

BASW
England

SWU Social
Workers
Union



Consultation Response

Social Work England: Rules
and standards for social work



**The professional association for
social work and social workers**



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 standards 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. Social Work England's standards for professional development 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.

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BASW England and SWU welcome Social Work England's consultations on the rules and standards for social work. After consultation with our membership, our response is as follows:

Consultation on Professional Standards

Q1. Having considered the proposed professional standards, we agree they are relevant to current social work practice.

Q2. Having considered the proposed professional standards, we agree that the standards reflect the relationship social workers have with people.

Q3. Having considered the proposed professional standards, we agree that some of the language used is appropriate. However, concerns have been raised about the negative connotation of 'I will not' statements (cross-reference with Standard 4), rather than the positive affirmations of 'I will'. The subtext should be revised to ensure Standard 4 is about upholding trust in my practice and the social work profession.

Q4. Having considered the proposed professional standards, members are of the view that they are understandable overall but have the following concerns, comments and queries:

1.5 This standard requires further clarity and detail, because as social workers we cannot guarantee maintaining people's privacy. Sharing information with other relevant organisations and partners to meet needs, promote safeguarding and manage risk is integral to social work but this is not currently not acknowledged in this standard.

1.8 We feel this standard should become 2 separate points, as they are 2 different standards. Power is an important aspect of our interaction with people and should not just be connected to the social worker's personal values.

2.8 'Maintaining professional relationships' is subjective and therefore open to interpretation. A clear definition of 'professional relationships' would be helpful. We suggest the phrase used should be 'effective professional relationships'? The Code of Ethics for social workers in the UK, held by BASW states that:

"Social workers should build and sustain professional relationships based on people's rights to control their own lives and make their own choices and decisions. Social work relationships should be based on people's rights to respect, privacy, reliability and confidentiality. Social workers should communicate effectively and work in partnership with individuals, families, groups, communities and other agencies. They should value and respect the contribution of colleagues from other disciplines." This should be incorporated into the standard to explain what is meant by maintaining effective professional relationships.

3.3 We are unconvinced this is a realistic standard, given the climate of austerity and public sector cuts. This standard implies social workers could potentially be penalised for socio-economic factors beyond their control. There is no reference to the LGA Employer standards and employer accountability. Combined with the poor working conditions for social workers (see BASW & SWU & Bath Spa University research 2018), this standard will make recruiting and retaining social workers even more challenging. More support is needed for social workers to challenge resourcing levels, not additional responsibility for matters outside of their control. We recommend this standard is removed, as it is covered in 3.8.

3.4 This standard should be reworded, as it could be interpreted that social workers start from a position of dishonesty. Our suggested rewording is: *"Speak up when things go wrong which have or may have caused physical, emotional, financial or any other harm or loss"*.

3.9 Some acknowledgement of malicious/unfounded allegations being made against a social worker or if they are found not guilty of a criminal offence is needed. What safeguards are there to protect registrants against potential assumptions and mistrust being levelled at them?

4.4 This is a very vague sentence, which does not seem to consider positive risks as well as negatives ones, or unforeseen risk. This standard requires greater clarity and acknowledgement of the potential benefits of risks and its unpredictability. Our suggested re-wording is: *"I will... make defensible decisions about risk"*.

4.7 It should be emphasised this standard is in compliance with Article 10 of the Human Rights Act 1998 and the freedom of expression of social workers. Social workers should not be disproportionately judged for having an unpopular sense of humour or minority view on social media. Also, the importance of individual professionalism and

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organisational standards needs to be incorporated - not just the bringing the profession into disrepute. Our suggested re-wording is: *"I will... ensure that public communication about my work is ethical, lawful and respectful"*.

6.1 Greater clarity on what 'different feedback' means or possibly give examples. Anonymised service-user feedback should be compulsory.

