

Social Workers Complaints and Disciplinary Tribunal

Position Description December 2015

POSITION	Member
REPORTS TO	Registrar of the Social Workers Registration Board
FUNCTIONAL RELATIONSHIPS	Hearing Officer SWRB staff Parties/Representatives Other Tribunal members
JOB PURPOSE	To contribute to the Tribunal's statutory role in relation to adjudicating complaint and disciplinary matters.
LIMITATIONS ON AUTHORITY	The position is subject to the non-disclosure agreement relating to confidential information. You are to act within the statutory limitations relating to the operation of Tribunals.

The Tribunal

The Social Workers Complaints and Disciplinary Tribunal (the Tribunal) is a legislative entity established under section 114 of the Social Workers Registration Act 2003 (the Act). The Tribunal is made up of at least 8 members as prescribed by section 116 of the Act, including:

- a chairperson and a deputy chairperson (who must each be a barrister or solicitor of the High Court of not less than seven years' practice, whether or not the person holds or has held judicial office)
- five social workers (whose registration of practising certificate is not suspended); and
- at least one layperson.

Appointment

Appointments are made by the Minister of Social Development for a term of up to 5 years.

Function

The Tribunal's functions are set out in section 115 of the Act, and these functions are:

- To administer the complaints process concerning registered social workers established by the Act;
- To exercise the disciplinary powers over registered social workers conferred by the Act; and
- Any other functions conferred or imposed on it by or under the Act or any other enactment.

Collective Duties of the Tribunal

- The Tribunal, as a judicial entity, must ensure that the Tribunal acts in a manner which is consistent with its objectives and functions.
- The Tribunal must carry out its functions efficiently and effectively within the constraints of the Act and the principles of natural justice.

Individual Duties of Tribunal Members

- All members must not contravene, or cause the contravention of, or agree to the Tribunal contravening the Act or any other statutory obligations the Tribunal may have.
- All members must act with honesty and integrity.
- All members must act on good faith and must not pursue his or her own interests at the expense of the Tribunal's interests and obligations.
- All members must, when acting as a panel member, exercise the care, diligence and skill that a reasonable person would exercise in the same circumstances, taking into account the nature of the Tribunal, the matters before it, the position of the member, and the nature of the responsibilities undertaken by him or her.
- All members who have obtained information in his or her capacity as a member that would not otherwise be available to him or her must not

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disclose that information to any person, or make use of or act on, that information, except:

- In the performance of the member's obligations to the Tribunal;
- As required by law;
- In complying with the requirements of members to disclose conflicts of interest;
- The member is authorised to do so by the board;
- The disclosure, use, or act in question will not, or is unlikely to, prejudice the Tribunal or any persons or matters before it.

Specific Functions of Registered Social Worker Members

The roles of Registered Social Worker Member are required to provide the following specific functions:

- Bring the view of a reasonable social worker to Tribunal discussions; and
- Assist in drafting decisions on behalf of the Tribunal as is permitted by statutory limitation.
- A Social Work degree is desirable.

Knowledge, Skills and Experience

- understanding of, and a commitment to, the status of Māori as tangata whenua
- established networks with iwi, hapū and Māori organisations
- ability to engage effectively with Pacific peoples and other ethnic and cultural groups in New Zealand
- knowledge and experience of matters likely to come before the Tribunal and an understanding of the role of the Tribunal and its accountability to the public
- A commitment to fair process and unbiased decision-making, and to ongoing professional development in these areas; and
- leadership and/or decision-making experience, especially in terms of

ability to evaluate personalities & character.

Personal Skills/Characteristics

- Actively demonstrates, promotes and models desired organisational behaviours and values;
- Inclusive approach to group discussions and decision making;
- Possesses strong written and verbal communication skills;
- Good delegation skills;
- Excellent organisational skills;
- Sufficient time to commit to the additional responsibility of the role and ability to be flexible with time;
- Confident in communicating with a range of people from across society;
- Excellent at maintaining and managing professional relationships with a range of people.

Workload

Consistent with section 119 of the Act, each hearing of the Tribunal requires the attendance of:

- the chairperson of the Tribunal or a deputy chairperson chosen by the chairperson
- 3 of the registered social worker members; and
- 1 of the lay person members.

Members are required to make themselves available to hear and consider at least half of the hearings he or she is asked to preside over. It is accepted that members will not always be able to attend hearings, but a minimum commitment to the Tribunal is expected.

Members will be required to review all material provided to them before each hearing, attend the hearing, and then assist in drafting and/or review of the relevant decisions.