

27 November 2024

L

By email: fyi-request-29014-2a2ceb13@requests.fyi.org.nz

Tēnā koe L,

Information request – FYI241101

Thank you for your email dated 1 November 2024. In your email, you asked:

From 2023 until 1 November 2024, how many complaints has the SWRB received about the practice of Oranga Tamariki employees? If any:

- *how many were followed up / investigated?*
- *what were the actions taken as a result of each follow up / investigation?*

If any and if possible, please separate into the Oranga Tamariki identified regions of where the social worker works (e.g., central, Eastern, Wellington and Upper South, Lower South - all regions can be found at the bottom of [an Oranga Tamariki webpage].

Please find our response your questions below.

Notes on how the SWRB professional disciplinary process works

The Social Workers Registration Act 2003 (the Act) sets out how the SWRB should respond to complaints. You can read the Act online:

<https://www.legislation.govt.nz/act/public/2003/0017/latest/whole.html>.

Anyone can complain to the Board about a registered social worker. This is set out in Section 59(1) of the Act. When the Board receives a complaint about a social worker, it must either:

- Refer the complaint to the Health and Disciplinary Commissioner to consider investigating.
- Refer the complaint to a professional conduct committee (PCC) to investigate and determine.
- Decide that it is satisfied that the complaint “does not need to be pursued”.

There is a Complaints and Notifications Subcommittee, which makes the above decisions about complaints on behalf of the Board. The sub-committee is composed of four members of the Board.

In some situations, the Board receives complaints that would be more appropriately dealt with by another agency (e.g., the Police, the Privacy Commissioner, or the Ombudsman). In these cases, the SWRB secretariat may suggest to the person making the complaint

(the complainant) that they redirect their complaint to that agency.

Where the Board refers a complaint to a PCC, the PCC must then investigate that complaint, offer to hear from both the complainant and the social worker, and then determine what to do about the complaint. These responsibilities of the PCC are set out in Section 71 of the Act. Section 71(1) lists a range of disciplinary actions available to the PCC; the most serious disciplinary action is to bring proceedings against the social worker in the Social Workers Complaints and Disciplinary Tribunal.

Where proceedings are brought in the Tribunal, the Tribunal can make a range of orders regarding the social worker. These orders include cancelling the social worker's, suspending the social worker's registration, imposing conditions on the social worker, and ordering the social worker to pay the SWRB the costs it incurred in running the disciplinary process. These orders are described in Section 83 of the Act.

Distinction between complaints and notifications

As well as complaints from the public under Section 59, the Board also receives notifications from social workers' employers:

- Under Section 38B about concerns about social workers' competence.
- Under Section 47A about concerns about social workers engaging in serious misconduct.
- Under Section 51(1C) about concerns about social workers' health.

For the purposes of this letter, we have not included statistics or information about notifications from Oranga Tamariki about its social workers.

Number of complaints received about Oranga Tamariki social workers

Between 1 January 2023 and 1 November 2024, the Board received 234 complaints about social workers. Of these 234, 72 were complaints about social workers employed by Oranga Tamariki. The SWRB has not kept statistics about the regions where these social workers worked.

Number of complaints about Oranga Tamariki social workers referred to PCCs, and the actions that the PCCs took as a result of their investigations

Of the 72 complaints received about Oranga Tamariki social workers, the SWRB has:

- Decided that 51 complaints did not need to be pursued.
- Not yet decided what to do about 21 of the complaints.

The SWRB has not referred any complaints to a PCC to investigate and determine. However:

- In 2021, the SWRB referred four complaints about social workers employed by Oranga Tamariki to PCCs. Of these four complaints:
 - One complaint was determined by its PCC in 2022; the PCC determined to bring proceedings in the Tribunal. The Tribunal determined this matter in 2023 (01/SWCDT T22/20P).

- One complaint was determined by its PCC in 2023. This PCC did not determine to bring proceedings in the Tribunal.
- Two complaints were determined by their respective PCCs in 2024. These PCCs did not determine to bring proceedings in the Tribunal.
- In 2022, the SWRB referred one complaint about a social worker employed by Oranga Tamariki to a PCC. This complaint was determined by the PCC in 2023; the PCC determined to bring proceedings in the Tribunal. The Tribunal determined this matter in 2024 (01/SWCDT24/23P).

Where a PCC determines not to bring proceedings in the Tribunal, the outcome of the PCC investigation is considered the personal information of the complainant and social worker concerned. Therefore, the SWRB does not disclose the outcomes of these PCC investigations to the public and will withhold that information under Section 9(2)(a) of the Official Information Act 1982.

Further information

If you have any questions, or wish to discuss the matter further, please contact the SWRB's legal team by email at legal@swrb.govt.nz, or by post at Social Workers Registration Board, PO Box 3452, Wellington 6140 (attention Legal Team).

You have the right to seek a review of our response by the Ombudsman. Information about the Ombudsman can be found at <https://www.ombudsman.parliament.nz>.

Ngā mihi nui



Lucas Davies

Senior Legal Advisor

Social Workers Registration Board