



AASW
.....
**Australian Association
of Social Workers**

*AASW Submission to the Review
of the National Registration and
Accreditation Scheme for health
professions*

October 2014

© Australian Association of Social Workers
National Office – Canberra
Level 4, 33-35 Ainslie Place
CANBERRA CITY ACT 2600
PO Box 4956
KINGSTON ACT 2604
T 02 6232 3900
F 02 6230 4399
E ceo@asw.asn.au www.asw.asn.au

Enquiries regarding this submission can be directed to:

Senior Manager, Professional Standards:

Kym Daly

Email: kym.daly@asw.asn.au

Phone: 03 9320 1033

AASW Chief Executive Officer:

Glenys Wilkinson

Email: ceo@asw.asn.au

Table of Contents

<i>Executive Summary</i>	3
Key AASW recommendations to the Review of the National Registration and Accreditation Scheme for health professions	4
AASW responses to specific consultation questions	5
<i>Conclusion</i>	13

Executive Summary

The Australian Association of Social Workers (AASW) is the professional representative body for Social Workers and the social work profession in Australia, with approximately 8,000 voluntary members nation-wide. The AASW promotes the social work profession, sets the professional standards and regulates the professional conduct of social workers who choose to be members.

The National Registration and Accreditation Scheme for health professions has been crucial in enhancing public safety for many vulnerable Australians receiving some health services, and enhancing the professional standards of the practitioners delivering these services.

However, it has not succeeded in protecting the hundreds of thousands of vulnerable Australians who access social work services every year. Social Workers are one of the largest allied health professions in Australia, yet the people who use our services are afforded no protections under the National Scheme.

The clients of the approximate 8,000 Social Workers who choose to be members of the AASW are afforded some protections through the AASW's self-regulatory functions. But self-regulation is inadequate when an estimated 18,000 Social Workers in Australia are practicing outside a regulatory framework. These risks are exacerbated by workforce factors, such as the increased number of Social Workers employed outside regulated settings such as in the non-government sector, as sole practitioners and/or in private practice.

The AASW continues to strongly advocate that the inclusion of Social Workers in the National Registration and Accreditation Scheme remains the gold standard for public safety and professional standards.

While working towards such inclusion, the AASW strongly supports a model of Australian Health Practitioner Regulation Agency (AHPRA) authorised statutory self-regulation of the Social Work profession through amendments to the National Law.

A significant achievement of the National Scheme is its national coverage for a proportion of health professions. The introduction of a single national registration (and deregistration, when applicable) process for individual practitioners enhances the protection of the public and enables workforce mobility across the country, while simultaneously ensuring that unsafe practitioners can no longer avoid scrutiny by transferring to another state/territory.

However, as social work is not included in the National Scheme, unsafe Social Workers, and untrained people claiming to be Social Workers, can and do continue to practice, and in an unacceptable number of cases of misconduct, continue to cause serious harm. The Australian and international evidence is alarming.¹

For example, in 2013/2014, Social Workers were struck off the Health and Care Professions Council (HCPC) register in England for serious ethical misconduct such as, the possession and distribution of indecent photographs of children (by a Social Worker working in child protection); formation of sexual relationships with vulnerable clients; formation of an inappropriate relationship with a child aged 16 years; formation (by a Child Protection Social Worker) of a sexual relationship with a parent whose

¹ Australian Association of Social Workers, 2014, Evidence of harm caused by social workers, September 2014, <http://www.aasw.asn.au/document/item/6565>

child had been removed from her care. Such unsafe practitioners are no longer able to practice as Social Workers.

In stark contrast, the AASW became aware via information in the public domain that one of its members had been charged and convicted of possessing child pornography. The AASW Board promptly expelled this member from the Association and formally determined the social worker as being ineligible for membership – the most severe consequence the AASW can impose. However, as long as social work remains unregistered in Australia, this Social Worker, while ineligible for AASW membership, can continue to practice as a Social Worker or set up as a private practitioner, where neither police checks nor registration with an authority would be required.

The National Scheme is out of step internationally. In every international jurisdiction considered by the Consultation Paper (August 2014) for the *Review of the National Registration and Accreditation Scheme for health professions*, social work is a registered profession.

