

Friday 20 May 2022

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

ADCS response to Social Work England consultation on amendments to rules

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.

Fitness to practice

2. ADCS welcomes efforts to simplify the fitness to practice process. The proposed changes to the rules help clarify some aspects of fitness to practice hearings for practitioners. ADCS agrees with the proposed amendment that allows for a case, or part of a case, to be closed before going to a full hearing where new information becomes available meaning that there is no longer a realistic prospect of the allegations being found proved. It is important that all steps are taken to ensure the wellbeing of practitioners going through a fitness to practice investigation and reduce undue delays in the system.
3. This will inevitably be a stressful time for those who are undergoing investigation and it is important that the process is as clear as possible. Employers should also be clear on their responsibilities to go through due process with regard to disciplinary or capability inquiries prior to referral to the regulator. Wherever possible and appropriate, restorative approaches should be used to address fitness to practice concerns. Such approaches will not only reduce the costs and stress associated with the fitness to practice process, they may also have longer term benefits given the workforce challenges facing the sector. Consideration must also be given to the process for referrals for agency social workers as employer responsibilities are significantly different in relation to this fluid cohort of staff.
4. ADCS members continue to raise concerns regarding backlogs in fitness to practice inquiries and increased delays in practitioners discovering the outcome of an investigation. Unfortunately, the proposals set out in this consultation only allow for a lengthier process and do not offer solutions that will make the process more efficient, which would shorten the period of uncertainty for practitioners and referrers alike. The proposed changes to rules to increase the time period for investigators to notify social workers they are under investigation and to extend the timeframe for adjudicators to determine restoration applications may lead to lengthier processes and increase anxiety for practitioners who may be aware of a potential investigation. Whilst it is necessary that sufficient time is available for the regulator to complete the

process, ADCS is clear that the wellbeing of the practitioner must be equally considered.

Registration

5. The changes set out in this section appear reasonable in ensuring applicants' knowledge and training are up to date. The proposed introduction of 28 days for applicants to provide further information or evidence in support of registration is welcome and will help ease the registration process.
6. However, for practitioners who are re-registering by submitting evidence of CPD, ADCS members would welcome greater assistance from SWE in identifying those social workers who are yet to complete and submit their CPD. For many social workers with challenging caseloads, finding time to complete their CPD can be difficult, and this may not always be fed back to their manager promptly. Local authorities employ a large number of social workers, some significantly more than others, and so attempting to manually identify which of their staff have yet to submit CPD is currently an unnecessarily time-consuming process. ADCS therefore urges SWE to provide local authorities with a list of those social workers who have yet to complete their CPD when requested to do so.

Removal from the register and registration appeals rules

7. As outlined previously, ADCS members are concerned about the number and length of delays in the system. The proposal to increase the time limit for a decision on a registration appeal from 60 to 80 days may exacerbate this issue and ADCS would therefore welcome alternative proposals to help reduce delays instead.

Legally qualified Chairs

8. ADCS does not support the proposed use of legally qualified chairs in fitness to practice hearings. Whilst legal advice may be required during a hearing, this should not extend to the use of legally qualified Chairs which may lead to a more adversarial approach to hearings. Further, this does not appear to be a restorative approach to what can be a very stressful time for social workers. ADCS members have raised concern about the increased use of lawyers to help clear the backlog in fitness to practice hearings which has resulted in the process becoming more legalistic. This can be particularly unhelpful where the hearing relates to a history of vexatious complaints with lawyers turning their attention to the whole organisation instead of just the individual social worker.