

SWU Social Workers Union

The specialist union for social workers

e-BULLETIN | DECEMBER 2021 / JANUARY 2022

Keep up the great work



As another year comes to an end, I would personally like to thank the engine of SWU which is the hard working, knowledgeable and skilful Advice & Representation Team who are by far the

reason a lot of members join SWU and BASW. No other organisation or union can guarantee that you will have a social worker providing advice and, if needed, representation at the highest level. We are obviously doing something right as membership continues to rise and hopefully next year we can reach the 16,000-member milestone which would be another great achievement - please spread the word about the only specialist union for social workers.

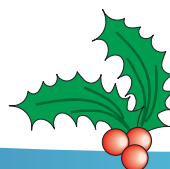
Our unique selling point remains with the following: SWU is the only UK trade union for, and run by, qualified and registered social workers. Therefore, SWU is the only trade union to offer representation by a qualified social worker who understands the complexities of the profession. With officers working across the UK, we provide representation at internal hearings for disciplinary and grievance procedures, and employer investigations into practice and misconduct allegations.

I enjoyed being part of the recent 'Talk to SWU' webinar

and this can be watched again on the article link on page 2. Knowing your rights at work and the evidence of what constitutes a healthy workplace, understanding what is most likely to work in self-care and knowing more about how managers and employers can support you better, are all important and can make a big difference. Being part of a union should help you feel more confident in your workplace and to act to make changes yourself where you can. I am hopeful that we will be having a second meeting of the Campaign Group in January therefore please do consider applying to the SWU Campaign Fund if there is an issue that is important to you one that would benefit from some structured campaigning support.

The next SWU newsletter will be early February 2022 therefore watch out then for the new SWU website with some great developing work going on behind the scenes. The new website will integrate several key sections such as Austerity Action Group, Union Contact, Trade Union information and Campaigns. The website will hopefully be ready to launch in February along with our new comms links.

Have a great festive break and somewhere there will be Social Workers working hard over the festive period providing a side to Social Work that the public rarely sees or media reporting on the great work we do 24 hours, 7 days a week, 365 days of the year.



John McGowan
General Secretary
j.mcgowan@swu-union.org.uk

Talk to SWU

Talk to SWU: workplace issues webinar recording from 3 November 2021 is now available here:

<https://www.basw.co.uk/talk-swu-workplace-issues-webinar-3-november-2021>



This free advice webinar series offers a chance for all UK social workers and social work students to talk directly with the Social Workers Union about workplace issues they are experiencing.

The Social Workers Union (SWU) launched the Talk to SWU workplace issues webinar series in December 2020 to strengthen and support our social work community. We invite all social workers and social work students within the UK - regardless of membership - to attend these sessions and ask their questions in a safe and anonymous way.

SWU General Secretary John McGowan hosts these webinars, discussing the anonymised questions from a live audience with a panel of Advice & Representation Trade Union Officers along with a SWU Legal Advisor.

The most recent Talk to SWU session recorded on 3 November 2021 is now [available to watch online](#). Some questions that were asked and addressed in this webinar include:

- Is there any legal protection for people who experience the menopause?
- I have dyslexia and have asked for readjustments but IT department don't fully understand my needs and it's taking a long time - what can I do?
- I am not taking the COVID-19 vaccine on health grounds - what can I do to protect myself and those at work, and can my employer insist on me having the vaccine even though I'm not visiting care homes?
- Rights around flexible working hours if you have long Covid
- Wanting to work part-time due to childcare arrangements
- The difficulty of constructive dismissal cases



You can watch all four of the available Talk to SWU sessions on our [“Talk to SWU” playlist on YouTube](#). If you would like to join a live Talk to SWU session - either to participate or just to watch - keep a look out at the beginning of next year for our announcement of the time and date of the next upcoming Talk to SWU webinar. We look forward to welcoming as many social workers and social work students as possible to this webinar series so please do share this with your networks.

SWU is the only UK trade union specifically dedicated to protecting and supporting social work professionals. If you are experiencing a time sensitive issue at work then you don't have to wait until the next Talk to SWU session. As a member of SWU you are entitled to telephone advice and telephone support from the BASW / SWU Advice & Representation Service Trade Union team from your first day of membership.

We are proud of our union's unique ability to offer our members representation by a qualified social worker who understands the complexities of the profession. All SWU members are entitled to representation after completing the three-month qualifying period as SWU members. You can [read here](#) about all the benefits of being a member of SWU, including access to GFTU training.

Members who are looking to become more involved with their union are also invited to [become a SWU Union Contact](#) in their workplace, organisation, or university.

SWU Recent Blogs (October and November)

SWU to speak up for social work and social care at Conservative Party Conference

<https://www.basw.co.uk/media/news/2021/oct/swu-speak-social-work-and-social-care-conservative-party-conference>

Talk to SWU webinar: Back by popular demand!

<https://www.basw.co.uk/media/news/2021/oct/talk-swu-webinar-back-popular-demand>

'Arcane tax rules silence vulnerable groups' - new research

<https://www.basw.co.uk/media/news/2021/oct/arcane-tax-rules-silence-vulnerable-groups-new-research>

Harry Venning accepts SWU Ambassador Award

<https://www.basw.co.uk/media/news/2021/oct/harry-venning-accepts-swu-ambassador-award>

BASW and SWU statements on compulsory Covid-19 vaccination

<https://www.basw.co.uk/media/news/2021/nov/basw-and-swu-statements-compulsory-covid-19-vaccination>

SWU supports the Abuse of Public-facing Workers (Offences) Bill as part of the Service with Respect campaign

<https://www.basw.co.uk/media/news/2021/nov/swu-supports-abuse-public-facing-workers-offences-bill-part-service-respect>

New ways of working – an update from BASW UK & SWU

<https://www.basw.co.uk/media/news/2021/nov/new-ways-working-%E2%80%93-update-basw-uk-swu>

SWU Campaign Fund delivers first round of funding for member led campaigns

<https://www.basw.co.uk/media/news/2021/nov/swu-campaign-fund-delivers-first-round-funding-member-led-campaigns>

BASW and SWU stand in solidarity with trans communities across the world

[BASW and SWU celebrate Trans Awareness Week 2021](#)

Fire and Rehire: BASW/SWU team welcomes new ACAS guidance

<https://www.basw.co.uk/media/news/2021/nov/fire-and-rehire-baswswu-team-welcomes-new-acas-guidance>

SWU Campaign Fund launches the #FoodIsCare campaign



Social workers asked to complete survey to help uncover food poverty in the UK

We are pleased to announce that the SWU Campaign Fund in partnership with Campaign Collective has launched its first campaign!

The #FoodIsCare campaign, led by social worker Dominic Watters (@SingleDadSW), aims to uncover the extent of food poverty in the UK and call for more support for social workers and the vulnerable people they help.