Many other continents/countries around the world have now chosen to implement Social Worker registration, including New Zealand; all countries in the United Kingdom, all provinces in Canada, all 50 states of the United States of America, the District of Columbia and the United States Virgin Islands, many countries throughout Europe, as well as countries throughout Africa, the Middle East and Asia.

The overarching and compelling argument is that in countries where social work is registered, unethical and unsafe Social Workers can be brought to account and prevented from continuing to practice and cause harm. Without a national system of statutory regulation for all social work practitioners, the Australian public is not offered the same level of protection as social work service users in other countries.

Key AASW recommendations to the Review of the National Registration and Accreditation Scheme for health professions

- 1. The AASW strongly recommends that the inclusion of social work in the National Registration and Accreditation Scheme is the best pathway for achieving adequate professional standards for the social work profession, thereby covering all Social Workers, and ensuring public safety for people who use social work services.**
- 2. While we will continue to advocate strongly for the inclusion of Social Workers in the National Scheme, in working towards this, the AASW strongly supports a model of AHPRA authorised statutory self-regulation of the Social Work profession, through amendments to the National Law.**

AASW responses to specific consultation questions

6. *Should future proposals for professions to be included in the National Scheme continue to require achievement of a threshold based on risk to the public and an associated cost benefit analysis?*

Registration of Social Workers would address serious risk to the public

- The AASW strongly supports the continuing requirement that professions to be included in the National Scheme in the future achieve a threshold of risk to the public. The AASW would also support further clarification and articulation of the definition of risk and the thresholds for determining this as part of the National Scheme.
- That Psychology has been identified in the top five professions requiring the National Scheme's full regulatory force and resources² supports our case for the inclusion of Social Work in the scheme. The number of notifications and outcomes against Psychologists are high compared to other registered professions, and as Psychologists and Social Workers do very similar work in similar settings it follows that if Social Workers were registered then the number of notifications would be similar. The high number of notifications and outcomes in relation to serious professional misconduct of Psychologists further proves that the clients of Social Workers are at risk.
- Social Workers and Psychologists practice in settings which involve the establishment of long-term trust relationships with vulnerable people. Given the established similarity in the work and practice settings of Psychologists and Social Workers, the levels of risk and harm to our similarly vulnerable clients groups are equivalent. Social Workers in private practice, who have not sought accreditation by the AASW, pose an even greater risk, as in the absence of any organisational code of conduct/complaints mechanism; there are no guaranteed formal accountability measures.
- By way of specific example, the Australian Government already recognises the equivalence of social work and psychology through Medicare Australia's *Better Access to Mental Health Care* initiative, whereby equivalent services can be provided using 'focused psychological strategies' by appropriately trained/accredited Psychologists, Social Workers and Occupational Therapists.³ The Medicare item descriptor, which is the basis for the Medicare rebate, is identical for Registered Psychologists and Social Workers.
- Further, the National Disability Insurance Agency⁴ and the Veterans and Veterans Families Counselling Services (VVCS)⁵ reimburse AASW Accredited Social Workers at the same rate as Psychologists who provide services under these schemes.

² Australian Health Ministers' Advisory Council, *National Registration and Accreditation Scheme for health professions: Consultation Paper*, p.8 Accessed 4th September 2014, http://www.ahmac.gov.au/cms_documents/Consultation%20Paper%20-%20Review%20of%20the%20National%20Registration%20and%20Accreditation%20Scheme%20for%20health%20professions.pdf

³ Medicare Australia *Medicare Benefits Schedule: Allied Health Services 1 March 2014* Commonwealth Government Online ISBN: 978-1-74186-085-6 Publications approval number: 10586, p43

⁴ National Disability Insurance Scheme, *Pricing and payments for support*, Accessed 19 September 2014, <http://www.ndis.gov.au/providers-5>

⁵ Veterans and Veterans Family Counselling Service, *Outreach Counsellors*, VVCS OPC Fee Schedule, Accessed 6 October 2014 <http://www.vvcs.gov.au/Services/outreach.htm>

