



NAGALRO PRESS RELEASE

POLITICALLY-CONTROLLED SOCIAL WORK REGULATOR THREATENS TO BREACH HUMAN RIGHTS ACT

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Nagalro has reacted with 'deep concern' to government proposals for the future regulation of the social work profession. Draft regulations, published this month for consultation, would see social workers at risk of being suspended from practice by unaccountable administrators, before any formal malpractice charges have been laid against them and without the opportunity to put their case to an independent tribunal.

Part 2 of the Children and Social Work Act 2017 will transfer the regulation of the English social work profession to a new body, to be called Social Work England. The Government has published draft regulations for setting this up. Although the consultation document claims that Social Work England will operate 'at arm's length from government', sections 37 to 44 of the Act make it clear that the Secretary of State for Education will have the ability to control almost everything the regulator seeks to do.

At present, social workers are regulated by the Health Care Professions Council ('HCPC'). If there are allegations made against a social worker these must be investigated by HCPC. If it is believed that the social worker should be suspended from practice, or restricted in the work which they can do, before formal disciplinary proceedings are commenced, an urgent hearing can be convened in front of a disciplinary tribunal who will listen to the regulator's concerns and the social worker's response, before coming to an independent decision about what should happen.

Under the proposed new regime, the decision would be taken by the administrator investigating the case. Although there is a right of appeal to the High Court, this is expensive and complex. Even if the appeal were successful, a social worker's career may have already been destroyed before they have been formally charged with any wrong-doing, let alone convicted.

Article 6 of the European Convention on Human Rights, which is part of UK law, guarantees everyone a 'fair and public hearing' before 'an independent and impartial tribunal'. Nagalro does not believe that these proposals comply with the requirements of the Human Rights Act, or indeed the principles of natural justice which have been part of English law for many hundreds of years.

-ENDS-

For further please information contact:

Karen Harris Principal Administrator, Nagalro office, 01372 818504, 07793 949634,
nagalro@nagalro.com

Notes to Editors:

1. Nagalro is the professional association for Family Court Advisers, Children's Guardians and Independent Social Workers. Its members represent the interests of children in a range of public and private law proceedings. Nagalro members are senior, highly experienced children and family social workers who work in a variety of roles. Many work as independent social workers and risk assessors providing expert witness reports in a wide range of complex cases coming before the family courts; in fostering and adoption agencies; in independent practice providing therapeutic services; as academics; as supervisors, mentors and consultants. Members have significant experience as managers, chairs of Adoption Panels and other specialist social work practitioner roles.
2. The Nagalro website is at www.nagalro.com