6.2 The grammar used in this standard makes it slightly confusing. We suggest - *"... reflect on my professional values and development needs and utilise this in my practice"*

Q5. Having considered the proposed professional standards, we believe the following is missing:

- More emphasis on social workers recognising the strengths and assets of individuals, families and communities and respecting these in all we do. Strengths and relationship-based practice are increasingly driving professional standards and the determination of excellence. The standards are quite 'deficit' oriented in terms of the people social workers work with.
- Information about the specific support that Social Work England provides to registrants.
- Stronger emphasis on social work values, social justice, challenging structural inequalities and promoting activism.
- There is no mention of the importance of professional supervision or career progression to promote learning and development.
- Links to case studies outlining the consequences of not complying with professional standards
- There is no explicit requirement for practitioners to be familiar with nor comply with relevant legislation and policy within their context of work.
- Whilst the standards allude to some elements of the International Federation of Social Work's global definition of social work, there is no meaningful reference to promoting social development, challenging social injustice or the principles of human rights (for registrants and service-users).
- Some reference to social workers recognising people's strengths in challenging life circumstances.
- Although we recognise Social Work England do not regulate social work employers, we believe it is essential the regulator's expectations of employers is clearly outlined to enable social workers to comply with the professional standards. Also, the professional standards could provide some guidance on suitable working conditions/environments which are conducive to promoting best practice.
- A commitment to promoting 'self-care' and an acknowledgement of the 'emotional labour' social workers are exposed to.
- Social workers supporting the development of others: service-users, colleagues, students, NQSW's etc.

Q6. Having considered the proposed professional standards, we have the following additional comments:

- Why is there a negative list of "I will not...." standards? This should be reversed to affirmative, "- I will" comments.
- Will there be easy-read, jargon-free and accessible versions for people who need them? This should be aimed at making the standards accessible to the general public and specifically to those who may use social work services, supporting clarity of public expectations upon social workers and a shared language of accountability and what 'good' looks like.
- Some of the standards are too vague and could be open to varied interpretations. Further clarity and definitions are needed. How will interpretive guidance be developed for the use of registrants, managers and the regulator itself?
- It would be helpful for the standards to emphasise the need for social workers to recognise the impact of their own personal values on their professional self and to seek to explore/challenge their own beliefs and assumptions as well as those of others.

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- Encourage social workers to join BASW as the professional association for social workers to promote cohesion within the profession and be the collective voice for practitioners.

Q7. Having considered the proposed professional standards, we have somewhat mixed views about whether the proposed changes would bring benefits to social workers and the profession. The largest single group (46% of respondents) agreed with the proposals. However, 27% disagreed and 27% made no comment.

Common themes highlighted by our members were:

- It would be beneficial for guidance to be published alongside the professional standards to support practitioners understanding and implementation.
- The standards should acknowledge that Government and employers need to be more accountable for the barriers to safe practice and the positive outcomes identified by social workers.
- Organisational structures often contradict and compromise social work values (and standards) leaving social workers routinely vulnerable to scapegoating on a large scale.
- The standards are similar to those already in place, so there should not be much significant change (positive or negative) once implemented.
- It is unclear how these standards would apply to social workers working in the voluntary and private sectors. Throughout, the language seems to take statutory direct social work in local authority or closely related settings as the default. Best estimates are that at least half of social workers in England are working in different roles and settings e.g. in the private and voluntary sectors, healthcare, management/leadership or otherwise not in direct practice in a local authority.

Q8. Having considered the proposed professional standards, 63% of our members indicated they do not believe they will impact differently on their protected characteristics. However, how a profession is regulated will not necessarily always have a measurable or predictable impact on specific registrants. In reality, this is too broad a question, with many complex dimensions and implications. A Quality Impact Assessment to examine how the standards could affect different groups would be useful.

Consultation on qualifying education and training standards

Q1. Having considered the proposed qualifying education and training standards, we agree with the approach being taken to ensure that students who successfully complete a social work course can meet the professional standards and can apply to be fully registered.

Q2. Having considered the proposed qualifying education and training standards, we agree that the 2020 standards reflect what is important in preparing people to be social workers.

Q3. Having considered the proposed qualifying education and training standards, we have mixed views about whether Social Work England is being ambitious enough. 50% of our members agreed with the proposals, but 11% disagreed and 39% made no comment.

