



## **WA Social Work News** **“In the Loop”**

### **SPSW Electronic Newsletter** **December 2007**

#### **Contents**

President's Column  
Farewell to Karen Vincent  
Certificate of Appreciation to Tom Barrett  
Legal Liability Seminar  
Mandatory Reporting of Child Sexual Abuse  
CPE Report  
President's Report to AGM  
Letters  
Editor's Note

#### **President's Column**

Welcome to the incoming Board for 2007/2008. A special welcome to our new Vice President Dr Barbara Meddin, the two new Board members Sharon McAuliffe and Dr Tom Barrett and to Wendy Butler and Ross Webber on their re-election. I would like to thank Wendy for taking on the editorial and production of our e-news and Marion Palmer for getting our web site in order. We are becoming technologically adept.

My report to the AGM is in this newsletter so I will confine my comments to three important matters. The first of these is the recent success of the Occupational Therapy Association of WA resisting the pressure from their national federation to become a single entity. They have seen what happened to the AASW and our dramas here in WA and their branch voted against the formation of a company in favour of maintaining the incorporated structure with a federation of single incorporated entities. I was invited to their breakfast on the 26<sup>th</sup> October where I was impressed by their commitment to their profession, their enthusiasm and their celebration. There was well over 100 members present.

The second thing I want to mention is the decision of the AASW Board to seek a vote of members in the proposed restructure of the organisation. Their Board has proposed a model of increased centralisation and one which does not give branches autonomy. They are suggesting a nationally elected Board. This effectively does away with direct branch representation in decision making. I have included a letter from me to their National President Bob Lonnie for your information.

The third point is the immediate success we achieved in having Curtin University agree to discontinue placing an offensive advertisement about social work and education in the press. We need to remain vigilant in

ensuring that inappropriate stereotypes are not reinforced.

The coming year promises to be an active and exciting one for the SPSW particularly in the CPE area. I wish you all the very best for, Chanukah, Christmas and the new year.

*Brian Wooller*  
President SPSW

#### **Farewell to Karen Vincent**

Karen Vincent was farewelled by the Board of the SPSW earlier this year and presented with a Certificate of Appreciation for her contribution to the SPSW and to continuing professional education in Western Australia.

Karen qualified as a social worker from the University of Queensland in 1974. From those early days she became involved in promoting the social work profession as a member of the Australian Association of Social Workers (AASW). Her career has included work in Queensland, Tasmania, the ACT, South Australia, Western Australia and the United States of America. She has worked in the public service and in non-government agencies in areas including youth work, adult literacy, services to women's and Aboriginal people, and community development. Her last "paid job" was with the WA Council of State School Organisations.

As often happens, social workers contribute to their profession and the community through extra-curricular activities. Karen served as Secretary and Treasurer of the AASW Tasmania Committee of Management (COM), then took on responsibility for publications and the newsletter for the South Australian Branch. Following a term on the AASW WA Branch COM, Karen was again a substantial contributor to the work of the SPSW Board, editor of the newsletter, and in 2004 she took on the major task of convening the successful inaugural SPSW State Conference.

Karen came to Perth a few years ago when her partner, Tony, accepted employment as a scientist here. It was then Tony's work opportunity in the USA which prompted Karen to leave in August this year to join him and search for new horizons and opportunities. This promised to be a brave move which meant she had to be creative about pursuing the PhD research she started at the University of Western Australia to write a thesis on indigenous issues in gender and mainstreaming of public policy, with reference to the Gordon Inquiry as one of her sources of research.

As a distraction from her substantial professional activities, Karen displayed some good shots on the tennis court, and the exhibition of her work at the University Club, UWA, demonstrated her talents and ability as an artist in oils and watercolours. An avid reader and filmgoer, Karen loved debate on a number

of topics ranging from human rights and social justice to the arts.

The Board of the SPSW thanks Karen for her contribution to social work over the years and more recently in Western Australia. We wish her well in her new home with Tony in San Diego, USA. We look forward to hearing where and how she directs her energies, skills and professional commitment over there.

*Anne Pickard*  
*SPSW Board Member*

### **Certificate of Appreciation to Tom Barrett**

The Board of the SPSW made a special presentation to Dr Tom Barrett following his retirement from the School of Social Work and Social Policy at UWA.

