

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,493, 6 ta' Novembru, 2015
Taqsim C

Nru. 130

6. 11. 2015

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Evarist Bartolo, M.P., Ministru għall-Edukazzjoni u x-Xogħol, f'isem il-Ministru għall-Familja u Solidarjetà Soċjali, u moqri għall-Ewwel darba fis-Seduta tat-2 ta' Novembru, 2015.

A BILL introduced by the Honourable Evarist Bartolo, M.P., Minister for Education and Employment, on behalf of the Minister for the Family and Social Solidarity, and read the First time at the Sitting of the 2nd November, 2015.

ATT biex jemenda l-Att dwar il-Professjoni tax-Xogħol Soċjali, Kap. 468.

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

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

Abbozz ta' Liġi msejjah

Att biex jemenda l-Att dwar il-Professjoni tax-Xogħol Soċjali, Kap. 468.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2015 li jemenda l-Att dwar il-Professjoni tax-Xogħol Soċjali u dan l-Att għandu jinqara u jiftiehem haġa waħda mal-Att dwar il-Professjoni tax-Xogħol Soċjali, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

Kap. 468.

2. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

(a) minnufih wara t-tifsira "Bord" għandha tiżdied it-tifsira ġdida li ġejja:

" "grad rikonoxxut fix-xogħol soċjali" tfisser Grad fix-Xogħol Soċjali (*Honours*) mahruġ mill-Università ta' Malta jew ir-rikonoxximent formali mill-Bord tal-valur ta' kwalifika barranija ta' edukazzjoni oġġla fil-pussess tal-applikant bil-ghan li jithalla li jikseb aċċess għal u jsegwi f'Malta l-professjoni ta' xogħol soċjali;"

(b) minnufih wara t-tifsira "grad rikonoxxut fix-xogħol soċjali" għandha tiżdied it-tifsira ġdida li ġejja:

"haddiem soċjali" tfisser persuna li jkollha fil-pussess tagħha grad rikonoxxut fix-xogħol soċjali, izda li

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ma jkollhiex *warrant* fil-pussess tagħha;"

(ċ) minflok it-tifsira " "haddiem soċjali registrat" jew "haddiem soċjali" " għandu jidhol dan li ġej:

" "haddiem soċjali registrat" tfisser persuna li jkollha fil-pussess tagħha *warrant* sabiex tipprattika il-professjoni ta' xogħol soċjali miksub skont l-artikolu 6 u registrata fir-registru uffiċjali ta' haddiema soċjali registrati miżmum mill-Bord;"

(d) minflok il-paragrafu (b) tat-tifsira "jipprattika", għandu jidhol dan li ġej:

"(b) l-użu, waqt li l-professjoni tkun b'hekk qed tiġi segwita, tat-titolu professjonali "Haddiem Soċjali Registrat" jew l-ittri li jindikaw dak it-titolu "HSR" minn persuna li jkollha fil-pussess tagħha *warrant* biex tipprattika l-professjoni ta' xogħol soċjali, jew it-titolu professjonali ta' "Haddiem Soċjali" jew l-ittri li jindikaw dak it-titolu "HS" minn persuna registrata fir-registru tal-haddiema soċjali, iżda li ma jkollhiex *warrant* fil-pussess tagħha;"

(e) fit-tifsira "Ministru", minflok il-kliem "għall-politika soċjali" għandhom jidhlu l-kliem "għall-harsien soċjali";

(f) minnufih wara t-tifsira "Ministru", għandha tiżdied din it-tifsira ġdida li ġejja:

L.S. 451.02 " "kwalifika ta' edukazzjoni oġhla" għandu jkollha l-istess tifsira kif mogħti lilha bir-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki ta' Edukazzjoni Oġhla fir-Regjun tal-Ewropa;"

(g) minnufih wara t-tifsira "preskritt" għandha tiżdied din it-tifsira ġdida li ġejja:

L.S. 451.03 " "prova ta' kwalifiki formali" għandu jkollha l-istess tifsira kif mogħti lilha bir-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali;" u

(h) minflok it-tifsira "xogħol soċjali" għandu jidhol dan li ġej:

"xogħol soċjali" tfisser is-servizz professjonali li jimmira sabiex tittejjeb il-kwalità tal-ħajja ta' individwi u familji billi jippromwovi bidla soċjali, soluzzjoni ta' problemi fir-relazzjonijiet umani u għoti tas-setgħa lin-nies."

