidence
For: Hon Louise Upston, Minister for Social Development and
Employment
File Reference: REP/24/5/391

Meeting with the Social Workers Registration Board

Meeting details Thursday 9 May 2024, 8.30-9.15am, Executive Wing 5.1,
Parliament Buildings

Expected attendees Sarah Clark – Chief Executive, Social Workers Registration
Board (SWRB)

Shannon Pakura MNZM – Board Chair, SWRB

Background information on these attendees is provided in
the **Appendix** for your reference.

You will also be supported by officials from the Ministry of
Social Development (MSD):

Shelley Cook – General Manager, Organisational Planning,
Performance and Governance

Sam Willis – Policy Manager, Social Impact Policy

Purpose of meeting To discuss the work of the SWRB and your priorities for the
social worker workforce.

Proposed agenda

The proposed agenda for this meeting is:

1. Introductions
2. Overview of SWRB and areas of activity (BIM/Draft accountability documents)
3. Board appointments
4. Pathways to social work and workforce planning
5. Social worker-like workforce

Agenda item 2: SWRB is the regulatory authority for social workers
Overview of SWRB and areas of activity

SWRB is a Crown Agent established under the Social Workers Registration Act 2003 (the SWR Act) and is responsible for the registration of social workers.

The primary functions of SWRB are to ensure that registered social workers are competent, fit to practise and accountable for their practice, and enhance the professionalism of social workers. SWRB are also the lead agency for social worker workforce planning [SWC-20-MIN-0111 refers].

More information on the functions of SWRB is included in the **Appendix**.

You have responsibilities for the SWRB under the SWR Act and Crown Entities Act 2004

As the Minister for Social Development and Employment, you are the responsible Minister for the administration of the SWR Act. These responsibilities include appointing (and if necessary, removing) members, Chairs, and Deputy Chairs of the SWRB Appointed Board and the Tribunal, and reviewing draft accountability documents by SWRB.

SWRB have provided draft accountability documents for your review

SWRB provided initial drafts of their 2024-2025 Statement of Performance Expectations (SPE) and 2024-2028 Statement of Intent (SoI) to your office on 1 May 2024 for your feedback.

MSD has been able to engage with these documents during development and has assessed the documents to be acceptable and meeting the relevant requirements. MSD

provided you with a report outlining the two documents and recommendations on 1 May 2024 [REP/24/4/380 refers].

As the responsible Minister, you have the opportunity to offer feedback on these draft documents and ensure they reference any expectations you have. You may wish to discuss these drafts as part of providing feedback by 22 May 2024. This may include highlighting alignment with your priorities in these documents. The documents will need to be finalised by 1 July 2024.

Suggested talking points for this agenda item:

- Thank you for sending your draft Statements of Intent and Performance Expectations for review and feedback.
- *Is there anything in these documents you wish to highlight with me?*
- *Is there anything you'd like to highlight with me more broadly in relation to aligning our priorities?*

Agenda item 3: Board appointments There are three appointments to the SWRB appointed Board to be made this year. One is in August 2024, and two (including the Chair) in December 2024. The Organisation Planning and Performance Governance group at MSD will provide you with a report on the proposed processes and timeframes for these appointments shortly.

All three Board appointments are required by section 106 of the SWR Act to be registered social workers. Because of this requirement, SWRB will be involved in helping to develop the shortlist of suitable candidates for your consideration.

It is likely that the first of these appointments will go to the Cabinet Appointment and Honours Committee in July or early August 2024.

When two of these appointments were made, a human error occurred, in that the appointment letters and Gazette notice were different to the Cabinet minute, meaning both members were wrongly appointed for an extra year. s9(2)

[REDACTED] (h)
[REDACTED]

[REDACTED] This has only recently been identified and brought to the Board's attention. Neither member can be reappointed due to reaching their time limit in the role. No

person may be a member for more than six consecutive years as per Schedule 1 clause 7(1) of the SWR Act.

Suggested talking points for this agenda item:

- I understand there are three Board appointments required this year, including a new appointment for the Chair role.
- I want to acknowledge you, Shannon, for your contribution to the Board as the Chair since 2019 and your continued service to the end of your term later this year.
- *Is there anything you think I should keep in mind when considering decisions for the upcoming appointments?*
- *What skills or attributes would you consider most important for the upcoming appointments?*

**Agenda item 4: SWRB are the lead agency for social worker
Pathways to workforce planning
social work and
workforce
planning**

In July 2020, Cabinet agreed for SWRB to become the lead agency for social worker workforce planning [SWC-20-MIN-0111 refers]. In this role, Cabinet agreed that SWRB be expected to:

- Provide strategic, cross-sectoral leadership through working together, and in consultation, with employers, funders, education and training providers, other sector organisations and workforces, and social workers to identify actions and monitor progress impacting on the supply and demand of social workers
- Build capability and capacity in workforce planning to complement individual state sector agencies' workforce initiatives
- Collect information and sector intelligence to establish evidence on the scale and nature of challenges facing the social worker workforce
- Develop, promote, and monitor a workforce strategy and action plan, and report on progress.

