



August 7th 2008

Submission on the proposal to move treatment provider and registered health professional definitions into regulations; to amend existing definitions and add new definitions; and to amend the Accident Insurance (“Counsellor”) Regulations 1999

ANZASW contact details:

Dominic Chilvers, Executive Officer, ANZASW
PO Box 14230, Christchurch 8544
Phone: (03) 358 6920 Fax: (03) 358 9503

1. Background to ANZASW

- 1.1 The Aotearoa New Zealand Association of Social Workers (the Association) is the professional body for Social Workers in Aotearoa New Zealand and was first incorporated in 1964.
- 1.2 Full members of the Association are required to complete a competence assessment every five years to demonstrate their competence in their chosen field of practice. The competence assessment process is also recognised for the purposes of registration under the Social Workers Registration Act 2003 (SWR Act). The Association also provides a complaints resolution process which provides some protection for the public in relation to social workers who are not registered.
- 1.3 The Association operates under a bicultural model in accordance with Te Tiriti o Waitangi. Some components of this include: the Tangata Whenua Takawaenga o Aotearoa (Māori caucus), a parallel Niho Taniwha (kaupapa Māori model) competency assessment tool and process, and principles of partnership, participation and protection of rights woven into and throughout the organisational structure. Through this, ANZASW is unique amongst professional bodies in its ability to provide specialist support to Māori members.
- 1.4 The Association represents over 3500 social workers who practise in a range of specialist areas with approximately 33% of members working in health settings. Approximately 18% of members identify themselves as specialising in counselling with some holding specialist contracts with ACC. This submission has been prepared in consultation with members who are currently approved to provide ACC counselling.



2. Introduction

- 2.1 The Association welcomes the opportunity to provide this submission on the proposal to amend some of the definitions used by ACC in relation to registered health professionals, treatment providers and counsellors. The Association recognises that the aim of these changes is to bring ACC's legislation in line with the Health Practitioners Competence Assurance Act 2003 (HPCA Act) whilst still retaining the ability to easily amend definitions for the health professionals that ACC will contract with in future.
- 2.2 The social work profession is regulated under the SWR Act, which has a similar focus to the HPCA Act on the protection of the public. The Association is concerned that an exclusive focus on the HPCA Act in ACC regulations will result in an unforeseen negative impact on the social work profession and create inequity for social workers when compared to other regulated professions working in the health sector. This may impair the ability of health social workers with specialised skills and knowledge to continue to practice their core business.
- 2.3 Accordingly this submission will explain the relationship between the SWR Act and HPCA Act and the background to the development of these two pieces of legislation and will then specifically address the questions raised in the consultation document.

3. Social Workers Registration Act 2003

- 3.1 At the same time as work was being completed on the preparation of the HPCA Act, similar work was being undertaken for the proposed SWR Act. Both pieces of legislation have a primary objective to provide a system of regulation in order to protect the public, including systems to ensure that practitioners are competent, qualified and fit and proper professionals.
- 3.2 The Association at the time raised the question as to whether social workers working in health should be regulated under the HPCA Act. The Minister of Health and Minister of Social Development and Employment at the time, considered this issue and agreed that social workers should be regulated under one piece of legislation but that there should be no disadvantage to social workers in health from not being regulated under the HPCA Act. The expectation at the time was that there should be a link between the two pieces of legislation.
- 3.3 Indeed a link was created between the two pieces of legislation in 2003 under the Health and Disability Commissioner Act 1994, through amendment number 49. However, a specific clause linking



the two pieces of legislation was not included in the HPCA Act to incorporate registered social workers in the definition of Health Practitioner. This oversight has been raised with the Ministry of Health as part of the review of the HPC Act and the Association understands that the Ministry is considering the most appropriate way to remedy this problem.