- We know that some Social Workers can and do cause significant harm to the public. While there is a plethora of international data⁶ evidencing the harm that unsafe Social Workers cause, the alarming difference is that we cannot know the full extent of the harm caused by such Social Workers in Australia, because without registration so many Social Workers are practicing without any form of regulation.
- Alarming, both the available international and national data show that when Social Workers do cause harm, it is significant harm. For example, in matters investigated by the AASW which involved serious sexual boundary violations⁷, all victims reported the psychological and emotional harm caused to them by the Social Workers as extreme, and all tested in the severe range for depression, stress and anxiety on the Depression, Anxiety and Stress Scale (DASS) conducted by Registered Psychologists, following the incidents of sexual boundary violations. Victims have reported suicidal thoughts and hospital admissions as a result of unethical social work practices. All victims have reported that the incidents continue to affect their lives on a daily basis.
- The table below demonstrates some key similarities in the professions.

Components of professional competence

Components of 'competence'	Registered Psychologist	Accredited Mental Health Social Worker (AMHSW)
Qualification requirements and qualification duration	A 4 year course in Psychology, usually BSc (Hons), with either two years supervised practice or a post graduate qualification in psychology.	Bachelor of Social Work (4 year); or a relevant Bachelor degree and a 2 year Masters of Social Work [qualifying] (five years minimum) with at least 2 years post qualifying supervised practice experience - approximately 55% have 5 or more years, and AMHSWs often possess post graduate qualifications.
Evidence based knowledge (taken from course information)	Human behaviour and its underlying psychological processes; measurement of psychological abilities, how abilities develop over the lifespan and the processes that govern the relationships between people and groups in society; an education in developmental, social, cognitive, and abnormal psychology.	A compulsory course component on mental health; human behaviour and development, personality development, life-cycle stages, family and social networks, health, disability, vulnerability and resilience; understanding the context of social work practice — structures, dynamics and their influences on society; cross cultural practice and Aboriginal and Torres Strait Islander cultures.

⁶ Australian Association of Social Workers, 2014, Evidence of harm caused by social workers, September 2014, <http://www.aasw.asn.au/document/item/6565>

⁷ Australian Association of Social Workers, 2014, Evidence of harm caused by social workers, September 2014, <http://www.aasw.asn.au/document/item/6565>

Components of 'competence'	Registered Psychologist	Accredited Mental Health Social Worker (AMHSW)
Professional skills	A science-based approach to understanding psychological issues; psychological assessment and survey skills; using interventions under a regulated supervision process.	Comprehensive bio psychosocial assessments leading to decisions about the most appropriate intervention; acquiring and practicing interpersonal and therapeutic skills and using interventions under a regulated supervision process; communication skills, both oral and written; critical analysis; qualitative and quantitative research methods.

8

- The recent and ongoing revelations of abuse by individuals or organisations trusted with the care of vulnerable children, through investigations such as the Royal Commission into Institutional Responses to Child Sexual Abuse, highlights the risks and harm that can be caused when there are no strong safeguards in place to protect vulnerable people. In these cases, abuse has taken decades to emerge and has required government inquiries rather than administrative or legal avenues to reveal the extent of the abuse.
- We strongly recommend therefore that Social Workers be included in the National Scheme along with the other five 'higher regulatory workload professions', as identified in Table 1 of the Consultation Paper for the Review of the National Registration and Accreditation Scheme for health professions.⁹

Registration of Social Workers demonstrates cost effectiveness

Current and growing numbers of Social Workers

- There are sufficient numbers of qualified Social Workers in Australia to support the costs of regulating the profession. The Australian Government Department of Employment reported that in 2013 approximately 32,000 people were employed as Social Workers.¹⁰ The AASW estimates that this figure may realistically be closer to 26,000 given the current lack of title protection and that these Government figures include people who identify as Social Workers but do not hold the minimum educational attainment of a four year AASW accredited Bachelor of Social Work or a relevant three year undergraduate degree followed by a two year AASW accredited Master of Social Work.¹¹

⁸ Australian Association of Social Workers, 2014, *Submission to The Hon Peter Dutton MP, Minister for Health Re: Rebate equity for Accredited Mental Health Social Workers to that of Registered Psychologists providing clinical interventions under Medicare Australia's 'Better Access' program.*

