

Social Work Profession Act, B.E. 2013 (draft)

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Whereas it is expedient to have the law on social work profession;
This Act contains certain provisions in relation to the restriction of right and liberty of person, in respect of which section 29, in conjunction with section 41, and section 43 of the Constitution of the Kingdom of Thailand so permit by virtue of law;
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Section 1. This Act is called the “Social Work Profession Act B.E.....”.

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. In this Act:

“Social work profession” means a profession which is required to have knowledge and skills on social work while working on the prevention and finding solutions to persons, families, group of people or communities in order to live happily in the society;

“Authorized social work profession” means social work profession which has to be registered and granted a license from Council of Social Work Profession;

“Social worker” means a person whose profession is to use knowledge and skills on social work while working on the prevention and finding solutions to persons, families, group of people or communities in order to live happily in the society;

“Authorized social worker” means a social worker who is registered and granted a license from Council of Social Work Profession;

“License” means license to perform the profession granted by Council of Social Work Profession;

“Rules” means rules of the Council on Social Work Profession;

“Member” means member of the Council of Social Work Profession;

“Committee” means committee of the Council of Social Work Profession;

“Secretary-General” means Secretary- General of the Council on Social Work Profession;

“Minister” means Minister shall have charge and control of the execution of this Act.

Section 4. Minister of Social Development and Human Security shall have charge and control of the execution of this Act and shall have power to issue Minister Notification specifying fee not exceeding the table attached to this Act.

Ministerial Regulation and Notification shall come into force following its publication on the Government Gazette.

Chapter 1 Council on Social Work Profession

Section 5. There shall be the Council of Social Work Profession with the purpose to control standards, ethics, support and professional development including providing social help or services related to social work profession.

The Council on Social Work Profession shall be the legal entity.

Section 6. Council on Social Work Profession shall have powers and duties as follows:

- (1) to register and issue Notification to the applicant for social work profession;
- (2) to specify standards of the services of social work profession;
- (3) to produce curriculums for training in social work subject of the Council of social work profession or any other institutes assigned by the Council of social work to be responsible for social work profession training;
- (4) to issue letter certifying the registration of approved social work profession;
- (5) to issue certifying letter or certification illustrating knowledge and competence in certified social work profession in different fields;
- (6) to issue orders in accordance with section 40 paragraph three;
- (7) to support education, training and research in social work profession including supporting the execution of social work profession and social work agencies;
- (8) to certify diplomas of other institutes for the benefit of applying to be the member in accordance to section 10 (2);
- (9) to give opinion and recommendation on producing educational curriculum on social work profession in higher education of educational institutes;
- (10) to sustain the honor, rights, fairness and progress in social work profession, unite and welfare of the members;
- (11) to be a representative of the Thailand social work profession;

(12) to perform any other operations in accordance with purposes and powers of the Council of social work profession.

Section 7. Council of Social Work Profession shall obtain income from the followings:

- (1) Subsidy from the annual government budget;
- (2) Registration fee for the ordinary member, extraordinary member, associated member, maintaining fee and any other fee in accordance
- (3) Benefits from other activities of the Council of Social Work Profession in accordance with the purposes specified in section 5;
- (4) Money or assets which are donated or given;
- (5) Money or assets which belong to Social Work Profession obtained by law or other juristic acts;
- (6) Interests from money or assets of the Council of Social Work Profession under (1) (2) (3) (4) and (5);

Section 8. The Minister shall be the chairman of the Council of Social Work Profession and shall have duties and powers specified in this Act.

Chapter 2

Members

Section 9. Members of the Council of Social Work Profession shall be divided into four categories as follows:

- (1) Ordinary member;
- (2) Extraordinary member;
- (3) Associated member;
- (4) Honorable member

Section 10. Ordinary member shall have qualifications and shall not be under any of the prohibitions as follows:

- (1) no less than twenty years of age;
- (2) having a degree of no less than a Bachelor degree in Social Administration or a Bachelor degree in other fields which is approved by the Council of Social Work, having been trained and having experience in the work related to protection, consulting, giving advice, improving and supporting children, youth, females, old people, disable people and

disadvantaged people in accordance with the standards specified by the Council of Social Work.