3. L-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 3 tal-Att prinċipali.

(a) minflok is-subartikolu (1) tiegħu, għandu jidhol dan li ġej:

"(1) Ebda persuna m'għandha turi ruhha kwalifikata b'mod professjonali sabiex tipprattika l-professjoni ta' xogħol soċjali sakemm ma tkunx id-detentur ta' *warrant* mahruġ mill-Bord:

Izda persuna li jkollha fil-pussess tagħha grad rikonoxxut fix-xogħol soċjali tista' tipprattika l-professjoni ta' xogħol soċjali bhala haddiem soċjali f'agenzija tal-gvern, kif jista' minn żmien għal żmien jiġi stabbilit mill-Ministru u fit-twettiq tad-dmirijiet assenjati lilha f'dik il-kapaċità dik il-persuna għandha, għall-finijiet kollha tal-liġi, titqies bhala haddiem soċjali professjonali.";

(b) minflok is-subartikolu (3) tiegħu, għandu jidhol dan li ġej:

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

(a) tkun ċittadina ta' Malta, jew xort'ohra jkollha permess biex taħdem f'Malta taħt xi liġi;

(b) tkun ta' kondotta tajba; u

(ċ) isimha jkun imdaħħal fir-reġistru ta' haddiema soċjali reġistrati.";

(ċ) is-subartikoli (4) u (5) tiegħu għandhom jiġu enumerati mill-ġdid bhala s-subartikoli (5) u (6) rispettivament;

(d) minnufih wara s-subartikolu (3) tiegħu, għandu jiżdied dan is-subartikolu ġdid li ġej:

"(4) L-isem ta' persuna m'għandux jiddaħħal fir-reġistru ta' haddiema soċjali reġistrati hlief jekk dik il-persuna:

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(a) jkollha fil-pussess tagħha grad rikonoxxut fix-xogħol soċjali; u

(b) tissodisfa l-Bord li tkun irċeviet esperjenza professjonali adegwata fil-prattika tal-professjoni ta' xogħol soċjali għal perjodu totali ta' mhux inqas minn sentejn *full-time* jew l-ekwivalenti għal dak il-perjodu fuq bażi *part-time* ta' mhux iżjed minn sitt snin wara t-tmiem ta' dak il-grad taht is-supervizjoni ta' haddiem soċjali registrat, jew hija fil-pusses ta' provi ta' kwalifiki formali:

Izda li, mid-data kif il-Ministru jista' jistabilixxi b'avviż fil-Gazzetta, l-isem tal-persuna li jkollha fil-pussess tagħha Grad fix-Xogħol Soċjali (*Honours*) tal-Università ta' Malta, m'ghandux jiddaħhal fir-registru ta' haddiema soċjali registrati hlief jekk dik il-persuna, meta tkun ikkwalifikat għal dak il-grad, tkun hadmet bhala haddiem soċjali f'agenzija tal-gvern, kif jista' jiġi deċiż mill-Ministru minn żmien għal żmien għal dak il-għan, għal perjodu ta' sentejn jew iżjed kif il-Ministru jista' jippreskrivi."; u

(e) minflok is-subartikolu (6) tiegħu, kif enumerat mill-ġdid, għandu jidhol dan li ġej:

Kap. 451. "(6) Mingħajr preġudizzju għal kull dispożizzjoni ta', jew regolament magħmul bi jew taht l-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki, meta t-tul tal-kors, li jkun iwassal għall-kwalifika ta' edukazzjoni oghla li jkollu l-applikant ikun inqas mit-tul tal-kors li jwassal għal Grad fix-Xogħol Soċjali (*Honours*) tal-Università ta' Malta, jew meta l-applikant ma jissodisfax ir-rekwiziti msemmija fis-subartikolu (4)(b), il-Bord jista' jehtieg lill-applikant li jagħmel perjodu ta' adattament li ma jkunx itwal mid-doppju tad-differenza, skont kif speċifikat mill-Bord. Il-Bord jista' wkoll jissottometti lill-applikant għal test ta' hila."

Emenda tal-artikolu 5 tal-Att prinċipali.

4. Fis-subartikolu (1) tal-artikolu 5 tal-Att prinċipali, il-paragrafi (e) sa (k) għandhom jiġu enumerati mill-ġdid bhala l-paragrafi (f) sa (l) rispettivament, u minnufih wara l-paragrafu (d) għandu jizjed dan il-paragrafu ġdid li ġej

"(e) iżomm reġistru uffiċjali tal-ħaddiema soċjali kollha;".