It is understood the changes proposed are, in reality, interim measures. Perhaps it would be better to extend the interim period by another year to make deeper enhancements and be more ambitious about the prospects of social work education?

Common themes highlighted by our members were:

- The standards are broadly similar to what social workers currently work to and should not result in significant changes to practice or service delivery.
- Ambition is not a priority at this stage. Ensure that all the regulations, rules and standards cover the essentials and work well together.
- Raise the bar when we are sure the system is effective in principle.

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- In order to support social work training, more financial support should be provided in terms of fees for courses. Currently university fees are around £9000 each year which precludes potentially fantastic student social workers from poorer backgrounds.

Q4. Having considered the proposed qualifying education and training standards, we strongly believe the following should be added:

- A specified minimum number of appropriately qualified and experienced staff, with relevant specialist subject knowledge and expertise to deliver social work courses. Specific guidance on what constitutes appropriate staff/student ratios would be helpful.
- Clarity on what constitutes a social work 'placement day' is in terms of hours, for making reasonable adjustments and shortened placement days.
- As social work employers are committed to increasing student provision through Step Up / Front line / Think Ahead and soon the forthcoming apprenticeships, having capacity to accommodate all of these student placements is an impending challenge for the profession. If statutory placements are made are made a regulatory requirement, this will only exacerbate the problem.
- It would be helpful for the concept of a 'statutory placement' to be clearly defined. We are aware that in some geographical areas this is defined as S17 and S47 of the Children Act 1989 and contributing to an assessment. OR Mental Capacity Act 2005 and Care Act 2014 and contributing to an assessment (agreed by the teaching partnerships). However, this means some areas of social work practice (e.g. adoption and fostering) are NOT classed as 'statutory tasks', although much of the work is enshrined in legislation regulation (hence certain 'statutory' obligations). There are concerns that a narrow definition of 'statutory' misses elements of social work practice and will lead to regional differences/inconsistencies. Using the term 'statutory work', rather than statutory setting would be helpful to broaden the range of placement opportunities particularly in large cities.
- How will 200-day placements be configured? Will these still consist of 30 skills/readiness for practice days, 70 days first placement and 100 days final placement. Or is the proposal for a minimum of 200 days actually 'on placement'?
- The qualifying education and training standards are ambiguous in places and would benefit from more detail. The standards put engagement at the centre of the relationship between employers and the education and training providers who are delivering social work courses, but we need more detail on how this will be achieved.
- There doesn't seem to be anything requiring all education and training courses to ensure that students familiarise themselves with relevant legislation. In the proposed Education & Training Rules [Rule 3(2) (d)(iii)], there is a requirement that Best Interest Assessor (BIA) training covers appropriate legislation, case law and policy updates but should not be limited to just BIA training.
- In terms of standards for admissions, there needs to be clarity on how Higher Education Institutions (HEI's) assess good standards of English and how this can be streamlined. Is a GCSE enough proof? Should it also include GCSE Maths in terms of the assessment of being able to step up to higher education and meeting the academic standards? There seems to be different rules in different HEI's. HEI's sometimes have specific rules for mature students and will sometimes argue that mature students should be considered outside of the usual entry criteria, which causes conflict with social work admissions. For a professional programme there needs to be clarity whether that is acceptable. Clarity around expectations on attendance for a professional programme is also needed, universities have general rules but when broken there seems to be little consequence or indeed power to do anything meaningful. Should there be more specific clarity on fitness to practice in universities included too? Perhaps a qualified social worker could make decisions on students' conduct and fitness independently without being overruled by a University appeal process? Some of this may well sit better in the process of programme validation.
- Education providers should be required to demonstrate how their social work courses reflect the real world and evidence how has this has been verified during the validation process.
- There should be a requirement for social work students to register with Social Work England at a reduced rate whilst studying.

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Q5. Having considered the proposed qualifying education and training standards, we believe they are mostly understandable. However, more clarity about applicants' 'being aware of and complying with any health requirements' is needed. Having a criminal conviction should not prevent a student from being admitted onto a social work course. Only convictions relating to vulnerable adults and children should be considered. We know of many fantastic social workers who have had difficult life experiences resulting in criminal convictions in their formative years. Their wide-ranging experiences have contributed to their expertise as very competent and knowledgeable practitioners.

