



**Child and Family Focus SA:
Position Regarding the Proposed Social Workers Registration in South
Australia**

Acknowledgement of Country

We acknowledge the traditional lands of the Kurna people and acknowledge the Kurna people as the custodians of the Adelaide region and the Greater Adelaide Plains. We pay our respects to Kurna Elders past, present and emerging.

We acknowledge the traditional custodians of land beyond Adelaide and the Adelaide Plains, and pay our respects to all Aboriginal Elders past, present and emerging.

We acknowledge and pay our respects to the cultural authority of our Aboriginal and Torres Strait Islander colleagues and are grateful for the cultural expertise that they represent.

The role of Child and Family Focus – SA

CAFFSA is the South Australian peak body and industry association for child safety and child protection, representing the needs of South Australian children, young people, families, and the non-government, not-for-profit organizations who support them.

1. Background

This document builds on the position in CAFFSA’s previous submissions, presenting an updated view following further consultation with the sector by both CAFFSA and the Social Workers Registration Scheme (SWRS). This document is informed by our partnership approach with Wakwakurna Kanyini, the Aboriginal peak body that brings the community voice into the child protection and family support services sector.

2. Summary Overview

Position: CAFFSA does not support the Scope of Practice in its current form.

Concerns:

1. The fundamental intentions of the Social Workers Registration Act 2021 and the Social Work Registration Scheme are unclear and need to be clarified before planning or implementation progresses further.
2. Implementation of the currently proposed Scope of Practice and exemptions is likely to erode the Child Protection and Family Support workforce and compromise the capacity to respond effectively to the safety and wellbeing of children, young people, and families.
3. The lengthy list of exemptions puts the focus of regulation on ‘who is not a social worker’ rather than regulating those who are, creating complexity and ambiguity across workforce recruitment.

Recommendations:

1. CAFFSA supports the registration of qualified social workers and recommends an industry assistance package be provided to ensure the stability and sustainability of the workforce is upheld as a priority.

2. CAFFSA recommends that the legislation be reviewed to ensure that Part 3 and Part 4 of the Act are aligned with the objects of the Act and will not cause unintended harm to the sector and the clients served.
3. CAFFSA recommends that a full workforce analysis be undertaken as a matter of urgency to determine the needs of the sectors, the anticipated impact of social work registration, and to promote workforce sustainability through data-driven decisions.
4. CAFFSA recommends that work be undertaken to determine if greater regulation and oversight is needed across the Child Protection and Family Support sectors and to what roles this oversight should apply to maximise public interest.

3. The Purpose of Social Worker Registration

The purpose of social work registration is not clear and there appears to be fundamental discrepancies in the objects of the Social Workers Registration Act 2021, the documents and media releases by the Social Work Registration Scheme (SWRS), and the needs of the sector.

The legislation identifies the objects of the Act as:

- (a) to establish and maintain a registration system for social workers; and
- (b) to safeguard the public interest by ensuring that only suitably trained and qualified persons are able to practise as social workers; and
- (c) to encourage the maintenance of high professional standards of both competence and conduct by registered social workers; and
- (d) to ensure that registered social workers are held accountable professionally for the conduct of their practice.

These objects all apply to persons already considered to be social workers, however, the proposed implementation of the Act, as outlined in the SWRS communication, expands the scope of the scheme such that it has significant impact on those without a social work qualification.

In reviewing all documents and communications, three intentions appear to be embedded within this initiative:

- 1) Provide registration for qualified social workers to regulate the profession
- 2) Increase the number and proportion of qualified social workers employed in human service roles
- 3) Increase the regulation of professionals engaging with vulnerable peoples.

While only the first of these intentions is stated explicitly, CAFFSA analysis has shown that the impact of the current proposed Scope of Practice and implementation of the SWRS will have wider reach. Each of these intentions and the impacts will be addressed separately.

3.1 Provide Registration for Qualified Social Workers to Regulate the Profession

The clearest intention of the Scheme and objects of the Act is to regulate all professionals who are qualified social workers. CAFFSA members unanimously support this intention, noting that it will elevate the professionalism of social workers, provide an independent pathway for clients to address inappropriate and unethical behaviour, and enhance community understanding of the role of social workers.

