



28 JUL 2020

John Luke  
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Dear John Luke

On 6 July 2020, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *The current members of the Social Workers Complaints and Disciplinary Tribunal (SWCDT – the Tribunal)*
- *Their bio if possible*
- *Does the Social Workers Complaints and Disciplinary Tribunal have any lay member?*
- *The sitting members' job description, pay rate, and how many days they attend Social Workers Complaints and Disciplinary Tribunal business each year since 1st Jan 2017.*
- *How does the department call for nomination from the public if there is a lay member position?*

On 21 July 2020, you received a notice from the Ministry that the following parts of your request had been transferred to the Social Workers Registration Board (SWRB):

- *The sitting members' pay rate*
- *How many days do the sitting members attend Social Workers Complaints and Disciplinary Tribunal business each year since 1st Jan 2017?*

The Ministry has subsequently received this information from the SWRB. This information is included in this letter.

The Tribunal is an external body to the SWRB. It is comprised of a chairperson or deputy chairperson (who is a practising lawyer), five registered social workers, and a lay person.

Concerns regarding a social worker's conduct (breach of the Code of Conduct) are first referred to the SWRB Board. The Board considers the matter and decides whether it needs to be referred to a Professional Conduct Committee (PCC). In serious cases, the PCC can lay a charge before the Tribunal.

When a charge is laid before the Tribunal, it will hold a hearing which will likely be conducted in public. Prior to the hearing, the Tribunal may impose restrictions on the

social worker's practice. The social worker will be able to present their case to the Tribunal. The Tribunal may make a penalty order against the registered social worker and the decision would be open to appeal to the District Court. More information on the complaints process can be found here: [www.swrb.govt.nz/public-and-employers/](http://www.swrb.govt.nz/public-and-employers/).

For the sake of clarity, I will answer your questions in turn:

- *The current members of the Social Workers Complaints and Disciplinary Tribunal (SWCDT – the Tribunal)*

Please find the current SWCDT member list enclosed to this letter (Appendix 1).

- *Their bio if possible*

Current SWCDT members' CVs contain personal information and are withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

- *Does the Social Workers Complaints and Disciplinary Tribunal have any lay member?*

The SWCDT has five lay members, as can be seen from the table in Appendix 1.

- *The sitting members' job description, pay rate, and how many days they attend Social Workers Complaints and Disciplinary Tribunal business each year since 1st Jan 2017.*

Please find the sitting members' job description enclosed.

The rates for meeting fees are \$340 per day for members and \$540 per day for the Board Chair, subject to withholding tax where applicable. A day is defined as at least 6 hours and up to 8 hours.

Please find a table below, showing how many days the sitting members attend SWCDT business each year since 1 January 2017.

<b>Year</b>	<b>Number of charges</b>	<b>Number of hearings</b>	<b>Number of days</b>
2017	2	2	3
2018	0	0	0
2019	3	1	1
2020	3	1 (2019 charge)	1

Four charges are yet to be heard (currently 9 days estimated). This includes one charge yet to be heard from 2019 over 3 days.

- *How does the department call for nomination from the public if there is a lay member position?*

To fill a lay person position on the SWCDT, the Ministry seeks nominations through an open nominations process. A notice is placed on the Ministry of Social Development's website, [www.jobs.govt.nz](http://www.jobs.govt.nz) and [www.seek.co.nz](http://www.seek.co.nz), inviting expressions of interest from suitably qualified candidates. These are linked to the SWRB website. The Ministry also seeks nominations from other government, population-based agencies.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government
- to increase the ability of the public to participate in the making and administration of our laws and policies
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact [OIA Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response regarding information on the SWCDT members, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Yours sincerely



Rachel Sutherland  
**General Manager**  
**Organisational Planning, Performance and Governance**

### Appendix 1: Current member list of the SWCDT

<b>Name</b>	<b>City/Town</b>	<b>Date of original appointment</b>	<b>Expiry date of present term</b>
Jo Hughson (Chair)	Wellington	14 August 2015	8 June 2022
Catherine Garvey (Deputy Chair)	Auckland	14 August 2015 <i>Reappointed: 20 September 2019</i>	13 August 2021
<b>Registered social worker members</b>			
Naomi (Tracey) Robinson	Foxton	9 June 2020	8 June 2023
Lareen Cooper	Palmerston North	16 October 2015	15 October 2020
Kim Fry	Palmerston North	16 October 2015	15 October 2020
Sue Jarvis	Auckland	18 February 2016	17 February 2021
Peter McGurk	Christchurch	18 February 2016	17 February 2021
<b>Lay members</b>			
Bernard Marra	Christchurch	16 October 2015	15 October 2020
Tim O'Donovan	Wellington	16 October 2015	15 October 2020
Phil Comber	Levin	16 October 2015	15 October 2020
Jackie Pearse	Napier	21 June 2018 <i>Reappointed: 20 September 2019</i>	19 September 2022
Winston McCarthy	Hastings	5 December 2018 <i>Reappointed: 20 September 2019</i>	4 December 2022

# Social Workers Complaints and Disciplinary Tribunal

Position Description (Other Member) December 2015

<b>POSITION</b>	Other Member
<b>REPORTS TO</b>	Registrar of the Social Workers Registration Board
<b>FUNCTIONAL RELATIONSHIPS</b>	Hearing Officer SWRB staff Parties/Representatives Other Tribunal members
<b>JOB PURPOSE</b>	To contribute to the Tribunal's statutory role in relation to adjudicating complaint and disciplinary matters.
<b>LIMITATIONS ON AUTHORITY</b>	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.

## Appointment

The position of Other Member is appointed by the Social Workers Registration Board (the Board) 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 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;

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- 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 the Other Member

The Other Member is required to provide the following specific functions:

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

## Qualifications

A Social Work degree is desirable.

## Knowledge, Skills and Experience

- Knowledge and experience of matters likely to come before the Tribunal;
- Effective leadership skills;
- Effective time management;
- A knowledge of New Zealand Legal Systems;
- Understanding of, and a commitment to, the status of Maori as tangata whenua, and established networks with iwi, hapu and Maori organisations;
- Effective relationship management skills.

## 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

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.