

Naghti l-kunsens tieghi.

(L.S.)

GUIDO DE MARCO  
President

28 ta' Novembru, 2003

### ATT Nru. XVII ta' l-2003

*ATT biex jipprovdi għar-regolamentazzjoni tal-professjoni tax-xogħol soċjali u biex jipprovdi għal hwejjeġ konnessi magħha jew li huma ancillari għaliha.*

Il-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f' dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:-

**1.** (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att ta' l-2003 dwar il-Professjoni tax-Xogħol Soċjali. Titolu fil-qosor u bidu fis-sehh.

(2) Dan l-Att għandu jibda' jsehh f' dik id-data li l-Ministru responsabbli għall-politika soċjali jista' jistabbilixxi b' avviż fil-Gazzetta u jistgħu jkunu hekk stabbiliti dati differenti għal disposizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

**2.** F' dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx tehtieġ Tifsir. xort'ohra:

“Bord” tfisser il-Bord dwar il-Professjoni tax-Xogħol Soċjali f' Malta stabbilit bl-artikolu 4 ta' dan l-Att;

“haddiem soċjali reġistrat” jew “haddiem soċjali” tfisser persuna li tkun reġistrata fir-reġistru ufficjali ta' haddiema soċjali miżmum mill-Bord u li tkun inghatat *warrant* li tipprattika l-professjoni ta' xogħol soċjali, skond l-artikolu 6 ta' dan l-Att;

“jipprattika” dwar il-professjoni tax-xoghol soċjali tinkludi:-

(a) li tittiehed jew li tiġi segwita l-professjoni ta’ xoghol soċjali; u

(b) l-użu, waqt li l-professjoni tkun b’hekk qed tiġi segwita, tat-titolu professjonali “Haddiem Soċjali Reġistrat” jew ta’ l-ittri li jindikaw dak it-titolu “RSW”;

“Ministru” tfisser il-Ministru responsabbli għall-politika soċjali;

“perjodu ta’ adattament” tfisser perjodu li matulu persuna tista’ teżerċita l-professjoni ta’ xoghol soċjali f’Malta taht is-sorveljanza ta’ haddiem soċjali reġistrat, liema perjodu jista’ jinkludi l-provvediment ta’ dak it-tahriġ addizzjonali lil dik il-persuna, kif jista’ jkun mehtieġ mill-Bord, u wara dan il-perjodu jsir eżami;

“preskritt” tfisser preskritt b’regolamenti magħmula mill-Ministru taht dan l-Att;

“test ta’ hila” tfisser test li l-għan tiegħu jkun li jivvaluta l-hila ta’ persuna biex issegwi l-professjoni ta’ xoghol soċjali f’Malta, jew kif ikun mehtieġ mill-Bord skond id-disposizzjonijiet ta’ dan l-Att;

“*warrant*” ifisser *warrant* mahruġ taht l-artikolu 6 ta’ dan l-Att.

“xoghol soċjali” tfisser is-servizz professjonali li jingħata għall-promozzjoni jew biex tkun restawrata interazzjoni reċiprokament benefiċjarja bejn individwi kif ukoll bejn individwi u s-soċjetà sabiex tittiejjeb il-kwalità tal-hajja, billi l-persuni li jkunu jirċievu dan is-servizz jingħataw għajjnuna biex jifhmu, isolvu u jipprevjenu problemi personali, interpersonali, familjari jew soċjali;

*Warrant* għall-prattika ta’ haddiem soċjali.

**3. (1)** Ebda persuna m’għandha turi ruhha li tkun haddiem soċjali professjonali jew li twettaq xoghol soċjali għal rimunerazzjoni jew turi ruhha li tkun professjonalment kwalifikata biex hekk tagħmel jew li tassumi t-titolu jew l-ittri li jindikaw it-titolu ta’ haddiem soċjali reġistrat kemm-il darba ma tkunx id-detentur ta’ *warrant* mahruġ taht dan l-Att.

(2) Sakemm mhux speċifikat fil-*warrant*, *warrant* mahruġ taht is-subartikolu (1) ta' dan l-artikolu ma jintitolax lid-detentur tiegħu li jeżerċita l-professjoni ta' xogħol soċjali f'dawk l-oqsma ta' xogħol soċjali speċjalizzati li jkunu jeħtieġu kwalifiki addizzjonali u, jew tahrिğ skond kif preskritt mill-Ministru.

(3) Persuna ma tikkwalifikax għal *warrant* hlief jekk dik il-persuna –

(a) tkun ċittadina Maltija, jew xort'ohra jkollha permess biex taħdem f'Malta taht xi ligi; u

(b) tkun ta' kondotta tajba; u

(ċ) tkun kisbet Grad bl-Unuri f'Xogħol Soċjali mill-Università ta' Malta jew xi kwalifika professjonali ohra li l-Bord jidhirlu li tkun ekwivalenti; u

(d) tissodisfa lill-Bord li jkollha esperjenza xierqa fil-prattika tal-professjoni tax-xogħol soċjali għal żmien aggregat ta' mill-anqas sentejn fuq bażi *full-time* jew l-ekwivalenti ta' dak iż-żmien fuq bażi *part-time* wara li tkun spiċċat dak il-grad jew dik il-kwalifika professjonali ohra taht is-sorveljanza ta' haddiem soċjali reġistrat.

(4) Il-Ministru jista' jippreskrivi, minflok xi wahda mill-htigijiet minimi stabbiliti taht id-disposizzjonijiet ta' qabel ta' dan l-artikolu, htigijiet minimi ohra skond xi trattat jew ftehim internazzjonali jew multinazzjonali li fih Malta tkun parti jew skond id-disposizzjonijiet ta' xi leġislazzjoni li tingieb fis-seħh bis-sahha ta' xi Att jew ftehim bhal dawk.

(5) Bla hsara għal xi disposizzjoni magħmula bl-Att jew taht l-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki, meta t-tul tal-kors, li jkun iwassal għall-kwalifika professjonali li jkollu l-applikant ikun anqas mit-tul tal-kors li jwassal għal *Degree* mogħti mill-Università ta' Malta jew meta l-esperjenza msemmiha fil-paragrafu (d) tas-subartikolu (3) ta' dan l-artikolu tkun anqas minn sentejn, il-Bord jista' jeħtieġ lill-applikant li jagħmel perjodu ta' adattament li ma jkunx itwal mid-doppju tad-differenza, skond kif speċifikat mill-Bord. Il-Bord jista' wkoll jissottometti lill-applikant għal test ta' hila.

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**4.** (1) Għandu jkun hemm Bord li jkun magħruf bhala l-Bord dwar il-Professjoni tax-Xogħol Soċjali f'Malta li jkun magħmul minn seba' membri kif ġej:-

Bord dwar il-Professjoni tax-Xogħol Soċjali.

(a) erba' membri mahtura mill-Ministru wara konsultazzjoni ma' kull assoċjazzjoni, jekk ikun hemm, reġistrata mal-Bord skond id-disposizzjonijiet ta' dan l-Att, li minnhom:

(i) wiehed ikun *Chairperson*, li jkollu livell maghruf fil-professjoni tax-xoghol soċjali u li jkollu mill-inqas sitt snin esperjenza fil-prattika tax-xoghol soċjali jew fil-politika soċjali;

(ii) haddiem soċjali wiehed li jaqdi d-dmirijiet ta' xoghol soċjali fis-settur pubbliku;

(iii) haddiem soċjali wiehed li jaqdi d-dmirijiet ta' xoghol soċjali f'organizzazzjoni tal-*welfare* soċjali mhux governattiva; u

(iv) persuna li tkun avukat b'esperjenza ta' mhux anqas minn hames snin.