3.4 Despite the fact that social workers are regulated under their own legislation, the profession has the same standing of being a registered profession as any regulated under the HPCA Act. Of the 3534 current members of the Association, 1174 have indicated that they work in health or mental health settings. Many work as part of multi disciplinary teams and are an integral part of the provision of health services. This includes the provision of psychosocial assessments and treatment plans in a range of settings. Therefore it would appear appropriate for Registered Social Workers to be given the same status as other registered professionals working in health.

3.5 The Association recommends that ACC expand the definitions linked to HPCA to include social workers registered under the SWR Act.

4. **Proposal to align ACC registered health professionals with the framework set out in the HPCA Act**

4.1 The Association supports the proposal to align definitions for ACC registered health professionals with wider health legislation. Linking these definitions to registered professionals within the health sector is appropriate in that there is a link to systems ensuring competence, qualification, ethical standards and complaints procedures. The Association accepts that those professions covered by the HPCA Act would constitute the majority of registered professionals working in the health sector.

4.2 However, the Association believes that social workers registered under the SWR Act should also be considered registered health professionals for the purposes of ACC. It is evident that the SWR Act and the HPCA Act were established with a common purpose and provide the same level of protection for the public. Social Workers also constitute the largest single professional group within the allied health workforce. Figures published in the Future Workforce Development Group document "The Allied Health Workforce Employed in DHBs", listed health social workers as making up 18.1% of the allied health workforce. Many social workers in health work in multi disciplinary teams and in mental health settings would undertake many of the same tasks as nurses, psychologists or psychotherapists. For these reasons the



Association believes that the general public should have access to the same level of treatment injury provisions whether the harm is caused by a professional registered under HPCA or a registered social worker.

- 4.3 The Association recommends that social workers registered under the SWR Act be included in the definition of registered health professional used by ACC.

5. **Proposal to move the definition of treatment providers to regulations**

- 5.1 The Association supports the proposal to move the definition of treatment providers to regulations and recognises how this will make it easier to amend the definition as appropriate in the future.

- 5.2 However, for the reasons stated above, the Association believes that social workers are a significant professional group within the allied health workforce that should be included within this definition. Many social workers practice as part of multi disciplinary health teams and should therefore not be excluded from this definition. Contemporary health social work practice encompasses work with individuals, whanau, families, and groups in hospital and community settings. People that have suffered trauma, injuries and debilitating medical conditions are referred to health social workers in hospital settings for social work interventions covered by ACC bulk funding to District Health Boards. The social work interventions aim to enable clients to improve their social functioning and to maintain this at the highest possible level (Poole 1995). In emphasising social factors, social work practitioners make a unique contribution in a medical environment. These factors influence both physical and psychological health (Berkman 1996). Social workers have specialist knowledge and skills in crisis intervention, multi-disciplinary teamwork, and client advocacy. Health social workers understand processes relating to illness, injury and disability. This includes knowing about the causes and likely outcomes of medical conditions and their impact on individual or family relationships (Berkman 1996).

- 5.3 Closely connected to any traumatic injury and disability is the experience of loss and its associated grief. Working with loss (grief counselling) is an integral part of the social work intervention with patients in hospital settings, covered by ACC bulk funding. When these patients are discharged from hospitals to community health providers, health social workers can follow up the patients to continue the social work intervention for up to six weeks (covered by DHB bulk ACC funding). Registered Health Social Workers



should therefore be recognised as treatment providers, specifically providing counselling in health settings (Connolly, 2001).

5.4 The Association accepts that there is provision to apply to the Minister for ACC to have treatment provider status but given the status of social workers within the allied health workforce, the Association believes the definition should simply include Registered Social Workers as a specified group.

5.5 The Association recommends that the definition of treatment provider be extended to include Registered Social Worker when the definitions are moved into regulations.

6. **Proposal to align counsellor regulations with the framework set out in the HPCA Act**

6.1 The Association **does not** support the proposal to align counsellor regulations with the framework set out in the HPCA Act.