5. L-artikolu 9 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 9 tal-Att prinċipali.

(a) minflok is-subartikolu (1) tiegħu, għandu jidhol dan li ġej:

"(1) Il-Bord jista' jwaqqaf kumitat sabiex jinvestiga kull allegazzjoni ta' mgħiba professjonali ħażina, negligenza qawwija jew inkompetenza fir-rigward kemm tal-ħaddiema soċjali registrati u kif ukoll tal-ħaddiema soċjali.";

(b) fis-subartikolu (3) tiegħu, minflok il-kliem "Kull ħaddiem soċjali li jkun is-sugġett ta' xi investigazzjoni" għandhom jidhlu l-kliem "Kull ħaddiem soċjali reġistrat, jew ħaddiem soċjali, skont kif ikun il-każ, li jkun is-sugġett ta' xi investigazzjoni"; u

(ċ) is-subartikoli (4) sa (6) għandhom jiġu mhassra u minnufih wara s-subartikolu (3) tiegħu, għandhom jidiedu dawn is-subartikoli godda li ġejjin:

"(4) Fi tmiem l-investigazzjoni, il-kumitat għandu jiddeċiedi jekk hemmx biżżejjed raġunijiet li jsib il-ħaddiem soċjali reġistrat taht investigazzjoni ħati ta' mgħiba professjonali ħażina, negligenza qawwija jew inkompetenza. Fl-affermattiv, il-kumitat għandu jagħmel rapport tad-deċiżjoni tiegħu u għandu jikkommetti dik il-persuna għal investigazzjoni ulterjuri mill-Kunsill flimkien mar-rakkomandazzjonijiet tiegħu fuq il-piena li għandha tiġi imposta, u fin-negattiv, jirrakkomanda li ma ssir l-ebda investigazzjoni ulterjuri.

(5) Il-penalitajiet imsemmija fis-subartikolu preċedenti jistgħu jinkludu:

(a) is-sospensjoni jew tħassir tal-*warrant* taht dawk il-kondizzjonijiet li jistgħu jkunu rakkomandati;

(b) is-sospensjoni jew tħassir tar-reġistrazzjoni ta' soċjetà ta' ħaddiema soċjali registrati;

(ċ) l-impożizzjoni ta' kondizzjonijiet marbuta ma' *warrant*;

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(d) ċanfira;

(e) hlas li jkopri l-ispejjeż tal-investigazzjoni;

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

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

(6) Mat-*thassir tal-warrant* ta' haddiem soċjali reġistrat il-Bord għandu jikkancelła isem dik il-persuna minn fuq ir-reġistru uffiċjali ta' haddiema soċjali reġistrati.

(7) Fir-rigward ta' haddiem soċjali, il-kumitat għandu jkollu wkoll il-kompetenza li jiddeċiedi jekk dak il-haddiem soċjali jkun naqas milli jkun konformi mar-rekwiziti stabbiliti fil-proviso mal-artikolu 3(1), u wara rakkomandazzjoni magħmula mill-kumitat għal dak il-għan, is-setgħat tal-Bord taħt dan l-artikolu sabiex jimponi piena għandhom jinkludu s-setgħa li jordna waħda jew iżjed minn dawn il-mizuri li ġejjin, jiġifieri:

(a) jordna lil dik il-persuna tissospendi l-prattika tagħha ta' professjoni ta' haddiem soċjali għal dak il-perjodu ta' żmien kif il-Bord jista' jiddeċiedi;

(b) jordna lil dik il-persuna tagħmel dak il-perjodu ta' taħriġ addizzjonali;

(c) xi twiddiba;

(d) penali ta' mhux inqas minn tlett mitt euro (€300) u mhux iżjed minn seba' mitt euro (€700);

(e) kull penali oħra li tista' tkun preskritta

Kap. 273. (8) Għall-finijiet ta' dan l-artikolu, il-membri tal-Bord handhom is-setgħat li huma jew li jistgħu jingħataw taħt l-Att dwar l-Inkjesti, u għandhom jmexxu l-investigazzjoni tagħhom kif previst fl-imsemmi Att."

Emenda tal-artikolu 10 tal-Att prinċipali.

6. Fis-subartikolu (1) tal-artikolu 10 tal-Att prinċipali, minflok il-kliem "dik il-persuna tista", fi żmien wieħed u għoxrin jum min-notifika tal-Ministru, tappella lill-Qorti tal-Appell fil-ġurisdizzjoni inferjuri tagħha" għandhom jidhlu l-kliem "dik il-persuna tista" tappella lill-Qorti tal-Appell fil-ġurisdizzjoni inferjuri

tagħha fi żmien wieħed u għoxrin gurnata mid-data meta notifika tad-deċiżjoni tkun ingħatat lill-Ministru u notifikata lid-detentur tal-*warrant* bil-posta reġistrata."

