

EAST AYRSHIRE COUNCIL

THE ROLE OF THE CHIEF SOCIAL WORK OFFICER

CABINET – 19 NOVEMBER 2008

Report by Executive Director of Educational and Social Services

1. PURPOSE

- 1.1** To seek approval for a response to the Scottish Government consultation on "Guidance on the Role of the Chief Social Work Officer".

2. BACKGROUND

- 2.1** On 26 September 2008, the Scottish Government launched a consultation on the role of the Chief Social Worker. This followed the report "Changing Lives, the report of the 21st Century Social Work Review", which set a general context for the development of social work services into the immediate future.

- 2.2** The covering letter identified that the guidance on the role of the Chief Social Work Officer:

- (a) will assist local authorities in the discharge of their social work responsibilities;
- (b) will help local authorities maximise the added value of the Chief Social Work officer – both at corporate and professional level;
- (c) acknowledges that local authorities operate with very different management and organisational structures;
- (d) provides advice on how best to locate the Chief Social Work Officer role within operational structures to maximise its effectiveness;
- (e) is sufficiently generic to remain relevant in the event of future management or organisational structural change.

- 2.3** The consultation period ends on 19 December 2008.

- 2.3** The legal basis for the Chief Social Work Officer (CSWO) role is contained in section 5(1) of the Social Work (Scotland) Act 1968. To assist interpretation of this consultative response, a summary of the legal basis is attached at Appendix 1.

3. THE CONSULTATION IN EAST AYRSHIRE

- 3.1** In order to compile this response, senior managers in Social Work services have been consulted including the present Acting Chief Social Work Officer. The Corporate Management Team of the Council has also been consulted.

4. RESPONSE TO THE CONSULTATION

- 4.1 For ease of reference, the complete consultative document, which is brief, is appended at Appendix 2. In broadest terms, the Council supports the contents of the consultation document as issued. The comments below therefore are by exception.
- 4.2 Paragraph 4 of the consultative document gave a brief overview and context for some of the work of the Chief Social Work Officer. The last sentence of that paragraph states "*While these matrix arrangements can carry great benefits for effective service delivery, they do re-emphasise the need for clarity of accountability and professional leadership*". It was felt that the overall context set in paragraph 4 was very helpful, however the last sentence as quoted here would benefit from greater clarity and emphasis. This is in acknowledgement of the very complex set of relationships between partner agencies and the different methods of accountability when set in the context of issues such as child protection committees, child protection chief officers groups, the Criminal Justice Partnership, the Community Justice Authority, the Learning Disabilities Partnership, the Joint Futures Partnership and so on.

In relation to Paragraph 5, and related to the comment above on paragraph 4, it was felt that there should be clarity of the role of the Chief Social Work Officer in community planning arrangements.

Paragraph 7: see comments in paragraph 13.1 below

Paragraph 8 sets out in broadest terms, some of the key documents and processes that are now required in local authority settings. There is broad agreement on the role of the CSWO in relation to the issues identified in this paragraph. However, the introduction of the concept of "the management of corporate risk" deserves some amplification. As written, it is unclear whether this statement is made in particular relation to the management and administration of the corporate risk register. If this was the intention of the paragraph, then this requires to be spelt out in some more detail. Equally, if the emphasis is on other related issues, for example recruitment, then the paragraph could state this with greater clarity.

Paragraph 13.1 makes reference to the qualifications of the Chief Social Work Officer being "*set down in regulations. The post holder must be a qualified Social Worker, registered with the Scottish Social Services Council or equivalent UK body*". This is at variance with paragraph 7 which states "*The minimum qualifications for the post are prescribed in regulations. Candidates for and holders of this post must be registered as a Social Worker with the Scottish Social Services Council (SSSC)*". The guidance requires to clarify which of these two definitions is the one that should be applied. It is also felt that the demonstration that their "extensive experience" required by this paragraph was insufficiently rigorous and that it was in fact "relevant recent experience" as well as its extent that should be recognised.

Paragraph 13.3 (d). It was felt that the advice in relation to “support and advise managers in maintaining and developing standards of practice”, should be strengthened to become “support and advise managers in maintaining and developing high standards of appropriate practice”.