The emphasis of the role is on building evidence on workforce pressures and relationships across the sector. SWRB are also responsible for understanding and addressing system-wide workforce issues that challenge the sustainability of the workforce.

SWRB receive \$705,000 per financial year for all workforce planning activity. This funding was reprioritised by MSD from the non-government organisation (NGO) Study Awards¹. This funding includes staffing, overheads and operational costs, and has one designated full-time equivalent (FTE) role with a total of around 3.5 FTE spread across a number of roles within SWRB.

You received SWRB's *Annual Social Worker Workforce Report 2023* in March 2024, which noted continuing pressures and shortages in the social worker workforce. Social workers are experiencing an increase in demand, alongside a reduction in supply due to decreasing student enrolment in social work qualifications. SWRB estimate there are currently 700 unfilled roles.

Addressing these shortages requires a multi-pronged approach from government and the sector, including working with employers and industry bodies. However, SWRB's workforce planning function is critical in collaborating across government and the sector to ensure that progress continues to be made to increase workforce supply.

We understand that as part of their workforce planning function SWRB have recently:

- provided social worker workforce data to support pay equity settlements
- provided data to support the increased funding rate for the fieldwork component of all social work degree programmes
- progressed work to consider entry pathway settings to social work
- sought to have social workers included on the immigration green list.

You may wish to discuss SWRB's workforce planning function, how this can be prioritised, and what your expectations are of this function, given the significant labour supply issues faced by the sector. Suggested talking points have been provided below.

¹ The NGO Study Awards was an initiative that targeted NGO-employed social workers and provided capped funding to help them get a social work qualification and become eligible for registration.

Work is underway to consider entry pathways to social work

As part of work to respond to social worker workforce shortages, SWRB are considering entry pathways into becoming a social worker. This work includes assessing recognition of prior learning settings to ensure they are fit-for-purpose, building a training framework, s9(2)(f)(iv)

The Social Workers Registration Legislation Amendment Act 2024 was recently passed, which delayed the repeal of the section 13 experience pathway of the SWR Act by two years till 28 February 2026. Work underway to consider entry pathways to becoming a social work will be important in ensuring that there remain accessible pathways into the profession.

Suggested talking points for this agenda item:

- Thank you for your annual workforce report. I note the ongoing workforce pressures faced by the social work sector.
- As part of the workforce planning function, it will be important to ensure that we are leveraging the data, insights and relationships that come from this role to respond to the significant workforce challenges.
- The sector will also need to take a leading role in developing the social worker workforce, including progressing recruitment and retention strategies, supporting professional development, and planning adequately for the future demand.
- *What are your key focus areas over the next year in your role as the government lead for social worker workforce planning?*
- *I'm interested in the findings from your annual workforce report. Can you tell me more about these?*

**Agenda item 5:
Social worker-
like workforce
next steps**

As part of the recent social worker pay equity settlement extension, SWRB undertook a one-off project to engage with the sector and identify public safety considerations for social worker-like kaimahi². SWRB reported their findings from this project in their recent *Addressing Public Safety for Social Worker-like Kaimahi* report (SWRB report) provided to your office on 21 March 2024. SWRB considered that there is a strong case for greater oversight of social worker kamahi who are not currently subject to the same occupational regulation requirements as social workers.

You met with MSD officials to discuss this report on Monday 6 May 2024. We understand that you do not wish to explore regulatory change for social worker-like kaimahi at this stage, but rather want to ensure existing mechanisms, including the responsibilities of employers, service providers and funders, are effectively managing public safety.

Suggested talking points for this agenda item:

- Thank you for your report on *Addressing Public Safety for Social Worker-like Kaimahi*. The insights you have gained and shared from your engagement with this subset of the workforce will be very useful.
- I do not wish to pursue changes to occupational regulation settings at this time. I see value in ensuring existing mechanisms effectively manage public safety.

Author: Alice Campbell, Policy Analyst, Social Impact Policy

Responsible manager: Sam Willis, Policy Manager, Social Impact Policy

² 'Kaimahi' translates to doer of work, or worker. The title kaimahi was used by this cohort when SWRB engaged with them.

Appendix: Social Workers Registration Board functions and meeting attendees

Social Workers Registration Board (SWRB)

SWRB's purpose is to protect the safety of members of the public by ensuring social workers are competent and safe to practise and are accountable for the way in which they practise. SWRB also enhance social workers' professional practice and provide insight into the opportunities and challenges facing the social worker workforce.

