

SOCIAL WORKERS REGISTRATION BOARD

Notes of the Fifty-third Meeting of the Committee on Qualification Assessment and Registration

Date: 26 August 2016

Time: 7:00 p.m.

Venue: Conference Room, 26/F Eastern Commercial Centre, 83 Nam On Street,
Shau Kei Wan, Hong Kong

Present: Mr. SHIU Ka-chun (Convener)
Mr. KWAN Wing-shing, Vincent
Dr. KWOK Ngai-kuen, Alvin
Mr. IP Kim Ching
Ms. LAW Yee-ming
Dr. LEUNG Chuen-suen
Ms. LUK Ka-mei
Mr. LUN Chi-wai

Absent with apology: Dr. CHU Chi-keung

In-attendance: Mr. Thomas LEUNG Sui-keung, Registrar
Ms. Veronica FAN, Assistant Registrar (Secretary)

Notes

1. The Convener welcomed and thanked the co-opted members to join the Committee. It was the first time that the co-opted members attended the Committee meeting.
2. Confirmation of the notes of the last meeting

(Business information deleted)

Other members did not have any comment on the meeting notes.
3. Matters arising

(Business information deleted)
4. (Business information deleted)

5. (Business information deleted)
6. Perusal of the list of additional candidates for appointment of Assessment Panel members
 - 6.1 An open nomination for candidates for appointment of Assessment Panel Members for the term from 1 January 2017 to 31 December 2019 was conducted in May 2016. Existing members of Assessment Panel of the term from 1 January 2014 to 31 December 2016 were also invited to indicate their willingness to take up appointment for another term if the Board so offered.
 - 6.2 The Board office had followed up with the existing members of Assessment Panel and majority of them had given positive replies. Members agreed that (anonymised), who was not a full-time professor, did not meet the nomination requirement and should be excluded from the list. The revised list would be put forward to the Board for endorsement.
 - 6.3 At the 52nd Committee meeting, members had already examined the backgrounds of candidates and selected 11 new members from the nomination list. Due to the retirement of a few overseas academic, some members agreed to invite overseas academics to the Board office through their connections. After the meeting, three new nominations were received. (Anonymised) were overseas academic in social work while (anonymised) was representative from other professional. Members examined the backgrounds of the candidates and agreed to put forward the same to the Board for endorsement.
 - 6.4 The full list including all candidates shortlisted at the two Committee Meetings would be forwarded to the Board for approval.
7. Discussion on the review exercise of the Principles, Criteria and Standards for Recognizing Qualifications in Social Work for Registration of Registered Social Workers
 - 7.1 The Convenor expressed that the tertiary institutes had difficulties to recruit staff who could fulfill their internal requirements and at the same time the Board's requirement of five years post-degree experience in social work. Therefore, many tertiary institutes would propose the Board to lower the requirements on staff qualifications to less than five years' post-degree experience in social work. However, the Board should consider whether the qualities of social workers would be so affected.

- 7.2 At the 51st Committee meeting, members had worked out an initial plan to conduct the review on the Principles and Criteria. The review would invite three categories of interested parties namely (1) tertiary institutes and professional consultants, (2) employing agencies, professional bodies in social work and labour union as well as (3) RSWs. Members proposed and agreed to include service users and social work students in the list.
- 7.3 With reference to the consultation exercises in the past, the Board office had difficulties to identify service users' groups. The Convenor reminded that under current political environment, it was not convincing to exclude any interested parties due to operational reason. He updated that some groups had been formed by service users in recent years and we could try to contact them. A member suggested to collect opinions from service users by focus group. It was important for the Committee to strike a balance between professional autonomy and service users' expectations.
- 7.4 For the category of social work students, members suggested to contact social work student unions from tertiary institutes.
- 7.5 The Board office would prepare a proposed list and circulated to members for comment after the meeting. It was targeted to send the invitation letters to different interested parties in September 2016 and the deadline was till January 2017.

(Post meeting notes: the list was circulated to the Committee on 14 September 2016 and 20 September 2016. Letters would be sent to the interested parties except service users together with the letters on Annual Meeting with RSWs in October 2016.)