(3) having bad behaviors which the Committee believes that such behaviors will bring about bad reputation to the profession in accordance with the Rules;

(4) having been sentence by a final judgment or legal order to a term of imprisonment in a case where a Committee considers that it will bring about bad reputation for the profession in accordance with the Rule;

(5) being an insane or quasi- insane person;

(6) having no disease specified in the Rule.

Section 11. An ordinary member shall have rights and responsibilities as follows:

(1) to apply for registration and for a certificate for social work profession or for an approval letter or certificate illustrating knowledge and competence in certified social work profession in different fields;

(2) to share opinion and to inquire in writing about the operation of the Council of Social work Profession to the committee for consideration and in the case where the ordinary members getting together for over fifty people submit a case to the committee for consideration involving a matter on the activities of the Council of Social Work Profession, the Committee shall consider and report the result of the consideration to the proposer within ninety days from the day that the case was being submitted;

(3) to elect, being elected, or being selected to be the committee or any other positions on the operations of the Council of Social Work Profession in accordance with this Act;

(4) to be paid for membership fee, maintenance fee and fees in accordance with the Rule;

(5) to maintain honor of the social work profession and act in accordance with this Act;

(6) to obtain any welfare benefits or services in accordance with the rule specified by the Rule.

Section 12. Extraordinary member shall be a governmental organization or private organization with the social work purposes, activities and characteristics specified by the Rule.

Extraordinary member has the rights and responsibilities as same as an ordinary member except for the rights and responsibilities under section 11 (1) and (3).

Section 13. Associated member shall have qualifications and shall not be under any of the prohibitions as stipulated in the Rule.

Associated member has the rights and responsibilities as same as an ordinary member except for the rights and responsibilities under section 11 (1) and (3).

Section 14. Honorable member shall be a qualified person whom the Council of Social Work has invited to be an honorable member.

Honorable member has the rights and responsibilities as same as an ordinary member except for the rights and responsibilities under section 11 (1), (3) and (4).

Section 15. The membership shall expire upon:

- (1) death;
- (2) resignation;
- (3) not having a qualification or prohibition under section 10 (1), (2), (5) or (6) or not having a qualification or prohibition specified in the Rule under section 13;
- (4) having activities or characteristics in conflict of the Rule under section 12;
- (5) being removed from office by the committee as the committee considers that he or she brings about bad reputation to the social work profession under section 10 (3) or (4);
- (6) failing to pay for the membership registration fee or maintenance fee without any good reason specified in the Rule.

Chapter 3

The Council of Social Work Profession Board

Section 16. There shall be the Council of Work Profession Board consisting of:

- (1) representatives from Ministry of Defense, Ministry of Social Development and Human Security, Ministry of Interior, Ministry of Justice, Ministry of Labor, Ministry of Education, Ministry of Public Health, Royal Thai Police Headquarter and Bangkok Metropolitan shall be members;
- (2) representatives from the Social Worker Association of Thailand shall be member;
- (3) two representatives, selected amongst themselves, from Higher Education Institutes which have the Social Administration courses for Bachelor degrees shall be members;
- (4) four representatives, selected amongst themselves, from Non-Governmental Organization in accordance with the law on Social Welfare Promotion which contains working ordinary members, in accordance with section 9 (1);
- (5) sixteen ordinary members who are elected, amongst themselves, shall be members.

Section 17. The Board shall select members under 16 (5) to be the chairman of the Council of Social Work Profession, first vice chairman of the Council of Social Work

Profession and second vice chairman of the Council of Social Work Profession, one person for each position.

The Chairman of the Council of Social Work Profession shall select member of the Board to be the Secretary-General, Deputy Secretary-General, Publicist and Treasurer, one person for each position, and may select ordinary member to be in any other positions as necessary, with the approval of the Board.

The Chairman of the Council of Social Work Profession, first vice chairman of the Council of Social Work Profession and second vice chairman of the Council of Social Work Profession shall be in office in accordance with the term of the Board under section 16 (5).

The Chairman of the Council of Social Work Profession shall have the power to remove the Secretary- General, Deputy Secretary- General, Publicist, Treasurer and any other positions under paragraph two, with the approval of the Board.