<http://www.aasw.asn.au/document/item/6329>

⁹ Australian Health Ministers' Advisory Council, *National Registration and Accreditation Scheme for health professions: Consultation Paper*, p.8 Accessed 4th September 2014,

http://www.ahmac.gov.au/cms_documents/Consultation%20Paper%20-%20Review%20of%20the%20National%20Registration%20and%20Accreditation%20Scheme%20for%20health%20professions.pdf

¹⁰ Australian Government 2014, 'Job Outlook', retrieved 11 September 2014,

<http://joboutlook.gov.au/occupation.aspx?search=keyword&tab=stats&cluster=&code=2725>

¹¹ Australian Government 2014, 'Job Outlook', retrieved 11 September 2014,

<http://joboutlook.gov.au/occupation.aspx?search=keyword&tab=stats&cluster=&code=2725&graph=EP>

- In addition to the high numbers of existing qualified Social Workers, the profession is continuing to grow, with approximately 10,000 students currently enrolled in accredited social work courses in Australia.
- Further, the AASW assesses approximately 350 – 400 overseas trained Social Workers per year for migration purposes, the majority of whom are familiar and comfortable with practicing social work in a formally regulated environment.
- Combined, these are significant numbers of Social Workers in Australia, which would render the registration of social work a cost-neutral activity.
- High numbers of well trained Social Workers, delivering excellent services in line with professional standards, will result in a safer workforce, increased public safety and decreased regulatory costs (such as decreased costs associated with notifications, compliance and governance).

Established AASW credentialing processes

- Further, the registration of social work will be supported by a strong professional association willing to drive change. The AASW has been representing the social work profession in Australia since 1946, and is in a strong position to support compliance by practitioners with statutory regulation.
- The groundwork for the inclusion of social work in the National Scheme is already in place.
- The social work profession is already well-defined, both nationally and internationally, with a long established body of knowledge and a long education history in this country.
- Social work deploys teachable and testable skills, assessed against well established education and practice standards.
- As professional membership of the AASW already demonstrates, with approximately 8,000 voluntary members currently, registration of the social work profession is financially viable and sustainable. Regulatory documents and processes already exist in the form of a code of ethics and accompanying complaints process; education standards and university accreditation processes; practice standards; accreditation and credentialing processes; international qualification assessment processes; and continuing professional development requirements.
- These existing structures, combined with the profession's readiness to embrace registration, and the number of qualified Social Workers in Australia, will support the costs of regulating the profession.
- The introduction of statutory registration will not provide any material benefits to the AASW. In fact, the cost of registration may discourage Social Workers from paying an additional fee to maintain or obtain professional association membership. However, the AASW favours public interest over self-interest and considers the inclusion of social work in the National Scheme as the only pathway for achieving public safety and adequate professional standards for the social work profession, one of the largest allied health professions in Australia.

7. Should the National Law be amended to recognise those professions that provide adequate public protection through other regulatory means?

- The AASW continues to assert that the inclusion of social work in the National Scheme is the preferred pathway for achieving adequate professional standards for the social work profession, thereby covering all Social Workers, and addressing the current safety risk for people who use social work services.
- While working towards inclusion, the AASW strongly supports amendments to the National Law to enable the Australian Health Practitioner Regulation Agency (AHPRA), to authorise and accredit the AASW to regulate the conduct of professional social workers in Australia.
- Social work is an integral part of the national infrastructure for health and social services. For the safety and protection of the hundreds of thousands of vulnerable Australians who access the services of Social Workers each year, it is critical for Social Workers to be statutorily regulated at some level. The AASW strongly believes that a model of AHPRA authorisation would be a very good step in the right direction toward achieving public safety.
- The AASW is a well established and highly regarded professional association, with many of the standards and processes required of AHPRA already in place.
- The AASW, with the authorisation of AHPRA, can make a significant contribution towards ensuring public safety and quality practice of the services delivered by Social Workers in Australia, through the development and introduction of benchmarked minimum industry standards, modelled on the regulation which applies to nationally registered health practitioners.
- An AHPRA authorised model of self-regulation would provide the Government and the Australian public with a cost-effective, co-regulatory mechanism towards quality social work services and public safety.
- Specifically, the AASW strongly recommends amendments to the National Law which would:
 - Put in place a model of authorised self-regulation for the Social Work profession in Australia, through Australian Government recognition and accreditation of the AASW, in line with minimum industry standards
 - Enable the establishment of a register of AHPRA Registered Social Workers (or similar)
 - Enable employers to legitimately and legally employ only AHPRA Registered Social Workers.
- Such amendments to the National Law could address some of the significant shortfalls of sectional regulation options, such as the expected introduction of the *National Code of Conduct for unregistered health practitioners*. Based on the draft Code proposed at the time of the national consultation process we understand that the National Code may only cover some social workers in a confined number of health settings, and not in all states and territories. We also understand it is possible that the definition of 'health settings' may differ across Australian jurisdictions. This would immediately limit the applicability and transferability of the National Code; make the mutual recognition of prohibition orders across all states and territories impossible in terms of Social Workers; and significantly compromise the capacity of the Code to protect the Australian public from unsafe social work practitioners.

