

I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

10th June, 2016

ACT No. XXIX of 2016

AN ACT to amend the Social Work Profession Act, Cap. 468.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

1. The short title of this Act is the Social Work Profession (Amendment) Act, 2016, and this Act shall be read and construed as one with the Social Work Profession Act, hereinafter referred to as "the principal Act".

Short title.

Cap. 468.

2. Article 2 of the principal Act shall be amended as follows:

Amendment of article 2 of the principal Act.

(a) immediately after the definition "Board" there shall be added the following new definition:

S.L. 451.03 " "evidence of formal qualifications" shall have the same meaning as assigned to it by the Recognition of Professional Qualifications Regulations;;

(b) immediately after the definition "evidence of formal qualifications" there shall be added the following new definition:

S.L. 451.02 " "higher education qualification" shall have the same meaning assigned to it by the Mutual Recognition of Higher Education Qualifications in the European Region Regulations;"

(c) in the definition "Minister", for the words "social policy" there shall be substituted the words "social welfare";

(d) paragraph (b) of the definition "practise" shall be substituted by the following:

"(b) the right to use, in the course of such pursuit, the profession of a warrant, or the professional title of "Registered Social Worker", or the designatory letters "RSW", or the professional title of "Social Worker" followed by the warrant number;"

(e) immediately after the definition "proficiency test" there shall be added the following new definition:

" "recognised degree in social work" means the Honours Degree in Social Work issued by the University of Malta or the formal acknowledgment by the Board of the value of a foreign higher education qualification held by the applicant with a view to allowing him to gain access to and pursue in Malta the social work profession;"

(f) for the definition "registered social worker" or "social worker" " there shall be substituted the following:

" "registered social worker" means a person who is in possession of a warrant to practise the profession of social work obtained in accordance with article 6 and is registered in the official register of warranted social workers kept by the Board;"

(g) for the definition "social work" there shall be substituted the following:

" "social work" means a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human

rights, collective responsibility and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledge, social work engages people and structures to address life challenges and enhance wellbeing"; and

(h) immediately after the definition "social work" there shall be added the following:

" "social worker" means a person who is in possession of a warrant to practise the profession of social work obtained in accordance with article 6 and is registered in the official register of registered social workers, or is in possession of a recognised degree in social work and is practising the profession of social work under the supervision of a registered social worker;".

3. Article 3 of the principal Act shall be amended as follows:

Amendment of
article 3 of the
principal Act.

(a) for sub-article (1) thereof, there shall be substituted the following:

"(1) No person can hold himself out to be a professional social worker or perform social work against remuneration or hold himself to be professionally qualified to do so or assume the title or designation of warranted social worker unless he is the holder of a warrant issued by the Board:

Provided that sub-article (1) shall not apply to a person who is in possession of a recognised degree in social work and is practising the profession of social work in accordance with the proviso to sub-article (3)(e):

Provided further that a person who is not in possession of a warrant shall not use the title of "Registered Social Worker" or the designatory letters "RSW", but shall use the title "Social Worker" or the designatory letters "SW".";

(b) for sub-article (3) thereof, there shall be substituted the following:

"(3) Without prejudice to any provision of, or any regulation made by or under, the Mutual Recognition of Qualifications Act, a person shall not qualify for a warrant unless such person –

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(a) is a Maltese citizen, or is otherwise permitted to work in Malta under any law;

(b) is of good conduct;

(c) has his name entered in the register of registered social workers;

(d) is in possession of a recognised degree in social work;

(e) satisfies the Board that he has received adequate experience in the practice of the profession of social work for an aggregate period of not less than two years full-time or the equivalent to that period on part-time basis of not more than six years from commencement of practice under the supervision of a registered social worker, or is in possession of evidence of formal qualifications;

(f) satisfies the Board that there has not been any professional misconduct, gross negligence, incompetence or is in breach of the code of ethics established under this Act;

(g) has applied for the warrant within ninety days of having received the adequate professional experience in accordance with paragraph (e):