(b) (i) Żewġ membri nominati mill-assoċjazzjonijiet reġistrati mal-Bord, jekk ikun hemm, skond id-disposizzjonijiet ta' dan l-Att u mahtura mill-Ministru;

(ii) haddiem soċjali wiehed nominat minn u minn fost l-istaff akkademiku permanenti responsabbli għall-educazzjoni u t-taħriġ tax-xoghol soċjali u l-politika soċjali fl-Università ta' Malta:

Izda dwar l-ewwel hatriet taht dan l-artikolu, "haddiem soċjali" tfisser kull persuna li hi kwalifikata li tkun reġistrata taht dan l-Att:

Izda wkoll għall-fini tal-paragrafi (a) u (b) ta' dan is-subartikolu, l-assoċjazzjonijiet li għandhom ikunu konsultati jew li għandhom jagħmlu n-nominazzjonijiet dwar l-ewwel hatra għandhom ikunu daww l-assoċjazzjonijiet li għandhom il-kwalifiki biex eventwalment ikunu reġistrati taht dan l-Att.

(2) Għall-ewwel darba, in-nomini magħmula skond is-subartikli (i) u (ii) ta' paragrafu (b) ta' dan l-artikolu għandhom isiru fi żmien ġimagħtejn minn talba bil-miktub magħmula għal hekk mill-Ministru, u għal kull nomina sussegwenti, fi żmien xahar minn meta tinholq xi vakanza. Meta l-vakanza tirrizulta wara li hatra tiskadi, dik in-nomina għandha ssir fi żmien xahar qabel l-iskandenza ta' din il-hatra. Fin-nuqqas ta' nomina bhal dik, il-Ministru għandu jagħmel il-hatra minn fost haddiema soċjali.

(3) Membri mahtura fuq il-Bord ghandhom iżommu l-kariga ghal sentejn:

Iżda ż-żmien tal-kariga ta' l-ewwel membri tal-Bord mahtura taht is-sub-paragrafi (i), (ii) u (iii) tal-paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu, ghandu jkun ta' tliet snin u ghat-tieni u ghal kull hatra sussegwenti ma' l-gheluq taż-żmien inizjali ż-żmien ghandu jkun ghal sentejn.

(4) Membri tal-Bord, wara li jispiċċa ż-żmien tal-hatra tagħhom, ikunu elegibbli biex jergħu jinhatru, iżda ma jistghux iservu fuq il-Bord ghal iktar minn tlett perjodi konsekuttivi.

(5) Fil-każ li xi membru tal-Bord ibattal il-kariga tiegħu qabel ma jispiċċa ż-żmien tal-hatra, il-persuna mahtura minfloku ghandha tinhatar ghaż-żmien li jkun għadu ma skadix tal-hatra oriġinali.

(6) In-numru ta' membri preżenti mehtieg' biex ikun hemm quorum ikun ta' erbgha, iżda dejjem jekk ikun hemm quorum, il-Bord jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu.

(7) Il-Ministru jista' wkoll jagħzel uffiċjal pubbliku biex jagħmilha ta' segretarju tal-Bord, iżda s-segetarju ma jkollux vot.

(8) Iċ-*Chairperson* tal-Bord ikollu vot oriġinali u, fil-każ ta' voti ndaq, ikollu vot iehor deċiżiv.

(9) Hlief ghal dak li ntqal qabel u ghal dak li jista' jiġi preskritt il-Bord jista' jagħmel ir-regoli tiegħu stess u xort'ohra jirregola l-proċeduri tiegħu stess.

(10) Il-laqgħat tal-Bord ghandhom ikunu msejha miċ-*Chairperson* u l-Bord ghandu jiltaqa' skond kif mehtieg', imma mhux anqas minn darba kull tliet xhur.

(11) Fit-twettiq ta' dmirijietu skond dan l-Att, il-Bord jista' jikkonsulta ruhu ma' kull persuna li jidhirlu xierqa. Għal dan il-ghan, il-Bord, jista' jistieden lil kull persuna bħal dawk biex tattendi l-laqgħat tal-Bord.

(12) Il-Bord ghandu jzomm kopja vera u korettta tal-proċedimenti tiegħu kollha u l-Bord ghandu jagħti kull informazzjoni mitluba mill-Ministru.

**5.** (1) Bla hsara ghas-setghat u ghall-funzjonijiet l-oħra tiegħu, l-iskop tal-Bord huwa li jirregola l-prattika u l-eligibilità biex ikun prattikat ix-xogħol soċjali f'Malta, u partikolarment biex-

(a) jistabilixxi u, meta mehtieġ, jivvaluta *standards* ta' xogħol soċjali eżistenti u jiżviluppa *standards* ġodda ta' żvilupp professjonali kontinwu fix-xogħol soċjali u *standards* oħra, u jirrakkomanda lill-Ministru, dwar l-edukazzjoni inizjali u kontinwa, profiċjenza, esperjenza u kwalifiki oħra mehtieġa biex jinżamm *warrant* taht dan l-Att;

(b) jikkonsidra, jipproċessa u jagħmel rakkomandazzjonijiet lill-Ministru dwar applikazzjonijiet għal ekwivalenza u għarfien ta' kwalifiki f'xogħol soċjali;

(ċ) jeżamina applikazzjonijiet għal *warrant* għall-prattika tal-professjoni ta' xogħol soċjali f'Malta u jagħmel rakkomandazzjonijiet lill-Ministru għall-ghoti jew rifjut ta' *warrants*;

(d) iżomm reġistru uffiċjali tal-haddiema soċjali registrati kollha;

(e) iżomm reġistru uffiċjali tas-soċjetajiet tal-haddiema soċjali kollha;

(f) iżomm dak it-tagħrif li jista' jkun mehtieġ dwar assoċjazzjonijiet li jirrapprezentaw haddiema soċjali f'Malta, li jkunu registrati taht id-disposizzjonijiet ta' dan l-Att;

(g) jagħmel rakkomandazzjonijiet lill-Ministru fuq it-tifsira tal-prattika ta' xogħol soċjali speċjalizzat u l-kwalifiki mehtieġa għall-prattika f'oqsma speċjalizzati ta' xogħol soċjali, u li jirrakkomanda lill-Ministru dwar l-ghoti ta' *warrants* f'dan is-sens;

(h) jagħmel rakkomandazzjonijiet lill-Ministru dwar il-kodiċi ta' etika li jkun preskritt għall-imġieba professjonali ta' haddiema soċjali; dawn ir-rakkomandazzjonijiet għandhom isiru wara konsultazzjoni ma' l-assoċjazzjonijiet registrati taht dan l-Att;

(i) li jinvestiga kull allegazzjoni ta' mġieba professjonali hażina, negligenza qawwija jew inkompetenza minn haddiem soċjali;

(j) jaghti pariri, jew jaghmel rakkomandazzjonijiet, jew xort'ohra jaghti l-fehmiet tiegħu lill-Ministru dwar kull haġa li dwarha l-Ministru għandu jikkonsulta mal-Bord, jew li dwarha l-Bord jista' jaghmel rakkomandazzjonijiet lill-Ministru jew li fuqha l-Bord ikun mitlub mill-Ministru biex jaghti l-fehma tiegħu jew jaghmel rakkomandazzjoni;

(k) jaqdi dawk il-funzjonijiet l-oħra li jistgħu jinqalghu minn dan l-Att jew minn xi liġi oħra, jew kif jista' jkun delegat lilu mill-Ministru.

(2) Il-Bord għandu, sa mhux aktar tard minn tliet xhur wara l-aħhar ta' kull sena, jippubblika fil-Gazzetta, lista ta' persuni li fil-31 ta' Diċembru ta' dik is-sena, kienu reġistrati fir-reġistru ufficjali tal-haddiema soċjali, u lista tas-soċjetajiet reġistrati fir-reġistru ufficjali ta' soċjetajiet tal-haddiema soċjali.

(3) Il-Bord għandu jaghmel u jippubblika rapport annwali dwar l-operat tiegħu.

**6.** (1) Kull persuna li tkun trid tikseb *warrant* biex tipprattika l-professjoni ta' xogħol soċjali f'Malta għandha taghmel applikazzjoni lill-Bord. Applikazzjonijiet għal *warrant*.

