

Joint statement on Children and Social Work Bill

From:

- British Association of Social Workers
- Association of Professors of Social Work
- Joint University Council Social Work Education Committee
- Social Work Action Network
- Social Workers Union
- UNISON

As leaders and representative bodies of social work in England, we are writing jointly to raise profound concerns about the Children and Social Work Bill (hereafter the Bill) which is currently before Parliament.

The Bill paves the way for sweeping changes to the regulation and oversight of social work and also lays out significant changes to the provision of children's social care. Because it is a skeleton Bill, it lacks detail. This will be worked out through Regulations, discussed first in Grand Committee in the House of Lords starting on 27th June. This approach means the detail will not be subject to the same level of scrutiny as full legislation.

The wellbeing of some of England's most vulnerable children and families are at stake in this Bill. The profession of social work could be profoundly changed in terms of regulation, governance, initial and continuing education and degree of independence from government. Yet these changes are presented in a Bill with minimum democratic accountability. This raises significant ethical and constitutional concerns which the Lords' constitutional committee also raised.

We have specific concerns about two sections which we believe should be dropped from the Bill in their entirety in their current form.

Clauses 15-18 introduces

'Powers to test new ways of working' and propose that Local Authorities can apply to the Department for Education to be exempted from meeting requirements within previous children's social care legislation with a view to 'achieving better outcomes under children's social care legislation or achieving the same outcomes more efficiently'.

This clause could exempt providers (whether the local authority or an outsourced provider) from providing children with their rights and entitlements on the basis that a new way of working might lead to improved outcomes. There is no detail in the Bill on monitoring and quality assurance during such a pilot period.

It seems self-evident that this could open up local authorities to legal challenge should a child or family experience poorer outcomes on the basis of opt out from statutory rights. Of

more concern is that fact that the children and families who may lose out - indeed who may be excluded from services altogether through this 'opt out' provision - would be some of the most disempowered and least able to stand up for their rights.

We believe Clause 15 fundamentally undermines a rights-based approach to meeting children's needs. Removing the 'burden' of requirements to meet statutory obligations enshrined in children's social care legislation enables local authorities to incentivise private and not-for profit providers to bid for parts or all of children's social care pathways. This widens the way that is already open for children's social care to be fragmented into multiple pathways and diverse provision. We believe that, in practice, rather than simply promoting 'innovation' this will lead to more confused and less consistent offers, and the increased likelihood of a post-code lottery for quality and coherence. We believe that innovation should be encouraged within a framework of fundamental rights and entitlements within law, and that any changes to statutory frameworks should be properly put before parliament.

Clauses 15 – 18 should be deleted from the Bill.

Clauses 20-40 deal with the establishment of a new regulator for all of social work, both children's and adults', across all specialisms. The Department for Education and the Department of Health – without any prior proper consultation or dialogue with the social work sector on the content of the Bill – propose an end to regulation by the HCPC and its replacement by a much more costly and complex bespoke regulatory system.

The Bill proposes a Secretary of State-controlled regulatory body that would set and directly control basic fitness to practice at qualifying level, oversee qualifying training and make awards for specialist roles through a new suite of post-qualifying roles in children's services and development and consolidation of those in adults' and mental health social work. Social work could then become defined by prevailing governmental and Whitehall policy directions. The Secretary of State could have complete power over practice standards, curriculum content and assessments at qualifying and post-qualifying levels. This would place social work in a politically controlled position unique amongst health and social care professions.

Should social workers be directly regulated by government, this will further weaken trust between them and Whitehall. It could have a negative impact on the extent to which social workers feel ownership of improvement initiatives and, paradoxically, could stifle the very development of the profession which government states it wants to see. It could deter some social workers from maintaining their registration. We predict it would also stoke the demoralisation of social workers and the well documented current problems with recruitment and retention in parts of the workforce. This has been widely reported by members of our organisations and in the trade press, particularly in children and families social work, and in many areas is at a critical level.

Professions cannot be 'instructed in excellence'. Rather they must own, create, develop, refresh and maintain it.

The Bill also does nothing to address some of the real problems that affect social work services today. Social workers are working in contexts of increasing poverty and deprivation as a result of austerity policies. Referrals are increasing across social work – of children and young people to child protection and children in need services, of adults with mental health problems and of older people in an ageing population, to name but some groups. This is leading to higher caseloads and a heavier focus on statutory interventions at the sharp end of need.

Social work services have been pared back in many authorities following severe cuts in local government financing which has also led to far fewer preventive statutory and third sector providers being available to support statutory social work.

Rather than tackling some of the conditions which are putting social workers under tremendous practice pressure, Clause 34 of the Bill introduces the potential for new criminal offences. The offences relate largely to requirements on social workers to comply with aspects of the regulations. These clauses show the intention of this Bill is not only to redefine the accountability and practice standards of social work; it is about introducing a more disciplinarian approach to how social workers are judged through the regulatory regime.

Clauses 20 – 40 should therefore be dropped from the Bill.

What do we want for regulation?

We are not opposed to exploring new social work regulation options. We support steps to improve accountability of social workers, enabling them to show increasing specialism and skill. But we are opposed to these proposals that concentrate government control and that contain no incentive for the profession to lead in setting standards and developing its self-governance.

Government cannot create a profession. If regulation is to change, we want the case for change to be made with the profession, and if change is needed, it should be founded on a proper collaboration - between social workers in practice, social work educators, the representative, independent professional body, and all key stakeholders from across social work and government.