7. Fl-artikolu 11 tal-Att prinċipali, minnufih wara l-kliem "Meta l-*warrant* tal-ħaddiem soċjali" għandha tiżdied il-kelma "reġistrat".

Emenda tal-artikolu 11 tal-Att prinċipali.

8. Fis-subartikolu (1) tal-artikolu 12 tal-Att prinċipali, minnufih wara l-kliem "bħala assoċjazzjoni ta' ħaddiema soċjali" għandha tiżdied il-kelma "reġistrati".

Emenda tal-artikolu 12 tal-Att prinċipali.

9. L-artikolu 13 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 13 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "soċjetà ta' ħaddiema soċjali" għandhom jidhlu l-kliem "soċjetà ta' ħaddiema soċjali reġistrati";

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "f'soċjetà ta' ħaddiema soċjali" għandhom jidhlu l-kliem "f'soċjetà ta' ħaddiema soċjali reġistrati"; u

(ċ) fis-subartikolu (3) tiegħu, minflok il-kliem "jkollha l-jedd li tuża l-isem "Ħaddiema Soċjali" " għandhom jidhlu l-kliem "jkollha l-jedd li tuża l-isem "Ħaddiema Soċjali Reġistrati" ".

10. Minnufih wara l-artikolu 15 tal-Att prinċipali, għandu jiżdied dan l-artikolu ġdid li ġej:

Żjieda tal-artikolu ġdid 15A mal-Att prinċipali.

"Tifsira ta' 15A. Sabiex jiġi evitat kull dubbju, kull uffiċjal pubbliku. ħaddiem soċjali reġistrat, jew ħaddiem soċjali, li jkun ingħata b'mod legali dmir pubbliku għandu, fit-twettiq tal-funzjonijiet tiegħu, jitqies li jkun uffiċjal pubbliku fi hdan it-tifsira tal-Kodiċi Kriminali."

Kap. 9.

11. L-artikolu 16 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 16 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "soċjetà ta' ħaddiema soċjali" għandhom jidhlu l-kliem "soċjetà ta' ħaddiema soċjali reġistrati";

(b) fis-subartikolu (2) tiegħu, minnufih wara l-kliem "ta' xi reat ieħor" għandhom jiżdiedu l-kliem "taħt dan l-Att";

(ċ) fis-subartikolu (3) tiegħu, minflok il-kliem

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"haddiem soċjali" għandhom jidhlu l-kliem "haddiem soċjali reġistrat";

(d) minflok is-subartikolu (4) tiegħu, għandu jidhol dan li ġej:

"(4) Kull persuna li tuża l-kliem "Haddiem Soċjali Reġistrat" dwar soċjetà ta' haddiema soċjali reġistrati meta dik is-soċjetà ma tkunx reġistrata skont id-dispożizzjonijiet ta' dan l-Att, jew b'xi mod ikun li jkun tagħmel użu minn isem li b'mod qarrieqi jindika l-eżistenza ta' soċjetà ta' haddiema soċjali reġistrati kif intqal qabel, tkun hatja ta' reat kontra dan l-artikolu.";

(e) minflok is-subartikolu (5) tiegħu, għandu jidhol dan li ġej:

"(5) Għall-finijiet tas-subartikoli (2) u (3), l-użu fuq xi biljett, karta tal-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 "Soċjetà ta' Haddiema Soċjali Reġistrati" jew "Haddiema Soċjali Reġistrati" dwar soċjetà, ikun prova bizzejjed 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 mingħajr l-għarfien tagħha u li meta saret taf b'dak l-użu hadet il-passi xierqa biex twaqqfu."; u

(f) fis-subartikolu (6) tiegħu, minnufih wara l-kliem "jew meta tkun qed tagħmel taħriġ" għandhom jiżdiedu l-kliem "skont id-dispożizzjonijiet ta' dan l-Att".

Emenda tal-artikolu 17 tal-Att prinċipali.

12. Fis-subartikolu 17 tal-Att prinċipali, minflok il-kliem "il-Bord isib haddiem soċjali" għandhom jidhlu l-kliem "il-Bord isib haddiem soċjali reġistrat jew haddiem soċjali, skont kif ikun il-kaz,".

Emenda tal-artikolu 19 tal-Att prinċipali.