(2) Jekk il-Bord ikun sodisfatt li l-applikant jissodisfa l-htigijiet minimi stabbiliti taht dan l-Att, dan għandu jaghmel rakkomandazzjoni lill-Ministru għall-hruġ ta' *warrant*.

(3) Meta, wara l-perjodu ta' adattament indikat, il-Bord ikun sodisfatt li l-applikant ikun temm b'suċċess it-tahriġ tiegħu, il-Bord għandu jaghmel rakkomandazzjoni lill-Ministru għall-hruġ ta' *warrant*.

(4) Sabiex jiġi stabbilit jekk applikant ikunx temm b'suċċess it-tahriġ tiegħu kif intqal qabel, il-Bord jista' jissottometti lill-applikant għal test ta' hila taht id-disposizzjonijiet ta' dan l-Att.

(5) *Warrant* mahruġ mill-Ministru taht dan l-Att jista' jkun mahruġ sugġett għal dawk il-limitazzjonijiet jew kundizzjonijiet kif il-Bord jista' jirrakkomanda f'xi każ partikolari. Dak il-*warrant* jista' wkoll jinkludi dawk il-kundizzjonijiet speċjali u dik l-awtorizzazzjoni għal prattika f'oqsma speċjalizzati ta' xogħol soċjali u għal dawk il-perjodi speċifiċi li l-Bord jista' jirrakkomanda skond id-disposizzjonijiet ta' dan l-Att u kull regolamenti magħmula bis-sahha tiegħu.

(6) Fil-konsiderazzjoni ta' applikazzjoni minn xi persuna jew minn xi detentur ta' *warrant* għall-prattika ta' professjoni f'qasam

speċjalizzat ta' xogħol soċjali, il-Bord jista' jordna li dik il-persuna tkun trid tagħmel u ttejjem b'suċċess, b'żieda mas-sottomissjoni ta' dawk il-kwalifiki li jistgħu jkunu preskritti, taħriġ jew perjodu ta' adattament kif ikun indikat mill-Bord.

(7) *Warrant* mahruġ taħt dan l-Att għandu jitqies li jkompli fis-seħh kemm-il darba d-detentur tal-*warrant* jipprova għas-sodisfazzjon tal-Bord li jkun għamel dak il-programm jew dawk il-programmi ta' żvilupp professjonali kontinwu kif jista' jkun preskritti:

Iżda meta d-detentur tal-*warrant* jonqos li jipprova għas-sodisfazzjon tal-Bord li jkun għamel dak il-programm jew dawk il-programmi ta' żvilupp professjonali kontinwu, il-*warrant* tiegħu għandu jitqies li hu sospiz sakemm hu ma jipprovax għas-sodisfazzjon tal-Bord li jkun jissodisfa dawk il-htigijiet li jistgħu jkunu preskritti.

Deċiżjonijiet tal-Bord.

7. Il-Bord għandu jikkonsidra u jagħmel ir-rakkomandazzjonijiet tiegħu fuq applikazzjoni għal *warrant* ta' prattika fil-professjoni ta' xogħol soċjali malajr kemm ikun prattikabbli, imma f'ebda każ iżjed minn erba' xhur minn meta jirċievi l-applikazzjoni flimkien mal-informazzjoni u d-dokumentazzjoni kollha meħtieġa mal-applikazzjoni. Ma' l-għemil tar-rakkomandazzjonijiet tiegħu lill-Ministru, il-Bord għandu fl-istess hin jinnotifika lill-applikant bir-rakkomandazzjonijiet tiegħu, flimkien mar-raġunijiet li fuqhom kienu bbażati.

Skwalifika ta' detentur ta' *warrant*.

8. (1) Ebda persuna ma tikkwalifika li tirċievi u żżomm *warrant* skond dan l-Att jekk din il-persuna tkun instabet hatja minn xi qorti kompetenti, ta' xi delitt li għalih hemm piena ta' iktar minn sena priġunerija.

(2) Meta persuna tiflew il-*warrant* wara li tkun instabet hatja skond is-subartikolu ta' qabel dan, avviz ta' dak it-telf għandu jingħata mill-Ministru fil-Gazzetta u jkun komunikat mill-Bord lill-persuna skwalifikata kemm il-darba l-persuna ma tkunx għet interdett bis-sentenza nnifisha.

(3) Il-Ministru jista', f'kull żmien, fuq ir-rakkomandazzjonijiet tal-Bord, jerga' jagħti lura il-*warrant* lil persuna li tkun tilfitu jew li tkun skwalifikata skond is-subartikolu (1) ta' dan l-artikolu.

Dixxiplina.

9. (1) Il-Bord għandu jinvestiga kull allegazzjoni ta' mġieba professjonali hażina, negligenza qawwiya jew inkompetenza dwar haddiem soċjali.



(2) Għall-finijiet ta' dan l-artikolu l-frażijiet “mġieba professjonali hażina”, “negliġenza qawwija”, jew “inkompetenza”, jinkludu dawn li ġejjin:-

- (a) jinkiseb *warrant* b'mod qarrieqi jew frodulenti;
- (b) ksur ta' Kodiċi ta' l-Etika stabbilit taht dan l-Att;
- (ċ) nuqqas ta' tharis ta' regolamenti dwar *standards* jew prattika professjonali;
- (d) nuqqas ta' tharis ta' xi kundizzjoni mqieghda fil-*warrant* mahruġ taht dan l-Att;
- (e) l-użu ta' intervenzjonijiet terapewtiċi jew assunzjoni ta' kompetenza professjonali li dwarha l-persuna ma tkunx kwalifikata jew li l-persuna konċernata ma tkunx awtorizzata li tipprattika skond il-*warrant* tagħha;
- (f) imġieba b'mod li tkun ta' hsara għall-professjoni ta' xogħol soċjali;
- (g) wiri ta' nuqqas ta' tagħrif, hila jew ġudizzju fil-prattika ta' xogħol soċjali jew fit-twettiq ta' dmir jew obbligu fil-prattika ta' xogħol soċjali.

(3) Kull haddiem soċjali li jkun is-suġġett ta' xi investigazzjoni li ssir mill-Bord għandu jinghata l-opportunità kollha biex jagħmel id-difiza tiegħu u jġib provi favur tiegħu u għal dan l-għan jista' jkun rappreżentat minn avukat jew minn xi persuna oħra li jagħzel hu.

(4) Meta jiffinalizza l-investigazzjoni l-Bord għandu -

- (a) jekk isib favur il-haddiem soċjali, itemm il-każ; jew
- (b) jekk isib li l-haddiem soċjali hati ta' mġieba professjonali hażina, negliġenza qawwija jew inkompetenza, jagħmel rapport ta' l-investigazzjoni tiegħu u jissottomettih lill-Ministru flimkien mar-rakkomandazzjonijiet tiegħu għall-impożizzjonijiet ta' kull waħda mill-penalitajiet li ġejjin:-

- (i) sospensjoni jew thassir tal-*warrant* taht dawk il-kundizzjonijiet li jistgħu jkunu rakkomandati;

(ii) sospensjoni jew thassir tar-registrazzjoni ta' soċjetà ta' haddiema soċjali;

(iii) impożizzjoni ta' kundizzjonijiet marbuta ma' *warrant*;

(iv) ċanfira;

(v) hlas li jkopri l-ispejjeż ta' l-investigazzjoni;

(vi) ordni li xi drittijiet li jintalbu ghal servizzi mogħtija ma jithallsux, jitnaqqsu jew jithallsu lura; jew

(vii) kull penali oħra li tista' tkun preskritta.

(5) Mat-thassir tal-*warrant* ta' haddiem soċjali l-Bord għandu jaqta' isem dik il-persuna minn fuq ir-registru uffiċjali ta' haddiema soċjali.

Kap. 273.