- In order to support a model of AHPRA authorised self-regulation, the AASW would maintain, and where necessary, lift our standards in order to ensure the AASW meets the very high requirements set by AHPRA. In turn, the AASW would work to ensure all AASW members are meeting these requirements.
- Specifically, the AASW already has in place many processes which are consistent with AHPRA standards, including:
 - Code of Ethics
 - Competency Standards (as set out in documents such as our Code of Ethics, Practice Standards and Graduate Attributes)
 - Complaints Procedures, which sets out minimum standards and serious ethical misconduct
 - University Course Accreditation
 - Continuing Professional Development policy
 - English language requirements
 - Practitioner Certification, including an AASW Accredited Trade Mark and public register
 - Professional Indemnity and Public Liability Insurance
 - International Qualifications Assessment process
 - Supervisors' register.
- Further, the AASW strongly argues that in order for any such model of AHPRA authorised self-regulation to effectively increase public safety and professional standards, it should provide legal protections such as:
 - Protection of the title 'AHPRA registered Social Worker' (or similar title)
 - Protection for employers seeking only to employ AHPRA registered Social Workers
 - Requirements for minimum and mandatory standards in relation to matters such as continuing professional development (including professional supervision and training in culturally responsive practice), recency of practice and fitness to practice.
- In advocating such amendments to the National Law, the AASW is clear that through AHPRA accreditation the public will be better protected, and the number of Australians protected from unsafe Social Workers will be maximised.
- Such amendments to the National Law could have significant advantages across all stakeholder groups. For example:
 - The public would be advantaged in terms of improved safety, standards and regulation of social work practice in Australia
 - The Government would not incur the cost of further regulation and could simultaneously address the unintended consequences of NRAS exclusion
 - Employers would be assured of the legality and importance of them seeking to employ AHPRA registered Social Workers
 - Employers, overseas social work regulators and the public could be assured of the standards, safety, accountability and fitness to practice of Social Workers bearing an AHPRA endorsed AASW accreditation.

- In summary, inclusion of Social Workers in the National Registration and Accreditation Scheme remains the gold standard for public safety and professional standards, but we recognise that a model of AHPRA authorised self-regulation will go some way to achieving this.
- Finally, such a model would enable the social work profession in Australia to demonstrate that it is able to meet the high standards set by AHPRA, and will make the full registration of Social Workers under the National Scheme a more sustainable and cost-effective option in the future.

11. Should there be a single entry point for complaints and notifications in each State and Territory?

- The AASW would support one entry point for complaints and notifications in each State and Territory under the National Scheme. Having one entry point would remove the onus on clients/complainants having to work out the most appropriate body to receive their complaint.
- However, we would recommend that such a process be made as seamless as possible for clients/complainants, with the single entry point body facilitating the complaint process as much as possible, so as to avoid complainants being referred between complaint bodies.
- We are also concerned that such processes might result in delayed timeframes for parties if complaints are being discussed and referred between complaint bodies. This could mean potential natural justice and procedural fairness implications for all parties.

12. Should performance measures and prescribed timeframes for dealing with complaints and notifications be adopted nationally?

- The AASW is of the view that national performance measures and prescribed timeframes should be adopted for national consistency, natural justice and procedural fairness.

