

BASW
England

SWU Social
Workers
Union



Consultation Response

Social Work England:
Fitness to practice

The British Association of Social Workers (BASW) is the professional association for social work in the UK with offices in England, Northern Ireland, Scotland and Wales. With over 20,000 members we exist to promote the best possible social work services for all people who may need them, while also securing the well-being of social workers working in all health and social care settings.

BASW is the custodian of the Code of Ethics and the Professional Capabilities Framework (PCF) for social work in England. All social workers in the UK should follow the professional code of ethics which is based on the global code of ethics and definition of social work. The PCF is the overarching framework for social work learning, development and excellence at all levels from student to strategic social worker. It was developed and is used by the social work profession as a whole in England.

Social Work England's guidance on Fitness to Practice provide an essential threshold for public protection. They must neither contradict the code of Ethics nor qualifying any level of the PCF. As social workers develop through their careers, their professional development should reflect the PCF levels. The Fitness to Practice guidance should state that social workers use the PCF as a framework for continuing professional development.

In 2018, BASW refreshed the PCF in conjunction with representatives from across our sector. The relationship between the PCF and the Chief Social Workers' Knowledge and Skills Statements was confirmed in a joint letter between BASW, the Department for Education and the Department of Health and Social Care.

This consultation response was completed in conjunction with the Social Workers' Union (SWU) and representative of their membership. SWU is the only UK trade union for, and run by, qualified and registered social workers. SWU works in partnership with BASW to protect social work professionals in their workplace. Having a professional association and trade union working together is important for the social work profession. Therefore, this response should be considered as the official views of both organisations.

BASW England and SWU welcome Social Work England's consultation on the Fitness to Practice of social workers. We particularly welcome the clarity and easy-read formatting of the draft guidance documents. After consultation with our membership and viewing the guidance in relation to pre-hearing management, sanctions and triage; our response is as follows:

Overall, our view is that as the process is solely focussed on the registrants and does not enable panels to raise concerns about employers or make recommendations to them for improving support and treatment of staff. Panel members are often chosen for their expertise in relation to deciding whether fitness to practise is impaired. This does not necessarily mean they have the expertise to make recommendations to social work employers about complex areas of staff management. However, it would be very unrealistic to say this was never a factor in fitness to practice cases. Therefore, the process is inherently predisposed to be critical of social workers.

In some Fitness to Practice cases, scrutinising the evidence of an employer's policies and

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culture will be necessary for panel members to properly consider all of the circumstantial and contributory factors. This would require a bigger evidence samples than just the one individual's case. The proposed guidance does not allow for this level of scrutiny, which could be detrimental to social workers. There is a danger some employers could misuse the fitness to practice process by not properly dealing with capability or disciplinary issues internally. Employers should be more involved in the process so that any organisational concerns are properly explored and addressed in accordance with the Local Government Association's standards.

It is difficult to see how a process which involves fewer tribunals (and therefore less cross-examination of employer witnesses) will be any better at considering situations where staff have not been adequately supported. Unfortunately, faster disposals mean fewer opportunities to examine key evidence in detail. We believe a more fair and proportionate balance between speed and equitability needs to be struck.

It is widely acknowledged that social workers are overworked (with high caseloads and user-unfriendly computer systems) and endure poor working conditions, as highlighted in these weblinks:

[UK Social workers: working conditions and wellbeing August 2018](#)

[80-20 campaign – Upholding relationship-based social work](#)

If concerns against a social worker are viewed in isolation by the panel (without considering cultural and environmental factors), then potentially social workers could be wrongfully sanctioned for something the employer has contributed to. This seems grossly unfair. We hope that Social Work England will work effectively with employers to properly identify and address patterns of fitness to practice concerns related to specific employers. BASW England would like to work in partnership with Social Work England to promote the best conditions for great social work practice.

We recognise the remit of Social Work England's panels is to examine only the fitness to practice of registrants and that legislative reform would be required for the fitness to practice of employers regulated. However, we must emphasise that the current system of no accountability for employers is fundamentally flawed. If the current system continues it will deepen 'blame culture', harden the negative perceptions of social workers and exacerbate existing recruitment and retention issues within the profession.

We hope this feedback is helpful and received in the constructive spirit with which it is intended.

For further information please contact:

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