CAFFSA also acknowledges that this change will have impacts on the workforce that are less positive and likely to place additional strain on both employees and employers. The following should be considered in implementation:

- The cost associated with registration fees and the need to prevent discrimination against qualified social workers who may have difficulty meeting this fee.
- The time associated with obtaining registration and the impact of this on the need for staff to be onboarded and engage in service provision in a timely manner.

CAFFSA supports the registration of qualified social workers and recommends an industry assistance package be provided to ensure the stability and sustainability of the workforce is upheld as a priority.

3.2 Increase the Number and Proportion of Social Workers Employed in Human Services

The second identified intention is less clear in legislation. Section 11 of the Act states that the functions of the Board are:

- (a) to administer the provisions of this Act for the regulation of the practice of social work;
- (b) to provide a definition of social work services in accordance with section 19;
- (c) to establish and maintain the register contemplated by this Act;
- (d) to prepare or endorse codes of conduct, professional standards and ethical guidelines for registered social workers;
- (e) to determine the qualifications and other requirements appropriate for registration under this Act;
- (f) to receive and determine applications for registration of social workers under this Act;
- (g) to establish processes for handling complaints relating to the practice of social work;
- (h) to hear and make determinations in disciplinary proceedings against a person;
- (i) to carry out other functions assigned to the Board under this Act or by the Minister.

Nowhere in these provisions does the legislation require that individuals who are not qualified as social workers, or those performing tasks that could be undertaken by a social worker, must become qualified or register under the Act. Subsection (e) specifically refers to the Board's role in determining the qualifications and other requirements for those *seeking registration*. It does not impose a blanket requirement for unregistered individuals to become social workers, *nor does it mandate registration for all individuals performing functions that may align with social work.*

While the above is clear, Part 3 of the Act is ambiguous as to the function and scope of Social Work Registration. Part 3 states that the board must develop a “scope of practice and the services described in it” with Section 21(1) stating, “The Board must, by notice in the Gazette, specify the qualifications for each scope of practice that the Board describes under section 20.” The result is that the Social Work Registration Board is therefore required to determine what qualifications (social work or otherwise) are suitable to operate within each scope of practice.

Part 4 further embeds these challenges by stating in Section 24(1) that “A person must not, on or after the prescribed day, undertake social work services unless— (a) the person is registered as a social worker under this Act; and (b) the services undertaken by the person are within the terms of their individual scope of practice (authorised under section 29).” This requires that it is not only the appropriate qualification but registration itself that must be obtained to undertake social work services as defined by the SWRB, with penalties attached.

The result of Part 3 and Part 4 is that the SWRB is now responsible for excluding a range of professionals and other qualifications from performing services that are deemed by the SWRB as within the scope of social work practice. The anticipated outcome is that the child protection and family support workforce will be notably skewed in the future to those with a social work qualification.

It is also noted that the initial Bill put forward for social work registration was amended to include the scope of practice:

The Committee strongly supports amendments to the Bill which will enable the Social Workers Registration Board to develop scopes of practice for social work. This will ensure that suitably qualified social workers, irrespective of job title, and working within the defined scopes of practice must be registered. Defining scopes of practice will also prevent social workers or employers of social workers circumventing the registration system by using alternative titles for employment.¹

However, given that South Australia will be the first state to register social workers, this additional requirement of scope of practice is considered not only premature but responding to a problem that has yet to be identified or clearly articulated. These considerations are discussed in more detail in Section 3.3 of this document.

CAFFSA recognises the limitations that legislation have placed on the SWRB and their ability to implement the intention of legislation in a manner that is consistent with the needs of the sector. Further, CAFFSA is aware that Crown advice was sought, with the resulting focus on exemptions as the primary way of upholding legislation while meeting the concerns of the community. However, this is not deemed sufficient.

CAFFSA recommends that the legislation be reviewed to ensure that Part 3 and Part 4 of the Act are aligned with the objects of the Act and will not cause unintended harm to the sector and the clients served.