The Secretary- General, Deputy Secretary- General, Publicist, Treasurer and any other positions under paragraph two shall be removed once the Chairman of the Council of Social Worker Profession vacates his or her office. For any other cases of vacating the office, it shall be in accordance with the Rule.

Section 18. Members of the Board under section 16 (2) (3) (4) and (5) shall have qualifications and shall not be under any of the prohibitions as follows:

- (1) holding a license to perform social work profession;
- (2) not being a person whom license is withheld or having his or her license withdrawn;
- (3) not being a bankrupt by the Court Order

Section 19. The members of the Board under section 16 (3) (4) and (5) shall be in office for a term of three year and may be selected or elected, as the case may be. The members of the Board under section 16 (5) shall not be in office for more than two consecutive terms.

The counting of the term for the member of Board under paragraph one shall start when the types and numbers of the Board are fulfilled.

Member of the Board who serves a full term in office shall be in office until the new member of the Board is selected or elected.

Section 20. In addition to vacating office at the expiration of term under section 16, member of the Board under section 16 (3) (4) and (5) vacates office upon:

- (1) resignation;
- (2) the membership is expired under section 15;
- (3) being disqualified or being under any prohibition under section 18.

Section 21. Prior to the end of the term, members of the Board under section 16(3) or (4), the next person who is in the reserve list with qualifications under section 18

and with the votes from the Board under section 16 (5) shall replace and be a member of the Board.

In the case where no one replaces a member of the Board under paragraph one or paragraph two, or if there are sufficient people replacing the members of the Board, the Board shall select, amongst themselves, in accordance with section 16 (3) or (4) or set up an election under section 16 (5) to replace member of the Board within ninety days from the day that the position has been vacated except if the remaining office term of the member of the Board is less than ninety days, the Board may or may not elect a new member of the Board and the Board shall consist of the remaining Board.

The replaced member of the Board shall be in office for a remaining period of the member which such member is replaced.

Section 22. A selection of the members of the Board under section 16 (3) and (4), an election of the members of the Board or ordinary member to be in any position under section 17 and the reserve list or selection of election of the members of the Board to replace members of the Board under section 21 shall be in accordance with the Rule.

Section 23. The Board shall have the powers and duties as follows:

(1) to manage and execute the activities of the Council of Social Work Profession in accordance with the purposes and duties and responsibilities under section 5 and section 6;

(2) to appoint a consultant or a sub-committee in order to perform any act or consider any matter within the purposes, duties and responsibilities of the Council of Social Work Profession;

(3) to conduct a working plan and budget of the Council of Social Work Profession;

(4) to issue the Rule on;

(a) membership status;

(b) registration fee for ordinary member, extraordinary member, associated member, maintenance fee and any other fees besides of the fees attached to this Act;

(c) selection of members of the Board, election of members of the Board, selection of members of the Board or ordinary member to be in any position, promotion of the person in the reserve list, or a selection or election to replace a member of the Board and appointment and qualifications of the consultant;

(d) forms and types or the license, criterion, procedures, and condition of the registration, license issuance, term of the license, withholding of the license, license withdrawal, qualification letter and license replacement;

(e) criterion for license issuance or certification illustrating knowledge and specialty in approved social work profession in each field;

- (f) ethics of social work profession;
 - (g) annual conference, Board meeting, ethic committee meeting and sub-committee meeting;
 - (h) criterion for certifying degrees in social work profession of institutes;
 - (i) criterion for knowledge assessment in accordance with powers and responsibilities of the Council of Social Work Profession;
 - (j) criterion and procedure on the submission of the complaint, investigation, consideration, appeal and appeal consideration in the case where social work profession has been accused of ethical misbehavior;
 - (k) establishment, execution and institution abolishment which contains training of expertise in different fields of social work profession;
 - (l) any other activities in accordance with the purposes, duties and responsibilities;
- (5) to issue rules on money acceptance, payment, retaining, acquiring of benefits and conduct of financial reports of the Council of the Social Work e Profession;
- (6) to issue rules on the welfare arrangement or other services under section 11(6);

For regulations or rules, once the chairman of the extraordinary member approves and is published in the Government Gazette.