Paragraph 13.3 (e). It was felt that this paragraph principally referred to the role of Mental Health Officers. As such this should be clearly stated. If in the future, it was envisaged that there might be other functions reserved in legislation, then the form of words “For example Mental Health Officers” would cover all eventualities.

Paragraph 13.3 (f). It was felt that this is a very important paragraph since it relates to the balance of services provided by local authorities in relation to issues such as risk and civil liberties. The clear role of the Chief Social Work Officer in this was particularly welcomed.

Paragraph 13.3 (i). While on the face of it, the contents of this paragraph relate to weak and poor practice, it was felt that the real emphasis here was about risk and its management and that this required to be more clearly stated.

Paragraph 13.3 (j). Similarly, it was felt that there was a requirement to give greater clarity on responsibility for issues such as guardianship, particularly in relation to legislation such as that on Adults with Incapacity.

Paragraph 13.3 (k). It was felt that this paragraph relating to reporting on the findings of inspection and audits reports was too specific. Rather, there should be a general requirement to the Chief Social Work Officer to maintain an overview of such evaluations and report them as appropriate.

Paragraph 13.4 (c). It was felt that as stated, the requirement for the Chief Social Work Officer to be available to all registered Social Workers and other staff requiring professional advice and guidance was unclear. The statement requires to be expanded to recognise that there are legitimate management systems in place in departments which should allow staff to seek advice and support from their appropriate line managers within the defined arrangements of delegation.

Paragraph 14 (d). It was felt that there was clear potential for conflicts of interests in the Chief Social Work Officer role, but there required in the guidance to be some exemplification or further clarity on the sorts of issues that would legitimately be of interest here. In practice, this would relate to the distinction between the Chief Social Work Officer in that role and as compared to their place in the formal line management arrangements of the Council.

Paragraph 14 (g). This paragraph relates to the circumstances for the removal of the Chief Social Work Officer. It was felt that there required to be greater clarity here that the removal of the Chief Social Work Officer role from a particular individual as described should relate to issues of Social Work practice as distinct from other aspects of performance. Presumably it is

possible to remove the Chief Social Work Officer role without actually dismissing from service.

- 4.3** By way of general comment, responses recognised that many of the issues that are identified in the consultative document as relating specifically to the Chief Social Work Officer role, in fact relate to effective management practice in any role in the local authority for example, responsibilities for monitoring and quality assurance and service improvement. There may, therefore, be merit in recategorising the issues that are identified in the consultative document as those which are absolutely specific to the Chief Social Work Officer role, as for example relating directly to social work practice or , legalities as against those which are issues that would be generally expected of any chief officer or senior manager and which might otherwise be thought of as generic. By making this distinction clear, it would very much capture the essence of this key function within the local authority setting and would enable other issues such as the development of protocols and role definitions within partnership arrangements to follow much more easily.

5. LEGAL / FINANCIAL / POLICY / RISK MANAGEMENT ISSUES

- 5.1** Nil at this stage.

6. RECOMMENDATIONS

- 6.1** It is recommended that Members:
- (i) agree this response to the "Consultation on Guidance on the Role of the Chief Social Work Officer"; and
 - (ii) otherwise, note the contents of the report.

GRS/JP
23 October 2008

LIST OF BACKGROUND PAPERS

Nil

Members requiring further information should contact Graham Short, Executive Director of Educational and Social Services, Tel: (01563) 576017.

IMPLEMENTATION OFFICER: GRAHAM SHORT

Section 3 of the Social Work (Scotland) Act 1968 provides:

- (1) For the purposes of their functions under this Act and the enactments mentioned in Section 5(1B) of this Act a local authority shall appoint an officer to be known as the chief social work officer. (Please see below)

United Kingdom Statute 1968 c 49 Pt I s 5

SOCIAL WORK (SCOTLAND) ACT 1968 CHAPTER 49
PART I ADMINISTRATION
CENTRAL AUTHORITY

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Amendment as at: October 5, 2005

s 5 Powers of Secretary of State.