8. Legal advice on handling of applications for registration lodged by fresh social work graduates under Category 2 arrangements
- 8.1 The Registrar briefed the new co-opted members about the existing policy adopted by the Board on handling of applications for registration lodged by fresh social work graduates with confirmed social work job offer but the graduate list was not yet available. Some Board members proposed that additional requirements should be adopted in processing such kind of registration. The applicant should submit recruitment advertisement certified by the employing agency and also job list certified by the employing agency in support of their application which was to be approved under Category 2 registration arrangement. If the documents were not available, then the application would not be approved by the Board under Category 2 arrangement and the applicant could only apply

for registration under Category 1 arrangement when the graduate list was available. During the process, there was a case that the applicant would not be able to provide the recruitment advertisement and job duties because he was not yet a staff of the agency. The legal viability was doubtful and no consensus view was reached among the Board members. The Board agreed that legal advice should be sought on the matter.

8.2 The Registrar briefed members the gist of the legal advice:

- (a) Current batch of fresh graduates applicants did have legitimate expectation that their applications for Category 2 registration would normally be approved if they had duly complied with the published procedures of the Board, without any need to produce the employing agencies' certified recruitment advertisement and job duties.
- (b) The introduction of any new general requirement for additional documentation should be for the purpose of facilitating the Board to duly examine whether the two statutory conditions under section 17(2) of the SWRO were satisfied but not for adding unnecessary hurdles.
- (c) There was no legal power for the Board to overrule the employing agency's own classification of the post as a social work post.
- (d) In some exceptional cases where malice or bad faith could be established against the Board or its Members in refusing the applications, there could be legal liability for compensation, particularly under the tort of misfeasance in public office.

8.3 Members had no objection that we should follow the legal advice and to approve the applications lodged by fresh social work graduates. The existing policy and procedures should be followed.

(Post meeting notes: after the meeting, the Board office still received replies from the Committee members either refusing such applications without giving any reason or abstaining from making decisions. At the 139th Board meeting, the legal advice was submitted to all Board Members and the issue was discussed at the Board meeting. While the majority of Board Members respected and followed the legal advice to approve the applications, the Deputy Chairperson decided to abstain from making decisions on such application. The issue was not resolved at the 139th Board Meeting and the Chairperson and Deputy Chairperson of the Board were requested to work out a solution to

address the problem arising from some Board Members not following the legal advice to approve the applications without shifting the burden to other Board Members who were willing to approve the applications and without creating unnecessary workload on the Board office.)

9. (Business information deleted)
10. (Business information deleted)
11. (Business information deleted)
12. Any other business

12.1 Meeting with Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ)

- (a) (Anonymised), Chairperson of the Board, relayed to the Meeting that at a meeting with HKCAAVQ, SWRB was invited to share how we conducted social work qualification assessment. He explained to HKCAAVQ that to maintain impartiality of the Board, no member would be involved in the actual assessment exercise. The assessment was conducted by an independent Assessment Team. The Committee and the Board would be responsible to consider and examine the reports prepared by the Assessment Team. HKCAAVQ invited the SWRB to have closer communications between two organizations in the future. (Anonymised) invited the Committee to discuss whether we should accept the HKCAAVQ's invitation to have closer exchange. He also suggested to invite HKCAAVQ to keep an eye on the number of non-local students to be admitted by tertiary institutes in Hong Kong.
- (b) The Convenor expressed that it was necessary to keep the two statutory bodies to be independent as both bodies were discharging different functions. SWRB was to assess the professional standard of social work programme while the HKCAAVQ was to assess the academic level of the programme. We welcomed the exchange but it should be a one-off exercise. The Committee would further discuss the issue when an official invitation was received from HKCAAVQ.

12.2 Duties of the Committee Members

- (a) The Registrar briefed the new co-opted members that if there was any conflict of interest on any agenda items, members should

declare at the meeting and the Committee would decide whether the concerned member should be abstained from the discussion.

- (b) The Registrar also briefed that in the mid of every month, the Board office would submit to the Committee the applications for changing the base of registration for consideration.

13. Date of next meeting

Members agreed that the next meeting would be scheduled on 27 October 2016 at 7:15 pm.

- 14. The meeting was adjourned at 10:45 pm.

4 October 2016