Provided that, from the date as the Minister may by notice in the Gazette establish, the name of a person who holds the Honours Degree in Social Work of the University of Malta shall not be entered in the register of warranted social workers unless such person, upon qualifying for such degree, has received adequate professional experience within an entity under the supervision of a registered social worker engaged by that entity:

Provided further that, without prejudice to any other requirements, which the Board may consider necessary, a person shall be considered as having received adequate professional experience if he submits to the Board documentation for every supervision session, signed by the registered social worker under whose supervision the practice of social work was undertaken.";

(c) immediately after sub-article (5) thereof, there shall be added the following new sub-article:

Cap. 451. "(6) Without prejudice to any provision of, or any regulation made by or under, the Mutual Recognition of Qualifications Act, where the duration of a course leading to the higher education qualification possessed by an applicant is less than the duration for the course leading to the Honours Degree in Social Work of the University of Malta, or where the applicant does not satisfy the requirements mentioned in sub-article (4)(b), the Board may require the applicant to undertake such adaptation period not exceeding twice the shortfall, as the Board may specify. In addition the Board may also submit the applicant to a proficiency test.";

(d) immediately after sub-article (6), there shall be added the following new sub-article:

"(7) Not more than thirty days after a person enters in the practice of the profession of social work with an entity, he shall give notice thereof to the Board, together with a confirmation by the registered social worker under whose supervision such person is practising the profession of social work."; and

(e) immediately after sub-article (7), there shall be added the following new sub-article:

"(8) Any person or entity that fails to give the notice as established under the preceding sub-article, may be liable to the penalty of not less than two hundred and fifty euro (€250) and not more than one thousand euro (€1000).".

4. In sub-article (1) of article 5 of the principal Act, paragraphs (e) to (k) shall be renumbered as paragraphs (f) to (l) respectively, and immediately after paragraph (d) there shall be added the following new paragraph:

Amendment of article 5 of the principal Act.

"(e) keep an official register of all unwarranted social workers;".

5. Article 9 of the principal Act shall be amended as follows:

Amendment of article 9 of the principal Act.

(a) for sub-article (1) thereof, there shall be substituted

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the following:

"(1) The Board may set up a committee to inquire into any alleged professional misconduct, gross negligence or incompetence in relation to both registered social workers and social workers.";

(b) in sub-article (3) thereof, for the words "Any social worker who is the subject of any inquiry" there shall be substituted the words "Any registered social worker, or social worker, as the case may be, who is the subject of any inquiry"; and

(c) sub-articles (4) to (6) thereof shall be deleted and immediately after sub-article (3) thereof, there shall be added the following new sub-articles:

"(4) On the conclusion of the inquiry, the committee shall decide whether there are sufficient grounds to find the registered social worker under inquiry guilty of professional misconduct, gross negligence or incompetence. In the affirmative, the committee shall make a report of its decision and shall commit such person for further inquiry by the Board together with its recommendations on the penalty to be imposed, and, in the negative, recommend that no further inquiry is to be undertaken.

(5) The penalties mentioned in the foregoing sub-article may include:

(a) the suspension or cancellation of the warrant subject to such conditions as may be recommended;

(b) the suspension or cancellation of the registration of a partnership of registered social workers;

(c) the imposition of conditions to be attached to a warrant;

(d) a reprimand;

(e) a payment to cover the costs of the inquiry;

(f) an order for the waiver, reduction or refund of any fees charged for services rendered; or

(g) any other penalty as may be prescribed.

(6) On the cancellation of the warrant of a registered social worker the Board shall strike off the name of such person from the official register of registered social workers.

(7) In regard to a social worker, the committee shall also be competent to decide whether such social worker failed to comply with the requirements set out in the proviso to article 3(1), and upon a recommendation made by the committee to that effect, the powers of the Board under this article to impose a penalty shall include the power to direct any one or more of the following measures, that is:

(a) order that such person suspends his practice of the profession of social work for such period of time as the Board may determine;

(b) order that such person undergoes such period of additional training;

(c) a caution;

(d) a penalty of not less than three hundred euro (€300) and not exceeding seven hundred euro (€700);

(e) any other penalty as may be prescribed.

