

## ... THE CHILDREN AND SOCIAL WORK BILL ... THE CHILDREN AND

# A DEFINING MOMENT FOR OUR PROFESSION'

– Ruth Allen, BASW Chief Executive

Much of the publicity around The Children and Social Work Bill focused on the Government's ambition to "tip the balance in favour of permanent adoption". In reality, the Bill currently going through Parliament has far-reaching implications for all social workers in England and beyond

## Social work regulations

### The Bill says:

*20 (1) The Secretary of State may, for the purpose of regulating social workers in England, make regulations dealing with any of the matters authorised by this chapter.*

*21 (1) Social work regulations may appoint the Secretary of*

*State or another person to be the regulator of social workers.*

*24 (1) Social worker regulations may require the regulator or the Secretary of State to determine and publish a) professional standards for social workers in England; b) standard of conduct or ethics for registered students.*

### Why does it matter?

This is the most contentious aspect of the Bill. Plans to take regulation of social work away from the Health and Care Professions Council (HCPC) where it currently sits alongside 16 other health professions and create a new dedicated regulatory body were announced at the start of the year. It raised eyebrows at the time, given that the Social Care Council, a regulatory body just for social workers, had been abolished by Westminster less than four years previously. The announcement, however, was not entirely unwelcome since many considered social work an uneasy fit within the HCPC.

Of far greater concern is the fact that the Bill gives government control over the

regulation of social work. It allows the Secretary of State to appoint the regulatory body which means it also has control over training and education.

The Bill threatens the independence of the profession to be led by practice and research rather than government policy and ideology. Moreover, it could see a clash between the values and ethics of the profession and government-defined regulation. The power to create new offences within the regulatory regime (clause 34) could see social workers prosecuted under a more disciplinarian approach to regulation. As the professional body for social work, BASW has insisted it should play a central role in developing any new regulatory arrangement and standards.

### BASW's position

*Social work cannot be directly regulated by the Secretary of State. This compromises the independence of the profession, which is key to freedom to practice within parameters of professional excellence and ethics. The proposals on regulation have been developed without consulting social workers and social work leaders. A bespoke, whole-profession regulator may be beneficial for improving the quality of social work and serving the public better, but it must be independent of government and it must not narrowly define social work at qualifying and post-qualifying levels.*

*The new offences proposed would allow the regulator to bring criminal charges against social workers who did not comply with the regulations set by government.*

### The Bill says:

*11 The Secretary of State must establish a panel to be known as the Children Safeguarding Practice Review Panel.*

*The Panel is to consist of a chair and members appointed by the Secretary of State.*

*12 (1) The functions of the Child Safeguarding Practice Review Panel are, in accordance with arrangements made by the Secretary of State a) to identify serious child safeguarding cases in England which raise issues that are complex or of national importance, and b) where they consider it appropriate, to arrange for those cases to be reviewed under their supervision.*

*(2) The purpose of a review under subsection (1) b) is to ascertain what (if any) lessons can be learned from the case about the way in which local authorities or others should work to safeguard children.*

## Child Safeguarding Practice

### Why does it matter?

The plan is to create a centralised, nationally-led panel to oversee investigations into child deaths or serious harm resulting from neglect or abuse.

It follows publication of the Wood review in March raising concern over the inconsistent quality of locally produced serious case reviews (SCRs) and lack of a "national learning framework" for learning the lessons

# SOCIAL WORK BILL ... THE CHILDREN AND SOCIAL WORK BILL ...

## Power to test different ways of working

### The Bill says:

15 (2) *The Secretary of State may by regulations — a) exempt a local authority in England from a requirement imposed by*

### Why does it matter?

In a speech in January, Education Secretary Nicky Morgan described how the best leaders and practitioners should be “given the freedom to push boundaries” so that “outdated regulations, laws, guidance and processes do not stand in the way of the best local leaders innovating”.

Creating a culture of innovation is at the heart of the Government’s vision for children’s social care, fuelled by a belief that good practice is being stifled by too much process.