18. In the context of the expected introduction of a National Code of Conduct for unregistered health practitioners, are other mechanisms or provisions in the National Law required to effectively protect the public from demonstrated harm?

- The AASW is very concerned with the dissonance in the interface between the National Scheme and the jurisdictional *National Code of Conduct for unregistered health practitioners*, and, more specifically, the further conflict and confusion this will create.
- While the National Code will provide some additional avenues for the protection of the public, it is completely lacking in relation to crucial factors including those which might act as preventative measures to misconduct occurring, for example, the setting of education, accreditation, fitness to practice, recency of practice and continuing professional development standards.
- The AASW views the National Code as a very poor substitute for Governments taking action on entry level accreditation standards, fitness to practice requirements, practice standards, a clear scope of practice, continuing professional development requirements, protection of title, and a public register and dedicated complaints and disciplinary process. A National Code will only be enforceable in the breach.

- A negative licensing scheme on its own without all of the measures above will not protect the public until after a high level of harm has occurred at least once, and will then rely upon the client to take action before the practitioner can be sanctioned.
- For the vulnerable Australians who represent the majority of social work consumers this is a significant regulatory failure on the part of Governments to date.
- The AASW is hopeful that this Review will recognise this regulatory failure and ensure provision is made for social work to be considered for entry into the National Registration and Accreditation Scheme, or as a step towards this, amend the National Law to enable a model of AHPRA authorised self-regulation of Social Workers in Australia, as detailed above.

24. How effective are the current processes with respect to assessment and supervision of overseas trained practitioners?

- Another alarming inconsistency in the National Scheme is that the Australian Government already recognises that overseas-trained Social Workers should be subject to a rigorous and responsive assessment process prior to practising in Australia. As such, the Australian Government has appointed the AASW as the assessing authority for international social work qualification assessments for migration and employment purposes.
- Further, while eligibility for AASW membership is a benchmark sought by many Australian employers of Social Workers, a further limitation of the current environment is that without a national regulatory framework or any form of title protection, overseas Social Workers are able to choose to work for employers who do not require AASW membership eligibility.
- So while rigorous standards are applied to some overseas trained Social Workers prior to practicing in Australia, no ongoing monitoring of their practice or requirements regarding continuing professional development can be applied once they are practicing in Australia, unless they choose to join the AASW and become a self-regulated professional.
- On the other hand, social work is a registered profession in every comparable international jurisdiction, and Australian trained Social Workers who wish to travel and work overseas are subject to rigorous assessment and ongoing supervision and regulatory requirements while they practice overseas.
- Also of great concern is that Australian trained Social Workers may engage in serious misconduct in an international jurisdiction and be de-registered in that jurisdiction but then return to practice - undetected, unregulated and unsupervised - in Australia.
- This is another case in point for the inclusion of Social Workers in the National Scheme, or for amendments to be made to the National Law to enable a model of AHPRA authorised self-regulation. Only these changes will enhance the effectiveness of the current processes with respect to assessment and supervision of overseas trained Social Workers, in addition to returning Australian trained Social Workers.

Conclusion

In conclusion, the AASW continues to assert that the inclusion of Social Workers in the National Registration and Accreditation Scheme (NRAS) for health professions is the preferred way to ensure safety and protection of the public and high professional standards.

While we will continue to advocate strongly for the best possible protection for vulnerable Australians, we simultaneously see the value in terms of public protection of an Australian Government endorsed model of self-authorisation for the AASW.

Therefore, while working towards the inclusion of Social Workers in the National Scheme, we strongly support AHPRA recognition and accreditation of the AASW to provide statutory regulation of the conduct of professional Social Workers in Australia.

Submitted for and on behalf of the Australian Association of Social workers Ltd



Glenys Wilkinson
Chief Executive Officer



AASW

.....
**Australian Association
of Social Workers**

T 02 6232 3900
F 02 6230 4399
E ceo@asw.asn.au

National Office

Level 4, 33-35 Ainslie Place, Canberra City ACT 2601

Postal Address

PO Box 4956, Kingston ACT 2604

Incorporated in the ACT

ACN 008 576 010 / ABN 93 008 576 010