

Robin Swann MLA
Minister for Health
Department of Health
Castle Buildings
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Northern Ireland
BT4 3SQ

13/01/20

Dear Minister Swann

The British Association of Social Workers Northern Ireland (BASW NI) congratulates you on your appointment as Minister for Health.

BASW is the largest professional body for social workers in the UK, with 21,000 members employed in frontline, management, academic and research positions in all care settings.

In Northern Ireland there are over 6,000 registered social workers. This comprises staff working in Health and Social Care (HSC), in education and training, the criminal and youth justice sectors and the voluntary sector, as well as a growing number of independent practitioners.

There are several pressing matters which I believe require attention to ensure the interests of social workers, and those we support, are met. These issues, which I will address in turn, concern: the high number of social work vacancies across HSC, bureaucracy and workload pressure, the lack of pay parity between social workers in NI and their GB counterparts, threats and violence against social workers, growing pressure on services, and the mental health crisis.

BASW NI is deeply concerned at the sharp increase in the number of social work vacancies across Health and Social Care (HSC) over the past two years. Although Department of Health workforce statistics indicate a 5.2% increase in the total number of social workers employed in the HSC between March 2017 and March 2019 (3,913 to 4,116), this growth is dwarfed by the increase in vacant social work posts, which have rocketed from 151 to 508—an increase of 236%—over the same period.

The Department of Health (the Department) must prioritise, as part of its ongoing workforce review, reductions in the use of expensive agency staff by expediting recruitment to vacant posts and implementing measures to retain staff in services where turnover is greatest.

As well as establishing normative social work staffing levels and caseload guidelines on a region-wide basis, it is essential the Department ensures sufficient numbers of social workers are trained to meet current and future demand. Approximately a third of registered social workers are aged 50 or older, meaning a significant proportion of the workforce will retire in the next 10 to 15 years.

Due consideration must also be given to ensuring the UK immigration system can facilitate social workers from outside the Common Travel Area to work in NI if, in future, it is found there is a need to attract social workers from abroad to fill vacancies. It is vital the Government's planned points-based immigration system does not constrain social work employers in NI. Also, social work must be included in a NI specific Shortage Occupation List (SOL)—as it is on the UK SOL—if one is created in line with the proposal in the Government's 2018 Immigration White Paper.

The efficient delivery of social work services in NI continues to be significantly encumbered by bureaucracy heavy processes which unhelpfully focus social workers' on completing paperwork, to the detriment of time spent with service users. This is compounded by a shortage of administrative support staff. BASW NI research published in 2016 found that 44% of social workers consider the burden of paperwork and lack of administrative support as the greatest challenge they face.

The challenge presented by excess bureaucracy is a key factor contributing to staff working additional unpaid hours, leading to burnout and contributing to the high number of vacancies in the social work sector.

Despite the publication of the Department's Social Work Strategy in 2012 which highlights the need to reduce bureaucracy as a central theme, and the development of a regional Reducing Bureaucracy Action Plan, no tangible impact in terms of reduction in paperwork has been felt by staff working on the frontline of social work.

The findings of research conducted by BASW NI, in partnership with the Irish Association of Social Workers, the NI Social Care Council and Coru, which will be published later this year, found that when social workers in NI were asked what detracts from their sense of professional identity, 76% cited bureaucracy as a factor. 27% of respondents categorised bureaucracy as the factor with the greatest negative impact on their sense of professional identity.

Following its inquiry into health funding in NI, the Westminster NI Affairs Committee recommended that the Department of Health should establish a task force with the remit and the authority to remove unnecessary and duplicated paperwork and streamline existing paperwork. It stated that this work should be completed by summer 2020. The Committee continued by recommending that in the medium-term the Department should implement IT solutions and increase the number of administrative staff available for supporting social workers. BASW NI fully supports these recommendations and urges the Department to enact them as a priority.

BASW NI is deeply concerned at the lack of pay parity between social workers in NI and their counterparts in GB. The association wholeheartedly supported colleagues in public sector trade unions who took part in industrial action beginning in December 2019 and welcomes the *New Decade New Approach* agreement's commitment to immediately settle the ongoing pay dispute. The document, however, makes specific reference to nurses' pay and it is essential

that social workers also benefit from resolution of the dispute. Failure to do so would lead to disparity within Health and Social Care in NI, as well a lack of equality with colleagues in Great Britain.

Throughout 2019 BASW NI worked as part of the Department of Health Task Force responsible for developing an employer guidance framework for all HSC employers of social work and social care staff intended to protect staff from abuse, threats and violence. The Taskforce was established in response to BASW NI's 2018 Insult and Injury report which highlighted deeply worrying levels of violence and abuse directed at social workers. Initially scheduled for publication in April 2019, BASW encourages the Department to complete the guidance and disseminate it to employers as soon as is practicable.

