

Administration of registration and notifications by the Australian Health Practitioner Regulation Agency and related entities under the Health Practitioner Regulation National Law

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AASW

Australian Association
of Social Workers

Enquiries regarding this submission can be directed to:

Social Policy and Advocacy Officer

The Australian Association of Social Workers

The Australian Association of Social Workers (AASW) is the professional body representing more than 14,000 social workers throughout Australia. We set the benchmark for professional education and practice in social work, and advocate on matters of human rights, discrimination, and matters that influence people's quality of life.

Key points in this submission

- Social workers are one of the largest allied health professions in Australia, yet they are not formally registered.
- Comparable countries such as the United Kingdom, the United States, New Zealand, Ireland and Canada have regulatory schemes for social workers.
- Anyone in Australia can call themselves a social worker and this is a significant public safety issue. Registration will help to protect the public from unprofessional practice.
- The Australian Association of Social Workers recommends that social workers be included as a registered profession under the National Registration and Accreditation Scheme.
- Registration will require social workers to have a recognised qualification, meet a high standard of ongoing professional development, and be subject to legal complaints and disciplinary processes.

Submission outline

The Australian Association of Social Workers (AASW) is pleased to provide a submission to the Senate Community Affairs References Committee's inquiry into the 'Administration of registration and notifications by the Australian Health Practitioner Regulation Agency and related entities under the Health Practitioner Regulation National Law'. This submission responds to the final Terms of Reference, *(I) any other related matters*, and makes the case that social workers be included as a registered profession under the National Registration and Accreditation Scheme.

The AASW's submission describes the following:

- The social work profession in Australia
- The National Registration and Accreditation Scheme
- Social work regulation in Australia
- Why registration matters.

The social work profession in Australia

Social work is a tertiary qualified profession recognised internationally that pursues social justice and human rights. Social workers aim to enhance the quality of life of every member of society and empower them to develop their full potential. Principles of social justice, human rights, collective responsibility and respect for diversity are central to the profession, and are underpinned by theories of social work, social sciences, humanities and Indigenous knowledges. Professional social workers consider the relationship between biological, psychological, social and cultural factors and how they influence a person's health, wellbeing and development. Social workers work with individuals, families, groups and communities. They maintain a dual focus on improving human wellbeing; and identifying and addressing any external issues (known as systemic or structural issues) that detract from wellbeing, such as inequality, injustice and discrimination.

There are more than 40,000 social workers in Australia¹ who work with vulnerable clients in challenging and complex circumstances. The scope of social work practice includes assessments, crisis intervention, counselling and other evidence-based therapeutic interventions, group work, case management and service coordination, advocacy, education, and practical support. Social workers support people across a range of issues

¹ Refer to 'Job Outlook', Available at <https://joboutlook.gov.au/occupations/social-workers?occupationCode=2725>

including mental health, family violence, child abuse, elder abuse, disability, housing, poverty, alcohol and other drugs.

The National Registration and Accreditation Scheme

Since it was established in 2010, the National Registration and Accreditation Scheme (NRAS) for health professionals has helped protect public safety by overseeing the regulation of qualifications, standards and practice for the [15 professions](#) included in the Scheme. Those professions are:

- Aboriginal and Torres Strait Islander health practice
- Chinese medicine
- Chiropractic
- Dental practice
- Medicine
- Medical radiation practice
- Nursing and midwifery
- Occupational therapy
- Optometry
- Osteopathy
- Paramedicine
- Pharmacy
- Physiotherapy
- Podiatry
- Psychology

Despite the size of social work profession in Australia and the nature of social work practice (i.e., supporting vulnerable people, often in times of crisis), social work is not included under the NRAS. This means that although social work is one of the largest allied health professions in Australia, people who use social work services are not protected by the Scheme. This is a significant public safety issue and puts Australia at odds with comparable countries such as the United Kingdom, the United States, New Zealand, Ireland and Canada where the profession is registered.

The exclusion of social workers from NRAS has led to a fragmentation in practitioner regulation across Australia. While social work is a distinct profession, there are similarities between the clients that use social work services and other professions included under NRAS, including psychologists and occupational therapists. Additionally, like psychologists and occupational therapists, social workers are among the few designated allied health groups eligible to provide private mental health services to people with diagnosable mental health conditions or people 'at risk' of developing mental health conditions under the Commonwealth Medicare initiative.

Social work regulation in Australia

The Australian Association of Social Workers (AASW) is the professional association for qualified social workers in Australia. As part of its role, the AASW provides strong self-regulation for social workers who choose to be members. This is achieved through:

- A National Code of Ethics, an ethics consultation service for members, and an Ethics Complaints Management Process.
- The Social Work Education and Accreditation Standards, which apply to all schools of social work in Australia. This ensures all graduates have the requisite skills, knowledge and values of the profession.
- Practice Standards for social work practice, including specific practice standards for mental health.