Household finances have been under increasing pressure and the COVID-19 crisis has had a disproportionately high impact on the poorest in society. This campaign will urge urgent action from the Government and call for more training and advice on food insecurity to be available to social workers who see this problem on the frontline.

In support of the #FoodIsCare campaign, SWU has launched a survey to better understand the extent of this problem as witnessed by social workers. The survey, which takes no more than two minutes to complete, explores how food insecurity affects the people that social workers support.

SWU members are invited to take the survey online by clicking here:

<https://www.surveymonkey.co.uk/r/SWUFood>

FoodisCare founder and social work activist **Dominic Watters** (@SingleDadSW) said about the campaign, *“For too long social work authorities have merely given a nod to poverty existing and this needs to change. Speaking as a single dad living in council estate poverty, in a system that puts so much in the way of poor families flourishing, it’s time nutrition and hunger wasn’t another obstacle. I designed the Food is Care campaign to tackle this inequality by improving the daily experience of the most vulnerable in society, including children in care. Help us to start achieving this by completing the survey.”*

The new SWU Campaign Fund was created earlier this year in partnership with social enterprise Campaign Collective, and it was set into motion when we received our first round of brilliant campaign proposals from SWU members.

All campaigns supported by the SWU Campaign Fund are conceived of and run by social workers - much like SWU itself which is the only UK union for, and run by, qualified and registered social workers. We are proud to be able to support our activist members in this new and innovative way.

John McGowan, SWU General Secretary, said, *"This is a terrific way for SWU to support member-led campaigns, and it builds on our present funding of the Austerity Action Group. SWU now has well over 15,000 members and the SWU Campaign Fund partnership with Campaign Collective will be a platform for social workers to feel seen and heard, with social workers at the heart of every campaign."*

Simon Francis, Founder Member of Campaign Collective, commented, *"We're looking forward to bringing the campaigning ideas of SWU members to life over the coming weeks and months. This unique approach to trade union campaigning from SWU will break new ground and bring to the fore issues which social workers are concerned about."*

We are also excited to announce that two other successful applications to the SWU Campaign Fund will launch their campaigns in 2022. These two campaigns will focus on barriers faced by social work students in Wales and the media's coverage of social work. Stay tuned for more details on these campaigns and how you can support them.

Any SWU member who would like to run their own campaign is encouraged to submit ideas for funding by filling out the SWU Campaign Fund Application Form and returning it via email. The Campaign Fund Committee will be reviewing proposals every 2 months throughout 2021/2022, and will be available as needed to review any time sensitive requests that are marked urgent.

More details along with the application form can be found on the [SWU Campaign Fund webpage](#).

The winners of SWU's 10th Anniversary Competition which featured in our November newsletter

PSW Clare in the Community Book - Karen King

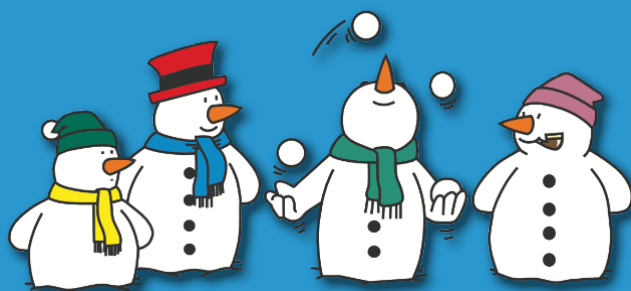
SWU Clare in the Community Book - Gavin Moorghen

How to survive in Social Work - Jennifer Wingrove

Social Work Practice Manual - Caroline McDonald

Student Book Competition -
Jasbinder Davegun

SWU would like to send
all our members
warmest wishes for the
winter season



Union Contact Scheme Update

I often have conversations with social work students who talk about the impact of placements on the career-path they take, and their future areas of expertise. The importance of a placement should never be underestimated, and a good (or not so good) placement can either help or hinder a career in social work.

Voluntary and charity-sector agencies often provide interesting, challenging, and rewarding placements leading to several professional roles including social work, but such agencies can also lack opportunities to undertake and become familiar with local authority assessments, procedures, protocols, and internal networks. Having said that, a local authority placement does not always provide specific training or experiences required for an easy transition to a paid role. One student explained to me that whilst they were placed within a busy local authority Adult Social Care team which gave ample opportunity to undertake Care Act assessments, they received little to no safeguarding experience. This was because the particular local authority had a separate team dealing with safeguarding, so safeguarding concerns and referrals were simply passed on to that specific team. The student hadn't realised how this might restrict and impact upon future employment until attending interviews for roles that almost always required safeguarding experience.

A further student who'd hoped to work with adolescents and care-leavers had willingly undertaken a placement in adult mental health after having been informed by their university that their area of preference was "not available". The student had assumed that adult mental health would surely provide the relevant training and expertise required for social work with adolescents but was frequently disappointed when potential employers confirmed a preference for specific practical experience.

These conversations highlight the importance of raising concerns and asking questions during meetings with practice educators, managers, university course supervisors, your professional association, and your trade union. If, as a student social worker, you feel an important area of practical training is not being met please have those conversations and raise those concerns. The first student above might have gained important safeguarding experience by spending part of their placement amongst the separate safeguarding team; and the second student might have challenged and questioned the unavailability of an appropriate placement and/or sought clarity around the depth of experience required for a specific area of social work.

SWU membership is not just for qualified registered social workers, but for newly qualified and student social workers too. Student social workers can join SWU at a reduced rate of just £10.00 per annum and, if interested in becoming more involved in your trade union, you can become part of our growing team of SWU Union Contacts. If you'd like to promote and share information about SWU amongst your university cohort or within your social work placement, please don't hesitate in getting in touch for further details.

In solidarity.



Carol Reid
National Organiser &
Union Contact Scheme Manager
Carol.reid@swu-union.org.uk



SWU Social Workers Union

A people without the knowledge of their past history, origin and culture is like a tree without roots

Previously, we ran a regular feature covering trade union history. Please find the collection we produced.

The Diggers

The World Turned Upside Down

'I think that the poorest he that is in England hath a life to live as the greatest he...'

Colonel Thomas Rainsborough, 1647.

For eleven years (from 1649-60), England was a republic. A Civil War had been won and a king toppled from his throne and brought to trial by his own people for war crimes. Outside the Corn Exchange, in London, Charles I's statue had its head knocked-off, its sceptre broken, and a new inscription cut: recording that here was an image of a tyrant that had been altered in 'year one of England's liberty'.



Everything was there to be challenged. Women – as well as men – preached in the streets; the established church broke down; and at Putney, the army debated how the country might be better governed, the vote extended and civil liberties secured. If the Levellers attempted to unite the London radicals with the rank-and-file soldiers; then a group of poor women and men, led by Gerald Winstanley, took over the waste ground at St. George's Hill, near Weybridge in Surrey.