Social workers in NI are coping with the abovementioned difficulties amidst a sector which is facing growing pressures resulting from financial constraints, rising demand for services and increases in the complexity of cases. Increasing levels of poverty—resulting from the UK Government's austerity agenda—are having a significant impact on service users.

Increased poverty is undoubtedly a factor in the growth in the number of Looked After Children in the care of NI's five HSC Trusts. There has been a 24% increase in the number of looked after children between 2011 and 2018. Growing pressures on adult services over the same period are demonstrated by a 43% increase in the number of people aged 65 and over referred for assessment of social work or social care need and a 14% increase in the number receiving services.

BASW NI members report a lack of community-based support for older people and carers, which can lead to an otherwise avoidable need for more expensive acute care in hospital settings. Difficulties are further compounded by a shortage of available social workers and social care packages to support service users on discharge from hospital. BASW NI is also aware of an increasing reliance on carers to provide support. There was a 75% increase in the number of adult individual carers assessments conducted in 2017/18 compared to 2011/12. BASW NI members have highlighted concerns that neither staffing nor financial resources are available to adequately support carers as depleted social work teams are dealing with the most urgent cases.

In recognition of the increasing demand for adult social care services, BASW NI accepts the need for significant changes to be made to how adult social care is funded, commissioned, and provided. However, BASW NI strongly opposes the recommendation to introduce means-tested charging arrangements for social care services contained in the *Power to People* report by the Expert Advisory Panel on Adult Social Care.

NI Ireland is undeniably in the grip of a mental health crisis. Incidents of suicide in NI have risen from 73 in 1970 to 307 in 2018, an increase of 321%. Mental Health specialists state that there is a direct correlation between the legacy of *The Troubles* and the disproportionate level of suicide in NI. Poverty is also a key factor, with incidents of suicide disproportionately represented in the most deprived areas. NISRA's NI Multiple Deprivation Measure Decile shows that of the 307 deaths by suicide in 2018, 64 were in the most deprived areas compared to 14 in the least deprived.

BASW NI welcomes the commitment included in the *New Decade New Approach* agreement for a Mental Health Action Plan to be published within two months and a Mental Health Strategy

by December 2020. However, this work must be accompanied by an increase in the number of mental health social workers and implementation of the Protect Life 2 suicide prevention strategy which has been in draft since 2016 with progress constrained by the need for Ministerial sign off.

I appreciate your first weeks in post will undoubtedly be busy. I would, however, welcome an opportunity to meet with you to explore how these issues may be addressed to improve outcomes for social workers and their service users.

Yours faithfully

A handwritten signature in blue ink that reads "Orlaith MC Gibbon".

ORLAITH MCGIBBON
Chair, BASW Northern Ireland

Deirdre Hargey MLA
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13/01/20

Dear Minister Hargey

The British Association of Social Workers Northern Ireland (BASW NI) congratulates you on your appointment as Minister for Communities.

BASW is the largest professional body for social workers in the UK, with 21,000 members employed in frontline, management, academic and research positions in all care settings.

In Northern Ireland there are over 6,000 registered social workers. This comprises staff working in the Health and Social Care sector, in education and training, the criminal and youth justice sectors and the voluntary sector, as well as a growing number of independent practitioners.

Social workers daily support individuals and families who experience social problems associated with poverty. BASW NI recognises the vital protection afforded to thousands of households since 2016 by the welfare reform mitigation package and welcomes the commitment included in the *New Decade New Approach* agreement to extend the package beyond March this year.

However, extension of the existing welfare reform mitigations alone will not be enough to prevent a growth in poverty. The package must also be strengthened to address the impacts associated with the roll out of Universal Credit, in particular the two-child limit.

BASW NI strongly objected to the UK Government's two-child limit for Child Tax credit claimants introduced in April 2017 and opposes the same limit which now applies to Universal Credit. The two-child limit will mean a family with three or more children, where any of the children were born following 6 April 2017, will be financially disadvantaged by £2,780 per year per child for their third (or additional child), in comparison to families with children born before the introduction of the limit.

Figures published in June 2019 by the Child Poverty Action Group and Church of England indicate that limiting Universal Credit to the first two children in a family will result in 300,000 more children across the UK being in poverty by the time the benefit is fully rolled out in 2023-2024. BASW NI estimates 9,000 of these children will be in NI.

It should be noted that because NI has the largest average household sizes in the UK, it is likely the impact of the two-child limit will be felt most keenly here.