But when ministers talk about innovation in children’s social care, outsourcing of services is usually mentioned almost in the same breath. By 2020 the Government says it wants to see “a more diverse range of children’s social care organisations”. This inevitably raises the spectre of private, profit-motivated companies running children’s services and the marketisation of social work.

Some claim austerity measures and Ofsted’s tougher single inspection framework introduced in 2013, which has so far judged more than three-quarters of child protection services to be less than good, have been used to undermine local authority children services fuelled by an ideological belief that third and private sector energy will deliver better and more cost-effective results.

Concern reached a height in 2014 when Ms Morgan’s predecessor Michael Gove launched a consultation called *Powers to delegate children’s social care functions*. Following pressure from BASW and other campaigners, this was amended so delegation could only apply to non-profit making organisations.

*children’s social care legislation; b) modify the way in which a requirement imposed by children’s social care legislation applies in relation to a local authority in England.*

However, the Department for Education was accused of being duplicitous as the amendment went on to state: “The regulation will not prevent an otherwise profit-making company from setting up a separate non-profit making subsidiary to enable them to undertake such functions”.

A desire to stimulate new ways of working is also the motivation behind the £200million Children’s Social Care Innovation Programme providing money for local authorities and others to experiment with service delivery.

The scheme has strong links to the commercial sector. It is administered by the Spring Consortium made up of professional services firm Deloitte together with the Innovation Unit and Mutual Ventures, both of which emphasise value for money and enterprise in transforming public services. England’s Chief Social Worker for Children and Families Isabelle Trowler is on the consortium’s board whose other members have commercial investment backgrounds.

Concern is also raised at how testing untried ideas will impact on the lives of children. Social workers may also find their ethics compromised by new ways of working.

### BASW’s position

*There is no need to risk children’s rights to pilot new approaches. This is dangerous to quality and unnecessary. This proposal could pave the way for local authorities to outsource more children’s social care, which may be more attractive to external providers if regulatory requirements are relaxed.*

## BASW’s Senior Parliamentary Affairs Officer Madeleine Jennings gives a view from Westminster on the Bill

THE announcement of the Children and Social Work Bill did not come as a great surprise. The Department of Education has made no secret of its desire to make changes to children’s social work and social work education.



Education secretary Nicky Morgan in particular has focused on child protection since the General Election and social work knew that something like this was on its way.

The surprise was in the speed the Bill was introduced and with which the Government seems intent on passing it, as well as the skeleton nature of the Bill itself.

On the day of the second reading there were powerful speeches by peers from across the House. Former social workers Baronesses Howarth, Meacher and Pitkeathly were incisive about the effect of the bill on social workers and their morale.

Others were also emphatic in their support of social workers and if anyone wants to do their own lobbying Baroness Tyler of Enfield, the Earl of Listowel, Lord Wills, Baroness Walmsley, Lord Bichard, Lord Hunt of King’s Heath, Lord Judd and Lord Storey are good places to start.

Lords Warner, Watson and Hunt are pushing for an amendment that everything relating to social work regulation be scrapped.

This Bill has the potential to change the face and function of social work forever – it is well worth paying attention to it.

## Review Panel

from SCRs. The Child Safeguarding Practice Review Panel would investigate cases of national significance while others would be handled locally under its oversight.

The danger, however, is that the Secretary of State could be tempted to decide which cases are of national significance based on political motivations. Social workers involved in such cases could also find themselves at increased risk of national exposure.

### BASW’s position

*Any new review panel should be independent, not directly appointed and managed by the Secretary of State for Education. It should be established with the explicit intention of ensuring organisational and professional learning and moving beyond simplistic blame, which does not improve the protection of children.*

- *What do you think about the Bill? Email [info@basw.co.uk](mailto:info@basw.co.uk)*
- *You can also make your views known directly to the Government ministers responsible for the Bill in the Lords. A letter template is available on BASW’s website*
- *Read the Bill in full and supporting information on BASW’s website*