13. L-artikolu 19 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "id-dispożizzjonijiet tal-artikolu 3(3)(ċ)" għandhom jidhlu l-kliem "id-dispożizzjonijiet tal-artikolu 4(a)";

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "Għall-finijiet tal-artikolu 3(3)(d)" għandhom jidhlu l-kliem "Għall-finijiet tal-artikolu 4(b)", u minflok il-kliem "il-kwalifiki

msemmija fl-artikolu 3(3)(ċ)" għandhom jidhlu l-kliem "il-kwalifiki msemmija fl-artikolu 4(a)"; u

(ċ) fis-subartikolu (3) tiegħu, minflok il-kliem "għandha titqies li tissodisfa l-htigiet tal-artikolu 3(3)(ċ) u (d)" għandhom jidhlu l-kliem "għandha titqies li tissodisfa l-htigiet tal-artikolu 4(a) u (b)".

Ghanijiet u Raġunijiet

L-għan prinċipali ta' dan l-Abbozz ta' Liġi hu sabiex jiġi aġġornat l-Att dwar il-Professjoni tax-Xogħol Soċjali billi tinholq linja ta' demarkazzjoni bejn haddiem soċjali reġistrati li hu persuna li jkollha fil-pussess tagħha *warrant* sabiex tipprattika il-professjoni ta' xogħol soċjali, u li tkun reġistrata fir-reġistru ufficjali ta' haddiema soċjali reġistrati, u haddiem soċjali li hu persuna li jkollha fil-pussess tagħha grad rikonoxxut fix-xogħol soċjali, izda li ma jkollhiex *warrant* fil-pussess tagħha biex tipprattika il-professjoni ta' xogħol soċjali.

C 1838

**A Bill
entitled**

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:-

Short title.

1. The short title of this Act is the Social Work Profession (Amendment) Act, 2015, and this Act shall be read and construed as one with the Social Work Profession Act, hereinafter referred to as "the principal Act".

Cap. 468.

Amendment of
article 2 of the
principal Act.

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

(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 use, in the course of such pursuit, of the professional title of "Registered Social Worker" or the designatory letters "RSW" by a person who is in possession of a warrant to practise the profession of social work, or the professional title of "Social Worker" or the designatory letters "SW" by a person registered in the register of social workers, but is not in possession of a warrant;"

(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 registered social workers kept by the Board;"

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

" "social work" means the professional service that aims to enhance the well-being of individuals and families by promoting social change, problem solving in human relationships and the empowerment of people;" and

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

" "social worker" means a person who is in possession of a recognised degree in social work, but who is not in possession of a warrant;"

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

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

"(1) No person can hold himself out to be professionally qualified to practise the profession of social work unless he is the holder of a warrant issued by the Board:

Provided that a person who is in possession of a recognised degree in social work may practise the profession of social work as a social worker in a government agency, as may from time to time be designated by the Minister, and in the performance of the duties assigned to him in that capacity such person shall, for all purposes of law, be deemed to be a professional social worker.";

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

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

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

(b) is of good conduct; and

(c) his name is entered in the register of registered social workers.";

(c) sub-articles (4) and (5) thereof shall be renumbered as sub-articles (5) and (6) respectively;

(d) immediately after sub-article (3) thereof, there shall be added the following new sub-article:

"(4) The name of a person shall not be entered in the register of registered social workers unless:

(a) he holds a recognised degree in social work; and

(b) he satisfies the Board that he has received adequate professional 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 following the completion of such degree under the supervision of a registered social worker, or is in possession of evidence of formal qualifications:

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 registered social workers unless such person, upon qualifying for such degree, has served as a social worker in a government agency, as designated from time to time by the Minister for that purpose, for a period of two or more years as the Minister may prescribe."; and

(e) for sub-article (6) thereof, as renumbered, there shall be substituted the following:

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."

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 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 the following:

C 1842

"(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 Council 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 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. In sub-article (1) of article 10 of the principal Act, for the words "that person may, within twenty-one days of the Minister's notification, appeal to the Court of Appeal in its inferior jurisdiction" there shall be substituted the words "that person may appeal before 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 the holder of the warrant by registered post."

Amendment of article 10 of the principal Act.

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.

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 12 of the principal Act.

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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 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)".

C 1846

Objects and Reasons

The main object of this Bill are to update the Social Work Profession Act by creating a demarcation line between a registered social worker who is a person who is in possession of a warrant to practise the profession of social work and is registered in the official register of registered social workers, and a social worker who is a person who is in possession of a recognised degree in social work, but who is not in possession of a warrant to practise the profession of social work.