Members of the public and AASW members can use the AASW Ethics Complaints Management Process to make allegations of ethical professional misconduct by AASW members. The purpose of the AASW Ethics Complaints Management Process is to maintain minimum acceptable ethical practice standards of social workers, and to record appropriate disapproval if these standards are not met. The AASW can only investigate its members, which total 14,000 of the 40,000 social workers across the country.

When considering a complaint, the AASW may decide to dismiss the complaint, resolve the complaint through a process of conciliation and mediation, or sanction the member. A sanction could include the following action:

- Cautioning a member
- Setting conditions of practice
- Suspending membership
- Terminating membership.

Gaps in regulation

While the AASW regulates the social work profession, self-regulation exposes three key gaps that would otherwise be closed if social work was included under NRAS:

- Firstly, the majority of social workers sit outside any regulatory system. This is because only 35% of all social workers in Australia are members of the AASW. This means that the majority of social workers practicing in Australia do not have a relationship with the AASW, are not accountable to a social work-specific code of ethics (and may not even know about it), and may not have access to resources and CPD opportunities with respect to ethical practice.

- Secondly, unsafe social workers can continue to practice in Australia. If a complaint about an AASW member is upheld, and the AASW terminates that membership, the social worker can continue to practice as a non-AASW member. The AASW's process does not have the power to determine fitness to practice or prevent expelled members from ongoing social work practice; nor can the details of serious misconduct or the name and actions of the social workers be made available in the public domain, all of which mean a greater unintended risk to the public.
- Thirdly, people without a social work qualification can claim to be a social worker. Unlike regulatory authorities in countries where social work is registered, the AASW has no jurisdiction over misuse of the social work title.

Calls for registration

Since 2000, there have been a number of inquiries and inquests calling for the registration of social work, particularly in the context of child protection. Three high-profile cases are summarised below:

- **Mullighan Commission of Inquiry (2008):** in the report on the [Children in State Care Commission of Inquiry](#), Justice Mullighan recommended (as part of Recommendation 14): "The introduction of a system of registration or accreditation for social workers, which requires ongoing professional development and training".
- **Coronial inquest into Valentine (2015):** among the recommendations made by the State Coroner, South Australia, in the findings of the [Inquest into the Death of Chloe Lee Valentine](#) were:
 - registration of social workers (22.21 at p 156; see also 8.5 at p 99).
 - mandatory restriction on student social workers and qualified social workers with less than 12 months experience having client contact without direct supervision by a senior social worker (22.22 at p 156).
 - re-education of staff at Families SA on their knowledge of child-protection provisions and compliance with the legislation (22.4, 22.5 at 153).
- **Coronial inquest into Napier (2016):** in the findings of the [Inquest into the Death of Ebony Simone Napier](#), the State Coroner repeated a number of recommendations that were made in the Inquest into the Death of Chloe Lee Valentine Families, including recommendation 22.21 (registration of social workers).

South Australian Social Workers Registration Bill

South Australia is in the process of becoming the first Australian jurisdiction to develop specific legislation for the statutory registration of social workers. Social work registration

was included in the South Australian Liberal Party's 2018 election platform and then introduced as a [Bill to Parliament](#) by the Hon. Tammy Franks (Greens) in September 2018. The Bill was sent to a [Joint Committee](#) of both Houses which recommended an amended Bill be passed by Parliament.

While progress is being made in South Australia, the eventual passage of legislation and registration of social workers will only apply to social workers in that jurisdiction, which is a relatively small proportion of all social workers in Australia.

Why registration matters

Despite being one the largest group of allied health providers in Australia, and a profession that works with vulnerable Australians, including those experiencing trauma, loss, mental illness, and abuse, social work is not nationally regulated and not included under NRAS.

While the AASW provides strong regulation for those social workers who choose to be members, we believe the statutory registration of social workers is necessary to achieve adequate professional standards for all social workers and to protect people who use social work services.

Registration matters for:

- **Public safety** – registration and title protection involves defining who is qualified to perform particular activities. This will create a mechanism to prevent people without requisite qualifications from practising as a social worker and provide sanctions for incompetent practice.
- **Professional quality** – this is achieved by defining and monitoring educational and professional practice standards. For example, the National Registration and Accreditation Scheme compels registered professionals to maintain a program of continuing professional development.
- **Professional accountability and recognition** – registration incorporates mechanisms for investigation and sanctions for professional misconduct. Registration and title protection also provide a basis for public recognition of the scope of practice in which professions are engaged.

The AASW would welcome the opportunity to answer questions or provide evidence to the Senate Community Affairs References Committee.



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Level 7, 14-20 Blackwood Street
NORTH MELBOURNE VIC 3051

PO Box 2008
ROYAL MELBOURNE HOSPITAL VIC
3050

P: 03 9320 1027
E: socialpolicy@aasw.asn.au
www.aasw.asn.au

ACN 008 576 010
ABN 93 008 576 010



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of Social Workers

www.aasw.asn.au