(6) Għall-finijiet ta' dan l-artikolu, il-membri tal-Bord ikollhom is-setgħat li huma jew li jistgħu jingħataw taħt l-Att dwar l-Inkjesti u għandu jmxexxi l-investigazzjoni tiegħu kif provdut fl-istess Att.

Dritt għall-appell.

**10.** (1) Meta l-Ministru jkun iddeċieda wara r-rakkomandazzjonijiet tal-Bord li *warrant* ta' persuna għandu jkun sospiż jew imhassar jew li l-*warrant* ikun suġġett għal dawk il-kundizzjonijiet addizzjonali, dik il-persuna tista', fi żmien wiehed u ghoxrin jum min-notifika tal-Ministru, tappella lill-Qorti ta' l-Appell fil-ġurisdizzjoni inferjuri tagħha.

(2) Il-Ministru responsabbli mill-ġustizzja jista' jagħmel regolamenti li jippreskrivu d-drittijiet li għandhom jithallsu fir-Registru tal-Qorti dwar appelli magħmula taħt dan l-artikolu:

Iżda sakemm jiġu preskritti dawk id-drittijiet mill-Ministru responsabbli mill-ġustizzja, id-drittijiet li għandhom jithallsu għal appelli lil dik il-Qorti għandhom ikunu d-drittijiet applikabbli lill-Qorti tal-Maġistrati (Malta).

(3) Il-Bord imwaqqaf bis-saħħa ta' artikolu 29 tal-Kodiċi tal-Organizzazzjoni u Proċedura Ċivili għandu jagħmel regolamenti li jstabilixxu l-forma ta' dawk l-appelli u hwejjeġ relatati.

Restituzzjoni.

**11.** Il-Ministru jista', fuq ir-rakkomandazzjoni tal-Bord u fuq applikazzjoni għal dan l-ghan, inehhi dik is-sospensjoni jew thassir,

jekk l-applikant jissodisfa l-htigijiet li jistghu jiġu preskritti. Meta l-*warrant* tal-haddiem soċjali tkun ġiet restitwita, dak il-haddiem soċjali ghandu jiġi reġistrat mill-ġdid fir-reġistru ufficjali.

**12.** (1) Kull assoċjazzjoni ta' haddiema soċjali tista' taghmel applikazzjoni lill-Bord biex tkun reġistrata bhala assoċjazzjoni ta' haddiema soċjali ghall-finijiet ta' dan l-Att. Assoċjazzjonijiet ta' haddiema soċjali.

(2) Assoċjazzjoni tkun kwalifikata biex tkun reġistrata taht dan l-artikolu jekk tipprova lill-Bord li jkollha mill-inqas għaxar haddiema soċjali reġistrati li jkunu membri u li tikkonforma ruħha ma' dawk il-kundizzjonijiet l-oħra li jistghu jkunu preskritti. Assoċjazzjoni ghandha tissottometti flimkien mal-applikazzjoni lista ta' membri u dak it-taghrif l-iehor li l-Bord jista' jehtieg sabiex jipproċessa l-applikazzjoni.

(3) Il-Bord ikollu s-setgha li jehtieg minghand kull assoċjazzjoni reġistrata taht dan l-artikolu biex tipproduci dawk ir-records u t-taghrif dwar l-assocjazzjoni u l-membri tagħha li l-Bord jista' jehtieg b'mod raġonevoli minn zmien għal zmien.

**13.** (1) Żewġ detenturi ta' *warrant* jew iktar jistghu jiffurmaw soċjeta civili, f'dan l-Att msejha "soċjeta ta' haddiema soċjali", li jkollha bhala skop wahdieni l-prattika tax-xogħol soċjali u dawk is-setghat li huma mehtieġa biex jintlahqu l-ghanijiet tas-soċjeta. Soċjetajiet ta' haddiema soċjali.

(2) Ebda persuna barra minn detentur ta' *warrant* ma tista' tkun soċju fis-soċjeta ta' haddiema soċjali.

(3) Kull soċjeta bhal dik, meta tkun iffurmata kif imiss skond il-liġi u mal-hlas tad-dritt preskrit, tkun reġistrata mal-Bord u ma' dik ir-reġistrazzjoni s-soċji jkunu sakemm s-soċjeta tibqa' hekk reġistrata, awtorizzati biex jaġixxu f'isem u b'rappreżentanza tas-soċjeta li jkollha l-jedd li tuza l-isem "Haddiema Soċjali" bhala parti minn isem is-soċjeta'.

(4) Kull soċjeta bhal dik ghandha taghti lill-Bord dak it-taghrif li jkun mehtieġ mill-Bord b'mod raġonevoli jew kif jista' jiġi preskrit, u ghandha taghti avviz lill-Bord b'kull tibdil rilevanti f'kull taghrif li qabel ikun inghata lill-Bord fi zmien hmistax-il jum wara data li fiha jkun sar it-tibdil.

**14.** (1) Minkejja d-disposizzjonijiet ta' xi liġi oħra jew ta' xi ftehim ieħor kuntrarju, id-disposizzjonijiet li ġejjin ghandhom japplikaw għal soċjeta ta' haddiema soċjali taht dan l-Att:- Disposizzjonijiet applikabbli għal-soċjetajiet ta' haddiema soċjali.

(a) is-soċċi jkunu responsabbli *in solidum* għall-għemil u għan-nuqqasijiet ta' kull wiehed minnhom fil-qadi tad-dmirijiet professjonali tagħhom, iż-żamma tal-*istandards* u l-imġieba professjonali u b'mod ġenerali fit-twettiq ta' l-obbligazzjonijiet tagħhom taht dan l-Att jew taht xi liġi oħra applikabbli, u għandhom ukoll ikunu responsabbli *in solidum* għal kull telf jew danni rizultanti;

(b) kull għemil jew haġa li tista' ssir minn detentur ta' *warrant* tista' ssir minn wiehed jew iżjed mis-soċċi f'isem is-soċjetà; u kull għemil jew haġa li ssir f'isem is-soċjetà għandha ssir minn wiehed jew iżjed mis-soċċi;

(ċ) ir-responsabbilitajiet u l-obbligazzjonijiet għal kull haġa li tkun saret jew li tkun naqset milli ssir matul il-perjodu li fih il-persuna kienet soċċu f'soċjetà ta' haddiema soċjali m'għandhomx jieqfu, dwar dik il-persuna, minhabba li din tkun irtirat, mietet jew għal xi raġuni oħra li minhabba fiha ma tibqax soċċu.

(2) Minkejja d-disposizzjonijiet ta' qabel ta' dan l-artikolu, ebda soċċu ma jista' jeżerċita l-professjoni ta' haddiem soċjali f'qasam ta' xogħol soċjali speċjalizzat jekk mhux awtorizzat mill-*warrant* tiegħu kemm-il darba ma jagħmilx dan ix-xogħol taht is-superviżjoni ta' soċċu li għandu *warrant* li jawtorizzah jagħmel xogħol soċjali f'dak il-qasam speċjalizzat.

Artikoli applikabli għal soċjetajiet.

**15.** Id-disposizzjonijiet ta' l-artikoli 9, 10 u 11 ta' dan l-Att għandhom japplikaw għal soċjetajiet ta' haddiema soċjali kif japplikaw għal haddiema soċjali *mutatis mutandis*.

Reati.

**16.** (1) Kull persuna li sabiex tikseb *warrant* jew reġistrazzjoni ta' soċjetà ta' haddiema soċjali taht id-disposizzjonijiet ta' dan l-Att tagħti xi tagħrif hażin jew xort'oħra taġixxi b'mod qarrieqi jew bi frodi tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux iżjed minn elf lira jew priġunerija għal mhux iżjed minn tmax-il xahar jew dik il-multa u priġunerija flimkien.

(2) Kull persuna li tinstab hatja ta' xi reat iehor taht dan l-artikolu tehel, meta tinstab hatja, multa ta' mhux iżjed minn hames mitt lira, jew priġunerija għal tliet xhur, jew dik il-multa u priġunerija flimkien u fil-każ ta' reat kontinwu, multa ta' hames liri għal kull jum li matulu jkompli r-reat, sa massimu ta' elfejn lira.

