

Consultation on Registration Rules Your response

There are 18 questions relating to the rules and 3 relating to impact assessment. Please specify to what extent you agree or disagree with the education and training standards we have proposed, which can be found on the Social Work England website. There is opportunity throughout this survey for further comment.

The deadline for responding to this consultation is 5pm Wednesday 1 May 2019. We welcome your views both here and in future consultations to improve our profession.

About you

We would like to ask for some basic personal information about you. This information will help us understand how well we are reaching different audiences and make sure we understand the impact of our proposals on diverse groups. We will collect and use the information to:

- Listen to your ideas about our services.
- Evaluate and improve services.

A full privacy statement can be found on the Social Work England website.

a. What is your name?

Sarah Saunders and Pete Bentley on behalf of Nagalro

b. What is your email address?

nagalro@nagalro.com

c. Would you like your response to be kept confidential by Social Work England? Would you like your response to be kept confidential by Social Work England? Please tick.

Yes

No

d. Which of the following best describes the capacity in which you are responding to this consultation? Please tick.

- Adult social care – other
- Adult social care – social worker
- Charity or non-governmental organisation
- Children's social care – other
- Children's social care – social worker
- Higher education institution/academia
- Local authority
- Mental health services
- Other health services
- Person with lived experience of social work
- Social work student
- Prefer not to say
- Other**

e. Are you responding to this consultation on behalf of an organisation?

- Yes**
- No

2. If you are responding on behalf of an organisation, please fill in the below.

a. What is the name of your organisation?

Nagalro, The Professional Association for Children’s Guardians, Family Court Advisers and Independent Social Workers.

b. Please chose the category below that best describes your organisation

- Education provider
- Employer
- Professional body**
- Regulator
- Charity and/or voluntary sector organisation

Other

3. Registration questions

Rules 5-10: Content of the register

To what extent do you agree with the types of information that must be recorded on the register?

1 (strongly disagree)

2

3 (neither)

4

5 (strongly agree)

4. If you would like to add further comments, please do so below.

**Nagalro is concerned about the lack of clarity regarding annotations, when they will be recorded, what advice the Social Worker will receive before agreeing to annotations and the period over which any annotation may remain on record and how it might be removed?
There is a serious lack of clarity in this area.**

5. Is there any other information that you feel should be recorded on the register?

Yes

No

6. If you would like to add further comments, please do so below.

None

7. Rule 11: Publishing the register

To what extent do you agree that only the postal town of the address should be published on the register?

(strongly disagree)

2

- 3 (neither)
- 4
- 5 (strongly agree)

8. If you would like to add further comments, please do so below.

It is the view of Nagalro that Social Workers and their families living in a small town will be vulnerable as it would not take much effort for a determined individual to track them down, therefore using the town associated with the postcode will create risk. Our members, many of whom work independently, are at even greater risk in this respect as there will not be a wider organisation such as a Local Authority or CAFCASS to act protectively on their behalf. For many of our members their address will be their home address and not an office address. We do not support the use of the postcode town. We would prefer the use of the County only.

9. To what extent do you agree that advice and warnings given by case examiners, where there is no realistic prospect of the case being referred to adjudicators, should not be published?

- 1 (strongly disagree)
- 2
- 3 (neither)
- 4
- x5** (strongly agree)

10. If you would like to add further comments, please do so below.

Nagalro is seriously concerned about the process leading to advice or warning given by case examiners. The whole process lacks fairness and transparency. It therefore follows that we would not wish to see this published. Any agreement on the part of the Social Worker may well have been taken without access to legal advice or representation. In our view this is not consistent with the Human Rights Act given that the consequences of any advice or warning could have serious repercussions for that individual in terms of future employment and career opportunities.

11. Is there any other information that you feel should not be published on the register?

- Yes**
- No**

12. If you would like to add further comments, please do so below.

Article Six of the Convention for the Protection of Human Rights and Fundamental Freedoms says: ‘In the determination of his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.’ Nagalro is concerned about the powers of the case examiner who at any time before formal charges have been brought, therefore before it has even been decided that there is a case to answer, have the power to make any interim order considered necessary. An interim order may suspend the social worker from practice for up to 18 months or impose conditions or restrictions on their practice. It would appear that following such a process the only recourse is to the High Court and the annotation remains on the record. Regulations are clear that warnings be recorded and remain in place for 5 years from the date of the warning. Warnings would occur, as set out above without a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Nagalro feels this process which the Social Worker Regulations 2018 clearly state must be recorded is not compatible with Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Nagalro is not clear why these questions are presented as being a matter of consultation when the Social Worker Regulation 2018 are clear that these thing must be published. Given Nagalro's position in relation to Human Rights, we would not support the recording of advice being published which appears to be the only area in which the regulator has any choice.