Tom was born and brought up in Canada and came to Perth in 1975. He has had a number of different occupations; tool and die maker, Flying Officer in the Royal Canadian Air Force, a rehabilitation officer., social worker, social work supervisor, academic, PhD researcher (Aged Care and Elder Abuse).

Tom had been on the staff at UWA for 29 years and 16 of those were in charge of student placements! In addition to his university commitments Tom spent many years on the CPE Committee for the WA Branch of the AASW as well as the Aged Care Sub-Committee of the AASW.

In his current life Tom is a father of three and a grandfather, an intrepid Harley Davidson easy rider, a member of the SPSW Board and a members of the SPSW Continuing Professional Education Committee (CPE)

### **Legal Liability – Where do you stand?**

Over 50 social workers and members of other allied professions attended an evening seminar on 24 September 2007 to consider where they stood if they were sued by a client or by their employer. This seminar was presented by the SPSW as a service to members and other community human service employees. The evening was sponsored by Jardine Lloyd Thompson, brokers for the SPSW professional indemnity insurance, and Mission Australia.



### **The panel**

The panel comprised Carolyn Johnson, a senior social work clinician subpoenaed as a witness at a coronial inquiry into the death of a child, Brian Wooller, SPSW President and industrial advocate, Alison Green,

Account Manager for Jardine Lloyd Thompson, insurance brokers and Simon Watters, a barrister who represented Carolyn at a coronial inquiry. Panel members spoke of their experience dealing with legal liability, and they then fielded questions from the audience.

### **Could this happen to you?**

- What records do I have about a client after 3 years documenting my actions as a case manager and supervisor?
- How do I access the departmental documentation of my work with the client and supervisees and peruse them in 3 weeks before appearing before a coronial inquiry?
- Do I need professional legal representation? How much will it cost?
- Will my professional association support me and organise instant access to professional indemnity cover?

These are some of the questions which faced Carolyn Johnson. A senior social work clinician previously employed by the Department for Community Development (DCD), Carolyn struggled to access departmental files (3 volumes x 270 folios) which were only released by the Crown Solicitor's Office 3 days before the hearing date. She then had to compare the information in these files with her diary entries and memories of staffing and working conditions 3 years ago when the child died.

Carolyn was told she could not be represented by the Crown Solicitor. She disputed some of the bureaucratic evidence provided by DCD and realised she needed legal representation. Professional indemnity insurance through her professional association was not forthcoming so she had to find \$10,000 for her initial engagement of a recommended barrister, Simon Watters, who had represented a caseworker seeking wardship of 3 children. DCD subsequently paid for her legal costs.

Carolyn described her experience at the inquiry as "lonely and emotional". There was also the realisation that 3 years ago, at the time the child died, DCD was under-resourced, there was considerable staff turnover, many of the staff were on short term contracts, statutory work was overwhelming and DCD's priority was capacity building.

Carolyn was able to refer to detailed diary entries which listed supervision times, process and objectives for the caseworker responsible for the welfare of the child who died. The caseworker no longer worked for the department and was not called as a witness. Simon had pointed out ways of obtaining departmental information, kept witnesses and departmental representatives focused during the questioning. He also managed the legal terminology to keep Carolyn informed and ensure her equity in the inquiry process.

### **Can you be sued?**

Brian Wooller remarked on the minefield which surrounds work in the human services area of employment. Human service workers face daily dilemmas which could lead to client complaints in the

short term or many years later. There are dilemmas about care and protection orders (damned if you do, damned if you don't). There are decisions affecting confidentiality and privacy – should information be disclosed to a 3<sup>rd</sup> party or was that a breach of ethics or law? In hindsight, was the action taken right or wrong? A client could claim defamation about something said or written about them by a professional. There could be claims that the professional was incompetent, or did not render service for the fee paid.

Brian commented that many clients of human services do not have the confidence or ability to sue professionals. If complaints are made and a social worker or other professional needs to respond in court they need a lawyer. Professionals need to be aware of the difference between writs for negligence in civil law which applies the principle of the balance of probability and the principle of "beyond reasonable doubt" used in the criminal justice system.

In the child welfare area, children may complain years after they leave the care of the responsible agency. As children cannot take a civil action in their own right liability can extend to a statutory limit beyond the age of 18 years. If there is an allegation of negligence emanating from when a child was 2 years of age, liability can extend for the statutory period (Statute of limitations) following the child's 18<sup>th</sup> birthday. This can leave a worker vulnerable beyond their retirement.

