

Sisters Inside Inc.
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Sisters Inside Inc. is an independent community organisation which exists to advocate for the human rights of women in the criminal legal system

8 May 2023

Australian Association of Social Workers
PO BOX 2008
Royal Melbourne Hospital, VIC, 3050

Submitted online: <https://www.surveymonkey.com/r/FFC353Q>

Dear AASW board and members,

We write to you in relation to the AASW's recent proposal to delete clause 8(d) in the AASW constitution that prevents persons who are convicted of an offence punishable by imprisonment for a period greater than 12 months from becoming or remaining a Member of AASW.

About Sisters Inside

Sisters Inside is an independent community organisation that exists to advocate for the collective human rights of women and girls in prison, and provide services to meet the needs of criminalised women, girls and their families. Our submission is informed by 30 years experience supporting criminalised women and girls and actively recruiting, training, and employing criminalised women. We are well placed to speak to the value of lived experience, and also the barriers criminalised women face for inclusion in the social services community.

Sisters Inside has also been at the centre of the advocacy surrounding this issue, actively attempting to assist the AASW to develop policies that are in line with Social Work values and are not discriminatory towards those with a criminal history. This advocacy



was largely ignored until a Social Media campaign during the 2021 AASW annual conference that resulted in the public announcement of a constitutional review on the issue. Sisters Inside's attempts to be included in the consultation for this review were again ignored and we have had no consultation leading up to the recent statement.

We are frustrated that the board has not only ignored Social Workers with lived prison experience in the lead up to the announcement of the constitutional review but continue to actively exclude us by only requesting feedback from current members. We provide this feedback in spite of this exclusionary practice as Social Workers, and employers of Social Workers directly affected by this policy, and in solidarity with all criminalised Social Workers, Social Work students and service users. We demand that feedback and consultation is extensively sought from the people this exclusion effects and that the AASW upholds its own code of ethics by

- Promoting policies, practices and social conditions that uphold human rights and that seek to ensure access, equity, participation and legal protection for all
- Promoting justice and social fairness, by acting to reduce barriers and to expand choice and potential for all persons, with special regard for those who are disadvantaged, vulnerable, oppressed or have exceptional needs
- Promoting community participation, including service users, in the development and implementation of social policies and services.

We believe that the AASW and all social workers have a critical role to play in ending carceral logics and practices, promoting social justice and advocating for the rights and dignity of all individuals, including those who have been impacted by the criminal legal system. The exclusionary clause perpetuates negative attitudes towards individuals who have been impacted by the criminal legal system and serves to limit their opportunities for integration into society. The AASW Code of Ethics emphasises the importance of



respecting the inherent dignity and worth of all individuals, promoting social justice, and challenging unjust practices. However, the exclusionary clause in the AASW constitution makes it clear that individuals who have been incarcerated are not welcome in the social work profession, that they are undesirable, irredeemable, and 'other'. This exclusionary practice undermines the principles of inclusivity, diversity, and social justice that are central to social work practice. It also comes at a real loss to the Association as people's experiences in prison, and the lived experience that led to their incarceration (including trauma, poverty, systemic racism, violence, mental health, and addiction) will make them much better Social Workers. Lived experience is an invaluable asset for Social Workers. The increased empathy, relatability, knowledge and insights, advocacy, and personal growth that come with lived experience can help social workers better understand and connect with the people they support, offer unique insights and strategies, and advocate in a more effective way.

The exclusion of Social Workers who have served 12 months or more in prison from the AASW is discriminatory in nature. The clause is rooted in systemic biases against people with criminal records, which often result in stigmatisation, discrimination, and exclusion from various opportunities. It is unnecessary and inappropriate for the AASW to further gate keep Social Work as there are already extensive legislative tools utilised by universities and employers to screen Social Work students and job applicants including the Working with Children Check (WWC), the NDIS worker screening check, and the Australian Federal Police check. These checks are often misused (eg. being required to have a WWC when you do not work with children, and being required to have a 'successful' police check). A simple google search for Social Work positions available shows that the majority of employers require the applicant to 'be eligible for membership with the Australian Association of Social Workers'. Criminalised Social Workers already face barriers to employment, we assert that the AASW should be advocating for the removal of discriminatory and exclusionary practices, not actively



contributing to them. Further, from an ethical and professional standpoint, social workers are called to promote social justice and advocate for the rights and dignity of all individuals. Discrimination based on a person's criminal record violates these ethical and professional principles. Social workers are uniquely positioned to support individuals impacted by the criminal legal system and promote their integration into society. The exclusionary clause in the AASW constitution undermines this responsibility and contradicts the values of social work practice.

We challenge the assumption that a criminal history is a reliable indicator of a person's 'good' character. At Sisters Inside, we believe that no-one is better than anyone else. People are neither "good" nor "bad"; human behaviour is circumstantial, environmental, transformable and fallible. The idea that some people are 'good' and others are 'bad' due to their criminal history is based on a moralistic and individualistic worldview that ignores the structural and systemic factors that contribute to criminalisation. The exclusionary clause disproportionately affects individuals from marginalised communities, who face mass-incarceration due to systemic racism and poverty. Aboriginal and Torres Strait Islander people, people of colour, people from lower socio-economic communities, and other vulnerable groups are more likely to be arrested, charged, and convicted of crimes. The clause perpetuates systemic inequalities and further marginalises individuals who have already been impacted by systemic oppression. We reject the idea that people should be judged based on their past actions and challenge the assumption that a criminal history is a reliable indicator of future risk. This belief is based on flawed and discriminatory practices that perpetuate stigma, limit opportunities, and undermines an individuals' ability to rebuild their lives after criminalisation. Sisters Inside advocates that the AASW enact alternative approaches that prioritise restorative and transformative practices, rather than punitive and exclusionary ones.

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If the AASW is adamant on screening for criminalised Social Workers we advocate for the enactment of a policy similar to Australian Health Practitioner Regulation Agency which uses comprehensive and considered guidelines about how a person's criminal history should be assessed and taken into account when applying for membership. These guidelines demonstrate the plethora of considerations that should be taken into account when assessing the relevance of a person's criminal history and would help to ensure transparency, fairness and consistency in decision making. We are cautious however that policies enacted are not just lip service that are used to deny membership to criminalised Social Workers one at a time. To ensure transparent, fair and consistent decision making we advocate for the involvement of Social Workers with lived prison experience in the AASW's Ethics Complaints Management Process (ECMP) and that the AASW provide support and resources to criminalised Social Workers (and potential Social Workers) to enable them to overcome the barriers they face applying for membership.

Thank you for considering this letter. If you would like to discuss this letter further, please do not hesitate to contact us on (07) 3844 5066.

Yours sincerely

Debbie Kilroy
Chief Executive Officer
Sisters Inside Inc