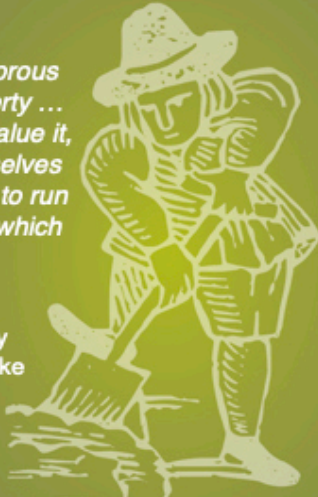


Known as the Diggers, they set up a co-operative commonwealth, where all goods and produce was to be shared. 'Was the earth made for to preserve a few covetous, proud men, to live at ease', Winstanley wondered, or was it to be made a 'common treasury' to be shared for the good of all?

John Milton, best known today as a poet, was a member of the republican government. When Charles II returned to the throne, in 1660, he wrote in disbelief:

'That a nation should be so valorous and courageous to win their liberty ... should not know how to use it, value it, what to do with it, or with themselves ... [have] basely and besottedly to run their necks again into the yoke which they have broken'.

Yet all was not lost. Religious liberty had been established and groups like the Quakers are tangible links between those times and our own.



As Winstanley knew

'freedom is the man [or woman] that will turn the world upside down, therefore no wonder he hath enemies'.

The Peterloo Massacre

The years after the end of the Napoleonic Wars were marked by hunger, want, and calls for greater democracy.

On 16 August 1819, 80,000 people gathered in St. Peter's Field's Manchester (on the site of today's town hall, library and Midland hotel) for a peaceful protest and to hear Henry Hunt (1773-1835) speak. As soon as Hunt rose to address the crowd, the local magistrates read the riot act and sent in the yeomanry cavalry to arrest Hunt and to seize banners from the crowd.



The cavalry drew their swords and lashed out indiscriminately, stampeding the crowd and killing 11 people. 400 were injured and 161 (including many women) suffered sabre cuts to their faces, arms and hands.

The press called the slaughter 'Peterloo' in mockery of Wellington's recent victory at Waterloo, and Shelley wrote one of his most famous poems, *The Mask of Anarchy*, in protest against these 'legal' murders.

Hunt was imprisoned for two years for daring to address the meeting; the cavalry and the magistrates, meanwhile, received a letter of congratulation from Viscount Sidmouth, the Tory Home Secretary.





Chartism

The Chartists represented the first working class political movement, anywhere in the world.

Chartism grew out of the poverty and unemployment of the 1830s, and as the result of the inequalities rooted in the 1832 Reform Act (which gave the vote to the middle classes but not to the working people). Campaigns against the factory system and the New Poor Law (which effectively criminalised poverty and introduced Work Houses) helped it to gather momentum.

The Chartist programme demanded universal suffrage; a secret ballot; annual parliaments; an end to property qualifications for MPs; pay for MPs and for constituencies to be of equal size. 5 of the 6 demands are now at the heart of our democracy – but at the time they were denounced as dangerous and revolutionary measures.

The Chartists represented the first working class political movement, anywhere in the world.



The Chartist demands were clear and simple. Vast numbers of people – over a million signatures are recorded on the petition of 1839 – gave their support to a parliamentary petition calling for greater democracy. However, the petitions of 1839 and 1848 were scornfully rejected by MPs.

Mrs. Gaskell. The famous mid-Victorian novelist, wrote about the Chartists march to parliament in 1839:

"Tell us what happened when you got to th' Parliament House".

After a little pause, John answered, *"If you please, neighbour, I'd rather say nought about that. It's not to be forgotten or forgiven by me or many another; but I canna tell of our downcasting just as a piece of London news. As long as I live, our rejection that day will bide in my heart; and as long as I live I shall curse them as so cruelly refused to hear us; but I'll speak of it no more".*

The Tolpuddle Martyrs and the Birth of the Labour Movement

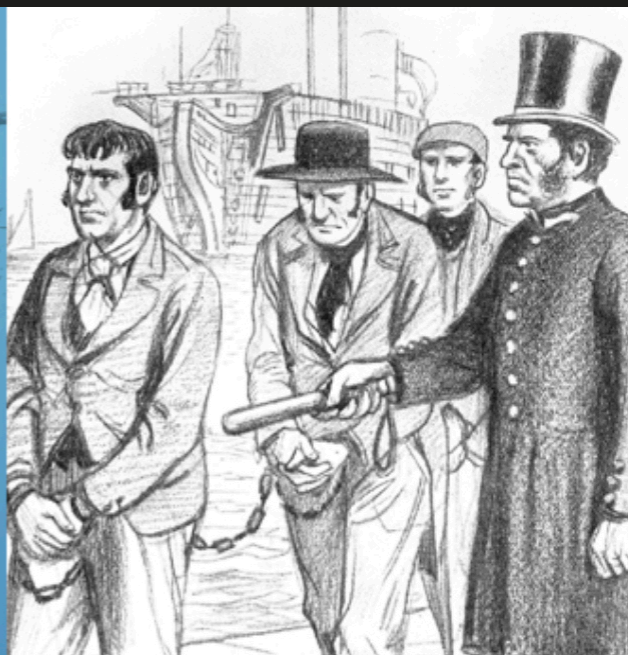


Agricultural work in the Nineteenth Century was hard and back-breaking. Many thought that rural labourers could not be organised and would not fight for themselves, or others.

However, in 1834 a group of 6 Dorset farm labourers formed a trade union in the little village of Tolpuddle. They came together to protect themselves from exploitation and from the erosion of their wages that made it 'impossible to live honestly on such scanty means'.

The local landowners determined to break the union and used an out-dated law, left over from the Napoleonic Wars, to have them convicted of swearing 'illegal oaths' and transported to Australia for seven years.

Petitions to government and enormous public demonstrations eventually brought a remission of their sentence, in 1836, with 5 of the 6 returning home shortly afterwards.