(3) Kull persuna li, meta ma tkunx id-detentur ta' *warrant* mahruġ taht dan l-Att, tipprattika l-professjoni ta' xogħol soċjali jew tassumi l-isem ta', jew turi lilha nnifisha bhala li hi, haddiem soċjali

jew taghmel xi xoghol soċjali bi ksur tad-disposizzjonijiet ta' dan l-Att, tkun hatja ta' reat kontra dan l-artikolu.

(4) Kull persuna li tuża l-kliem “Haddiem Soċjali” dwar soċjetà ta' haddiem soċjali meta dik is-soċjetà ma tkunx reġistrata skond id-disposizzjonijiet ta' dan l-Att, jew b'xi mod ikun li jkun taghmel użu minn isem li b'mod qarrieqi jindika l-eżistenza ta' soċjetà ta' haddiema soċjali kif intqal qabel, tkun hatja ta' reat kontra dan l-artikolu.

(5) Għall-finijiet tas-subartikoli (2) u (3) ta' dan l-artikolu, l-użu fuq xi biljett, karta ta' l-ittri, tabella, kartellun, pjanċa, reklam jew ta' mezz, strument jew dokument ieħor miktub, stampat jew imnaqqax, tal-kliem “Haddiem Soċjali”, “Haddiem Soċjali Reġistrat” dwar isem, jew “Haddiema Soċjali” dwar soċjetà, ikun prova biżżejjed tat-tagħrif ta' dak l-użu minn kull persuna jew li dwarha l-isem jew is-soċjetà, l-imsemmija kliem jintużaw, kemm il-darba dik il-persuna ma tippruvax li l-użu ta' dak il-kliem ikun sar minghajr l-għarfien tagħha u li meta saret taf b'dak l-użu hadet il-passi xierqa biex twaqqfu.

(6) Għall-finijiet ta' dan l-artikolu, persuna ma titqiesx li tkun bi ksur tad-disposizzjonijiet ta' dan l-Att jekk dik il-persuna taghmel xoghol soċjali waqt perjodu ta' adattament jew meta tkun qed taghmel taħriġ, f'kull każ taht is-sorveljanza xierqa ta' haddiem soċjali reġistrat u skond dawk ir-regolamenti li jistgħu jiġu preskritti.

(7) Bla hsara għad-disposizzjonijiet tas-subartikolu minnufih qabel dan, ebda persuna jew organizzazzjoni ohra m'għandha timpjega xi persuna barra minn haddiem soċjali reġistrat għall-fini tal-prattika ta' xoghol soċjali.

(8) Id-disposizzjonijiet ta' dan l-Att li jistabbilixxu reati jkunu bla hsara għad-disposizzjonijiet ta' xi liġi ohra li jistabbilixxu reati u pieni dwar l-istess atti jew ommissjonijiet u m'għandhomx, b'mod partikolari, jolqtu l-applikazzjoni ta' xi piena oghla taht xi liġi ohra.

**17.** Meta, wara inkjesta skond l-artikolu 9 ta' dan l-Att, il-Bord isib haddiem soċjali hati ta' nuqqas ta' mġieba professjonali jew ksur tal-Kodiċi ta' Etika, il-Bord jista' jimponi dawk il-penalitàjiet li jippreskrivi l-Ministru.

Multi amministrattivi.

**18.** Il-Ministru jista', wara konsultazzjoni mal-Bord, jaghmel regolamenti li ma jkunx inkonsistenti mad-disposizzjonijiet ta' dan l-Att, biex jagħti effett aħjar lil kull wahda minn dawk id-disposizzjonijiet u b'mod ġenerali biex jirregola l-professjoni tax-xogħol soċjali, u bla hsara għall-ġeneralità ta' dan li ntqal qabel, dawk ir-regolamenti jistgħu b'mod partikolari jinkludu disposizzjonijiet dwar -

Regolamenti.

(a) it-twaqqif ta' *standards*, proċeduri u dmirijiet u Prattika ohra li għandhom ikunu mharsa min haddiema soċjali, jew b' mod ġenerali jew f'oqsma ta' attività partikolari;

(b) l-imġieba professjonali u l-kodiċi ta' etika ta' haddiema soċjali u l-livelli ta' kompetenza u integrità li għandhom jinżammu mill-professjoni;

(ċ) il-htigijiet dwar l-iżvilupp kontinwu tal-professjoni biex jinżamm *warrant*;

(d) ix-xogħol li jista jsir u s-servizzi li jistgħu jingħataw skond il-*warrant*, u l-pattijiet u l-kundizzjonijiet li jistgħu jkunu marbuta ma dak il-*warrant*, u l-kwalifiki addizzjonali meħtieġa għal *warrants* li jipprovdu għall-prattika ta' xogħol soċjali f'oqsma speċjalizzati;

(e) id-drittijiet li jistgħu jintalbu mill-Bord b'konnessjoni mal-hruġ ta' *warrant*, għal kull reġistrazzjoni taht dan l-Att, u għal kull xogħol iehor li jista' jsir mill-Bord skond id-disposizzjonijiet ta' dan l-Att;

(f) id-drittijiet li jistgħu jintalbu minn haddiema soċjali għas-servizzi professjonali tagħhom;

(g) il-proċeduri li għandhom ikunu segwiti f'każijiet ta' mġieba hażina professjonali;

(h) kull proċeduri ohra li jistgħu jkunu adottati mill-Bord;

(i) kull haġa ohra li hija rikjesta jew awtorizzata minn dan l-Att biex tkun preskritta;

(j) il-pieni, il-penalitajiet u konsegwenzi u effetti ohra li persuna tista' tkun responsabbli għalihom jew li jistgħu jiġru f'każ ta' xi kontravvenzjoni, jew nuqqas ta' tharis ta' xi disposizzjoni ta' xi regolament taht dan l-artikolu, hekk iżda li ebda piena hekk preskritta m'għandha tkun iżjed minn hames mitt lira jew priġunerija għal żmien ta' tliet xhur, jew dik il-multa u priġunerija flimkien, jew fil-każ ta' reat kontinwu, multa ta' hames liri għal kull jum li matulu jkompli r-reat sa massimu ta' elfejn lira ;

(k) il-multi amministrattivi li jistgħu jiġu mposti mill-Bord, li m'għandhomx jaqbzu il-hames mitt lira .

Provvedimenti  
transitorji.

**19.** (1) Kull persuna li fid-data tal-bidu fis-seħh ta' dan l-Att ikollha Diploma fl-Istudji Soċjali Applikati b'għażla fix-Xogħol Soċjali jew Diploma f'Xogħol Soċjali mahruġa mill-Università ta' Malta qabel

Dicembru 2002, jew xi kwalifika professjonali ohra fix-xoghol soċjali mahruġa qabel Dicembru 2002 u li hi meqjusa mill-Bord bhala ekwivalenti ghal xi wahda mill-imsemmija diplomi hija meqjusa li tissodisfa id-disposizzjonijiet tal-paragrafu (ċ) tas-subartikolu (3) ta' artikolu 3 ta' dan l-Att.

(2) Għall-finijiet tal-paragrafu (d) tas-subartikolu (3) ta' l-artikolu 3 ta' dan l-Att, kull esperjenza miksuba minn xi persuna, li tkun kisbet il-kwalifiki msemmija fil-paragrafu (ċ) ta' l-imsemmi subartikolu (3), bejn id-data li fiha rċeviet l-imsemmija kwalifika u il-bidu fis-sehh ta' dan l-Att, jitqies bhala taħriġ taħt sorveljanza ta' haddiem soċjali reġistrat.