### **What can you do?**

Brian and Simon commented on the importance of being covered by professional insurance indemnity and being fully cognisant of the extent of that cover. Not all employing agencies offer to cover the costs of legal representation for their employees. By the time a writ is issued, the employing agency may no longer be in existence leaving the uninsured worker vulnerable even if their previous employer had a prospective cover.

Members of professional associations offering indemnity insurance should know what they are indemnified for. If a professional has to answer a complaint or is subpoenaed for a court hearing, they should immediately make sure there is insurance to cover the legal costs.

Simon commented on the value of keeping accurate and detailed written information associated with working with clients, and proof of supervision given and received eg in diary entries. Any written material can be attached to an affidavit and seen by a judge. It is important to write well and to keep good notes. Simon complimented Carolyn on her records which proved invaluable as evidence of her professional skills and integrity.

### **How do you get professional indemnity insurance?**

Alison Green explained that a broker represents the interests of clients, not the insurance company. Nominated SPSW members are covered by a corporate policy and this is a more cost effective way for an individual to obtain professional indemnity insurance. Members have to sign a declaration of disclosure about any past or current risks of legal action or loss.

Professional indemnity insurance is different from insurance for a house or car. If a client receives a writ for a past alleged event they only have indemnity cover for legal representation if they are nominated in the current insurance policy at the time they notify the insurance company of the writ. Indemnity insurance policies are renewed annually and each policy is a new contract. Policies need to be current and retroactive.

The SPSW and the Australian Association of Social Workers (AASW) offer professional indemnity insurance for social workers. Members of other professions should pursue insurance cover through their relevant associations. Reference could be made to the Australian Institute of Welfare and Community Workers website ([www.aiwcw.org.au](http://www.aiwcw.org.au)) for eligibility conditions.

*Anne Pickard*  
*SPSW Board Member*

### **Mandatory Reporting – What does it mean for you as a professional social worker, and our clients?**

Jennette Ward was the guest speaker at the SPSW Annual General Meeting on 29 October 2007. Jennette is the Project Director for the implementation of mandatory reporting for the Department of Child Protection (DCP)

In March 2007 the Premier of WA announced that the Government would expand mandatory reporting in WA by developing legislation for the mandatory reporting of child sexual abuse.

While other states in Australia all have some form of mandatory reporting, in the past, Western Australia has only had mandatory reporting to the Department for Child Protection by the Health sector of sexually transmitted diseases in children. Growing out of the Ford Inquiry into child protection in DCP, the Premier proclaimed that WA would expand its mandatory reporting legislation.

The intention of the legislation is that mandatory reporting will strengthen the protection of children by requiring the reporting of child abuse by a range of professionals

The new legislation will mandate that teachers, policy and health professionals are required to report suspected abuse to the Department for Child Protection. The new legislation is not intended to change the responsibility for reporting abuse and other professionals and members of the general public will be able to raise concerns about alleged abuse. However there will be an impact on others in an agency working with those mandated to report child sexual abuse. School psychologists and social workers are more likely to receive disclosures but these professionals are not included in the legislation.

There will be a need for GPs to receive training in identifying signs of child sexual abuse. There has been a tendency in the health system to rely on social workers to advise on allegations and reported cases.

The number of reported cases of child sexual abuse is likely to increase with mandatory reporting but the percentage of substantiated cases is not expected to change from percentages currently substantiated. It is anticipated that the legislation will be implemented in 12 months with a period of public education.

As social workers will not be mandated to report there will be little direct impact on them but there will be a significant amount of indirect impact. This is likely to include other professionals consulting with them about the professional's concerns about the safety and well being of a particular child; about the need to develop policies in their agencies about the procedure when there is concern about a specific child and what the role of the social worker is in that process; what information will be provided to clients when mandatory reporting comes in as to the agencies responsibilities re: mandatory reporting etc.



Jennette Ward – AGM speaker

### **CONTINUING PROFESSIONAL EDUCATION (CPE) 2008**

The SPSW's education committee (Anne Pickard, Barbara Meddin and Tom Barrett) have been discussing with sponsoring agencies a plan for CPE activities in the New Year.