- (1) Local authorities shall perform their functions under this Act and Part II of the Children (Scotland) Act 1995 under the general guidance of the Secretary of State.
- (1A) Without prejudice to subsection (1) above, the Secretary of State may issue directions to local authorities, either individually or collectively, as to the manner in which they are to exercise any of their functions under this Act or any of the enactments mentioned in subsection (1B) below; and a local authority shall comply with any direction made under this subsection.
- (1B) The enactments referred to in subsection (1A) above are:
 - (a) this Act as read with sections 1 and 2(1) of the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Services, Consultation and Representation) Act 1986;
 - (b) Part IV of the Children and Young Persons (Scotland) Act 1937,
 - (c) section 22(2) to (5A), (7) and (8), section 26(2) to (4) and sections 43, 45, 47 and 48 of the National Assistance Act 1948;
 - (d) the Disabled Persons (Employment) Act 1958;
 - (e) sections 10 to 12 of the Matrimonial Proceedings (Children) Act 1958, and sections 11 and 12 of the Guardianship Act 1973;
 - (f) section 51 of the Criminal Procedure (Scotland) Act 1995;
 - (g) the Children Act 1975;
 - (h) the Adoption Act 1976;
 - (i) the Adoption (Scotland) Act 1978;
 - (j) sections 21 to 23 of the Health and Social Services and Social Security Adjudications Act 1983;

[

- (k) the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13);
-] [FN1]
- (l) the Foster Children (Scotland) Act 1984;
- (m) sections 38(b) and 235 of the Housing (Scotland) Act 1987;
- (n) the Access to Personal Files Act 1987;
- (p) Part II of the Children (Scotland) Act 1995.

(2) The Secretary of State may make regulations in relation to:

- (a) the performance of the functions assigned to local authorities by this Act;
- (b) the activities of voluntary organisations in so far as those activities are concerned with the like purposes;
- (c) the performance of the functions of local authorities under any of the enactments mentioned in paragraphs (b), (d), (e), (g), (h), (i), (l), (o) and (p) of subsection (1B) above.

(3) Without prejudice to the generality of subsection (2) above, regulations under this section may make such provision as is mentioned in subsection (4) of this section as regards:

- (a) the boarding out of persons other than children by local authorities and voluntary organisations, whether under any enactment or otherwise; and
- (b) the placing of children under paragraph (a), or the making of arrangements in respect of children under paragraph (c), of section 26(1) of the Children (Scotland) Act 1995, by local authorities.

(4) The provision referred to in subsection (3) of this section is:

- (a) for the recording:
 - (i) by local authorities and voluntary organisations, of information relating to those with whom persons are so boarded out, or who are willing to have persons so boarded out with them; and
 - (ii) by local authorities, of information relating to those with whom children are so placed or with whom such arrangements are made or who are willing to have children so placed with them or to enter into such arrangements;
- (b) for securing that:
 - (i) persons are not so boarded out in any household unless it is for the time being approved by such local authority or voluntary organisation as may be prescribed by the regulations; and
 - (ii) children are not so placed or, in accordance with such arrangements, provided with accommodation, in any household unless it is for the time being approved by the local authority placing the child or as the case may be making the arrangements;

- (c) for securing that, where possible, the person with whom a child is so placed or with whom such arrangements are made is either of the same religious persuasion as the child or gives an undertaking that the child shall be brought up in that persuasion;
- (d) for securing:
 - (i) that a person who is, and the place in which he is, so boarded out by a local authority or voluntary organisation is supervised and inspected by that authority or organisation; and
 - (ii) that a child who is, and the place in which he is, so placed or, in accordance with such arrangements, provided with accommodation, by a local authority is supervised and inspected by that authority, and that he shall be removed from the place in question if his welfare appears to require it.

(5) In subsections (3) and (4) of this section, "child" has the same meaning as in Chapters 2 and 3 of Part II of the Children (Scotland) Act 1995.

[FN1] substituted by Mental Health (Care and Treatment) (Scotland) Act (2003 ASP.13), Sch 4 Para 1 (3)

GENERAL MATERIALS

Royal Assent date - Long Title - Notes

UK-LIF ST 1968 c 49 Pt I s 5

UK ST 1968 c 49 Pt I s 5

END OF DOCUMENT

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THE ROLE OF CHIEF SOCIAL WORK OFFICER