(3) Minkejja d-disposizzjonijiet l-ohra taħt dan l-Att, kull persuna li tissodisfa lill-Bord li tkun ilha tagħmel xogħol soċjali fuq bażi professjonali bhala l-okkupazzjoni prinċipali tagħha għal mill-inqas għaxar snin minnufih qabel il-bidu fis-sehh ta' dan l-Att għandha titqies li tissodisfa l-htigijiet tal-paragrafi (ċ) u (d) tas-subartikolu (3) ta' l-artikolu 3 ta' dan l-Att.

(4) Id-disposizzjonijiet tas-subartikolu (3) ta' dan l-artikolu japplikaw biss dwar persuna li tapplika għal *warrant* taħt dan l-Att fi żmien sena minn meta dan jibda jsehh u jekk il-persuna tgħaddi b'suċċess test ta' hila li jstabilixxi l-Bord fi żmien sitt xhur mid-data ta' dik l-applikazzjoni.

**20.** Il-liġijiet muriġa fl-ewwel kolonna ta' l-Iskeda li tinsab ma' dan l-Att għandhu jkollhom effett soġġetti għall-emendi muriġa fit-tieni kolonna tagħha.

Emendi  
konsegwenzjali.

**Skeda**

**(Artikolu 20)**

L-ewwel Kolonna  
Liġi

It-Tieni Kolonna  
Limitu ta' l-Emendi

Kodiċi ta'  
Organizzazzjoni u  
Proċedura Ċivili,  
Kap. 12

1. Fis-subartikolu (2) ta' l-artikolu 588 minflok il-kliem "*marriage counsellor*" ghandhom jidhlu l-kliem "*haddiem soċjali u marriage counsellor*".

2. Minnufih wara s-subartikolu (2) ta' l-artikolu 646 ghandu jżied is-subartikolu ġdid li ġej:-

“(3) Ebda haddiem soċjali li jkun diġa pprova servizzi lil parti f'kawża inkluż bhala xhud espert *ex parte* skond id-disposizzjonijiet ta' l-artikolu 563A ta' dan l-Att ma jista' jinhatar perit.”.

Att dwar  
ir-Rikonoxximent  
Reċiproku ta'  
Kwalifiki,  
Kap. 451

L-Iskeda li hemm ghalih ghandha tiġi emendata biż-żieda ta' dan li ġej taht il-kolonni relattivi fit-tarf tagħha:-

Professjoni Regolata / Attività Professionali	Awtorità Nominata	Liġi
Haddiem Soċjali	Ministru responsabbli għall-politika soċjali	Att ta' l-2003 dwar il- Professjoni tax-Xoghol Soċjali

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 56 tas-17 ta' Novembru, 2003.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Skrivan tal-Kamra tad-Deputati*



I assent.

(L.S.)

GUIDO DE MARCO  
President

28th November, 2003

**ACT No. XVII of 2003**

*AN ACT to make provision for the regulation of the social work profession and to provide for matters connected therewith or ancillary there to.*

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.** (1) The short title of this Act is the Social Work Profession Act, 2003. Short title and commencement.

(2) This Act shall come into force on such a date as the Minister responsible for social policy may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes of this Act.

**2.** In this Act, unless the context otherwise requires: Interpretation.

“adaptation period” means a period during which a person may exercise the profession of social work in Malta under the supervision of a registered social worker, which period may include the provision of such further training to such person, as may be required by the Board, at the end of which an assessment shall be carried out;

“Board” means the Malta Social Work Profession Board established by article 4 of this Act;

“Minister” means the Minister responsible for social policy;

“practise” in relation to the profession of social work, includes:-

(a) the taking up or pursuit of the profession of social work; and

(b) the use, in the course of such pursuit, of the professional title of “Registered Social Worker” or the designatory letters “RSW”;

“prescribed” means prescribed by regulations made by the Minister under this Act;

“proficiency test” means a test having the aim of assessing a person’s ability to pursue the profession of social work in Malta, as may be required by the Board in accordance with the provisions of this Act;

“registered social worker” or “social worker” means a person who is registered in the official register of social workers kept by the Board and who has been granted a warrant to practise the profession of social work, in accordance with article 6 of this Act;

“social work” means the professional service that is performed to promote or restore a mutually beneficial interaction between individuals as well as between individuals and society in order to improve the quality of life, by aiding persons in receipt of such services to understand, resolve and prevent personal, interpersonal, family or social problems;

“warrant” means a warrant, issued under article 6 of this Act.

Warrant to practise as social worker.

**3.** (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 a registered social worker unless he is the holder of a warrant issued under this Act.

(2) The warrant under subarticle (1) of this article shall not entitle the holder thereof to exercise the profession in such areas of specialised social work as may be prescribed by the Minister as requiring additional qualifications and, or, training, unless the warrant so specifies.

(3) A person shall not qualify for a warrant unless such person –

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

(b) is of good conduct; and

(c) is in possession of the Honours Degree in Social Work conferred by the University of Malta or of another professional qualification as the Board may deem equivalent;

(d) satisfies the Board that he has received adequate experience in the practice of the profession of social work for an aggregate period of at least two years full-time or its equivalent in part-time following the completion of such degree or such other professional qualification under the supervision of a registered social worker.

(4) The Minister may prescribe, in place of any of the minimum requirements established under the foregoing provisions of this article, other minimum requirements in terms of any international or multinational treaty or agreement entered into by Malta or with the provisions of any legislation the binding force of which derives from any such treaty or agreement.

(5) Without prejudice to any provision made by or under the Mutual Recognition of Qualifications Act, where the duration of a course leading to the professional qualification possessed by an applicant is less than the duration for the course leading to the Degree conferred by the University of Malta or when the experience referred to in paragraph (d) of subarticle (3) of this article is less than two years, 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. Cap. 451.

**4.** (1) There shall be a Board to be known as the Malta Social Work Profession Board which shall consist of seven members as follows:- Social Work  
Profession Board.

(a) four members appointed by the Minister following consultation with any association, if any, registered with the Board in accordance with the provisions of this Act, of whom:

(i) one shall be a chairperson who shall be of recognised standing in the social work profession having at least six years experience in social work practice or social policy;

(ii) one social worker who performs social work duties within the public sector;

(iii) one social worker who performs social work duties within a non-governmental social welfare organisation; and

(iv) one person who shall be an advocate with at least five years experience;

(b) (i) two members nominated by such associations registered with the Board if any, in accordance with the provisions of this Act and appointed by the Minister;

(ii) one social worker nominated by and from amongst the permanent academic staff responsible for social work and social policy education and training at the University of Malta:

Provided that in relation to the first appointments under this article, “social worker” means any person who is qualified to be registered under this Act:

Provided further that for the purpose of paragraphs (a) and (b) of this subarticle, the associations to be consulted or to make the nominations in relation to the first appointment shall be any association that has the qualifications to be eventually registered under this Act.

(2) The nominations made in terms of sub-paragraph (i) and (ii) of paragraph (b) of this article shall, for the first time be made within two weeks from a request in writing made therefor by the Minister, and for any subsequent nomination, within one month from the occurrence of any vacancy or when the vacancy arises due to the expiry of the term of office within one month prior to the said expiry. In the absence of any such nomination, the Minister shall make the appointment from amongst social workers.

(3) Members of the Board shall hold office for a term of two years:

Provided that the term of office for the first members of the Board appointed under sub-paragraphs (i), (ii) and (iii) of paragraph (a) of subarticle (1) of this article, shall be of three years and the second or any subsequent appointment made on the lapse of this initial term shall be for a term of two years.

(4) Members of the Board shall, on the expiration of their term of office, be eligible to be reappointed, but they may not serve the Board for more than three consecutive terms.

(5) In the event that any Board member vacates his office before completing the appointed term, the person appointed in his stead shall be appointed for the unexpired period of the original appointment.

(6) The number of members necessary to form a quorum shall be four, but subject to the presence of a quorum, the Board may act notwithstanding any vacancy among its members.

(7) The Minister shall designate a public officer to act as secretary to the Board, but such secretary shall not have a vote.

(8) The chairperson of the Board shall have both an original vote and, in the case of a tie, a casting vote.

