

Professional Registration and Title Protection for Social Workers in Australia: Past, Present and Future.

Professor Karen Healy (National President, AASW, 2013),

Address to Social Work Registration Board Conference, Wellington (NZ), 11th of November 2013.

The Australian social work profession has long aspired to achieve registration and title protection for our profession. The Australian Association of Social Workers (AASW) has actively pursued statutory regulation of social work for 45 years (AASW, 2011). Over these many decades hopes have been raised and dashed and raised again. We are in a period of high hopes and there are some good reasons to think that some form of regulation and title protection is on the horizon for us. But in saying this, it is also important not to underestimate the challenges before us.

Today, I want to discuss why title protection and registration matter and consider some of the unique challenges before us in the Australian context. I will then discuss the three pronged strategy for achieving title protection and registration that the AASW is embarked up.

Why does it matter?

At the current time in Australia, social work is a self-regulating profession. This means that the professional association, which is a voluntary body, is responsible for determining and monitoring professional standards, including upholding educational, ethical and practice standards. One of the major problems with self-regulation is that the profession is entirely dependent on a voluntary organisation for upholding its standards. If that organisation fails to recognise or properly fulfil its responsibility to uphold standards, or if the organisation winds up, then the entire professional project is vulnerable to collapse.

Registration involves government in defining and monitoring the role of a profession including standards of professional knowledge and skills as well as providing for sanctions for professional misconduct (DeAngelis and Monahan 2012). Title protection involves the legal protection of a title meaning that it become illegal for individuals who are not registered to use the title, even if they meet the requirements for registration. Laws defining registration for professions usually incorporate title protection, for example, in Australia no person can refer to themselves by any one of the titles protected by National Registration and Accreditation Scheme without being a registered member of the Scheme. Title protection and registration matter for:

1. Public safety. Registration and title protection involve defining who is qualified to perform particular activities and in so doing create a mechanism for preventing people without requisite qualifications from practising and for providing sanctions for incompetent practice.
2. Professional quality. This is achieved through the definition and monitoring of educational and professional practice standards. For example, the National

Registration and Accreditation Scheme compels registered professionals to maintain a program of continuing professional development.

3. Professional accountability and recognition. Registration and some forms of title protection and self-regulation incorporate 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.

Registration: why is it so hard to achieve?

In many comparable countries, social work is a registered profession. Since 1992, the USA has had full State by State registration of social workers with the first regulation Act for social workers in that country being introduced in Puerto Rico in 1934 (DeAngelis and Monahan, 2012, p. 95). The New Zealand Social Work Registration Board is currently celebrating 10 years since its formation and the UK introduced registration for social workers in 2005.

One of the major challenges in Australia is the limited development of legal structures for the registration of social workers. In the other countries such as NZ and USA, the social work profession is registered under a distinct legal act or as is the case in the UK, is protected by a legal order within an overarching legal Act for health and social care professions. The advantage of these forms of registration is the profession is regulated, regardless of the context in which it occurs.

By contrast, in Australia, legal decrees regulating individual professions are uncommon especially in the health professions where, since 2010 when the Health Practitioner Regulation National Law Act has governed regulation of many health professions. Under this Act, ten health professions (already registered in several states or territories) were covered under the national legislation and since 2012, a further four professions have been added. One further profession, paramedics, is being considered for inclusion. Social Workers are not included in this Scheme. It should also be acknowledged that in Australia a small number of cases, professions are registered through distinct State Based Registration Acts. For example, teachers are registered under State based Teacher Registration Acts.

The second challenge is that Australian governments appear committed to maintaining an open market place in many fields of health and human service provision with low levels of State regulation being the norm for many professions. Indeed, social workers are not alone among health and human service profession in their lack of inclusion in a national or state registration scheme. Furthermore, at least one profession – speech therapy- that was registered in one State prior to the enactment of NRAS, is no longer registered. On August 1, 2013, a detailed proposal for a National Code of Conduct for unregistered health professions (AHMAC, 2013) which is intended to provide an alternative strategy for achieving public safety outside of full professional registration.