Q6. Having considered the proposed qualifying education and training standards, we have the following additional comments:

- Our members have raised concerns about standards 4 (Programme Design & Delivery) and 5 (Practice-based learning). Some education providers and teaching partnerships are already working to these standards and have highlighted the challenges inherent in partnership working with employers. Specifically, who does Social Work England expect most employers to be that can provide placements and are the perspectives of all stakeholders to be considered equally? This can sometimes be impossible in practice. What does the involvement of employers in management and monitoring of courses (4.3) mean in practice? Employer representatives are often short on time and can have limited understanding of how HEI's work (particularly around timescales and organisational constraints). Any students go on to work outside their home region and teaching region-specific models of practice can be problematic.

Q7. Having considered the proposed qualifying education and training standards, we have mixed views about whether the proposed changes will bring particular benefits to social workers and the profession (as outlined above).

Q8. Having considered the proposed qualifying education and training standards, we do not think that the proposed changes will impact differently on people based on protected characteristics.

Consultation on education and training rules

Q1. Having considered the proposed education and training rules, we agree with the criteria for approving courses. However, we are concerned about the status of the PCF within the education and training rules being negated or marginalised. The PCF is a well-regarded learning framework that can support focus on the right range of content and priorities and respond to changing policy contexts. Furthermore, other disciplines (notably medicine and Occupational Therapy) have introduced their own form of generic capabilities framework as the foundation for initial and ongoing professional learning since the PCF was created. It is recognised the value of an easily accessible and recognised generic basis for all learning, rooted in shared values and ethics is vital. This shapes coherent learning throughout the career of practitioners and protects the public through peer-enforced common purpose.

Q2. Having considered the proposed education and training rules, we believe the following should also be considered when Social Work England approve social work courses:

- Rule 3(1)(c) states that the criteria for tests of knowledge of English are as set out in rule 3(2). Rule 3(2) identifies the criteria as meeting the standards for education and training [Rule 3(2)(a)] and meeting the professional standards. The professional standards do not mention this topic and the education and training rules mention only that applicants will have a “good command of English”. This is clear enough for standards, but not for rules. Perhaps this could be amended to refer to the framework in Rule 16 of the Registration Rules. Rule 3(2)(d)(iii) requires that BIA training covers appropriate legislation, case law and policy updates. This should not be limited to BIA training. All courses should include reference to relevant legislation and case law.
- There needs to be consistency nationally on the number of credits awarded for completion of BIA courses as this varies massively. There also needs to be evidence that shadowing opportunities have been provided and the BIA student has shadowed at least one assessment in full.
- Meaningful participation of people with lived experience of social work services at all levels.

Q3. Having considered the proposed education and training rules, we agree with the process for approval.

Q4. Having considered the proposed education and training rules, we agree with the process of reapproval, or approval of significant changes to approved courses.

Q5. Having considered the proposed education and training rules, we agree with the process for monitoring approved courses.

Q6. Having considered the proposed education and training rules, we suggest the following other activities should be included when Social Work England monitor courses:

- Consideration of the number of appropriately qualified and experienced staff, with relevant specialist subject knowledge and expertise to deliver social work courses. Specific guidance on what constitutes appropriate staff/student ratios would be helpful.
- How is the data for students who do not complete their social work courses collated, shared (who with and how) and stored? Are students who have withdrawn or had capability issues routinely highlighted to the regulator or other course providers?
- Practice Educators have highlighted to us that some students still do not have the required standard of written English and this is not just for those with English as a second language. The level of written work required of social workers needs to be emphasised more throughout the recruitment and training process.

Q7. Having considered the proposed education and training rules, we agree with the activities around inspections of courses.

Q8. Having considered the proposed education and training rules, there are no other activities that we believe should be included when Social Work England inspects courses.