¹ Parliament of South Australia. (2020). *Report of the Joint Committee on the Social Workers Registration Bill 2018.*

3.2.1 Likely Adverse Outcomes to Occur to the Sector without Legislative Review

The sector has raised numerous concerns about adverse outcomes and harms that are likely to occur should the SWRS be implemented with the current Scope of Practice and exemption list.

The first concern is that the Aboriginal and Torres Strait Islander workforce will be reduced, sidelined, or negatively impacted. CAFFSA's position on this issue is informed by our partnership approach with Wakwakurna Kanyini, the Aboriginal peak body that brings the community voice into the child protection and family support services sector.

Members have identified that there are concerns with simultaneously requiring Aboriginal practitioners to obtain social work registration and with cultural advisory roles being exempt from registration. Regarding the requirement that Aboriginal practitioners pursue registration, members have expressed that many Aboriginal practitioners do not wish to qualify as social workers due to the harms perpetrated on Aboriginal peoples by social work in the past and that continue today through their participation in socially unjust and racist systems. The requirement that Aboriginal practitioners develop their professional identity via social work, which is taught and has been shaped upon Western ideals, is not only culturally insensitive but could create trauma. Further, Aboriginal practitioners have expressed that their methods of community and individual support differ from those utilised by social workers. As such, undertaking tasks identified as within the Scope of Practice will be practised in inherently Aboriginal ways that are rightfully recognised as distinct from social work.

Members are also concerned about the exemption of Aboriginal roles that primarily provide cultural advice. The concern relates to these roles being considered 'paraprofessional', thereby privileging social work opinions and facilitating the overriding of cultural expertise. Further, there is no clear separation of social work activities and the provision of cultural advice, with Aboriginal practitioners having explained that greater involvement by cultural workers in case work significantly benefits Aboriginal families. The registration may therefore have the unintended consequence of reducing the effectiveness of cultural advisory services.

The second concern is that registration will significantly undermine South Australia's emerging Lived Experience workforce. The Scope of Practice is likely to encompass many aspects of the Lived Experience workforce who, at best, will be subjected to exemption as paraprofessionals. This raises similar concerns as those for the Aboriginal workforce, with the privileging of tertiary bodies of knowledge over the unique wisdom lived experience can bring. Registration will hamper efforts to better embed lived experience roles across organisational practice and decision-making domains. This contradicts local, national and global best practice, with initiatives such as 'The Promise' in Scotland ensuring that 50% of all participants in working groups or advisory roles have lived experience.² While it is anticipated that members of Lived Experience consultation groups will not be impacted by registration, it is also critical that this be made clear to avoid dismantling the progress that has been made in providing a voice to directly influence policy and government decisions.

² <https://thepromise.scot/what-is-the-promise/foundations>

While these first two concerns could be reasonably addressed via exemptions and other measures put in place, the overall impacts on the workforce cannot. CAFFSA members have described the current format of the SWRS as likely to severely undermine the workforce and reduce the diversity that is necessary to appropriately meet the needs of the community. CAFFSA members advocate that the employment of a social worker should be at the discretion of the employer, with the choice based on the individual best suited for the role. The current list of exemptions still requires the many roles filled by staff with qualifications such as Diploma of Community Services, Bachelor of Psychological Sciences, or Bachelor of Social Sciences, to obtain a Social Work qualification if they are practicing within the scope. Initial analysis by CAFFSA indicates that, for many organisations, this would affect a notable portion of the workforce.³

These qualifications are currently being advertised as pathways to positions that will now require social work registration, with the Bachelor of Social Sciences⁴ shown as an example:

A career in the human services sector requires a strong interest in human behaviour; you also need to be able to think clearly and logically, to be compassionate, understanding and patient. There are a number of employment opportunities in a wide range of fields available to you upon graduation. Careers to consider include:

- *Community development officer: employed by a city, neighbourhood or other municipality to support the growth, health and vitality of a region.*
- *Community services worker: work with individuals and groups in the areas of psychology, rehabilitation and social work.*
- *Counsellor (with further study): work with individuals and groups to help people overcome problems.*
- *Project manager: use your managerial expertise to manage individual projects; work to meet deadlines and budget requirements.*
- *Policy advisor: review, develop and implement policies and strategies.*
- *Policy development officer: this is an advisory role where you will be responsible for analysing data and advising policymakers.*
- *Social researcher: plan, design, conduct, manage and report on a range of social topics, including crime, healthcare, social services and unemployment.*
- *Youth worker: provide practical and emotional support to children and young people.*
- *Family support worker: provide assistance and guidance to children and families in need; family support workers are often employed by adoption agencies, protective service agencies, or family services organisations.*

³ CAFFSA. (2023). *Final report on the out of home care workforce mapping project.*
<https://www.childandfamily-sa.org.au/policy-and-advocacy/reports-and-submissions/>

⁴ <https://study.unisa.edu.au/degrees/bachelor-of-social-science-human-services>

- *Case worker: responsible for assisting adults, children and families with the coordination of accessing government services and support.*
- *Child protection practitioner: develop plans to bring about changes required to support the safety, stability and development of children and young people.*

The SWRS is therefore imposing a requirement for further study on individuals with non-social work qualifications who do not meet the criteria for exemption, an approach that seems to exceed the Board’s remit as outlined in Section 11. The question can be asked, “**What problem is registration trying to solve and is this the best way to solve it?**” The focus on prohibiting those with tertiary education from providing social and human services that fall within the scope of social work is counter-intuitive to the strong focus at the South Australian and national levels on retention and support of the workforce.

A study on the capacity of the child protection workforce to implement the core public health principles of the National Framework for Protecting Australia’s Children 2009-2020 supports the workforce concerns.⁵ The authors identified numerous barriers to implementing the required early intervention and family support programs, and community development strategies, the most relevant being:

- The diversity of the workforce is not consistent with the population trends. Given disproportionate representation of some population groups, such as Aboriginal and Torres Strait Islander children and children with disability subject to tertiary child protection intervention, this poses a challenge in providing services responsive to diverse populations.
- Workforce turnover and retention has been a longstanding issue in child protection, particularly within the statutory context. High proportions of staff working in the tertiary/statutory context leave these positions within the first few years. Many staff transition to find employment in related non-statutory child protection jobs in the secondary and primary tier services.
- There is a high level of casualisation in some of the categories that make up the child welfare workforce, especially where staff engage in shift work.
- Many staff working in the primary, secondary and tertiary services are inadequately prepared for the complex and skilled work required to recognise and assess risk of harm of child abuse and neglect, notwithstanding that the tertiary workforce has high levels of bachelor-qualified staff.
- The workforce across all three tiers is overrepresented by female workers.

These issues have significant implications:

- With the current data, it is not possible to plan and develop a workforce that will be effective in meeting the growing demand for prevention services and programs and upholding best practice

⁵ Russ, E., Morley, L., Driver, M., Lonne, B., Harries, M., & Higgins, D. (2022). *Trends and needs in the Australian child welfare workforce: An exploratory study*. Canberra: ACU Institute of Child Protection Studies. <https://doi.org/10.24268/acu.8x396>

principles. There needs to be a clearly defined and quantified workforce grounded in consistent reporting regimes across all jurisdictions for primary, secondary and tertiary tiers of the child protection sector.

- The under-representation of men in the child welfare workforce has the potential to perpetuate the gendered perception that child welfare work is ‘women’s work’ and, hence, perhaps less worthy of research and development and resources. This has the potential to further jeopardise the implementation of the public health approach.
- The lack of diversity in the workforce has implications for the provision of services that are appropriate and responsive to the needs of diverse populations of children and families that are disproportionately represented in child welfare systems.
- Insufficient focus on skill development of the workforce, in all tiers, jeopardises the consistent provision of high-quality professional supports. Staff who work in primary tier services, and who hold child protection roles and responsibilities, require greater direction and guidance to support the wellbeing of children. Developing a suitably qualified workforce, across statutory organisations as well as a range of other organisations within the health and community service sector, remains a significant issue. Under-developed staff may use ineffective prevention strategies, resulting in families moving further across the child protection continuum.
- The higher levels of casualisation of some workforce populations has the potential to create instability. This negatively impacts the overall workforce development and service quality and consistency, especially in the primary and secondary tiers, where casualisation is highest.

