

Briefing:

Social Work England Statutory Instrument / Social Workers Regulations 2018

Context

BASW is committed to the need of statutory regulation of social workers and social work: for public protection and accountability; to ensure the value and importance of the profession is recognised; and, to ensure that high quality standards are maintained. BASW has had many decades of campaigning for statutory regulationⁱ, campaigned vigorously during the debates on the Children and Social Work Bill for effective regulation and an independent regulator, and most recently has carried out a consultationⁱⁱ on the Social Work England with BASW England members on the Social Work England Statutory Instrument now known as ‘Social Workers Regulations 2018’. The ‘Social Workers Regulations’ can be found here:

<https://www.legislation.gov.uk/ukdsi/2018/9780111170090/regulation/1>

Prime Concerns

Reintroducing the control of the Secretary of State

BASW England’s prime concern relates to Sections 3 (4) and 3 (4) b.

<https://www.legislation.gov.uk/ukdsi/2018/9780111170090/regulation/3>

A reading of this is that:

‘if the Secretary of State objects to the rules coming into force ... the regulator must modify the rules in light of the objection’

BASW has campaigned long and hard, alongside others, for the regulator to have a degree of independence from the Secretary of State. Here the control of the Secretary of State over the regulator seems to have been re-introduced through the back door. A simple amendment – replacing the word *‘modify’* with *‘consider’* would alleviate this issue.

Powers to set improvement standards over the regulator

While it is recognised that there must be a fall-back position with any agency Sections 35, 36 and 37 give cause for concern. Again, it appears that direct control of the Secretary of State seems to be being re-introduced through the back door. A simple modification might be instead of the current text:

35.—(1) This paragraph applies where the Secretary of State has reason to believe that the regulator—

And replace it with:

*35.—(1) This paragraph applies where the Secretary of State has reason to believe, **in consultation with other sector representatives**, that the regulator—*

Sole Control of Continuous Professional Development

BASW England is committed to a sector wide continuous professional development framework. Section 20 of the regulations set this out.

<https://www.legislation.gov.uk/ukdsi/2018/9780111170090/regulation/20>

There is apparently no requirement to consult, or involve, the 80 plus universities who deliver social work pre-qualification and post qualification education and training, nor of employers, nor service users groups nor the professional association for social workers. A potential modification might be that instead of the existing text:

20.—(1) The regulator must determine and operate a scheme (an “education and training approval scheme”) which complies with this regulation and regulations 21 to 23, for the approval, monitoring, and re-approval, of ...

Insert the following:

*20.—(1) The regulator must determine and operate a scheme, **in consultation with sector wide representatives**, (an “education and training approval scheme”) which complies with this regulation and regulations 21 to 23, for the approval, monitoring, and re-approval, of—*

Other concerns.

BASW England members took place in a consultation in March 2018. BASW members had particular concerns about de-registration where health conditions were undefined (Section 6), the process of annotation on the register of additional qualifications (10), the process of annotation for fitness to practice (14), the proposed process of automatic removal (Section 26), and the principle of accepted disposal.

A strong independent regulator, free of political interference, working with all the key sector agencies, would be foundational to resolving these issues.

Contact

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ⁱ Jones, DN (Ed) (2018) Regulation of Social Work and Social Workers in the United Kingdom. Birmingham: BASW.

ⁱⁱ BASW England response to the DfE and DH&SC consultation on Social Work England: consultation on secondary legislative framework. Birmingham: 2018

https://www.basw.co.uk/system/files/resources/basw_43113-2.pdf