In association with the Alcohol Drug Office there is a proposal to present 3 one day workshops:

- **Brief/single session intervention/therapy and harm minimization** – engaging clients about their substance use to minimise the harm to themselves and/or their family  
**Date 5 March 2007**
- **Working with clients who are both parents and who have co-morbidity issues** - working with the parents to reduce the risk to their children as a result of the parent's alcohol or drug use and their mental health issues.  
**Date: 15 April 2007**
- **Sexual abuse, drug and alcohol abuse and mental health issues** – addressing the issues of interfamilial sexual abuse, parental substance abuse and parental mental health problems. **Date: 30 April 2007**

**Registration forms and flyers will be circulated to members and agencies in December 2007. There**

### **will be concessional registration rates for SPSW members.**

The SPSW will continue to provide training services to Mission Australia and the Department for Child Protection in 2008.

The SPSW is also working with the Social Workers in Health Administration Interest Group to organise a best practice forum where colleagues from different health locations can showcase what they do, share ideas, reflect on practice and problem solve the challenges of social work practice. With sufficient interest, the forum could be a regular event.

The CPE Committee welcomes suggestions and requests for training opportunities for social workers and members of allied professions. Please contact Anne Pickard with any comments or ideas: [stathan49@bigpond.com.au](mailto:stathan49@bigpond.com.au) or by telephone 9385 1960.



Brian Wooller and Chris Coopes – AGM

### **President's Report to 2007 AGM**

This last year has been one of considerable change for the Society of professional Social Workers. Two very important inaugural members of the Board in Patti Benjamin and Karen Vincent departed, Karen for San Diego and Patti for Sydney. Their contribution to the activities and development of the organization was outstanding and we wish them well for their respective futures and know that they will continue to make their presence felt wherever they are and in whatever they are doing.

The national Conference held in conjunction with our colleagues in the Australian Association of Social Workers, Welfare educators and welfare workers was successful in every aspect apart from financial. Unfortunately, despite the hard work particularly of Anne Pickard, Cindy Gorton and Marion Palmer and our Board, the additional costs, mostly contributed to by an expensive organizational process demanded by the AASW, there was a small loss. This loss was incurred even though the hard work undertaken in Western Australia which led to some local sponsorship was not enough to offset the expenditure. Fortunately, the agreement entered into with the AASW at the outset was for the AASW to carry any deficit that might be incurred. At the writing of the President's Report the final audited statement has not been circulated.

The Society is still struggling with its annual cash flow. The cost of insurance which takes the bulk of our financial resources is a considerable impediment to our future development. This will necessitate an increase in our fees. To not increase the fee, which is by comparative standards extremely low, will lead to an unsustainable position for the organization. To maintain the momentum thus far achieved by our hard working Board we need to also increase our membership. For the social work profession to be competitive in and amongst comparable professions it needs strong representation and leadership. This will require a greater commitment to the representative professional bodies than has been the case in recent times. We need to enlarge our membership to ensure longer term viability and maintain relevance to the profession. I would like to call on anyone who has ideas on how this might be achieved to please share them with members of the Board.

The value to members of a membership package that includes professional indemnity cannot be underestimated. As those of us who attended the recent seminar put on by the SPSW will know, liability does not end when you stop working or retire. Liability will continue to the extent of legal limitation. This is in most cases for a period of 6 years after the event creating the liability. It was also interesting and somewhat frightening to learn that the statutory limitation for liability when working with children started, not at the moment of the event, but from the time that the young client becomes an adult in law. We have been fortunate in securing a policy that is comprehensive and appears to cover any potential liability. It is retroactive in that it covers the past but is only live for as long as membership is maintained. I was invited along with representatives from medical and dental professions to talk to the Occupational Therapy Association on the merits or otherwise of a single national corporate body to represent the profession. Significantly, both the dentists and doctors stridently opposed a single entity approach and see considerable merit in a federated structure unlike the AASW which has a single entity corporate structure. It might interest members to know that the Occupational Therapy Association of Western Australia has resolved to retain its state based incorporation and support a federated structure. In WA they are a strong group and they demonstrate considerable unity and commitment to their profession.

On a lighter but important note, an advertisement that some of you may have seen was placed by Curtin University in the attempt to encourage the enrolment of more students in Education and Social Work. This advertisement depicted two people sitting at a table with a single cup on the table. One of them was asleep and the background was filled with captions like "Blah-Blah", "ZZZ" and "Red Cross" etc. The SPSW responded to this with the pleasing result that the University agreed to cease using that particular advertisement. While many may be critical of the role professional associations play this is a small example of how important it is to be able to call on a collective voice to ensure that something be done.