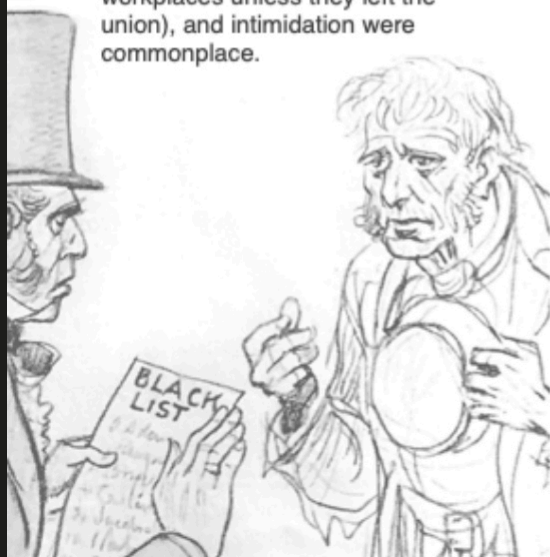
Their spokesman, George Loveless served as a delegate to the Chartist Convention, in 1839, and declared:

*'We raise the watch-word liberty;
We will, we will, we will be free!'*

The Early Days of the Movement

*Nothing was ever won
without a fight.*

The black-list (effectively barring individuals from work on account of their trade union activity), lock-outs (where employers would refuse to admit their employees in to their workplaces unless they left the union), and intimidation were commonplace.



Trade unions were made legal in 1824, largely as the result of Francis Place (1771-1854), a tailor and radical organiser who would later become one of the leaders of the Chartist movement.

Early enthusiasm led trade unionists to follow the plans of Robert Owen (1771-1858), an early Socialist and Scottish mill owner, to form 'One Big' – general – union, in 1834.

However, repression – the use of paid informers – and the transportation of the Tolpuddle Martyrs effectively crushed the movement.

The New Trade Unions

Unskilled and poorly paid workers were organised much more slowly than skilled artisans and craftsmen. Often it was said that they were incapable of being unionised.



Two strikes, in 1889, changed this view forever.

The first was by Matchwomen, led by Annie Bessant, at the Bryant and May factory; and the second was by the London dockers in a strike for a wage of 6d per hour. Both strikes were won and established the rights of unskilled, marginalised, and women workers, changing the face of trade unionism forever.

These 'New' trade unions – such as the Transport & General Workers Union (today's Unite) and the Gasworkers (today's GMB) – tended to be more militant, more working class and to have stronger Socialist ideals than the earlier craft unions.

Significantly, they also thought about organising politically, in pursuit of their industrial aims.

By the 1890s, working class trade unions (including the miners and the railwaymen) greatly outnumbered the older, skilled craft unions; and they began to wield far greater political and industrial power.

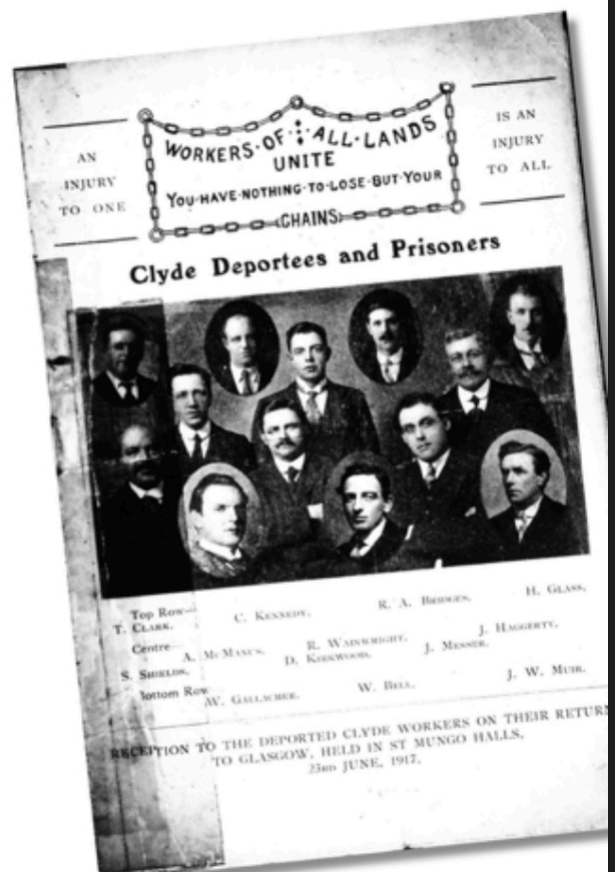
1832

1867

1884

1918

1928

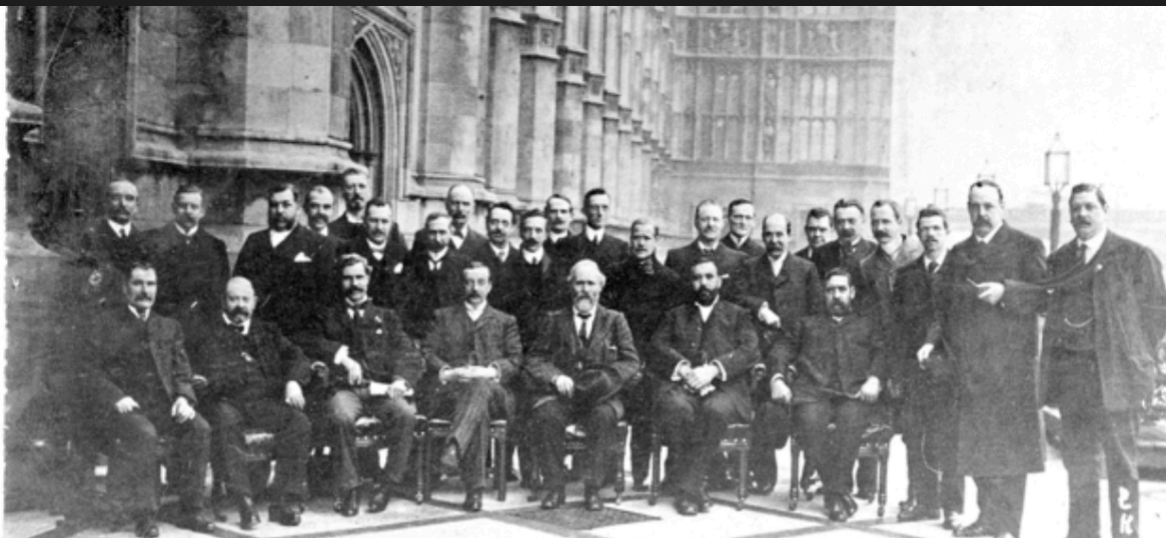


Keir Hardie and the Link between the Labour Party & the Unions

The unions became increasingly accustomed to working together through the annual Trade Union Congress, and to formulating collective bargaining agreements. However, the Taff Vale judgment, in 1901, (named after a railway company in dispute with the rail unions) threatened to seize trades union funds and assets if they promoted strikes or political activities.

This had the power to break the organised Labour Movement..

The union leaders saw that a political attack necessitated a political response, and the result was that they were far more prepared to fund their own candidates (through the Independent Labour Party, founded in 1893; and the Labour Party, founded in 1900).



The 1906 election saw a breakthrough as 29 Labour Members were returned to Parliament. These were all trade unionists and overwhelmingly from working class backgrounds. Keir Hardie, an ex-Scottish miner, became the party's first and, perhaps, most inspirational leader.