The current plan for the SWRS is likely to exacerbate these difficulties while also reducing a significant portion of the workforce who choose to leave the sector rather than obtain a social work degree. A reduced workforce is likely to have compounding effects on the remaining workforce, with caseloads increasing, longer-hours being worked, and less time for reflective practice on complex cases. Even with the current proposed 12 months implementation plan, there is not sufficient time to transition a workforce of this magnitude to such a strict, prescribed change of roles and qualifications.

Negative impacts on the workforce will undoubtedly impact the experience and outcomes for children, young people, families, and carers. The literature consistently identifies that issues such as high turnover and caseloads result in poor decision-making and outcomes. These issues:

- Significantly impact carers by creating a lack of continuity and support. Carers often experience periods without an assigned case worker, leading to inadequate communication and increased stress as they must repeatedly explain their situations to new staff. This instability undermines the quality of support for carers and affects the overall care and stability of the children in their care.⁶

⁶ Arney, F. (2022). *Report of the Independent Inquiry into Foster and Kinship Care*. https://www.sa.gov.au/_data/assets/pdf_file/0004/816547/Report-of-the-Independent-Inquiry-into-Foster-and-Kinship-Care.pdf

- Disrupt continuity of care for children and young people, leading to frustration among clients who frequently change social workers. This instability can result in social workers losing empathy, which negatively impacts the quality of service and increases risks for children. Inexperienced teams, due to turnover, struggle to manage workloads effectively, further compromising the support provided to vulnerable families.⁷
- Parents who have had their children removed have very short timeframes to address the child protection concerns. Every time a new worker starts, there is a delay in service provision, assessment, and occasionally a change in case direction. Parents must build a new relationship by talking through experiences, that were already discussed and addressed with previous workers. This can lead to further orders being necessary, re-traumatization by parents needing to retell their story and children unnecessarily staying in care.⁸

The risks to children, young people, families, and carers, should the workforce become destabilised, cannot be overstated. Rushed implementation could contribute to child harm or even death if the workforce is unable to continue functioning.

A further complication is that there is ambiguity across the roles within the sector, the associated titles, and the tasks that are completed within those roles. A pertinent example is that “care workers (foster/kinship)” are considered exempt as they are paraprofessionals.⁹ It is unclear whether this role is referring to Foster/Kinship Support Worker or Placement Support Workers as the term ‘care workers’ is not typically used in reference to Foster and Kinship Workers. Additionally, the term ‘Support Worker’ itself is a vague term with very different meanings across disability and child protection or family support sectors. By way of example, a recent SEEK advertisement for a Placement Support Worker requires the following:

- Demonstrated experience in child protection and delivering Foster and Kinship Care services to children and families
- Demonstrated experience in assessing complex needs of children and providing Carer supervision and therapeutic support to Carers
- Demonstrated experience in comprehensive assessment writing and case management
- Demonstrated experience working with children and young people who receive NDIS funding as well as children with complex trauma and behavioural and medical needs

In contrast, a SEEK advertisement for a Disability Support Worker requires:

- Support the development of daily living skills and capacity for self-care

⁷ McFadden, P. (2018). Two sides of one coin: Relationships build resilience or contribute to burnout in child protection social work. *International Social Work*, 63(2), 164–176.
<https://doi.org/10.1177/0020872818788393>

⁸ Bastian, C. & Bromley, A. (Unpublished). *Preliminary Evaluation of the Reily Foundation*. Flinders University.

⁹ Communication provided to CAFFSA from the SWRS team dated 5/11/2024.

- Provide support to work towards individual goals
- Develop professional relationships with individuals, their families and others in the community
- Adhere to any Behaviour Support Plans
- Providing timely and accurate case notes
- Effectively advocate the views of the young people
- Participate in team meetings, reflective practice and supervision, debriefing and various support activities

The two roles, despite both being labeled as ‘support worker,’ are fundamentally different in their complexity, required knowledge and skills, and the degree of independent judgment applied in assessments. Exempting both roles solely based on the shared terminology overlooks these critical distinctions and raises significant questions about the rationale and consistency behind the criteria for exemptions. This approach risks conflating vastly different responsibilities under a single term, undermining the clarity and purpose of the exemption framework.