An increase in poverty will exacerbate the social problems which raise demand for social work services, heightening the prevalence of Adverse Childhood Experiences, with associated increased long-term costs for the health service. Increased poverty will also lead to more young people becoming involved in antisocial behaviour and crime, leading to additional costs for the criminal justice system.

There is an established link between a family's socio-economic circumstances and the chances that their children will experience neglect or abuse, with the likelihood and severity of neglect or abuse increasing as poverty worsens.

Research published in 2017 by Queen's University Belfast highlights that children living in the most deprived areas in Northern Ireland are six times more likely to be placed on the Child Protection Register and are four times more likely to become looked after by social services than those in the least deprived areas.

Given the pressing need to strengthen the welfare reform mitigation package I urge you to act on an important recommendation made in September 2019 by the Westminster NI Affairs Committee and Work and Pensions Committee following their joint inquiry into welfare policy in NI. The recommendation, which was directed at the UK Government in the absence of a NI Executive, calls for a halt in the implementation of the Universal Credit two-child limit in NI and reimbursement for any families affected thus far.

As well as paving the way to significant financial hardship for thousands of families in NI, the two-child limit has highlighted serious difficulties for the social work profession arising from section 5 of the Criminal Law Act (Northern Ireland) 1967.

There are a number of exceptions to the limit, including for children conceived as a result of a non-consensual sexual act—the 'rape clause'. If a woman makes an application on this basis, her claim must be verified by an approved third party (a social worker, healthcare professional or specialist support worker from an approved organisation). Not only is this requirement unethical, it is degrading for the woman involved. It risks further traumatising the woman, stigmatising the child and increases the chance of the woman experiencing additional violence and further mental distress.

Legal advice obtained by BASW NI indicates that a social worker in NI verifying a Universal Credit application made under the "rape clause" would be required, in accordance with section 5, to report the rape to the police, even if this contravened the wishes of the service user. A similar requirement to report does not exist in Great Britain.

I have written to the Justice Minister explaining the Criminal Law Act (NI) 1967 should be amended to remove the legal risk to social workers. The need to address the anomaly of

section 5 as a priority by an incoming NI Executive also featured among the recommendations by the Westminster Northern Ireland Affairs and Work and Pensions Committees.

I appreciate your first weeks in post will undoubtedly be busy. I would, however, welcome the opportunity to meet with you to discuss how these issues can be addressed to avoid further harmful impacts, both for benefits claimants and the social work profession in NI.

Yours faithfully

Orlaith MC Gibbon

ORLAITH MCGIBBON
Chair, BASW Northern Ireland

Naomi Long MLA
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13/01/20

Dear Minister Long

The British Association of Social Workers Northern Ireland (BASW NI) congratulates you on your appointment as Minister for Justice.

BASW is the largest professional body for social workers in the UK, with 21,000 members employed in frontline, management, academic and research positions in all care settings.

In Northern Ireland there are over 6,000 registered social workers. This comprises staff working in the Health and Social Care sector, in education and training, the criminal and youth justice sectors and the voluntary sector, as well as a growing number of independent practitioners.

Given the various ways the social work profession and justice sector intersect there are several pressing matters which I believe require attention to ensure the interests of social workers, and those we support, are met. These issues, which I will address in turn, concern: the proposal by the shadow Family Justice Board for a pilot scheme to trial media access to family courts; challenges posed by section 5 of the Criminal Law Act (NI) 1967 in the context of Universal Credit applications; and inefficiencies in the use of social workers' time resulting from the structuring of court proceedings.

In 2019 the shadow Family Justice Board consulted on proposals for a pilot scheme to trial media access to family courts. While BASW NI acknowledges the merit in increasing public understanding of the complexities of some children's lives and the difficulties they endure, we do not agree that their pain and grief should be laid bare in newspapers and on television.

There are, in our view, other ways that such issues can be brought to the public's attention, and it is noteworthy that of the children who were consulted about this project, none wanted their private lives made public in this way.

A major concern cited throughout the Gillen Family Justice Review is that of possible jigsaw identification. BASW NI welcomes the prominence this issue has been given in the pilot and the measures taken to limit the potential for a child to be identified. However, in a jurisdiction as small as Northern Ireland the risks are very real, and the planned naming of social workers by the media will exacerbate this risk and increase dramatically the possibility of a child being identified.

BASW NI is also concerned at the risks to social workers posed by the proposal to permit them to be named in media reporting of family justice cases. Given social workers attend court as representatives of a Health and Social Care Trust, BASW NI does not accept the rationale presented in the pilot for naming them, and only them, in media reporting of court proceedings.