Q9. Having considered the proposed changes to education and training rules, we are satisfied they will provide benefits to social workers and the profession. However, we would recommend greater scrutiny and a more holistic and meaningful approach to quality assuring courses that incorporates the observations and the views of people with lived experience. Also, including Approved Mental Health Professional and BIA courses into mainstream social work regulation will be valuable. However, since the BIA role may potentially disappear in 2020 with the reform of the Mental Capacity Act and abolition of Deprivation of Liberty Safeguards, it is surprising these regulations have not been future-proofed to include Approved Mental Capacity Professional role and forthcoming legislative changes.

Q10. Having considered the proposed changes to education and training rules, we do not believe they will impact differently on their protected characteristics. However, how a profession is regulated will not necessarily always have a measurable or predictable impact on specific registrants. In reality, this is too broad a question, with many complex dimensions and implications. A Quality Impact Assessment to examine how the rules could affect different groups would be useful.

Consultation on registration rules

Q1. Having considered the proposed registration rules, we agree with the types of information that must be recorded on the register.

Q2. Having considered the proposed registration rules, we believe other relevant information should be recorded on the register, as follows:

- In Rule 5(3), 'address of current employer' may be more relevant than 'place of employment'.
- Practice Educators
- Responsible Clinicians
- Approved Mental Health Professional (AMHP) & Best Interest Assessor qualifications
- Date social work qualification achieved
- Other relevant specialism, such as training in play therapy or counselling.

How will annotation be applied consistently for social work roles that are also undertaken by professionals from other disciplines such as AMHP's and BIA's?

Q3. Having considered the proposed registration rules, we agree that only the postal town of the employer address should be published on the register. Also, any current/historical domestic abuse and stalking concerns should be considered.

Q4. Having considered the proposed registration rules, we agree that advice and warnings given by case examiners where there is no realistic prospect of the case being referred to adjudicators, should not be published.

Q5. Having considered the proposed registration rules, we do not believe there is any additional information that should be published on the register.

Q6. Having considered the proposed registration rules, we agree with the requirements in this rule.

Q7. Having considered the proposed registration rules, we agree with the information and declarations required.

Q8. Having considered the proposed registration rules, we do not feel any other information should be required. However, 22(1)(f) should perhaps specify employment as a social worker. Also, it should only include the postal town of the employer address.

Q9. Having considered the proposed registration rules, we agree with the circumstances in which Social Work England may choose to apply conditions to registration.

Q10. Having considered the proposed registration rules, we do not believe there are any other reasons Social Work England may choose to apply conditional registration.

Q11. Having considered the proposed registration rules, we have mixed views about the length of time that an annotation should remain on the register. 40% of our members agreed with the proposals, 20% disagreed and 40% made no comment. BASW England recommends that annotations are reviewed at registration renewal stage if requested by the registrant.

Q12. Having considered the proposed registration rules, we believe there is no other information that someone should provide to demonstrate that they can be restored to the register.

Q13. Having considered the proposed registration rules, we have mixed views about the way that the fee for initial applications is set out. 57% of our members disagreed, 38% agreed and 5% made no comment. This highlights that further consultation with the profession and other stakeholders (including BASW) is necessary.

Q14. Having considered the proposed registration rules, we agreed with the circumstances in which a fee may not be charged or varied.

Q15. Having considered the proposed registration rules, we agree with the requirements for continuous professional development (CPD) set out in the rules.

Q16. Having considered the proposed registration rules, we support the approach being proposed for CPD evaluation and evidence gathering.

Q17. Having considered the proposed registration rules, we believe it is important for Social Work England to consider the following when evaluating social workers' CPD:

- The accessibility and availability of suitable support.
- The application of models and theory to practice (utilising current social work research).
- Evidence from supervisors would help provide insight into what professional development has been achieved, rather just what courses have been attended.
- Social workers are already overworked, many with high caseloads and challenging working conditions. It is imperative the expectations for CPD are carefully balanced and prioritised with social workers' other commitments.
- Acknowledgement that independent and locum social workers do not have the same career development opportunities as employed staff.
- Providing a clear process for social workers to make CPD reporting easier.
- Social workers should be given plenty of notice to prepare for evaluation to enable them to provide sufficient evidence and know in advance what is clearly expected of them.
- The limitations of in-house training generally provided by social work employers.
- Acknowledgement of the validity of all aspects of CPD whether self-identified or provided by third parties.