(9) Save as aforesaid and as may be prescribed, the Board may make its own rules and otherwise regulate its own procedures.

(10) The meetings of the Board shall be summoned by the Chairperson and the Board shall meet as often as may be necessary but at least once every three months.

(11) In the exercise of its functions under this Act, the Board may consult with such persons as it may deem appropriate. For such purpose, the Board may invite any such person to attend meetings of the Board.

(12) The Board shall keep a true and correct record of all its proceedings and the Board shall give to the Minister such information as he may require.

**5.** (1) Without prejudice to its other powers and functions, the purpose of the Board is to regulate the practice and the eligibility to practise the profession of social work in Malta, and in particular to - Functions of the Board.

(a) establish and, where necessary, assess existing social work standards and develop new continuing social work professional development and other standards, and recommend to the Minister in relation to initial and continuing social work education, proficiency, experience and other qualifications required for holding a warrant under this Act;

(b) consider, process and make recommendations to the Minister with regard to applications for equivalence and recognition of qualifications in social work;

(c) examine applications for a warrant to practise the profession of social work in Malta and make recommendations to the Minister on the award or refusal thereof;

(d) keep an official register of all registered social workers;

(e) keep an official register of all partnerships of social workers;

(f) keep such information as may be required in relation to associations representing social workers in Malta, registered under the provisions of this Act;

(g) make recommendations to the Minister on the definition of specialised social work practice and the qualifications necessary to practise in specialised social work, and to recommend to the Minister the granting of warrants to this effect;

(h) make recommendations to the Minister on the code of ethics to be prescribed for the professional behaviour of social workers; such recommendations shall be made following consultation with the associations registered under the provisions of this Act;

(i) inquire into any allegation of professional misconduct, gross negligence or incompetence by a social worker;

(j) advise, or make recommendations or otherwise express its views to the Minister on any matter on which the Minister is to consult with the Board or on which the Board is to make recommendations to the Minister or on which the opinion or recommendation of the Board is sought by the Minister;

(k) perform such other functions as may arise from this Act or any other law, or as may be assigned to it by the Minister.

(2) The Board shall, not later than three months after the end of each year, publish in the Gazette, a list of persons who on the 31st December of the said year, were registered in the official register of social workers, and a list of partnerships registered in the official register of partnerships of social workers.

(3) The Board shall draw up and publish an annual report, concerning its general operations.

6. (1) Any person seeking to obtain a warrant to practise the profession of social work in Malta shall make an application to the Board.

Applications for a warrant.

(2) If the Board is satisfied that the applicant satisfies the minimum requirements established under this Act, it shall make a recommendation to the Minister for the issue of a warrant.

(3) Where, following an adaptation period where necessary, the Board is satisfied that the applicant has successfully completed his training, the Board shall make a recommendation to the Minister for the issue of a warrant.

(4) For the purpose of establishing whether an applicant has successfully completed his training as aforesaid, the Board may submit the applicant to a proficiency test under the provisions of this Act.

(5) A warrant issued by the Minister under this Act may be issued subject to such limitations or conditions as the Board may recommend in any particular case. Such warrant may include such special conditions and such authorisation to practise in specialised social work and for such specific periods as the Board may recommend in accordance with the provisions of this Act and any regulations made thereunder.

(6) In the consideration of an application by any person or by a warrant holder for the practice of the profession in specialised social work, the Board may direct that such person shall, in addition to the submission of such qualifications as may be prescribed, undertake and successfully complete such training or adaptation period as the Board may indicate.

(7) A warrant issued under this Act shall continue to have effect provided that the warrant holder shall prove to the satisfaction of the Board that he has carried out such programme or programmes of continuing professional development as may be prescribed:

Provided that when the warrant holder fails to prove to the satisfaction of the Board that he has carried out such programme or programmes of continuing professional development, his warrant shall be considered suspended until such time as he proves to the satisfaction of the Board that he meets the requirements that may be prescribed.

7. The Board shall consider and make its recommendations on an application for a warrant to practice the profession of social work

Decisions of the Board.

as soon as is reasonably practicable but in no case later than four months from the receipt of the application together with all the relevant information and documentation in support of the application. On making its recommendations to the Minister, the Board shall concurrently notify the applicant of its recommendations, together with the reasons upon which these were based.

Disqualification from a warrant.

**8.** (1) A person shall not be qualified to obtain or retain a warrant in terms of this Act if he has been convicted by any competent court for any crime liable to imprisonment for a term exceeding one year.

(2) Where a person loses his warrant following a conviction as is referred to in the preceding subarticle, notice of such loss shall be given by the Minister in the Gazette and shall be communicated by the Board to the person disqualified unless the person has been interdicted by the judgement itself.

(3) The Minister may, at any time, on the recommendation of the Board, reinstate a person who has lost his warrant or grant a warrant to a person who is disqualified in terms of subarticle (1) of this article.

Discipline.

**9.** (1) The Board shall inquire into any alleged professional misconduct, gross negligence or incompetence in relation to a social worker.

(2) For the purposes of this article, the terms “professional misconduct”, “gross negligence”, or “incompetence”, include the following:-

- (a) obtaining a warrant in a deceitful or fraudulent manner;
- (b) contravention against the Code of Ethics established under this Act;
- (c) failure to comply with regulations with respect to professional standards or practice;
- (d) failure to comply with any condition attached to the warrant issued under this Act;
- (e) use of therapeutic interventions or assumption of professional competence for which the person is not qualified or the person concerned is not authorised to practise in terms of his warrant;



(f) acting in a manner which may be detrimental to the social work profession;

(g) displaying lack of knowledge, skill or judgement in the practice of the profession of social work or in carrying out of a duty or obligation undertaken in the practice of social work.

(3) Any social worker who is the subject of any inquiry carried out by the Board shall be given all the opportunity to make his defence and bring any evidence in his favour and for such purpose he may be represented by a lawyer or by any other person of his choice.

(4) On finalising the inquiry the Board shall -

(a) if it finds in favour of the social worker, dismiss the case; or

(b) if it finds the social worker guilty of the alleged professional misconduct, gross negligence or incompetence, make a report of its findings and submit it to the Minister together with its recommendation for the imposition of any of the following penalties:-

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

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

(iii) imposition of conditions to be attached to a warrant;

(iv) reprimand;

(v) payment to cover the costs of the inquiry;

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

(vii) any other penalty as may be prescribed.

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

Cap. 273.

(6) 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 same Act.

Right of appeal.

**10.** (1) Where it has been decided by the Minister, following the recommendations of the Board that the warrant of a person be suspended or cancelled or that additional conditions be attached to such warrant, that person may, within twenty-one days of the Minister's notification, appeal to the Court of Appeal in its inferior jurisdiction.

(2) The Minister responsible for justice may make regulations prescribing the fees that shall be payable in the Registry of the Court in connection with appeals under this article:

Provided that until such time as fees are so prescribed by the Minister responsible for Justice, the fees payable with respect to appeals to that Court shall be the fees applicable to the Court of Magistrates (Malta).

(3) The Board established under article 29 of the Code of Organization and Civil Procedure shall make rules establishing the form of such appeals and any other matters related thereto.

Reinstatement.

**11.** The Minister may, on the recommendation of the Board, and upon application to this effect, remove such suspension or cancellation, if the applicant meets such requirements that may be prescribed. Where the warrant of the social worker has been reinstated such social worker is to be again registered in the official register.

Associations of social workers.

**12.** (1) Any association of social workers may make an application to the Board to be registered as an association of social workers for the purposes of this Act.

(2) An association shall be qualified to be registered under this article if it proves to the Board that it has a membership of at least ten registered social workers and that it conforms with such other conditions as may be prescribed. An association shall submit together with the application a list of members and such other information as the Board may require to process the application.

(3) The Board shall have the power to require any association registered under this article to produce such records and information regarding the association and its members as the Board may reasonably require from time to time.