The Association is also concerned that the criteria set by the shadow Family Justice Board for the accreditation of journalists are insufficiently robust to eliminate the risk of sensationalist media coverage.

The introduction, by the UK Government, of the two-child limit for Child Tax Credit / Universal Credit claimants introduced in April 2017 has highlighted serious difficulties for the social work profession arising from section 5 of the Criminal Law Act (Northern Ireland) 1967.

There are a number of exceptions to the limit, including for children conceived as a result of a non-consensual sexual act—the 'rape clause'. If a woman makes an application on this basis, her claim must be verified by an approved third party (a social worker, healthcare professional or specialist support worker from an approved organisation).

Legal advice obtained by BASW NI indicates that a social worker in NI verifying a Universal Credit application made under the "rape clause" would be required, in accordance with section 5, to report the rape to the police, even if this contravened the wishes of the service user. A similar requirement to report does not exist in Great Britain.

Although the publication of Human Rights Guidance by the Attorney General for NI on 20 April 2018 has provided significant assurance that there will almost invariably be a reasonable excuse for not reporting to the police a rape disclosed for the purpose of obtaining social welfare, BASW NI believes the Criminal Law Act (NI) 1967 should be amended to remove entirely the legal risk to social workers. Addressing the anomaly of section 5 as a priority by an incoming NI Executive was recommended in September 2019 by the Westminster Northern Ireland Affairs Committee and Work and Pensions Committee following their inquiry into welfare policy in Northern Ireland.

Finally, BASW NI is aware, via anecdotal evidence, that social workers lose a significant amount of time as a result of the structuring of court processes. The Association is currently conducting research to assess the amount of time spent awaiting participation in court proceedings and explore the impact this has on social work caseloads. The research will also examine social workers' views on how court processes could be amended to reduce

inefficiencies. I look forward to sharing the findings of the research and recommendations for change when the project concludes in the coming months.

I appreciate your first weeks in post will undoubtedly be busy. I would, however, welcome an opportunity to meet with you to explore how these issues may be addressed to avoid harmful impacts and improve outcomes for social workers and their service users.

Yours faithfully

A handwritten signature in blue ink that reads "Orlaith MC Gibbon".

ORLAITH MCGIBBON
Chair, BASW Northern Ireland

Peter Weir MLA
Minister for Education
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13/01/20

Dear Minister Weir

The British Association of Social Workers Northern Ireland (BASW NI) congratulates you on your appointment as Minister for Education.

BASW is the largest professional body for social workers in the UK, with 21,000 members employed in frontline, management, academic and research positions in all care settings.

In Northern Ireland there are over 6,000 registered social workers. This comprises staff working in the Health and Social Care sector, in education and training, the criminal and youth justice sectors and the voluntary sector, as well as a growing number of independent practitioners. The vast majority of Northern Ireland's Education Welfare Officers are registered social workers.

BASW NI is concerned at the lack of standardised policies and guidance from the Department of Education (the Department) regarding use of restrictive practices and seclusion with children and young people with additional needs—including those with physical or learning disabilities—in schools and educational facilities.

The Department's existing guidance on the use of reasonable force to restrain pupils focuses on the use of restraint in the context of good order and discipline. However, where a child or young person with additional needs exhibits behaviour which is challenging, it is important that the approach taken centres on meeting their needs. Addressing this behaviour from a stance focused on maintaining discipline will fail to meet the needs of the children and young people involved.

BASW NI is also concerned that there appears to be no system of mandatory recording and reporting of incidents of restrictive practice and seclusion concerning children and young people with additional needs.

The Association recognises the damaging physical, psychological and emotional effects that restraint and seclusion can have on children and young people, and that the emotional impacts of these practices are often felt by the families of the children and young people involved. Considering this, BASW NI believes there is a need for legislation which prohibits the use of restraint and seclusion in all but clearly defined last resort scenarios and which mandates the use of positive behaviour support strategies and interventions which are therapeutic in outcome.

New statutory requirements should extend to the recording and reporting of all incidents of restrictive practice and seclusion, and the sharing of cases of restriction and seclusion with all relevant stakeholders, including the School Board, Education Authority the Department and the Northern Ireland Commissioner for Children and Young People. A requirement for schools to facilitate meetings with parents / guardians of children or young people who have been restrained or placed in seclusion, to review the incident and put in place strategies to minimise the need for seclusion or restraint in future, should also be placed on a statutory footing.

I have included BASW NI's policy statement on restraint and seclusion of children and young people in schools and educational facilities and would welcome an opportunity to meet with you to explore how this issue may be addressed.

Yours faithfully



ORLAITH MCGIBBON
Chair, BASW Northern Ireland