6.2 The Association understands that the current system to approve counsellors for ACC work involves the applicant providing evidence of the following:

- Their annual practicing certificate if they are a Psychologist or Psychiatrist registered under the HCPA Act.
- An NZQA recognised counselling qualification at level 6 or equivalent if not registered under the HPCA Act. Qualifications must include study in two or more models of counselling, counselling skills, human dynamics, abnormal psychology, dealing with injury and trauma.
- Post qualification counselling experience of at least one year.
- Receipt of regular fortnightly clinical supervision.
- A supervisors report including an assessment of the applicant plus details of the supervisor's own knowledge and training in sexual abuse or physical injury work and ongoing training in the area.
- Knowledge and understanding of the social context of sexual abuse or physical injury and the effects of sexual abuse or physical injury on victims.
- Recent professional development in sexual abuse or physical injury via workshops, seminars or conferences.
- Recent experience with people recovering from the effects of sexual abuse, trauma or physical injury.



- Two comprehensive case studies that demonstrate their competence.
 - An understanding of bicultural practice and cultural links
 - Applicants may designate an area of specialty in which case they also need to demonstrate their training and experience and the percentage of their work in this area.
- 6.3 The Association believes that this is a comprehensive process that examines both the applicant's qualification and also their competence to practice as a counsellor based on their ongoing professional development, clinical experience and clinical supervision. The Association believes that consideration of both an individual's qualification and competence is essential to ensure that clients receive a quality service. However, it appears that the current requirements will be reduced so that applicants need only supply evidence of:
- Their annual practicing certificate if they are a Psychologists or Psychiatrists registered under the HCPA Act.
 - An NZQA recognised counselling qualification at level 6 or equivalent if not registered under the HPCA Act.
 - Post qualification counselling experience of at least two years.
 - Receipt of peer supervision.
- 6.4 This list of requirements is therefore a reduction from those required under the present system. The current requirements that will be removed focus on the competence of the practitioner and the Association believes it is a mistake for these to be removed.
- 6.5 The Association supports the proposal that counsellors should be required to have a minimum of a level 6 qualification. However, social workers who have completed a level 7 Bachelor of Social Work or equivalent will have an equivalent level of counselling knowledge and experience as a counsellor with a level 6 counselling qualification. Many social workers decide to specialise in the field of counselling but initially complete a more generic social work qualification so that they develop an holistic approach to their practise and so that they have additional options for career diversification in the future. Social workers who decide to specialise in counselling will also have completed additional post qualification professional development or training so that they can practise as a counsellor. Therefore, social workers who specialise in counselling generally have a level 7 qualification and additional training and experience in the field of counselling.



- 6.6 It is the opinion of the Association that counsellors with level 6 qualifications may not necessarily be competent to provide counselling in the field of sexual abuse or physical injury even though they may have two years experience in counselling. Both the HPCA Act and the SWR Act require that registered professionals provide evidence of their qualification, experience and crucially their competence. The Association strongly suggests that ACC should adopt a similar approach rather than simply considering qualification and work experience. This would necessitate the retention of an approval process that requires applicants to provide evidence of their post qualification training, professional development, specific knowledge and skill in the field of sexual abuse or physical injury counselling and relevant clinical experience.
- 6.7 Therefore, the Association recommends that any counsellor that is not a Psychologist or Psychiatrist registered under the HPCA Act should either have a qualification in counselling that meets level 6 or above of the New Zealand Qualifications Framework or have a qualification in Social Work that both meets level 7 or above of the New Zealand Qualification Framework and is also recognised by the Social Workers Registration Board.
- 6.8 In addition, the Association recommends that ACC retains an approval process that requires applicants to provide evidence of their competence to practise in the field of sexual abuse or physical injury counselling including the elements listed above. Alternatively ACC may wish to develop a competence assessment process similar to that used as part of the registration process for social workers but specifically focussed on the competencies required for sexual abuse or physical injury counselling. The Association would welcome the opportunity to discuss with officials from ACC the development of such an assessment process.
- 6.9 The Association supports the proposal that counsellors must have at least two years post qualification work experience supervised by a peer with at least three years work experience. However, the Association recommends that this work experience should be directly related to the field in which they wish to practise, be that sexual abuse or physical injury counselling.
- 6.10 The Association also recommends that when ACC considers a professional body related to counsellors not covered under the HPCA Act, then the term “compulsory clinical supervision” should be used rather than “compulsory peer supervision”. The term “Clinical Supervision” correctly defines the requirement that the supervision be directly related to clinical practise whilst at the same



time does not exclude the possibility of this being a 'peer' arrangement.