An opponent of imperialism and war, and a champion of women's rights, one of his comrades wrote of him that:

'He was the first man from the midst of the working class who completely understood them, completely sympathised with them, completely championed them. He was the first working man who, having entered Parliament, never deserted them, never turned his back on a single principle which he had professed, never drifted away from his class in thought, in feeling, or in faith.'

Robert Tressell and the Ragged Trousered Philanthropists

Robert Tressell (the pen name of Robert Noonan) was an Irish house painter, who worked in Hastings and died in poverty in Liverpool, in 1911. His *Ragged Trousered Philanthropists* is one of the most influential, and greatest, novels to deal with the world of work. Here one of his characters talks to the workmen about their problems, and the way forward:

'It is an admitted fact that about thirteen millions of our people are always on the verge of starvation. The significant results of this poverty face us on every side ... It is childish to imagine that any measure of Tariff Reform or Political Reform ... can deal with such a state of affairs as this ... You will still have to slave and drudge to gain a bare sufficiency of the necessities of life. You will still have to eat the same kind of food and wear the same kind of clothes and boots as now.



Your masters will still have you in their power to insult and sweat and drive. Your general condition will be just the same as at present because such measures as those are not remedies but red herrings, intended by those who trail them to draw us away from the only remedy, which is to be found only in the Public Ownership of the Machinery, and the Organisation of Industry for the production and distribution of the necessaries of life, not for the profit of a few but for the benefit of all!

That is the next great change; not merely desirable, but imperatively necessary and inevitable!
That is Socialism!

Social Workers Union: that's our name

The year of SWU's 10th anniversary seems an appropriate time to clarify a small matter that has continued to pop up throughout our union's history. **How do you spell "the Social Workers Union"?**

We'll begin at the beginning with SWU's first General Secretary Hilton Dawson recounting the founding of the union during the SWU 10th Anniversary Celebration. He said, "SWU was registered as a trade union in 2011, open to all social workers and to BASW members who 'opted in.' The legal drafts for the Regulator referred to **'the Social Workers Union'** and for simplicity, that's how SWU was named."

Some may feel inclined to insert a stray apostrophe into the union's name - for example, we've seen "the Social Worker's Union" out there in the wild - but rest assured that we are the Social Workers Union. SWU is a union comprised of social workers, and not a union owned by a single social worker.

It's also not appropriate to use the plural possessive "Social Workers' Union" as our membership does not encompass all social workers in the UK. However, we are delighted that SWU has well surpassed the 15,000 member milestone this year, and approximately 14% of social workers in the UK are now SWU members!

So there you have it - you are a proud member of the Social Workers Union, helping us to improve the terms and conditions of social workers and fight for better resources for the people who use social work services.



We acknowledge the Social Workers Union's continued solidarity and support of the Care Review Watch Alliance (CRWA) and are pleased to have the opportunity to contribute to this month's newsletter. Here is an update on our current and upcoming activities.

- We continue to support the #KeepOnCaringTo18 campaign co-ordinated by the Together Trust. This campaign is seeking to ensure that the UK state meets its basic obligations to promote the welfare of children in its care: it is challenging a new law that allows 16- and 17-year-olds in state care in England to be sent to live in non-care settings. Article 39's judicial challenge on this matter will be heard on December 16th, and care experienced people will be handing in the petition related to this campaign to 10 Downing Street on December 9th. The campaign would like to get as close to 10,000 signatories as possible before the petition is handed in. Please sign and forward the petition via this link: <https://secure.togethertrust.org.uk/uk-government-keep-caring>
- CRWA are collecting as many of the responses to the Case for Change as possible on their website with a view to publishing these on the CRWA website, in the interests of transparency. The Review of Children's Social Care has, disappointingly, itself failed to publish all of these responses. We have approached various organisations and individuals who we know submitted responses and, thus far, received 24 of them. If you have a response you submitted which you would like to add to these please get in touch via the details provided on the CRWA web site.
- Steering committee member, Robin Sen, has written an open letter to the Chair of the Review of Children's Social Care, regarding the paucity of evidence to support the claim that the National Assessment and Accreditation System (NAAS) is cost saving. This is based on correspondence with the UK Statistics Authority. The correspondence can be viewed [here](#).
- Members of CRWA's steering group have been working on developing a template for constituents to write to their MPs to urge them to exercise full, due and proper scrutiny of the Review of Children's Care and its recommendations. The template should be available via the CRWA alliance website by the end of this year - please look out on our web site and Twitter feed for further announcements.
- In September the foster care agency TACT released [a plan](#) which it urged the Review of Children's Social Care to adopt. This is for a "new national care service - the National Care Family (NCF), covering fostering, adoption, kinship, residential, foster, and secure care. The proposed service would also take over responsibility for children who return to their birth parents from care and the secure youth justice estate." The CEO of TACT has established links with the Review chair, as he is a trustee of Frontline, of which Josh McAlister was the CEO prior to becoming the Review chair. Neither the Review chair nor the CEO of TACT had responded to requests for clarification on whether TACT's plan had been developed in co-operation with anyone involved in the Review. A Freedom of Information (FOI) request related to this information was, as a result, submitted, and a response received on November 25th.

Further information on the FOI response will be posted in due course, via the CRWA web site, but we would note at this point that the response confirms there was indeed significant liaison between Andy Elvin and senior members of the Review team regarding TACT's plan, prior to its publication.

- Jane Collins, Steering Committee member of CRWA and Director of Foster Support, is speaking at a Westminster Education Forum on Improving support for care leavers on Monday, 24th January 2022:

[https://
www.westminsterforumprojects.co.uk/
conference/Care-Leavers-22?s=09](https://www.westminsterforumprojects.co.uk/conference/Care-Leavers-22?s=09)

Do get in touch with the CRWA if you wish to know more or get involved further.

We wish each of you a restful and enjoyable end to the year.

**The CRWA Steering Committee,
26th November 2021**



Thompson v Scancrown Ltd: Refusal of flexible working request amounted to indirect discrimination

In Mrs Alice Thompson v Scancrown Ltd T/a Manors ET/2205199/2019, the Employment Tribunal ('ET') found that refusing an employee's flexible working request to modify her working hours to accommodate her childcare responsibilities was indirect sex discrimination.

Background

The Claimant was employed as a sales manager by the Respondent, a small independent estate agency firm. The normal working hours of the office were 9am to 6pm. On the Claimant's return from maternity leave, she applied to modify her working hours in order to accommodate the closing time of the nursery that her child attended. She submitted a request to finish at 5pm instead of 6pm so that she could pick her child up from nursery in time.

The Respondent refused the request, detailing 5 business reasons for their decision. When this application was refused, the Claimant resigned and filed several claims, including indirect sex discrimination.