The Scope of Practice also refers to youth workers being exempt provided they are supervised by a registered social worker. This change in clinical governance would significantly impact programs, most of which are not currently funded to provide these additional supervisory positions at a social worker level. The SWRS would therefore require not only a change in qualifications for some staff but a change to funding and governance models. It is also unclear why these paraprofessionals require supervision by a social worker and whether this same structure will apply to other paraprofessionals and under what conditions. Requiring exempt roles to be supervised by a social worker is outside of the remit of the regulatory body and legislation. It should remain an organisational decision as to the model of safeguarding and supervision used based on the team structure.

Overall, there is a need to better understand the current workforce in the Child Protection and Family Support sectors, and adjacent sectors such as homelessness, drug and alcohol and domestic and family violence sectors - the range and diversity of their qualifications, the roles being performed with those qualifications, skills and knowledge gaps associated with these different qualifications, and whether changing this workforce to predominantly social work qualified serves the public interest.

There are **simply not enough qualified social workers** to support the Scope as is written. Implementation of the Scope in its current form, following the proposed timelines, will cause notable workforce shortage that will have immediate effect.

CAFFSA recommends that a full workforce analysis be undertaken as a matter of urgency to determine the needs of the sectors, the anticipated impact of social work registration, and to promote workforce sustainability through data-driven decisions.

3.3 Increase the Level of Regulatory Oversight for Professionals Supporting Vulnerable People

The third intention identified is that of generally increasing oversight for professionals. Although focused on social work, one of the objects of the Act is to safeguard public interest. By requiring social work registration for all staff within the scope and not on the exemptions list, the final outcome would be the regulation of a larger proportion of the workforce serving vulnerable people. However, some of the decisions made undermine these efforts. The long list of exemptions means that many professionals and paraprofessionals will not be regulated or will be regulated by a different body. There is no indication of consistency across these different bodies and the pathways that clients will have for recourse regarding unethical behaviour. Further, if the intention is to increase regulation across those supporting vulnerable people, then alternative solutions may better meet this need than the use of the SWRS.

There is no information to evidence the need for increased regulation in South Australia and that greater oversight will notably protect public interests. Specifically, there is no evidence provided from those with lived experience and CALD or Aboriginal or Torres Strait Islander families that greater regulation would improve their experience. It is acknowledged that there could be benefit to increasing oversight and regulation across the sectors, with the literature noting a lack of transparency in child protection systems¹⁰, the documented harms caused by practitioners in social and human service professions¹¹, and the benefits of independent non-legal pathways for client advocacy.¹² These needs should be explored more thoroughly prior to the introduction of co-design processes to develop solutions that appropriately support the community and minimise the potential harm identified in this position paper.

The current list of exemptions is growing to a length untenable for regulation or for the sector to comply with. The complication of determining which qualifications are fit for purpose within a role will burden the sector with further administrative work and hiring processes focused on meeting complex and ambiguous regulatory requirements rather than selecting individuals with the skills and characteristics appropriate for the role.

CAFFSA recommends that work be undertaken to determine if greater regulation and oversight is needed across the Child Protection and Family Support sectors and to what roles this oversight should apply to maximise public interest.

POSITION PAPER ENDS.

¹⁰ Bessant, J., & Broadley, K. (2015). Transparency and 'uncomfortable knowledge' in child protection. *Policy Studies*, 37(2), 93–112. <https://doi.org/10.1080/01442872.2015.1108401>

¹¹ Australian Association of Social Workers (AASW). (2014). *AASW Submission to the Review of the National Registration and Accreditation Scheme for Health Professions*.

¹² Fitt, K., Maylea, C., Costello, S., Kuyini, B., & Thomas, S. (2023). Independent non-legal advocacy in the child protection context: A descriptive review of the literature. *Child Abuse & Neglect*, 143, 106285.