

**BRITISH ASSOCIATION OF SOCIAL WORKERS**  
**THE REGULATION OF SOCIAL WORK AND SOCIAL WORKERS**  
**IN THE UNITED KINGDOM**

**POSITION STATEMENT**

**INTRODUCTION**

BASW supports the need for statutory regulation of social work and social workers for public protection. The Association is exploring the shape of regulation with related stakeholders within the UK Standing Conference of Social Work and Social Workers, and with governments and regulators in the four countries of the UK. We are particularly working with stakeholders in England to shape the future of the new regulator in development, Social Work England.

**ACCOUNTABILITY OF SOCIAL WORKERS IN A REGULATED ENVIRONMENT**

Statutory regulation is primarily concerned with public protection. The primary accountability in the regulation of the profession is to people who use services and/or are affected by social work and the wider public. Social workers are also accountable to their peers and professional colleagues, to their employers through contractual arrangements and to tax payers, funders and national policy makers. These multiple accountabilities must be recognised in the structure of regulation and the professional standards to be upheld. The nature of accountability differs according to the employment status and area of work of the social worker.

Whatever their situation, social workers cannot be required by their employer or any other body to ignore or override regulatory standards or their professional code of ethics, as defined by national regulators and BASW, the UK wide professional association and UK representative body for the global profession in the International Federation of Social Workers.

**ROLES OF GOVERNMENT, THE REGULATOR AND PROFESSIONAL ASSOCIATION**

Regulation defines and promotes the standards for good professional practice, conduct and education, which must be upheld by social workers with registered status. Effective regulation protects and supports the credibility of social workers and the profession by ensuring social workers demonstrate practice in line with the standards set. It also provides a robust process for dealing with poor practice, thereby enhancing public confidence in the social work profession and services and promoting good practice.

It is essential that social workers have a direct role in shaping and influencing the regulatory framework, alongside people who use services and representatives of the public interest. This promotes professional ownership of regulation and recognition of its importance, and enables the regulator to respond effectively to experience from the field. A credible and informed regulatory body will be wanted and valued by the profession. The involvement of leading representatives of the profession is established practice in effective regulatory models in other disciplines, such as medicine and nursing, and should be replicated in social work regulation.

Professional regulators must operate with independence from the government of the day to ensure they promote practice standards based on research and evidence, practitioner knowledge and the experience of people using services and their families. Social work regulators are no different and BASW will work to uphold the principle of social work regulatory independence across the UK.

A statutory regulator cannot act as the voice for or of social work and social workers. It has an important role in raising the standing of - and confidence in - the profession and can support the confidence and self-assurance of practitioners. The voice of the profession is the proper responsibility of a strong, independent professional body. BASW has that role across the UK and works with others to promote social work and social workers, through partnerships and collaborations, including with other social work organisations and those representing people who use services and their families.

### **SCOPE OF REGULATION AND PROTECTION OF TITLE**

The title 'social worker' is a protected title throughout the UK and can only be used if the individual is registered with the relevant regulatory body in the UK. Anyone with a social work qualification wishing to use the title must register, whether or not the designation 'social worker' is in their formal job description. Those with a social work qualification who do not have that title in their job description and who do not use the designation 'social worker' should still consider registration if they are working in related people services as registering shows commitment to the ethics and standards of public service.

Some people with a social work qualification who are not in employment, and in particular those who have retired, still see themselves as members of the profession, even if not working in a formal role and/or if not registered with the regulator. Ensuring those with experience of practice can share relevant knowledge with next generations, and can continue to contribute, is a crucial aspect of professional identity and continuity. While people who hold a social work qualification that makes them eligible for registration may not be currently registered with a UK regulator, BASW welcomes them into defined categories of membership.

Those studying for a social work qualification should be required to register in a separate category on the register, at least once they are undertaking practice placements. This would prepare the next generation for being a regulated profession and support social work educators in their promotion of public interest standards and codes of conduct.

### **PRACTICE CONTEXT - RESPONSIBILITIES OF EMPLOYERS AND SOCIAL WORKERS**

BASW considers that the regulation of social workers and the setting of standards of social work practice are necessary, but upholding standards cannot be seen in isolation from the context of the work. Social workers must take personal responsibility for their practice and continuous personal development, but the employment environment is hugely influential over the way they can practice.

A code for employers is an essential element of the regulatory framework. The significance given to codes for employers in Scotland, Wales and Northern Ireland is welcome. The HCPC decision not to take on the UK-wide employer code within its framework in England is

regrettable. A code for employers should have strong, statutory force and be taken into account by inspectorates and other agents of regulation. BASW supports the voluntary Employer Standards for England developed and upheld by the Local Government Association but recognises this has not been sufficient to date to ensure good practice conditions across all employment contexts.

Specific roles within each agency are essential to ensure that the agency implements and respects the ethical and regulatory codes for social work and social workers.

## **REGULATION, INSPECTION AND IMPROVEMENT**

The regulators of social workers and regulators of agencies (inspectorates) must be consistent in their approach and mutually reinforcing, ensuring that relevant learning from both aspects of regulation are taken into account. Regulators and inspectorates must work effectively and transparently together to improve standards of practice and create the context for more stable, effective workforces.

BASW is planning and working to become the UK-wide professional body with oversight of CPD and setting post qualifying standards, working in partnership with regulators who have this as part of their remit. It is strengthening its contribution to CPD provision and expects to work closely with regulators and inspectorates in all four nations in developing this role, including agreeing areas of overlap and differentiation and confirming the role of the professional association as a setter and upholder of standards as well as a provider of learning and development opportunities.

## **MEMBERSHIP OF THE REGULATOR BOARDS**

A transparent and accountable process of appointment of the Chair, CEO and Board of all regulators is essential to ensure competence, confidence and credibility. Transparency of process also requires independence from direct governmental control and the involvement of respected professional leaders.

Community representatives (lay members) and service users must be represented on the Boards of the social work regulators.

A significant proportion of the Board members and key officials must be social workers who will be involved in setting and upholding standards alongside service users, lay members and regulation specialists.

## **DISCIPLINARY PROCESSES**

There must always be at least one registered social worker on any disciplinary panel, able to understand the practice environment and interpret the practice issues.

Regulatory arrangements must exist to provide sanctions if standards have been breached and ultimately to withdraw the right to practice. The procedures must respect the rights and expectations of service users and the public and ensure natural justice and fair protection for the professionals.

## **FUNDING THE REGULATOR**

The independence of the regulator is essential for both public and professional confidence. Therefore, it cannot be entirely dependent on government funding. However, there is a realistic limit to the amount which an individual social worker is willing and able to pay for registration; social work practitioners are not on the whole highly paid professionals and this has to be taken into account. There are good reasons not to expect social workers to pay individually for the full cost of developing and delivering the work of the regulator.

## **CONTINUOUS PROFESSIONAL DEVELOPMENT (CPD)**

As the professional association for social work, BASW will work closely with government departments and regulators across the four nations of the UK whenever possible. BASW will also pursue robustly the development of profession-led, post-qualifying CPD and an evidence base that comes from research, practice and our value base, working from a position of professional independence and collaboration with multiple stakeholders across the sector,

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