The Law

Section 19 of the Equality Act 2010 ("the Act") defines indirect discrimination:

"A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice (PCP) which is discriminatory in relation to a relevant protected characteristic of B's."

Indirect discrimination is concerned with decisions or policies which, in practice, have the effect of placing a group of people with a particular protected characteristic at a disadvantage. Sex is included as a relevant protected characteristic under the Act.

When a PCP has the effect of placing a group of people with a protected characteristic at a disadvantage, it will amount to indirect discrimination unless the employer can objectively justify the PCP. This means they have to demonstrate that the PCP is a proportionate means of achieving a legitimate aim otherwise indirect discrimination will be established.

In the present case, it was argued that the provision for sale managers to work full time 9am - 6pm, Monday to Friday, was a practice which placed women with children at a substantial disadvantage compared to men with children.

Decision

The Tribunal upheld the indirect discrimination claim and found that the Respondent's failure to consider this flexible working request put the claimant at a disadvantage as a result of the PCP as this meant that she was unable to collect her child from nursery.

The ET also considered whether the Respondent had an objective justification for the provision. It was noted that although the recognised the Respondent's business concerns, they did not outweigh the discriminatory impact on the Claimant.

The Claimant was therefore found to have been indirectly discriminated against on the grounds of sex and was awarded £184,961.32 for loss of earnings, loss of pension contributions, injury to feelings, and interest.

Guidelines

Employers are seeing sharp rise in flexible working requests since the pandemic. Although working from home is unlikely to become a strict legal right for everyone, employees who are called back into the office after having enjoyed the benefits of hybrid or remote working may turn to statutory flexible working requests. Women who are seeking flexible working for childcare reasons will have the added layer of protection from discrimination laws.

This recent judgment has reaffirmed the need for employers to carefully consider all flexible working requests. Before rejecting proposed changes, employers should not only assess their practices and business needs, but also ensure consideration is given to whether the employee making the request may have a protected characteristic and whether they are likely to suffer a disadvantage.

Points for employers to consider:

1. If the request has been refused for a business reason, can an alternative working arrangement be agreed with the employee?
2. Can the requested flexible working be put in place for a trial period? If a trial period is used for a reasonable length of time, the employer will be able to assess the impact of modified working arrangements on their workplace.
3. Employers should keep clear records of their reasoning when making decisions.
4. Employers should ensure they remain consistent in their treatment of flexible working requests.
5. Employers should consult their existing policies and practices for flexible working, which ideally will incorporate the statutory requirements and principles outlined above and from the ACAS Code of Practice.

A copy of the judgment can be found here:

https://assets.publishing.service.gov.uk/media/60a375d3d3bf7f2888d19089/Mrs_A_Thompson_vs_Scancrown_Ltd_trading_as_Manors.pdf



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Austerity Action Group

Lived Experience Fair Remuneration Update

Austerity Action Group, funded by the Social Workers Union (SWU), releases campaign toolkit

“As a nation we rely on the public and charitable services which are available to us and it is vital that they meet our needs. Yet government rules freeze people out of contributing meaningfully to the development of these services. This includes people at the sharp end of government cuts to spending (often called austerity) and those with lived experience of relying on the help of charities, to anyone who uses council services or is in education. Tax rules and benefits regulations mean that it is difficult for charities, local government, universities and other providers to pay people to give their honest opinions on the services they rely on. Payment for this expertise or advice is often referred to as remuneration This campaign calls for Fair Remuneration.”

Since the launch of our **Lived Experience Fair Remuneration Campaign** in October 2021 things are moving along apace. We are gathering more allies, both individuals and organisations, all echoing the frustration that we highlighted.

We have had a response to our first letter to

Get involved in our campaign

Thank you for expressing an interest in helping our campaign for fair remuneration for people like yourselves. We're asking you to help our campaign in three ways:

- [Send a letter to your MP](#)
- [Send a letter to your local paper](#)
- [Send out social media content about the campaign \(#LivedExperienceFairRemuneration\)](#)

Please let us know how you get on. You can email aaq@swu-union.org.uk.

See this link for sample letters:

<https://www.basw.co.uk/media/news/2021/oct/arcane-tax-rules-silence-vulnerable-groups-new-research>

the Treasury and are currently planning to send a follow up question. Alongside this we have had a question asked in parliament on our behalf by Emma Lewell Buck MP, again the response offers us opportunity to ask more in-depth questions, to explore and clarify the situation. What is becoming clearer is the two very different concept of 'volunteering for, or at a project' and being asked to formally be an 'Expert by Experience' for an organisation are not one and the same, they are not ambiguous they are distinctly different!

To help clarify this we need your help in the following ways:

- We asked you to make use of our sample letter to contact your MP and ask you to let us know if you have had a response to date. For those new to the campaign just follow the link below for the sample.
- Real stories always make an impact and we need as many as possible. We need people to come forward with their stories which we will a) anonymise and b) use in posters / leaflets and possibly a short video to illustrate the situation.

**Angi Naylor, SWU Executive Member and
Chair of the SWU funded Austerity Action Group**

Social Work and Self-Care: How do you take care of you?

By Jade Daniels

“The profession of social work faces a perfect storm of increasingly complex practice contexts, intensifying demands and escalating burnout” (Grise-Owens & Miller, 2021).

Social work as a profession is not without high levels of emotional stress, and there is an expectation of social workers that they will smoothly navigate any additional psychosocial stress they face in their personal lives (Downing, Brackett and Riddick, 2021). Alongside this, practitioners are often navigating the psychosocial stress of those they are working with and supporting.

It is hopefully clear to see why Grise-Owens & Miller are calling for the teaching of self-care to be part of the social work curricula and for it to be regarded as a professional competency.

Self-care has become a buzzword that has been used in so many contexts that it seems to have lost any real meaning, or at best it is seen as something ‘indulgent’ or extravagant. However, self-care has long been regarded as important to support the wellbeing of professionals (Drolet & McLennan, 2016).

Self-care is first and foremost about protecting

your mental health and wellbeing - and this can include a bath bomb here or there! What do you currently do to practice self-care?

Under “The 5 Pillars of Protection” framework (SelfCare Psychology), self-care is the pillar used to protect oneself from professional trauma and fatigue. This is alongside the other four pillars of awareness, supervision, peer support and being trauma informed.

How do you feel about this? Would the inclusion of self-care in social work curricula and viewing it as a professional competency bring meaningful change to the high turnover issue in our profession and help reduce burnout?

As Chair of the BASW England Student & Newly-Qualified Social Worker (NQSW) group, in an event held by us alongside BASW in October 2021, we developed these top tips for self-care to consider during your social work journey:

An infographic with a white background and colorful geometric shapes (circles, squares, lines) in purple, orange, and green. A large blue circle on the left contains the text "Some Top Tips To Takeaway". To the right, a list of seven tips is presented in blue text. At the bottom right is the BASW England logo, which includes the text "The professional association for social work and social workers".

