



NAGALRO WELCOMES MOVES TO IMPROVE SOCIAL WORK ENGLAND'S FITNESS TO PRACTICE PERFORMANCE

Dame Annie Hudson's Independent Review of Social Work Professional Regulation in England ('the Review') is unflinching in its criticism of Social Work England's performance when dealing with fitness to practice allegations made against social workers. She describes the pace of improvement in fitness to practice functions as 'too slow' and, rightly, points out that these persistent delays erode confidence among the public and the profession and create uncertainty for those subject to investigation. Dame Annie's report points out that improvements will require three things:

- sustained oversight;
- constructive challenge; and,
- appropriate resourcing from government.

Nagalro has long had concerns about the inordinate delays faced by social workers who are subject to fitness to practice complaints. These delays not only mean that those whose practices are deficient continue to work, but they also mean that practitioners who are subject to entirely unmeritorious complaints have the stress, anxiety and the significant financial consequences of being subject to an ongoing investigation. Nagalro has experience of supporting members, the investigation of whose case has lasted for three years, before they learned that there was no case to answer. Unlike local authority social workers, who will continue to receive a salary, independent social workers are usually self-employed and entirely dependent on receiving instructions to carry out specific tasks, such as court assessments.

Nagalro welcomes the government's resolve to require Social Work England to provide a strategic improvement plan within six months. That response, however, only addresses the first two limbs of the Review's three requirements. The response has no word about resourcing, and without sufficient resources, those improvements may prove to be unattainable.

The Review also notes the 'unique challenges' faced by the regulator when information is required from family court proceedings. The Review makes recommendations about amendments to the Family Procedure Rules to allow the regulator greater access to information from the court. Nagalro, however, would argue that such reforms should go much further. Social workers who are giving evidence in family proceedings, and particularly those appointed as expert witnesses, are subject to cross-examination about their evidence and methods before a well-informed and highly experienced judge. Expert witnesses are appointed by and fully answerable to the court for their work. Nagalro would propose that the number of unmeritorious fitness to practice

complaints to Social Work England could be significantly reduced if it were the position that, in family court proceedings, if the court does not criticise the social worker's practice, the complainant would have an initial burden of showing why the regulator should reconsider issues which either were, or could have been, raised with the court. The regulator should not, at public expense, be used as an alternative venue for appeal against an unfavourable court decision.

The Social Work England website does, in fact, state that '*we will usually only investigate concerns about a social worker's involvement in a court case if the employer and/or the court has also raised concerns.*' In reality, however, our experience of supporting members has been that this is often more honoured in the breach than in the observance, and that months are often wasted whilst the regulator seeks information from the court.

-ENDS-

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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