

Wednesday 01 May 2019

By email to: consultation.responses@socialworkengland.org.uk

ADCS response to Social Work England's consultation on rules and standards

1. The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the Children Act (2004). The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to respond to Social Work England's (SWE) consultation on its rules and standards.
2. The consultation consists of five documents covering: professional standards; qualifying education and training standards; education and training rules; registration rules; and, fitness to practice rules. However, this response will primarily focus on the professional standards and fitness to practice rules consultation documents.

Professional standards

3. ADCS welcomes the standards set out in the consultation which are reasonable and adequately cover the role of social work. The standards have been updated to reflect the challenges the profession currently deals with such as the use of technology and professional behaviour online. The focus on challenging inequality and disadvantage as well as recognising diversity in communities is welcome.
4. It is important that the standards can be interpreted by a wide audience so that they can be fully understood by both social workers and people who come into contact with children's social care. It would be helpful if the standards were clear at first reading with minimal use of technical language or phrases specific to the profession. Although supplementary guidance will be available, it is important that the standards can stand alone without the need for further explanation.
5. Section 2 of the professional standards helpfully details what social workers should do to "establish and maintain the confidence and trust of people to effect change". ADCS believes the standards should explicitly mention the importance of effective communication with children and young people in order to build lasting relationships. These relationships can be vital for ensuring a healthy transition into adulthood and this should receive a clearer focus in the standards.
6. Section 3 details the requirement for social workers to report concerns around their employer or bad practice. This includes unethical behaviour, resourcing issues that affect practice or organisational wrongdoing. It is right that employers are held to account where wrongdoing takes place and social workers should be supported to raise such concerns, however, the consultation does not provide

detail of how SWE would ensure that those who do raise concerns are protected, nor who social workers should report these to. There is a risk that social workers will be less likely to raise concerns about their employer without clear support in place first and this feels like an obvious omission.

7. Standard 3.7 stipulates that a social worker should “take appropriate action” when fitness to practice concerns arise. However, it is not clear what specific action should be taken. ADCS would welcome further clarity on this so that social workers are confident what steps they should take in these circumstances.
8. Section 4 of the standards provides a list of actions or behaviours that social workers should not do as part of their practice. While these are reasonable requirements, standard 4.4, which prohibits social workers from putting themselves or others at unnecessary risk, seems broad and vague. Social workers manage risk on a regular basis and it would be helpful if this point were amended to reflect that social workers should use professional judgement to justify their actions.
9. The inclusion of technology and social media in the standards as detailed in standard 4.7 is welcome. However, further guidance on what behaviour is deemed unethical, particularly regarding social media, would be helpful. This is still a relatively new area and the profession would benefit from clear guidance on what is and is not an acceptable use of social media and electronic communication.

Fitness to practice rules

10. The fitness to practice rules detail how SWE will handle concerns raised to the regulator and seek to take into account the complexities of the profession. The document recognises that relationships are central to social work and that this can impact on decisions made; it is welcome that the regulator understands this.
11. The fitness to practice rules seem reasonable, however, they do not provide clear criteria around what type or nature of concerns should be referred to the regulator for inquiry. ADCS members would like SWE to include such criteria with reference to due process employers follow with regards to disciplinary or capability inquiries prior to referral to the regulator. ADCS members would also welcome clarity on the process for referrals for agency social workers as employer responsibilities are markedly different for this fluid cohort of staff.
12. The rules propose greater engagement with social workers and a transparent approach to investigation which is helpful. ADCS members urge SWE, wherever possible and appropriate, to use restorative approaches to address fitness to practice concerns. Such approaches can have longer term benefits for the sector, such as a workforce retention, as well as reduce the costs and stress associated with the fitness to practice process.
13. Rule 35 sets out the involvement of lay and professional advisers on panels for fitness to practice decisions made by SWE, the case examiners and the adjudicators. ADCS is clear that a registered social worker must routinely be included in these activities given their unique insight.

The Association of Directors of Children's Services Ltd

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General comments

14. The recruitment of regional engagement leads that are registered and practicing social workers is welcome but ADCS would like to see further information on their role and remit.
15. As the new regulator for social work, it is essential that the voice of frontline social workers is represented on SWE's board which will make key decisions for the profession. ADCS urges SWE to consider appointing registered and practicing social workers to its board to ensure a fair and wider representation of the sector.

For further information or to discuss the issues raised further, please contact Matt Cunningham, ADCS Policy Officer, via matt.cunningham@adcs.org.uk