Student & Newly-Qualified Social Work (NQSW) Group

“Find time to intentionally look after yourself”

“Identify your support network”

“Don’t be afraid to reach out and ask for help”

“Be open to let your heart and mind go where it leads you”

“Don’t overcomplicate things”

“Don’t compare yourself or your journey”

“Always remember your why”

BASW
England
The professional association for
social work and social workers

BASW also created a quick guide in 2020 with additional guidance for social workers on how to manage self-care during the COVID-19 pandemic. Some of these include:

- Maintain a personal routine, including home hobbies, exercise, speaking to friends/family and sleep
- Check in on yourself daily.
- Take reflection time, and consider writing or recording your reflections

Too often we must remind ourselves that self-care is not a luxury; it is something we should practice on a daily basis, akin to brushing our teeth.

“If we are not taking the time necessary to thoughtfully and intentionally tend to our own needs and promote our health and well-being, we are not thriving, and instead are often merely surviving” (Brown, 2020).

All BASW members are welcome to attend our BASW England Student & NQSW Group events and activities and can stay up to date with our journey by following us on Twitter: [@BASWStudentNQSW](https://twitter.com/BASWStudentNQSW). We are passionate about growing our group to be more diverse and representative of not only the profession but also the world we live in. We would love to hear any feedback, updates or ideas that you may have.

References:

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Social Media

If you have not done so then please follow us on Facebook, Twitter and Instagram - we post and tweet regular updates about the work and developments of the Social Workers Union.

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Monthly newsletters are emailed to all SWU members. If you are not receiving this then please check what email address we have. The newsletters are also published on the web site.

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Facebook: www.facebook.com/socialworkersunionuk/

Instagram: www.instagram.com/socialworkersunion

Internet: www.swu-union.org.uk

Ten ways to thrive in social work

Trainer, author and SWU Ambassador **Neil Thompson** and general secretary of the Social Workers Union **John McGowan** distil top tips from their book *How to Survive in Social Work*

1 Expect to struggle

By its very nature, social work is a demanding occupation. With the added pressures of the current inhospitable political climate and underfunded state of public services, it should come as no surprise that a significant proportion of people are struggling to get through their workload. This is nothing to be ashamed of. It is a reflection of the wider context and says little or nothing about individual capabilities. This is not to say that some people do not have their own issues that affect how well they cope with the pressures. But the idea that struggling is a sign of personal failing is a gross (and grossly unfair) oversimplification.

2 Don't blame yourself

For far too long there has been a destructive blame culture in social work (and public services more broadly). What can make the situation much worse is when people blame themselves for things not going very well - even to the point where they start to assume they are not competent enough. The technical term for this is 'Imposter Syndrome.' It describes situations where people doubt themselves to the point where they feel they are not good enough for the work expected of them - as if they are an imposter pretending to be a competent worker.

3 Be assertive

No, being assertive does not mean being stropky, difficult or demanding. It means having the confidence and negotiation skills to work towards win-win outcomes. Often it amounts to saying 'no' or at least 'no, but ...' Sadly, we have come across many people who became ill with stress, because of work overload. A significant proportion of them have told us that they just passively accepted more and more work and made little or no attempt to negotiate a more reasonable workload. There are various reasons why this sad state of affairs arises but in most cases it boils down to people either not having the requisite assertiveness skills or choosing not to use them.

4 Don't expect a 100% success rate

It has been said that the only profession with a 100 percent success rate is undertakers. No matter how competent we are or how hard we try, the reality is that we will never achieve 100 percent success in social work, nor should we expect to. Imagine how stressful it would be for police officers if they were expected to clear up every crime and convict every perpetrator. The only fair expectation is that they do their best in difficult circumstances. Why should that not apply to social workers too? Things will go wrong and mistakes will be made. But if we are doing our best and acting in good faith, we can hold our heads up high (whatever the gutter press may say).

5 Look after yourself

This has been said time and again, but it remains true that far too many people put other people's needs first and thereby put themselves at risk. Not practising self-care is dangerous in any work setting. In such a demanding profession as social work, it is extremely so. It has to be recognised that we are in no position to help people meet their needs if our own needs are not being met. How would you feel if you needed the help of a social worker, but it was clear they were exhausted and on the way to burnout? Would you feel you were getting a fair deal?

6 Make use of support

Some organisations are not good at supporting their staff, but even in those that are, there can often be a reluctance to ask for help. It derives from the fact that stress continues to be stigmatised and seen as a sign of a weak individual (rather than the sign of an overloaded system). Surviving - and especially thriving - depend on making full use of the support available and moving away from this dangerous idea that 'support is for wimps.' Anyone doing as demanding a job as social work who is not prepared to make use of support is playing a highly risky game.

7 Keep learning

High levels of pressure can lead to a sort of emotional paralysis that stops people exploring new ideas or methods. This therefore acts as a significant barrier to learning. This can then lead to a vicious circle. Because social work is such complex and demanding work, we need to keep learning all the time. Once we stop, our ability to be effective is diminished. This means that our ability to manage our pressures and keep stress at bay is also diminished, leaving us all the more prone to that very paralysis. So, keep learning, come what may, is the key message.

8 Don't lose sight of your values

That same paralysis can also lead to losing sight of our values - not intentionally, but because we narrow our focus to just getting through the day, just getting the job done to relieve the massive pressures we are under. This too invites a vicious circle whereby the motivation, drive and reassurance that come from our values are lost. Again it leaves us ill-equipped to cope with the pressure we face. Our values are important not only for ethical reasons, but also for their role in sustaining us through difficult times and territory.

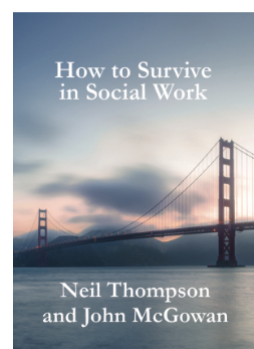
9 Support one another

Unfortunately, one of the effects of a high level of pressure is that it can force people to withdraw into their own 'security bubble' for their own protection. This is understandable, but it is also a problem, because it undermines teamwork and solidarity. It is essential in such difficult times that we pull together and support one another. It is what teamwork is all about; it is what BASW is all about; and it is what SWU is all about. Let's make sure that happens.

10 Have faith in yourself

Another consequence of a constantly high level of pressure is that we can lose confidence in ourselves. We feel we are struggling so much that we start to lose faith in ourselves. This too is understandable, but also problematic. If we do not have faith in ourselves, other people will not have faith in us and, without that credibility, our very difficult job becomes even harder, if not impossible.