13. **Rule 14: Recognised qualifications and additional education**

To what extent do you agree with the requirements in this rule?

- 1 (strongly disagree)
- 2
- 3 (neither)
- 4
- 5 (strongly agree)

14. If you would like to add further comments, please do so below.

15. **Rule 22: Information to be provided by applicants**

To what extent do you agree with the information and declarations required?

- 1 (strongly disagree)

- 2
- 3 (neither)
- 4
- 5 (strongly agree)

16. If you would like to add further comments, please do so below.

None

17. Is there any other information you feel should be required?

- Yes
- No

18. If you would like to add further comments, please do so below.

Nagalro would like to see more information about SWE's plans to seek clarification about the health status of individuals and from whom that information is to be obtained.

19. Rule 30: Conditional registration

To what extent do you agree with the circumstances in which Social Work England may choose to apply conditions to registration?

- 1 (strongly disagree)
- 2
- 3 (neither)
- 4
- 5 (strongly agree)

20. If you would like to add further comments, please do so below.

This appears to be clearly set out in the Social Workers Regulations 2018 and therefore would not appear to be open for consultation.

21. Are there any other reasons we may wish to apply conditional registration?

- Yes
- No

22. If you would like to add further comments, please do so below.

No comment.

23. Rule 44: Annotation of entries in the register

To what extent do you agree with the time that an annotation should remain on the register?

- 1 (strongly disagree)
- 2
- 3 (neither)
- 4
- 5 (strongly agree)

24. If you would like to add further comments, please do so below.

As set out in response to earlier questions and other consultations being considered at the same time Nagalro has serious concerns regarding the lack of compliance with Human Rights Legislation see answers to questions 10 and 12. There is little clarity about how long annotations remain on the register.

25. Rule 57: Eligibility for restoration

Is there any other information that someone should provide to demonstrate that they can be restored to the register?

- Yes
- No

26. If you would like to add further comments, please do so below.

No comment.

27. Fee questions

Paragraph 1 of schedule 1: Application for initial registration

To what extent do you agree with the way that the fee for initial applications is set out?

- 1 (strongly disagree)
- 2
- 3 (neither)
- 4
- 5 (strongly agree)

28. If you would like to add further comments, please do so below.

We do not agree that additional fees should be required to reregister if a complaint is not upheld.

29. Rule 7: Fee variations

To what extent do you agree with the circumstances in which a fee may not be charged, or varied?

- 1 (strongly disagree)
- 2
- 3 (neither)
- 4
- 5 (strongly agree)

30. If you would like to add further comments, please do so below.

No comment.

31. Continuing professional development questions

Rules 50-52: Continuing professional development

To what extent do you agree with the requirements for CPD set out in these rules?

- 1 (strongly disagree)
- 2
- 3 (neither)
- 4
- 5 (strongly agree)

32. If you would like to add further comments, please do so below.

Nagalro agrees that there should be a requirement of CPD. However, we are unable to comment further as there is no detail available as to how the CPD process will be set up and what quality standards will be applied to providers.

33. To what extent do you support the approach we are proposing for CPD evaluation and evidence gathering?

- 1 (strongly disagree)
- 2
- 3 (neither)
- x 4
- 5 (strongly agree)

34. If you would like to add further comments, please do so below.

None

35. What do you think is important for us to consider when we evaluate social workers' CPD?

- **Evidence of keeping abreast of research in areas which are relevant to the Social Worker's area of practice**
- **Evidence of keeping abreast of legal changes which affect practice**
- **Evidence of attending training linked to CPD**
- **Evidence of practice which evidences integration of the training undertaken**

36. Do you have any other comments?

None.

37. Impact assessment questions

Do you think that the proposed changes will bring benefits for you, your organisation or those you represent?

- Yes
- No

38. If yes, what impact do you foresee?

39. Do you think that the proposed changes will impact differently on people based on protected characteristics?

The Equality Act (2010) lists nine protected characteristics: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity.

Yes

No

40. If yes, which characteristics?

Choose as many as you like

Age

Disability

Gender reassignment

Race

Religion or belief

Sex

Sexual orientation

Marriage and civil partnership

Pregnancy and maternity

Please fill this in

41. Do you think the proposed changes will adversely affect you, your organisation, or those you represent?

42. If yes, what impact do you foresee?

Thank you for taking part in this consultation.

Once the consultation period has finished, we will provide a response which will summarise the feedback we receive and detail any changes we make.