This report would not be complete without a brief comment on the AASW and their relationship with the SPSW. The AASW is still in the process of debating and coming to a decision about their restructure and possible changes to their constitution. The proposed restructure does little to redress the problems that

arose leading to the formation of the SPSW. It still remains a strongly centralised structure without enough recognition of Branch function and autonomy.

This next year promises a lot more professional development opportunities with the addition of Dr Meddin and the continued energy and efforts of Anne Pickard.

I would like to thank all the members of the SPSW Board for their support and the very good work that they have done on behalf of all of us. Particular mention needs to be made of Mary Joyce and her ability to keep us on course. I owe a debt of gratitude to you all and hope that we can further develop and grow into the future.

*Brian Wooller  
President  
October 2007*



Incoming Vice President – Dr Barbara Meddin



One of the new SPSW Board Members – Sharon McAuliffe, with Marion Palmer at the AGM

## Letters

25 September 2007

Brian Wooller  
President SPSW  
Society of Professional Social Workers (Inc)  
PO Box 156  
Subiaco WA 6904  
Dear Mr Wooller,

Re: Legal Liability

I would like to take this opportunity to thank you for allowing me to sit on your panel. I really enjoyed the experience and would welcome another invite.

Yours Sincerely

Simon Watters  
Barrister-at-Law

Ms Julie Dixon  
Executive Officer  
Office of the Commissioner for Children  
Level 28  
140 St George's terrace  
PERTH 6000

17 September 2007

Dear Ms Dixon

**Re: Invitation to the Commissioner for Children**

I am writing to you in relation to your conversation with Dr Barbara Meddin about inviting the Commissioner for Children, when appointed, to address the members of the Society of Professional Social Workers about the role of the Commissioner.

As you may know the Society of Professional Social Workers (SPSW) is a Western Australian based organization which addresses issues affecting the contribution of the social work profession to the community, and matters relating to the practice of social workers in this State. Many of our members work with families and children and from the experience of these practitioners the SPSW is in a position to provide accurate and current information to your Office. The SPSW contributed to the 2006 Review of the then, Department for Community Development.

It would be appreciated if you could offer an early date for a meeting between our members and the newly appointed Commissioner for Children. I would expect that an opportunity for the Commissioner to meet with our members would be mutually beneficial and would provide an introduction to opportunities for future contributions to the work of your Office.

I look forward to hearing from you.

Yours sincerely

Brian Wooller  
President  
Society of Professional Social Workers

Mr Brian Wooller  
President  
Society of Professional Social Workers  
PO Box 156  
Subiaco WA 6904

Dear Mr Wooller,

**Invitation to the Commissioner for Children and Young People**

Thank you for your letter dated 17 September 2007 inviting the Commissioner for Children and Young People to meet with the Society of Professional Social Workers.

The Department of the Premier and Cabinet is undertaking the processes for selection and appointment of the Commissioner. In addition, the Department of the Attorney General is well advanced in the establishment of the office and provision of support for the Commissioner, in anticipation of an appointment in the near future. I have been placed in the role of Executive Officer to assist in the development of the office.

When the Commissioner is appointed I will bring your invitation to their attention and explore the options for a meeting. I believe the Commissioner will welcome the opportunity to discuss issues related to the wellbeing of children with groups such as the Society of professional Social Workers.

For your information, I have enclosed a brief outline of some of the functions and responsibilities of the Commissioner.

Yours Sincerely

Julie Dixon  
Executive Officer  
Commissioner for Children and Young People

4 October 2007

**Commissioner for Children and Young People**

The position of Commissioner for Children and Young People is established under the *Commissioner for Children and Young People Act 2006*. The Commissioner is an independent and impartial position, which reports directly to Parliament. The Commissioner is accountable through the Attorney General who is the Minister responsible for administration of the *Commissioner for Children and Young People Act 2006*.

### **Editor's Note**

My, what a busy few months we have been having! There have been some very important opportunities to discuss vital issues for social workers as well as to network with colleagues, and next year is likely to be even better.

I would like to thank all the contributors to the December Edition of In The Loop and look forward to increasing participation in this, your newsletter.

That just leaves me to wish you all a very Merry Christmas and a Happy Chanukah and a restful and safe holiday season. I look forward to a very active and enjoyable 2008.

*Wendy Butler (SPSW Board Member)*

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