Q18. Having considered the proposed registration rules, we have the following additional comments:

- The proposed registration rules should state that social workers use the PCF as a framework for their CPD.
- It would be helpful to evaluate CPD completion across teams and departments, as well as individuals. This would highlight patterns, the scope of opportunities and the impact of working environments.
- There have been suggestions about an online portal in the future for recording CPD, which has raised concerns about duplication with existing systems. We await further details on this, including what sanctions would be imposed for registrants who do not meet these CPD requirements.
- The Social Workers' Benevolent Trust (SWBT) is a registered charity established by BASW in the early 1970's, which now operates independently. SWBT provides financial help to social workers in need. SWBT report that over many

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years they have received considerable number of applications from social workers needing a grant to re-register with the regulator due to the limited payment options. In some circumstances, social workers may have had to cease their registration due to life events, such as: medium/long term ill health (either their own or a family member) or having a child, along with a range of other events that occur throughout people's lives. For social workers in this position, it is very harsh for them to pay their registration fee in full or quarterly. BASW England recommends the availability of payment by monthly Direct Debit and an option to pay once in employment.

- We are aware there is a possibility registration fees may be increased in the future (after a consultation). BASW England is strongly opposed to any increase in fees, as we believe they are expensive enough. We also believe increasing the fee would potentially exacerbate the existing recruitment and retention issues in social work. It would be helpful to have information on registration fees and average salaries for other professions, to enable comparisons to be drawn.

Q19. Having considered the proposed registration rules, we have mixed views about whether the proposed changes would bring benefits to social workers and the profession. 67% of our members disagreed with the proposals, 27% agreed and 6% made no comment. The common feedback from members is that social work employers should take more responsibility for ensuring practitioners have access to appropriate on-going training and allocate 'ring-fenced' time to focus on their professional development.

Q20. Having considered the proposed registration rules, we have mixed views about whether the proposed changes would impact differently on people based on their protected characteristics. 40% of our members said yes, 40% said no and 20% made no comment. Specific member feedback was limited, but the most common theme was that registrants from ethnic minority groups will probably be the most adversely affected if/when registration fees are increased, as they are more likely to have lower incomes. However, how a profession is regulated will not necessarily always have a measurable or predictable impact on specific registrants. In reality, this is too broad a question with many complex dimensions and implications. A Quality Impact Assessment to examine how the rules could affect different groups would be useful.

Consultation on fitness to practice rules

Q1. Having considered the proposed fitness to practice rules, we agree with the criteria to accept a case overall. However, case progression should avoid being adversarial. There should be a presumption of 'innocence until proven guilty' and sensitive terminology used to avoid social workers feeling criminalised. Further guidance on the fitness to practice process (alongside the flowchart in circulation) is needed. The 'additional guidance' provided with the consultation document implies that a social worker can receive a formal warning even when their case is closed by an examiner, which seems unfair as this outcome may not always be appropriate or proportionate.

Q2. Having considered the proposed fitness to practice rules, we agree that a social worker and a complainant should be given further opportunity to comment on a case prior to referral to the case examiners in circumstances where an investigation reveals new evidence.

Q3. Having considered the proposed fitness to practice rules, we agree that interim order applications may be agreed in a meeting rather than in a hearing where the social worker does not request a hearing.

Q4. Having considered the proposed fitness to practice rules, we agree that there should be different timeframes for issuing notices of hearings, with cases involving criminal convictions or straightforward concerns being given a shorter timeframe.

Q5. Having considered the proposed fitness to practice rules, we agree that review hearings should be referred to the adjudicators for a decision, rather than being decided by employees of the regulator or the case examiners.

Q6. Having considered the proposed fitness to practice rules, we **disagree** that the rules should allow panels to decide how to regulate the procedure followed at hearings. The procedure should be clear from the outset to ensure fairness, integrity and transparency for registrants.