Cap. 273. (8) For the purpose of this article, the members of the Board have the powers that are or may be conferred under the Inquiries Act, and shall conduct their inquiry as provided for in the said Act."

6. For sub-article (1) of article 10 of the principal Act there shall be substituted the following:

Amendment of article 10 of the principal Act.

"(1) Any person who feels aggrieved by a decision given by the Board in accordance with this Act, or any regulation falling under it, may appeal from that decision to the Court of Appeal in its inferior jurisdiction within twenty-one days from the date when notice of the decision has been given to the Minister and notified to that person by registered post."

7. In article 11 of the principal Act, immediately after the words "Where the warrant of the" there shall be added the word "registered".

Amendment of article 11 of the principal Act.

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Amendment of
article 12 of the
principal Act.

8. In sub-article (1) of article 12 of the principal Act, immediately after the words "registered as an association of" there shall be added the word "registered".

Amendment of
article 13 of the
principal Act.

9. Article 13 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the words "partnership of social workers" there shall be substituted the words "partnership of registered social workers";

(b) in sub-article (2) thereof, for the words "in a partnership of social workers" there shall be substituted the words "in a partnership of registered social workers"; and

(c) in sub-article (3) thereof, for the words "shall be entitled to the designation "Social Workers" " there shall be substituted the words "shall be entitled to the designation "Registered Social Workers" " .

Addition of new
article 15A of
the principal
Act.

10. Immediately after article 15 of the principal Act, there shall be added the following new article:

"Definition of
public officer.

15A. For the avoidance of any doubt, every registered social worker, or social worker, who is lawfully charged with a public duty shall, while in the exercise of his functions, be deemed to be a public officer within the meaning of the Criminal Code."

Cap. 9.

Amendment of
article 16 of the
principal Act.

11. Article 16 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the words "partnership of social workers" there shall be substituted the words "partnership of registered social workers";

(b) in sub-article (2) thereof, immediately after the words "of any other offence" there shall be added the words "under this Act";

(c) in sub-article (3) thereof, for the words "a social worker" there shall be substituted the words "a registered social worker";

(d) for sub-article (4) thereof, there shall be substituted the following:

"(4) Any person who uses the words "Registered

Social Workers" in relation to a partnership of registered social workers where such partnership is not registered in accordance with the provisions of this Act, or in any manner whatsoever makes use of a name falsely implying the existence of a partnership of registered social workers registered as aforesaid, shall be guilty of an offence against this article.";

(e) for sub-article (5) thereof, there shall be substituted the following:

"(5) For the purposes of sub-articles (2) and (3), the use on any card, letterhead, sign, board, plate, advertisement or other written, printed or engraved device, instrument or document, of the words "Social Worker", "Registered Social Worker" in relation to a name or "Partnership of Registered Social Workers" or "Registered Social Workers" in relation to a partnership, shall be sufficient evidence of the knowledge of such use by any person in relation to whose name or partnership the said words are used, unless such person proves that the use of such words was made without their knowledge and that upon becoming aware of the use he took adequate steps to stop it."; and

(f) in sub-article (6) thereof, immediately after the words "or when in training" there shall be added the words "in accordance with the provisions of this Act".

12. In article 17 of the principal Act, for the words "the Board finds a social worker" there shall be substituted the words "the Board finds a registered social worker or social worker, as the case may be,". Amendment of article 17 of the principal Act.

13. Article 19 of the principal Act shall be amended as follows: Amendment of article 19 of the principal Act.

(a) in sub-article (1) thereof, for the words "the provisions of article 3(3)(c)" there shall be substituted the words "the provisions of article 4(a)";

(b) in sub-article (2) thereof, for the words "For the purposes of article 3(3)(d)" there shall be substituted the words "For the purposes of article 4(b)", and for the words "qualification referred to in article 3(3)(c)" there shall be substituted the words "qualification referred to in article 4(a)"; and

(c) in sub-article (3) thereof, for the words "shall be

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deemed to satisfy the requirements of article 3(3)(c) and (d)"
there shall be substituted the words "shall be deemed to satisfy
the requirements of article 4(a) and (b)".

Passed by the House of Representatives at Sitting No. 399 of the
6th June, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