Section 24. The Chairman of the Council of Social Work Profession, first vice chairman of the Council of Social Work Profession and second vice chairman of the Council of Social Work Profession, Secretary-General, Deputy Secretary-General, Publicist, Treasurer, Consultant and other positions shall have powers and responsibilities as follows:

- (1) chairman of the Council of Social Work Profession shall have the powers and responsibilities;
- (a) to execute and perform activities of the Council of the Social Work Profession in accordance with this Act or the resolution of the Board;
 - (b) to represent the Council of the Social Work Profession in any operations;
 - (c) to be the chairman of the meeting;

Chairman of the Council of Social Work Profession may delegate, in writing, to other member of the Board to perform on any matter as he or she sees fit;

- (2) first vice chairman of the Council of Social Work Profession shall be an assistant to the chairman of the Council of Social Work Profession for any matter delegated by the chairman of the Council of Social Work Profession and shall perform the duty of the chairman when the chairman is not present or is unable to perform the duties;

(3) second vice chairman of the Council of Social Work Profession shall be an assistant to the chairman of the Council of Social Work Profession for any matter delegated by the chairman of the Council of Social Work Profession and shall perform the duty of the chairman when the first vice chairman is not present or is unable to perform the duties;

(4) Secretary- General shall have duties and responsibilities;

(a) to command officials of the Council of Social Work Profession, in every level;

(b) to supervise and be responsible of general administrative work of the Council of Social Work Profession;

(c) to look after the assets of the Council of Social Work Profession;

(d) to be responsible for the maintenance of the membership, registration of the social work profession and other registrations of the Council of Social Work Profession;

(e) to be a secretary of the Board;

(f) to work in any other matter which is assigned by the Chairman of the Council of Social Work Profession;

(5) Deputy Secretary-General shall be an assistant to the Secretary-General on the matters assigned by the Secretary- General and shall perform the duties on behalf of the Secretary- General if he or she is not present or is unable to perform the duties;

(6) Publicist shall have the powers and responsibilities on public relations, advising and publicizing, to the public, activities of the Council of Social Work Profession and other organizations;

(7) Treasurer shall have the powers and responsibilities on controlling, supervising and being responsible for the account, finance and budget;

(8) Consultant under section 23 (2) has powers and responsibilities as stipulated by the Board;

(9) Other positions under section 17 paragraph have powers and responsibilities as stipulated by the Board.

Chapter 4

Operations of the Board

Section 25. At a meeting of the Board, the presence of not less than one-half of the total number of the members is required to constitute a quorum.

A decision of a meeting shall be by a majority of votes. In casting votes, each member shall have one vote. In case of an equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

A decision of a meeting in the case of removing an ordinary member from a membership under section 15 (5), three shall be voted for by not less than two thirds of the total number of the existing members of the Board.

Paragraph one and paragraph two shall be applied to a meeting of a sub-committee, mutatis mutandis.

Section 26. Special Chairman may attend the meeting and express his or her opinion at the meeting of the Board or send an opinion, in writing, to the Council of Social Work Profession on any matter.

Section 27. A decision of a meeting on the following matters shall be approved by the special Chairman prior to its execution:

- (1) to issue Rules and Notification;
- (2) to conduct execution plan and budget of the Council of Social Work Profession;

Chairman of the Council of Social Work Profession shall submit a decision under paragraph one to the Chairman of the Extraordinary Member without delay. Chairman of the Extraordinary Member may restrain such decision. In the case where the Chairman does not restrain the decision under paragraph one (1) within thirty days or does not restrain the decision under paragraph two (2) within fifteen days from the date that the Chairman of the Council of Social Work Profession has submitted it to him or her.

In the case where the Special Chairman restrains the decision, the Board shall consider such matter again within thirty days from the date of restraint. If the meeting insists with the same decision, by not than two thirds of the total number of the existing members of the Board, such decision shall be executed.