- 6.11 The Association supports the proposal to remove specific named employer bodies from the counsellor regulations. It is appropriate for all counsellors to be required to meet the same requirements regardless of which employer they work for.
- 6.12 The Association also requests that ACC note the correct title for our Association and amend its references to ensure that Aotearoa is used at the beginning. Aotearoa New Zealand Association of Social Workers Incorporated has been the registered name of the Association since March 2000.

7. Conclusion

- 7.1 The Association appreciates the opportunity to comment on the changes to definitions being proposed by ACC and has prepared this submission in consultation with those members most affected by these changes.
- 7.2 Social workers are the largest single professional group within the DHB allied health workforce and play a significant role in multi disciplinary teams throughout the health sector.
- 7.3 Social workers are covered by their own registration scheme under the Social Workers Registration Act 2003 which has similar objectives as the HPCA Act and provides the same protection for the public. As such Registered Social Workers have the same status as other registered professionals working in health and should be included in the definitions used by ACC.
- 7.4 Although the Association supports the adoption of minimum standards of qualification, experience and supervision for counsellors contracted by ACC, it does not support the removal of a process for confirming a practitioner's competence in the specialised fields of sexual abuse or physical injury counselling. Social workers with a level 7 social work qualification will have similar knowledge skills and experience in counselling to a counsellor with a level 6 qualification. Therefore level 7 social work qualifications should be included in the regulations and a system of competence assessment retained to ensure the quality of counselling for ACC claimants is maintained.
- 7.5 The Association would welcome the opportunity to discuss these issues and recommendations in more detail with ACC officials.
- 7.6 The ANZASW has no objections to the release of information contained in this submission.



8. **Recommendations**

8.1 The Association recommends that:

8.1.1 ACC expand the definitions linked to HPCA to include Registered Social Workers.

8.1.2 Registered Social Workers be included in the definition of registered health professional used by ACC.

8.1.3 The definition of treatment provider is extended to include Registered Social Worker when the definitions are moved into regulations.

8.1.4 Any counsellor that is not a Psychologist or Psychiatrist registered under the HPCA Act should **either** have a qualification in counselling that meets level 6 or above of the New Zealand Qualifications Framework **or** have a qualification in Social Work that meets level 7 or above of the New Zealand Qualification Framework and that is also recognised by the Social Workers Registration Board.

8.1.5 ACC retains an approval process or competence assessment that requires applicants to provide evidence of their competence to practise in the field of sexual abuse or physical injury counselling.

8.1.6 Counsellors be required to have at least two years work experience that is directly related to the field in which they wish to practise, be that sexual abuse or physical injury counselling.

8.1.7 The term “compulsory peer supervision” be replaced with “compulsory clinical supervision”.

8.2 ACC use the title “Aotearoa New Zealand Association of Social Workers Incorporated” when referring to the Association.



References

Berkman, B. 1996, "The Emerging Health Care World: Implications for Social Work Practice and Education.", *Social Work*, vol.41, no.5, pp.541-51

DHBNZ - Future Workforce Development Group, *The Allied Health Workforce Employed in DHBs*, Wellington: June 2007

Poole, D. 1995, "Health Care: Direct Practice", *Encyclopaedia of Social Work*, 19th edn, National Association of Social Workers, Washington DC, pp1156-67

Connolly, M. 2001, "New Zealand Social Work – Contexts and Practice", Oxford University Press (Chapter 12, *Health Social Work: Verna Schofield*, pp146-156)