Thompson, N and McGowan, J (2020) 'How to Survive in Social Work' is published by Avenue Media Solutions





In advance of the Adult Social Care White Paper, which it is understood will have a chapter on social care workforce, the Future Social Care Coalition (which published a [Social Care People Plan](#)), and the Social Care Leaders Group (which published [Vision for a Future Workforce Strategy](#)), came together to discuss areas of consensus including the need for:

1. Staff to be better recognised, valued and rewarded.
2. Greater investment in training, qualification and support.
3. Clearer career pathways and development opportunities.
4. More building and enhancing of social justice, equality, diversity and inclusion in the workforce.
5. More effective and integrated NHS and social care workforce planning.

This short report seeks to capture the key points made in the hope that its contents will be helpful for key decision makers and influencers.

PART ONE: REFLECTIONS ON SOCIAL CARE REFORM ANNOUNCEMENTS SO FAR

- The pandemic put spotlight on carers, and the proposals as far as they go, are welcome.
- The focus of the Build Back Better plan is to put a cap on care costs and a significant proportion of the £5.4bn over 3 years raised for social care in the Health and Care levy will be used for this rather than funding more care.
- The Adult Social Care White Paper will address workforce issues in part but only £500m over 3 years has been allocated which is simply inadequate for the scale of the challenge; and there are serious concerns that other health and care reforms could bite into this budget.
- The problem of high vacancy rates and very high staff turnover have not gone away and these will significantly contribute to acute problems over winter.
- There is concern that Westminster has gone quiet on the needs of the care workforce and that Whitehall thinks social care has been done.
- There needs to be more consultation with the sector including those who draw on care and support; and more co-production.
- National partnership in developing reforms is crucial to success, this includes partnership with service users, unpaid carers, care providers, the care workforce, and those who represent them including trade unions.
- The Government should be clear on the goal of social care reform: improvements in the quality of personalised care and support so that all can live in the place they call home with the people and things that they love, in communities where people look out for one another, doing the things that matter to them.

- There are some grounds for optimism as the Government is looking at national care standards including for workforce.
- There are also some grounds for pessimism as the funding is clearly wholly inadequate and there is a lack of ambition and leadership from central Government .
- In addition, there are concerns that commitment to developing a long term workforce plan could be a way of putting off taking immediate action.
- Still need to improve awareness of social care sector - often eclipsed by NHS with which public are more familiar and often more supportive.
- There is a need to reinvigorate the various campaigns and push for social care workforce reform.
 - harmonisation with minimum level of pay and skill and common career structure for upwards of 20,000 employers - do they all have same contract?
 - responsibility for quality - is this to be done via management or through accreditation which many people not happy with?
 - skills development given carers often need to adapt to needs of those who draw on care
 - the efficiency agenda which is important
 - the extent to which professionalisation may impact on need for personalisation.

PART TWO - WHERE NEXT FOR WORKFORCE REFORM?

- Need to discuss where next in context of some key facts. First, the sector makes a huge economic contribution - £50.3bn per year plus wider benefits. Need to look at what we want care sector to look like and be funded in future - ultimately will be 2 million strong sector. Could be part of high skilled, high wage, high productivity economy.
- Second, we know that there are 105,000 current vacancies. Low pay undermines quality. Skills and knowledge are essential to good quality care: investing in talented people is critical. Also, social care staff more likely to leave if on Zero Hours contracts and more likely to do so if young. These issues and pay should be addressed.
- There is a need for a joint vision - a national strategy. A social care people plan is essential.
- There are many issues where we agree, for example on pay, but some issues are more complex and will require further consideration and collaboration including:
 - There is currently something of a “burning platform” with some very hard scenarios: individuals not getting the care they need; others being delayed from discharge from hospital as care packages not there. This impacts on NHS ability to treat patients. Meanwhile providers are going out of business.
 - The sector is at its lowest point for a long time despite recent announcements - in fact because of them! They have raised expectations but clearly the funding does not match with what is required now nor the sector’s ambition for a 21st century social care service.
 - Staff are burnt out and there is an urgent need to do more to support the wellbeing of the workforce - not least to aid retention.
 - Adequate funding will be needed for reform - but most allocated is in the future, very little now.
 - Fear there will be a serious crisis this winter: for individuals and for organisations with negative impacts for NHS. The Government cannot look away. It should act now.

- Arguably we need not a ten year reform programme but constant/continuous reform, not stop/start.
- We also need action on funding right now. A strong measure would be to expand the £162.5m fund announced in October to support recruitment and retention of care staff into a £1billion retention bonus scheme to be made available in the final quarter of this financial year.

PART THREE – GENERAL POINTS

- There is so much evidence of the link between workforce and pay and there has been so much lobbying from organisations across the sector - what will it take for Government to wake up?
- How does social care sector work more closely with NHS on all this as voice of NHS always overshadows social care?
- There is a need to raise awareness of the social care sector and its profile and embed in the public's and media's mind that it really is time for parity between social care and the NHS.
- The problem we have is that improvements to skills training is under consideration but not the central and fundamental issue of low pay.
- The increase in NMW is positive for care workers but only going up next April to what it should have been this year. Real living wage from April 2022 will be announced on 15th November.
- This is offset however by the National Insurance levy that impacts on carers and care provider incomes. And any money raised will not be spent in the sector until 2023.
- The funding commitments do not cover increases in NI plus energy costs which will mean fees that will have to go up.
- One care provider said they need 7% uplift by next year to stand still financially.
- There is a fear out there regarding how many providers will cope with this winter.

- One not-for profit care provider used reserves to increase pay now to £9.70 in order to reduce vacancies which were running at 15%. However this is a completely unsustainable measure in the medium term.

PART FOUR - CONCLUSIONS

- Pay is the elephant in the room - pay is critical to high vacancy and staff turnover rates.
- Social care cannot be seen as a vocation because it is not affordable to live on minimum wage.
- Action on pay has to be part of the immediate response to crisis but there must also be a long term solution which includes national standards and national partnership working.
- Many people in private sector have pay rates set at above minimum wage - this should not be used as an argument to stop increase for carers (although ring-fenced funding would need to be allocated).
- There needs to be a retention bonus - can't be from £162 million. More like a billion which is a small number when consider sums expended during pandemic.
- We need to lay foundations for longer term reform at same time as address key issue now.
- In longer term Future Social Care Coalition and Social Care Leaders Group could be an invaluable forum to discuss difficult issues.
- Need to shout more about the good impacts that carers do! We must showcase it. Be proud of it - and get the public behind the sector.
- Also need more awareness of the dangers of a dysfunctional social care sector.
- Need extra cash on the table now to avoid a major risk this winter - not £162m but £1bn.

Carys Phillips
SWU Chair

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