SWRB are a fees and levy funded organisation operating largely on a cost recovery basis, with some Crown funding for specific activities (such as Workforce Planning).

SWRB functions are outlined in section 99(1) of the Social Workers Registration Act 2003 (SWR Act). These are outlined below.

Functions relating to assessment of social worker applications and social workers:

- Receiving and considering applications for registration – s99(1)(a)
- Considering applications for practising certificates referred by the Registrar – s99(1)(e)
- Reviewing the competence of social workers – s99(1)(g)
- Reviewing social workers' fitness to practise – s99(1)(ga)
- Considering the cases of social workers who may be unable to satisfactorily perform the functions required to practise as a social worker – s99(1)(o).

Functions relating to the social workers Register:

- Authorising the registration of social workers – s99(1)(b)
- Maintaining the Register – s99(1)(c).

Functions relating to setting standards and expectations:

- Adopting as it sees fit, conditions subject to which the individual scopes of practice of all social workers, or of all social workers of a particular description, must be issued – s99(1)(d)
- Recognising or prescribing New Zealand educational qualifications for the purposes of the SWR Act – s99(1)(f)
- Establishing and maintaining a code of conduct for social workers – s99(1)(h)

- In consultation with providers of social work education and training in New Zealand and bodies that set standards for social work education and training in New Zealand, promoting and setting standards for such education and training for the purposes of the SWR Act – s99(1)(i)
- Promoting and encouraging high standards of practice and professional conduct among social workers and employers of social workers – s99(1)(n).

Functions relating to promotion of social worker professionalism and social workers registration:

- Promoting the benefits of registration to State departments, other instruments of the Crown, other bodies and organisations that employ social workers, and the public – s99(1)(j)(i); and among people practising as social workers – s99(1)(j)(ii)
- Advise and make recommendations to the Minister in respect of matters relating to the regulation of the social work profession – s99(1)(l)
- Subject to the SWR Act, disclosing to employers or prospective employers of social workers information obtained under the SWR Act relating to people who are, or have been, applicants for registration or social workers – s99(1)(p)(i) and (ii).

Functions relating to complaints and disciplinary processes:

- Promoting the establishment by social worker employers of accessible and efficient procedures for making, considering, and determining complaints relating to social workers they employ – s99(1)(k)
- Setting criteria for reporting serious misconduct or issues of competence or fitness to practise – s99(1)(oa)
- Providing administrative and related services for the Social Workers Disciplinary Tribunal – s99(1)(q).

Workforce planning function

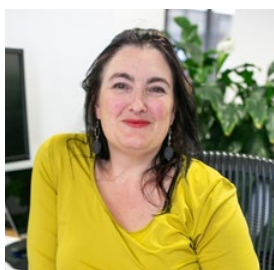
SWRB is the lead agency for strategic social worker workforce planning. This role was established in response to concerns raised by the social sector, New Zealand Qualifications Authority and Tertiary Education Commission about a lack of strategic leadership for the social worker workforce. SWRB provided you with the 2022/23 financial year annual social worker workforce report on 14 March 2024.

Complaints function

Following the legislative amendments under the 2019 Act, SWRB also became responsible for considering complaints about social workers, previously the responsibility of the Social Workers Complaints and Disciplinary Tribunal (the Tribunal).

One of the proposed amendments in the Social Workers Registration Amendment Bill you will be presenting to the Cabinet Legislation Committee on 23 May 2024 seeking approval for introduction to the House of Representatives, is to amend the name of the Tribunal. The proposed name is the Social Workers Disciplinary Tribunal. This amendment is to reflect that the Tribunal is no longer responsible for considering complaints.

Sarah Clark – SWRB Chief Executive



Sarah has held the role of Chief Executive of SWRB since May 2017. Her previous roles include Director of Client Services at the former Social Policy Evaluation and Research Unit – Superu and Director at the Office for Seniors. Her priorities as Chief Executive are ensuring public safety across the wider public sector and supporting the professionalisation of social workers.

Shannon Pakura, MNZM – SWRB Board Chair



Shannon has served as SWRB Board Chair since 2019. She holds several advisory and advocacy roles, including as a member of the Oranga Tamariki Ministerial Advisory Board.

Her previous roles include Chief Social Worker for the former Department of Child Youth and Family (now Oranga Tamariki – Ministry for Children), Māori Service Development roles, and President of the Aotearoa New Zealand Association of Social Workers. She has also served as a member of the New Zealand Parole Board from 2008-2021.

Shannon was the first social worker to be registered in New Zealand and was appointed as a Member of the New Zealand Order of Merit in 2022.