PRINCIPLES, REQUIREMENTS AND GUIDANCE

pursuant to Section 5(1) of the Social Work (Scotland) Act 1968

Introduction

1. The overarching purpose of the Scottish Government is to focus government and public services on creating a more successful country with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. Five Strategic Objectives - Wealthier & Fairer, Smarter, Healthier, Safer & Stronger and Greener - support delivery of the Purpose and, in turn, these are supported by 15 National Outcomes, which describe in more detail what the Government wants to achieve over the next 10 years.
2. The Scottish Government's Concordat with Scottish local government, agreed with COSLA in November 2007, and its new National Performance Framework, integrated into its 2007 Spending Review, signaled a new relationship between national and local government and a fundamental shift to focus the whole of government on an outcomes focused approach to performance. The Government has set the direction and indicated the outcomes that need to be delivered for Scotland's people. It is for each local authority and its partners, including those in the third sector, to deliver these through Single Outcome Agreements, based on the national outcomes and agreed with the Government which reflect local needs and priorities.
3. Social work and social care services are essential to the delivery of good outcomes, particularly but not exclusively, to the most vulnerable in our communities. Social work makes an important contribution to the public domain; working with people and helping them achieve change in their lives and helping them to contribute through the social relationship. This requires a particular balance of need, risk and rights.
4. The 21st Century Social Work Review, *Changing Lives*, described the changing social environment in which we operate and the complexities, challenges and expectations this brings. Engaging with people in developing the solutions which best meet their needs in line with local priorities will make a significant contribution to improved outcomes for individuals and communities. This requires a confident, competent and valued social care workforce, capable of working flexibly in a variety of settings. Particular challenges are raised for staff working in integrated service delivery arrangements whether they be internal, inter-departmental settings or multi agency partnerships with NHS or Police partners. While these matrix arrangements can carry great benefits for effective service delivery, they do re-emphasise the need for clarity of accountability and professional leadership.
5. Clarification of the role and function of the Chief Social Work Officer will support local authorities and elected members in ensuring that this statutory post not only enhances professional leadership and accountability, but provides a key support and added value to a local authority and its partners in delivering positive outcomes locally.

Background

6. The requirement for every local authority to appoint a professionally qualified Chief Social Work Officer (CSWO) is contained within Section 3 of the Social Work (Scotland) Act 1968. The particular qualifications are set down in regulations. This is one of a number of statutory requirements in relation to posts, roles or duties, with which local authorities must comply.

7. The minimum qualifications for the post are prescribed in Regulations. Candidates for, and holders of, this post should be registered as a social worker with the Scottish Social Services Council (SSSC).

8. The overall objective of the CSWO post is to ensure the provision of effective, professional advice to local authorities – elected members and officers – in the authorities' provision of social work services. The post should also assist authorities in understanding the complexities of social work service delivery and the key role social work plays in contributing to the achievement of National Outcomes, local outcomes, overall performance improvement and the management of corporate risk. Clarity and consistency as to the purpose and contribution of the CSWO is particularly important given the diversity of organisational structures that exist.

9. *Changing Lives* concluded that there was a need to strengthen the governance and professional leadership roles of the CSWO to oversee social work services and ensure the delivery of safe, effective and innovative practice. In doing this there are a number of key issues to be clarified and addressed:

- (a) Role and function
- (b) Competencies, scope and responsibilities
- (c) Accountability and reporting arrangements

10. This guidance:

- (a) will assist local authorities in the discharge of their social work responsibilities;
- (b) will help local authorities maximise the added value of the CSWO – both at a corporate and professional level;
- (c) acknowledges that local authorities operate with very different management and organisational structures;
- (d) provides advice on how best to locate the CSWO role within operational structures to maximise its effectiveness;
- (e) is sufficiently generic to remain relevant in the event of future management or organisational structural change.

Role and Function

11. The CSWO is required to ensure the provision of appropriate professional advice in the discharge of local authorities' statutory social work duties. For the role to be effective in the varying circumstances and configurations of Scottish local authorities, a focus on role and function rather than position or structures is considered appropriate.

12. The CSWO is a 'proper officer' in relation to the social work function: an officer given particular responsibility on behalf of a local authority, where the law requires the function to be discharged by a specified post holder.

Competencies, Scope and Responsibilities of the CSWO

13. Clarification of competence, scope, responsibilities and access, should maximise the effectiveness of the post and the corporate and professional contribution it makes.

13.1 **Competencies**

The qualifications of the CSWO are set down in regulations¹. The postholder must be a qualified social worker, registered with the Scottish Social Services Council or equivalent UK body. Local authorities will want to ensure that the CSWO can demonstrate extensive experience at a senior level of both operational and strategic management of social work and social care services commensurate with the management role of a head of service.