Chapter 5

Standard Control and ethics of Social Work Profession

Section 28. The following social work profession shall be the approved social work profession:

(1) a profession which is executed by a social worker or social work official under the Criminal Procedure Code, the law on children protection, the law on protection of domestic violence victims, the law on labor protection, the law on rehabilitation of drug addicts, the law on social welfare promotion, the law on mental health, the law on juvenile and family court and procedure on juvenile and family case or as stipulated by law;

(2) a profession which is executed by qualified persons or expert on social work or any other people whose work are related to social work under the law on children protection, the law on damages for victims and compensation and expenses for defendant in a criminal case, the law on mental health, the law on protection and prevention of human trafficking, the law on adoption or as stipulated by law;

(3) social work profession in governmental agencies;

(4) other social work professions stipulated by the Royal Decree;

Section 29. No one shall perform approved social work profession or any other acts which render other people to believe that he or she has the right to perform approved social work profession if he or she is not registered or holds a license from the Council of Social Work Profession except for the followings:

(1) to help other people following the duty of good person which is a social responsibility;

(2) students, university students, or any other people who have practiced or trained in the supervision of governmental higher education institute or other institute which are permitted by the government to be established, governmental social work institute or any higher education institute or social work institutes under the supervision of approved social work profession;

(3) officials from the governmental agencies or private organization whom are assigned to perform duties under the supervision of approved social work profession;

(4) consultant or expert who perform approved social work profession, approved by the Board.

Section 30. form and type of license, criterion, procedure and conditions on registration, license issuance, term of license, license extension, withholding of license, license withdrawal, qualification letter, license replacement and criterion on issuance of approved letter or certification illustrating knowledge and expertise in social work profession in different fields in accordance with the Rule.

Section 31. Applicant who asks to be registered and to get a license shall be an ordinary member and acquired other qualifications as stipulated in the Rule.

When the membership of approved social work profession is terminated under section 15, the license shall also be terminated.

Section 32. Social work profession shall perform such profession in accordance with the Rule and shall retain him and follow professional ethics.

Section 33. Rule on professional ethic shall be made in Thai and shall, at least, consist of the followings:

(1) ethic towards oneself;

(2) ethic towards profession;

(3) ethic towards service recipients;

(4) ethic towards the same profession;

(5) ethic towards society;

Rule under paragraph one may include behaviors in accordance with professional ethics.

Section 34. Punishments for acting contradictory to social work profession are as follows:

- (1) a warning letter;
- (2) probation;
- (3) withholding of license for an appropriate period but not exceeding two years;
- (4) license withdrawal

Section 35. There shall be an Ethic Committee consisting of chairman of the ethic committee and members of the committee of no less than five members but not exceeding nine members which the Board shall appoint people with fairness, honest and have qualifications and shall not be under any of the prohibitions as follows:

- (1) being an ordinary member;
- (2) performing approved social work profession for no less than the amount of time specified in the Rule;
- (3) never being punished under the professional ethic Code;
- (4) not being the Chairman of the Council of Social Work Profession or a member of the Board or a sub-committee under this Act.

The Ethic Committee shall select one member of the Committee to be the Chairman of the Committee and may select other members to be in other positions in the Committee.

Section 36. The Ethic Committee shall be in office for a term of three years and may be re-appointed but shall not be in office for more than two consecutive terms.

The Ethic Committee whose term is terminated shall be in office until a new Ethic Committee is appointed.

Section 37. Besides of vacating the office at the end of the term, a member of the Ethic Committee shall vacate the office upon:

- (1) death;
- (2) resignation;
- (3) being disqualified or being under any prohibition under section 35;
- (4) the decision of the committee, a vote of no less than two thirds of the total number of the existing members of the Committee.

In the case where a member of the committee vacates the office before the end of the term, the Committee shall appoint a member to replace such position and the replaced member of the Committee shall be in office for a remaining period of the member which such member is replaced.

Section 38. When there is an accusation or it appears to the Ethic Committee that any social work profession acts contradictory to the professional ethics, the Ethic Committee shall start the investigation without any delay.

The rights to accuse and to investigate of the Ethic Committee under paragraph one shall be terminated after a lapse of one year from the date of acknowledgement of the action which is contradictory to the professional ethic and of the wrongdoer or a lapse of three years from the date of committing an action which is contradictory to the professional ethic.

The submission of accusation, inspection, and consideration of professional ethic shall be in accordance with the rules and means stipulated by the Rule.