**13.** (1) Two or more warrant holders may form a civil partnership, in this Act referred to as a “partnership of social workers”, having for its exclusive object the practice of the profession of social work and such powers as are necessary for the attainment of the objects of the partnership.

Partnership of social workers.

(2) No person other than a warrant holder may be a partner in a partnership of social workers.

(3) Any such partnership shall, when duly formed according to law and on payment of the prescribed fee be registered with the Board, and upon registration the partners shall, for as long as it is so registered, be authorised to act in the name and on behalf of the partnership which shall be entitled to the designation “Social Workers” as part of its name.

(4) Every such partnership shall give to the Board such information as the Board may reasonably require or as may be prescribed, and shall give notice to the Board of any relevant changes in any information previously given to the Board within fifteen days after the date on which the change occurs.

**14.** (1) Notwithstanding the provisions of any other law or any other agreement to the contrary, the following provisions shall apply to a partnership of social workers under this Act:-

Provisions applicable to partnership of social workers.

(a) the partners shall be jointly and severally responsible for the actions and omissions of each and every one of them in the performance of their professional duties, the maintenance of the required professional standard and conduct and generally in the fulfilment of their obligations under this Act or any other applicable law, and shall also be jointly and severally liable for any loss or damage resulting therefrom;

(b) any act or thing that may be done by a warrant holder may be done by one or more of the partners in the name of the partnership; and any act or thing done in the name of the partnership shall be done by one or more of the partners;

(c) the responsibilities and liabilities for anything done or omitted to be done during the period in which a person was a partner in a partnership of social workers shall not cease, in respect of such person, by his retirement, death or other cause by which he ceases to be a partner.

(2) Notwithstanding the forgoing provisions of this article, no partner shall exercise the profession of social work in a specialised area if he is not so entitled by virtue of his warrant unless he is acting under the supervision of a partner who is in possession of a warrant that entitles him to perform social work in such specialised area.

Articles applicable to partnerships.

**15.** The provisions of articles 9, 10 and 11 of this Act shall apply to partnerships of social workers as they apply to social workers *mutatis mutandis*.

Offences.

**16.** (1) Any person who for the purpose of obtaining a warrant or registering a partnership of social workers under the provisions of this Act, gives any wrong information or otherwise acts in a deceitful or fraudulent manner shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one thousand liri or to imprisonment not exceeding twelve months or to both such fine and imprisonment.

(2) Any person who is found guilty of any other offence against this article shall be liable on conviction to a fine (*multa*) not exceeding five hundred liri, or to three months imprisonment or to both such fine and imprisonment, and in the case of a continuing offence to a fine (*multa*) of five liri for each day during which the offence continues, subject to a maximum of two thousand liri.

(3) Any person who, not being the holder of a warrant issued under this Act, practises the profession of social work or assumes the designation of, or purports to be, a social worker or carries out any social work in contravention of the provisions of this Act, shall be guilty of an offence against this article.

(4) Any person who uses the words "Social Workers" in relation to a partnership of 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 social workers registered as aforesaid shall be guilty of an offence against this article.

(5) For the purposes of subarticles (2) and (3) of this article, 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 Social Workers" or "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 prove 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.

(6) For the purpose of this article, a person shall not be deemed to be in contravention of the provisions of this Act if such person is performing social work during an adaptation period or when in training, in any case under the appropriate supervision of a registered social worker and subject to such regulations as may be prescribed.

(7) Subject to the provisions of the immediately preceding subarticle of this article, no person or any other organisation shall employ any person other than a registered social worker for the purpose of practising social work.

(8) The provisions of this Act establishing offences shall be without prejudice to the provisions of any other law establishing offences and punishments in respect of the same acts or omissions and shall not, in particular, affect the application of any higher punishment under any other law.

**17.** Where, following an inquiry under the provisions of article 9 of this Act, the Board finds a social worker guilty of any breach of professional conduct or the Code of Ethics, the Board may impose such penalties as the Minister may prescribe. Administrative fines.

**18.** The Minister may, after consultation with the Board, make regulations not inconsistent with the provisions of this Act, to give better effect to any of such provisions and generally to regulate the social work profession, and, without prejudice to the generality of the foregoing, such regulations may in particular include provisions with respect to - Regulations.

(a) the establishment of social work practice, standards, procedures and other duties and practices to be followed by social workers, either generally or in particular fields of activity;

(b) the professional conduct and code of ethics of social workers and the standards of competency and integrity to be kept by the profession;

(c) the requirements in relation to continuing professional development for the maintenance of a warrant;

(d) the work which can be performed and the services which can be rendered in terms of a warrant, and the terms and conditions

which can be attached to such warrant, and the additional qualifications necessary for warrants providing for the practice of the profession of social work in specialised practice.

(e) the fees that may be charged by the Board in connection with the application for the issue of a warrant, for the making of any registration under this Act, and for any other operations that may be carried out by the Board in accordance with the provisions of this Act;

(f) the fees that may be charged by social workers for their professional services;

(g) the procedures to be followed in cases of professional misconduct;

(h) any other procedures that may be adopted by the Board;

(i) any matter which is required or is authorised by this Act to be prescribed;

(j) the punishments, penalties and other consequences and effects to which a person may become liable or which may take place in the event of any contravention of, or non-compliance with, any provision of any regulation under this article; so however that no punishment so prescribed shall exceed a fine (*multa*) of five hundred liri, or imprisonment for a term of three months, or both such fine and imprisonment, and, in the case of a continuing offence, to a fine (*multa*) of five liri for each day during which the offence continues, subject to a maximum of two thousand liri;

(k) the administrative penalties that may be imposed by the Board, which shall not exceed five hundred liri.

Transitory provisions.

**19.** (1) Any person who on the coming into force of this Act is in possession of a Diploma in Applied Social Studies with an option in Social Work or a Diploma in Social Work issued by the University of Malta prior to December 2002, or any other professional qualification in social work issued prior to December 2002 deemed by the Board to be equivalent to any of the aforesaid diplomas shall be deemed to have satisfied the provisions of paragraph (c) of subarticle (3) of article 3 of this Act.

(2) For the purposes of paragraph (d) of subarticle (3) of article 3 of this Act, any experience gained by any person who has obtained the qualification referred to in paragraph (c) of the said

subarticle (3), between the date of such qualification and the coming into force of this Act shall be deemed to have been undertaken under the supervision of a registered social worker.

(3) Notwithstanding the other provisions of this Act, any person who satisfies the Board that he has pursued social work on a professional basis as his main occupation for at least ten years immediately prior to the coming into force of this Act shall be deemed to satisfy the requirements of paragraphs (c) and (d) of subarticle (3) of article 3 of this Act.

(4) The provisions of subarticle (3) of this article shall only apply in relation to a person who applies for a warrant under this Act within one year from its coming into force and who successfully undertakes a proficiency test set by the Board within six months from the date of such application.

**20.** The enactments shown in the First Column of the Schedule to this Act shall have the effect subject to the amendments shown in the Second Column thereof. Consequential amendments.

### Schedule

#### (Article 20)

First Column  
Enactment

Second Column  
Extent of Amendments

Code of  
Organisation and  
Civil Procedure,  
Cap. 12

1. In subarticle (2) of article 588 for the words “marriage counsellor” there shall be substituted by the words “social worker or marriage counsellor”.

2. Immediately after subarticle (2) of article 646 there shall be added the following new subarticle:-

“(3) No social worker who has already provided services to a party to a suit including as an ex parte expert witness according to the provisions of article 563A of this Act may be appointed as a referee.”.

Mutual Recognition  
of Qualifications  
Act, Cap. 451

The Schedule thereto shall be amended by the addition of the following under the relative columns at the end thereof:-

Regulated  
Profession /  
Professional  
Activity

Designated  
Authority

Legislation

Social Worker

Minister  
responsible for  
social policy

Social Work  
Profession  
Act 2003

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Passed by the House of Representatives at Sitting No. 56 of the 17th November, 2003.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Clerk to the House of Representatives*