13.2 **Scope**

The scope of the role relates to all social work and social care services, whether provided directly by the local authority, in partnership with other agencies or purchased on behalf of the authority, including through the third sector.

13.3 **Responsibility for values and standards**

The CSWO should:

- (a) establish values and standards of professional practice, including a clear statement of expectation of social services workers (consistent with the SSSC Codes of Practice) to be agreed with the Chief Executive and elected members;
- (b) ensure that these values and standards are communicated on a regular basis, adhered to and reviewed periodically;
- (c) support Human Resources in ensuring that all social service workers meet the requirements of the SSSC's Code of Practice and that all registered workers meet the requirements of their regulatory body;
- (d) support and advise managers in maintaining and developing standards of practice;
- (e) ensure that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in guidance;
- (f) satisfy themselves that there are effective governance arrangements for the management of the complex balance of need, risk and civil liberties, in accordance with professional standards. Where the council's corporate policy on risk management does not reflect this balance, the CSWO is required to bring this to the attention of the Chief Executive and to contribute to the development of appropriate governance arrangements;
- (g) advise on corporate workforce planning and quality assurance, including safe recruitment practice, probation/mentoring arrangements, managing poor performance;

¹ 1996 No. 515 (S.49) The Qualifications of Chief Social Work Officers (Scotland) Regulations 1996
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- (h) actively promote continuous improvement, raising standards and evidence-informed good practice, including the development of personalised services that are focussed on the needs of the user;
- (i) satisfy themselves that appropriate systems are in place to identify and **address weak and poor practice** and work with managers to monitor their effectiveness. Where this is not the case, the CSWO has the responsibility for bringing this to the attention of the Chief Executive and contributing to the development or improvement of such systems;
- (j) take final decisions on behalf of the local authority in relation to a range of social work matters, including adoption, secure accommodation, guardianship and other statutory decisions required from time to time;
- (k) report to the Chief Executive and elected members on the findings of performance review reports, including reports by SWIA, Care Commission, HMIE, Adult Protection Committees and other scrutiny bodies and internal self evaluation or Performance Improvement reviews, setting out:
 - i. implications for the local authority, for services, for service users and carers, for individual teams/members of staff/partners as appropriate;
 - ii. implications for delivery of Single Outcome Agreements/National Outcomes;
 - iii. proposals for remedial action;
 - iv. means for sharing good practice and learning;
 - v. monitoring and reporting arrangements for identified improvement activity;
- (l) report to the local authority on any other social work related issues;
- (m) prepare an annual report to the local authority on all of the statutory, governance and leadership functions of the role;

13.4 **Access**

To discharge these responsibilities effectively, the CSWO needs:

- (a) **access** to people and information across the local authority, including the Chief Executive, elected members, managers and frontline practitioners, partner services and agencies. These arrangements will vary according to individual councils, but should be clearly articulated;
- (b) to bring matters to the attention of the Chief Executive to ensure that professional standards and values are maintained;
- (c) to **be available** to all registered social workers and other staff requiring professional advice and guidance.

13.5 **Leadership Responsibilities**

The CSWO is responsible for providing professional leadership. The CSWO should:

- (a) support and contribute to evidence-informed decision making – at professional or corporate level – by providing appropriate professional advice;
- (b) seek to enhance professional leadership and accountability throughout the organisation to support the quality of service and delivery;
- (c) support the delivery of social work's contribution to achieving local outcomes;
- (d) promote partnership working across professions to support the delivery of suitably integrated social work services.

Accountability and Reporting Arrangements

14. Local authorities will need to consider:

- (a) how the CSWO is enabled to influence corporate issues, such as managing risk, setting budget priorities and public service reform;
- (b) access arrangements for the CSWO to the Chief Executive and elected members;
- (c) how the CSWO reports to the Chief Executive;
- (d) the potential for conflicts of interest and agree a statement on how these will be resolved;
- (e) the relationships, responsibilities and respective accountabilities of operational line managers and the CSWO;
- (f) inclusion of an independent, professional perspective to the appointment of the CSWO;
- (g) procedures for removal of a CSWO postholder, bearing in mind the need for continuity in the provision of the CSWO functions, the value of independent professional advice and the arrangements for the appointment and removal of the local authority's other proper officers.