During the process of inspection of the Ethic Committee, the Committee may appoint an Ethic sub-committee to execute the matter on behalf of the Committee. Such sub-committee shall include at least one member of the Ethic Committee while other members of the sub-committee shall appointed from persons with qualifications and not under any of the prohibition stipulated in section 35 (1) (3) and (4). The number of members of the sub-committee shall be in accordance with the appropriateness.

When the sub-committee finishes the inspection process, it shall submit the decision including its opinion to the Ethic Committee for consideration.

The withdrawal of the submitted or notified accusation shall not be curbed for the execution under this Act.

Section 39. Once the Ethic Committee considers the inspection and finds that there is a person who commits an act contradictory to the professional ethics, there shall be an order to punish such person under section 34.

In the case where the Ethic Committee has a resolution and finds that the accused did not commit an act contradictory to the professional ethics, the order shall be acquitted.

The punishment order under paragraph one or the order to acquit the accused under paragraph two, the Chairperson of the Ethic Committee shall make an order, in writing, to the accuser and the accused.

Section 40. A person who is punished by the Order of the Ethic Committee under section 39 paragraph one or the accuser may appeal the order to the Ethic Committee within thirty days from the date of being notified of the Order.

The appeal and the consideration of the appeal shall be in accordance with the conditions and means specified in the Rule. The appeal of the order shall not restrain the execution of the punishment Order except if the Committee orders otherwise.

The decision of the Committee shall be made in the form of Order of the Council of Social Work Profession and it shall be final.

Section 41. Section 25 shall be applied, mutatis mutandis ,to the meeting of the Ethic Committee and the Ethic Sub-committee.

Section 42. For the performance of Ethic Committee and the Ethic Subcommittee, the Chairman of the Ethic Committee and the Ethic Sub-committee shall have the power to order, in writing, any person involved to give a statement or to send any document or any object for the benefit of consideration. If it is an Order for a person who is not a license holder, such Order must be approved by the Special Chairman or any person authorized by the Special Chairman.

For the performance under this Act, the Ethic Committee or Ethic Subcommittee shall be an official under the Criminal Code.

Section 43. Social work profession shall not perform his or her profession during the period his or her license is being withheld or perform in any other means which renders other people to believe that he or she has the right to perform the social work profession.

Section 44. Licensed social work profession who has his or her license withheld may ask to have his or her license back once the period of three years has lapsed from the date of having the licensed withheld. If the Committee consider the license application and refuse to issue the license, the applicant shall only submit a new license applicant once the period of one year has lapsed after the date that the Committee has refused to issue the license.

Chapter 6 Penalties

Section 45. Any person who acts contradictory with section 29 shall be liable to a fine of not exceeding twenty thousand Baht.

Section 46. Any person who fails to give a statement or send a document or any object as ordered or requested under section 42 without any reason shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding one thousand Baht or to both.

Section 47. Any licensed social work profession acts in contradictory with section 43 shall be liable to a fine of not exceeding ten thousand Baht.

Transitory Provisions

Section 48. During the transitional period where the election of the ordinary members of the Council of Social Work Profession to be members of the Board under section 16 (5) has not yet been called, the members of the Board shall consist of: the Permanent Secretary of the Minister of Social Development and Human Security shall be the Chairman and members under section 16(1), representatives from the Social Work Association of Thailand and two representatives from Higher Educational Institutes containing the Degree level of Social Work whom are selected amongst themselves shall be the Members of the Board performing the powers and duties of the Board. The selection of the Members of the Board shall be completed within the sixty days from the date that this Act is enforced. Section 17 shall not be enforced.

Permanent Secretary of the Minister of Social Development and Human Security shall appoint government official in the Minister of Social Development and Human Security shall be the secretary, deputy secretary and treasury for each position. This shall be completed before the appointment of such positions under section 17 paragraph two.

Section 49. The appointment and election of the members of the Board under section 16(3) (4) and (5) shall be completed within one hundred and eighty days from the date of enforcement of this Act.

Section 50. A licensed social work profession who performs the profession under section 28 prior to the date of the Rule on registration and issuance of license shall continue to perform the duties. He or she shall request for license registration and license permission within four years from the date of the enforcement of this Act. This shall be in accordance with Rules, Procedure and Conditions as stipulated by the Board.

This is in accordance with the Resolution of the Parliament