The third issue is the diverse range of people working in the community services sector. Social work is, numerically speaking, a minority profession in the Australian community service sector, where people hold a broad range of qualifications from trade level certificates

and diplomas through to people with a range of degree level qualifications in applied social science and other human services, such as nursing. Even so, student and graduate numbers in social work programs have increased substantially over the past six years since the accreditation of Masters qualifying programs. These two postgraduate programs have provided an alternative to the four year undergraduate program as way for people already holding bachelor degrees to become professional social workers.

Current Activities Towards Registration

During 2012, the AASW National Board undertook a review of the options available to us for pursuing title protection and registration. We believed that given the challenges of the environment, a multi-pronged approach was needed. I now turn to the three approaches we have embarked upon and I will discuss where we are at with these approaches (AASW, 2012).

The National Registration and Accreditation Scheme (NRAS). This is the first strategy being pursued by the AASW. NRAS was established in 2010 with a core objective of providing a national framework for professional regulation. An important concern was the facilitation of interstate transfer arrangements for already registered health professions. Prior to this, registered health professionals were required to undergo the onerous task of re-registering whenever they practised in a new State or Territory with those practising across State boundaries needing to maintain simultaneous registrations. Initially NRAS included only 10 health professions, all of which were already registered in several State and Territories. Because social work was not registered in any State or Territory when NRAS was established, we were not included in the Scheme at that time. Since 2010 a further four professions have been included and paramedics have also been referred for inclusion in the Scheme, but await a decision. Many other Australian health professions, such as speech therapy and audiology, are not included in this National Scheme despite the fact such professions are registered in other countries.

In brief, the advantages of NRAS for us would be: in identifying our responsibilities to the public; in protecting our educational standards; and giving social workers' access to the benefits and recognition afforded NRAS members.

The disadvantages include: costs, which will involve an initial assessment fee to the AASW and annual individual membership fees. We know for instance that Psychologists pay \$441 for an initial assessment and a further fee of \$441 per year. Furthermore once a profession is included in NRAS, membership for all eligible professionals is mandatory with fines of up to \$30,000 for those who continue to use their professional title without joining. There are also concerns about uneven coverage of our profession with uncertainty about the inclusion of practitioners not working in health services.

As a result of our campaign for NRAS inclusion, the Australian Health Ministers Advisory Council has referred the social work profession to be considered as part of the current review of the NRAS. Over the next 12 months, this review will consider whether

unregistered health professions, such as social work, will have the opportunity to participate in the scheme.

The situation has become more challenging since the 1st of August 2013 when the Standing Council on Health announced a proposal for a National Code of Conduct for unregistered health professionals as an alternative to registration. This will enable State and Territory governments to enact legislation to manage professional misconduct complaints against unregistered health professionals, including social workers providing health services. The AASW opposes this measure as providing only an ‘ambulance at the bottom of the cliff’ (AASW, 2013).

Health Ministers and policy makers have expressed concerns about further extensions to NRAS. These concerns relate to: the costs of NRAS for both government and individual members of professions and doubts about whether NRAS inclusion would offer protection beyond that already available. Yet, unease exists also about the large number of health professions operating outside of a national regulation scheme.

Our Collective Trademark The second strategy we have pursued is of a collective trademark for accredited AASW members. The collective trademark for use of the AASW logo by accredited Members has now been approved by the Australian Trade Mark Office. We are in negotiations over the approved words to accompany this logo. The collective trademark will be available to all members with the additional words ‘accredited social worker’ to be reserved for members who have maintained their CPD record. Members will be encouraged to use this trademark on their business cards, letter-heads, webpages, e-mails and the like, wherever possible, towards building our brand of professional service.

This strategy is a well-established and proven way of achieving title protection; for example, a similar trademarking strategy is used by accredited practising dietitians. The collective trademark can be used in a range of practice domains including health, disability services, and child welfare. The challenges include the effort associated in building employer and community recognition of the trademark and the cost of challenging any infringement of our collective trademark.

We have received positive feedback about the collective trademark from senior officials in fields of health and disability services. They consider that the trademark will provide employers and the public with a signal of service quality. As such this may give preferred status to providers bearing the trademark. The next stage is the development of a communication campaign with the broader community around this.