Q7. Having considered the proposed fitness to practice rules, we **strongly disagree** that Social Work England should be able to hold interim order and review hearings without a legal adviser or legally qualified panel chair in suitable circumstances.

Q8. Having considered the proposed fitness to practice rules, we **disagree** that it is suitable to use lay panels (panels of adjudicators or case examiners). We believe the panels should consist of professionals from health and social care backgrounds and people with lived experience. If panels only consist of lay members, our concern would be the complexity and uniqueness of the social work role may not be fully appreciated.

Q9. Having considered the proposed fitness to practice rules, we **disagree** that it is suitable that hearings should be held in public unless there is an accepted reason for all or part of a hearing to be held in private. This should be considered case-by-case and the view of the social worker should be final. Misuse of this process could lead to social workers feeling unnecessarily criminalised. Information can always be shared in the public domain after the hearing.

Q10. Having considered the proposed fitness to practice rules, we agree that Social Work England should be able to replace an adjudicator during a hearing if one of the original adjudicators is unable to continue, rather than restart the hearing with a fresh panel.

Q11. Having considered the proposed fitness to practice rules, we agree with the timescales proposed for maintaining annotations on Social Work England's online register after the sanction has expired.

Q12. Having considered the fitness to practice rules, we have mixed views about whether the proposed changes will benefit social workers and the profession (as outlined above).

Q13. Having considered the fitness to practice rules, we are concerned the proposed changes will impact differently for people based on their protected characteristics. Our primary concern is some of the proposals would be disempowering and punitive in practice, which will only amplify the institutional and structural discrimination many social workers from minority groups already face. The cumulative impact of: panels having the power to arbitrarily shape the process at hearings; the lack of legal input at interim orders and review hearings; the limited insight of lay panels and potential glare of the media spotlight during hearings will only heighten the barriers to equality faced by social workers from minority groups. Also, how a profession is regulated will not necessarily always have a measurable or predictable impact on specific registrants. In reality, this is too broad a question, with many complex dimensions and implications. A Quality Impact Assessment to examine how the standards could affect different groups would be useful.

Recommendations:

- BASW England would like to see greater recognition of Newly Qualified Social Workers (NQSW's) in the professional standards. It should be acknowledged that NQSW's have achieved a generic social qualification, which enables them to work with a range of service-users in different settings. NQSW's should be considered as having 'competence at a beginner's level' sufficient to work across the ages and needs of service-users. This was a core message in the Social Work Taskforce's final report and is in accordance with the Professional Capabilities Framework (PCF).
- BASW England recommends Social Work England appoint independent, registered and currently practicing social workers to the Board of the organisation. This representation will ensure that key regulatory decisions are influenced by current practitioners who are able to articulate an autonomous and 'real-life' perspective and strengthen the social work voice at an executive level. It would be beneficial to have a social worker from children and families, adults and academic backgrounds. We believe the current composition of several Board members with medical backgrounds dilutes the social work practitioner perspective and could potentially disempower the profession going forward. Furthermore, including a rota of service-users at Board level will ensure their participation is meaningful rather than tokenistic. Interestingly, the HCPC has several registrant members on their Board. We believe the new social work regulator should build on this to ensure parity and furthermore have a rota of service-users on the Board to lead the way for other professions. In the interim, whilst the Board lacks sufficient social work representation, we urge Social Work England to clearly identify how social workers' expertise, values and experience will input to Board decisions. We strongly recommend an advisory board with clear input to Board decision making and transparency about how this input is used.
- BASW England does not believe registrants' convictions, warnings, sanctions or restrictions on practice should be held publicly on the register, as this would contravene their privacy and could potentially compromise future working relationships. Our view is that a registrant is either suitable/fit to practice and worthy of the trust of citizens, or they are not. Certainly 'spent' sanctions should be expunged from public records.
- BASW England would like to see an index in the published version of Social Work England's rules and standards, which signposts to other existing and relevant documents, frameworks and policies to enable social workers to easily cross-reference various important resources elsewhere (PCF, BASW Code of Ethics, Code of Conduct, IFSW, KSS etc).

For further information please contact:

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