Pursuing an authorised self-regulation model The third strategy we are pursuing is authorised self-regulation through participation in the National Alliance of Self-Regulating Health Professions. NASRHP is a network that involves many allied health professionals who are currently excluded from NRAS such as audiologists, speech pathologists and sonographers. The advantages of our participation include that: the professions in this network are committed to similarly high educational and professional standards as the AASW and we are likely to have a stronger voice as part of an alliance of similar professions than

acting alone. The disadvantages include that the governance structure of NASRHP is unclear and the status of NASRHP as a body for representing and regulating self-regulating health professions is unclear.

Some government agencies have expressed interest in supporting NASRHP to develop the capacity of health professions to self-regulate or to develop an alternative and self-authorized regulation system to NRAS. It is important that AASW is part of these conversations. At this point, NASRHP is still in development and the AASW continues to participate in this network however we have not made a commitment to membership. We will need to be assured that it will assist in our quest to achieve registration and title protection and that appropriate representation of AASW concerns in the network can be guaranteed.

In Summary.

The AASW is pursuing three good strategies with vigour, believing NRAS is the Gold Standard but also acknowledging the substantial political challenges and uncertainties. If successful, we will endeavour to minimise the additional costs on membership fees and ensure it is not divisive against those members who do not work directly in health services. The Collective Trademark will enhance our professional recognition, all accredited members will qualify to use it, and it may give greater credibility to our NRAS bid. The NASRHP bid is receiving careful consideration but a critical issue is that we require equal governance representation.

Into the Future

As I have indicated the AASW is currently pursuing three strategies for title protection and registration and we are making progress in relation to each. There is a fourth strategy and one we could consider into the future and that is to achieve a distinct social worker registration Act in several States and Territories. A social worker registration Act would bring us into line with the way our profession is registered in other countries, such as the USA and NZ. In addition, it will be equivalent to the way other human service profession such as teaching are registered. The advantage of this approach is the potential to achieve coverage for all domains of social work services. Unfortunately, it is unlikely this approach will be greeted with enthusiasm in the current political climate particularly given the move away from State based registration legislation for health professions since the advent of NRAS. Still, the steps the AASW is taking to more clearly draw boundaries around title protection and to promote the inclusion of social workers in a national regulation scheme, preferably NRAS, are important for the better regulation of our profession and may provide the foundation for a distinct Social Work Registration Act in the future.

The current phase of campaigning for title protection and registration has been one of great learning for the AASW. The multi-pronged approach has provided a sound base for achieving our long held ambition for external regulation and title protection. We have gained deeper understanding of the political and cultural challenges associated with achieving professional registration in Australia. Tempting as it is, to see the challenges of registration

as one facing social work alone, the truth is that the barriers we face are shared by several other similar professions in the Australian context. Our collaborations with them have yielded important lessons and provided support in our shared goal of achieving professional regulation. In our campaign for registration and title protection, we are making significant and determined steps towards improved professional standards and public safety for our profession and the people who use our services. We are pleased to part of this important time in the profession's history as we play our part in ensuring that our profession achieves the level of regulation and title protection needed to achieve public safety, service quality and improved public recognition of the scope of our practice.

References

- AASW. (2011) *Protecting the Health and Wellbeing of Australians: Submission to Health Ministers on the National Regulation of the Profession of Social Work*. Canberra: AASW. Available at: <http://www.aasw.asn.au/document/item/3826>
- AASW (2012). *Registration and Title Protection for AASW Members: Directions Paper for 2013*. Canberra: AASW. Available at: <http://www.aasw.asn.au/document/item/3826>
- AASW (2013). AASW Position Paper on the Introduction of a National Code of Conduct for Unregistered Practitioners (14 August, 2013). Canberra: AASW. Available at: <http://www.aasw.asn.au/document/item/4695>
- AHMAC (Australian Health Ministers' Advisory Council) (2013). *Final Report: Options for Regulation of Unregistered Health Professions*. Canberra: AHMAC. Available at: www.ahmac.gov.au
- DeAngelis, D. and Monahan, M.J. (2012). 'Professional Credentials and Professional Regulations: Social Work Professional Development'. In Dulmus, C. & Sowers, K. (eds). *The Profession of Social Work: Guided by History, Led by Evidence*, pp. 91-103. Hoboken: Wiley.