

## **EAST AYRSHIRE COUNCIL**

### **CABINET REPORT – 21 OCTOBER 2009**

#### **CONSULTATION: THE ROLE OF THE REGISTERED SOCIAL WORKER IN CONTRIBUTING TO BETTER OUTCOMES FOR SCOTLAND: GUIDANCE FOR LOCAL AUTHORITIES**

##### **Report by the Executive Director of Educational and Social Services**

### **1. Purpose**

- 1.1 To seek approval of a response from East Ayrshire Council to the public consultation with respect to proposed Guidance for Local Authorities on The Role of the Registered Social Worker in Contributing to Better Outcomes for Scotland.

### **2. Background**

- 2.1 The title of “Social Worker” is protected by the Regulation of Care (Scotland) Act, through the requirement for individuals using this title to be registered as such with the Scottish Social Services Council. The role and function of the social worker is however not covered by the Act.
- 2.2 The proposed guidance aims to highlight the role of the social worker in contributing to better outcomes for Scotland, and to set out those social work functions which only registered social workers should be accountable for.
- 2.3 A Practice Governance Group was established as part of implementation of Changing Lives, the 21<sup>st</sup> Century Review of Social Work. This Group has developed the draft guidance; it is intended as a support for employers and employees, and also helps define the role and purpose of social workers and the social work profession.

### **3. The Role of the Registered Social Worker**

- 3.1 Mental Health was the first practice area to reserve functions to suitably qualified social workers. In terms of professional leadership the role of the Chief Social Work Officer is also reserved for a registered social worker.
- 3.2 The proposed guidance addresses 4 specific areas;
- **Care and Protection**
  - **Criminal Justice**
  - **Mental health and Adults with Incapacity**
  - **Professional Leadership**

Outlined below are the duties within which it is proposed that a registered Social worker must retain accountability

### **3.3 Care and Protection**

Care and protection is defined as where either children or adults are:

- in need of protection; and/or
- in danger of serious exploitation or significant harm; and/or
- at risk of causing significant harm to themselves or others; and/or
- unable to give informed consent;

In these circumstances it is proposed a registered social worker must retain accountability for:

- carrying out enquiries and making recommendations where necessary as to whether or not a person requires to be the subject of compulsory protection measures;
- carrying out the measures identified in the Adult Support and Protection (Scotland) Act 2007;
- implementation of a risk management plan;
- making recommendations to a children's hearing or court about whether a child should be accommodated away from home;
- making recommendations on behalf of the local authority to a children's hearing or court about permanence or the termination/variation of supervision requirements.

### **3.4 Criminal Justice**

Within criminal justice, a registered social worker must retain accountability for:

- provision of social enquiry and other reports to courts which could have an impact on an individual's liberty;
- provision of reports to the Parole Board and to the Parole and Life Sentence Review division of government which could impact on public safety and/or on an individual's liberty;
- investigation, assessment, review and implementation of risk management plans and the supervision of those who will be subject to statutory supervision on release from prison;
- Case management (including monitoring and ensuring ongoing assessment) of those who are subject to statutory orders/licences and who are considered to pose a high risk of serious harm.

### **3.5 Mental Health and Adults with Incapacity**

As outlined previously it is already reserved that only registered social workers with additional appropriate qualification may:

- carry out the duties of a Mental Health Officer as set out in the Adults with Incapacity Act 2000, Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adult Support and Protection (Scotland) Act 2007;
- carry out the duty to enquire into individual cases where adults with mental disorder may be at risk from others or whose property is at risk or who are putting themselves at risk.

### **3.6 Professional Leadership**

The requirement for every local authority to appoint a professionally qualified Chief Social Work Officer is contained within Section 3 of the Social Work (Scotland) Act 1968. The qualifications of the Chief Social Work Officer are set down in regulations. Only a registered social worker may carry out the role of the Chief Social Work Officer.

## **4. Response to Consultation**

4.1 The draft response to the consultation is attached at appendix 1 and has been submitted to Scottish Government pending consideration by elected members.

4.2 Specific areas of consideration in the proposed response include:

- to welcome the guidance and in particular the restatement of social work values,
- to welcome the recognition of the balance between managing and enabling risk, and also suggest that the guidance should note this often takes place within the context of multi agency, shared decision making processes, based on joint risk assessment and risk management.
- to suggest that Roles of the Registered Social Worker in respect of Practice Learning, Continuous Professional Development and Research, should be included and:
- to note the challenge to develop schemes of delegation to maintain accountability for the functions outlined above with registered Social Workers
- to suggest that Professional Leadership at a national level would be strengthened by requirement of key national posts such as the Chief Social Work Inspector to be a registered Social Worker.

## **5. Financial Implication**

- 5.1 There are no immediate financial implications for the Council from this report. Any financial implications arising from the final guidance will be reported to a future Cabinet.

## **6. Policy Implications**

- 6.1 East Ayrshire Council Social Work recognises our employees as the most important asset we have in delivering services to vulnerable people in the community.
- 6.2 The Social Work Service in East Ayrshire is delivered through structured operational and management arrangements. In common with the national position we have not however, definitively set out the role of the Registered Social Worker in East Ayrshire or tasks and accountability which must be owned and retained by the professional staff group.
- 6.3 Currently within the social work service, workload allocation and management is carried out with due cognisance of the role, qualifications and experience of staff. The Social Work Sustainability Programme will further strengthen our practice in this area, with detailed consideration being given to needs/demands and capacity in developing a workforce planning model.
- 6.4 It is intended that local policy for East Ayrshire will be developed in line with the finalised guidance when published. We anticipate the principal challenges for the Council will be in instances where first line managers are not registered social workers and hold alternative qualifications (e.g. Occupational Therapy or Social Care). This issue will be addressed as part of the social work sustainability work plan.

## **7. Legal / Risk Management Implications**

- 7.1 The delivery of professional Social Work services across service areas supports the management of risk for individuals, families, communities and the Council.

## **8. Community Planning Implications**

- 8.1 The consultation and potential outcomes impact on the “Improving Health and Wellbeing”, and “Improving Community Safety” priority themes of the Community Plan.

## **9. Equalities Impact**

9.1 Development of the Social Work workforce in all elements of service delivery supports promotion of the equalities agenda.

## **10. Recommendations**

10.1 It is recommended that Cabinet:

- (i) note the consultation response;
- (ii) approve submission of the response on behalf of East Ayrshire Council to the Scottish Government; and otherwise
- (iii) note the contents of the report.

**Graham Short**  
**Executive Director**  
**Educational & Social Services**  
**15 October 2009**

**IMPLEMENTATION OFFICERS: Eddie Fraser, Head of Service: Community Care**  
**Susan Taylor, Head of Service: Children, Families**  
**and Criminal Justice**

### **BACKGROUND PAPERS:**

**Scottish Government Consultation Paper 6 July 2009 - The Role of the Registered Social Worker in Contributing to Better Outcomes for Scotland: Guidance for Local Authorities.**

## **RESPONSE TO THE SCOTTISH GOVERNMENT CONSULTATION - THE ROLE OF THE REGISTERED SOCIAL WORKER IN CONTRIBUTING TO BETTER OUTCOMES FOR SCOTLAND: GUIDANCE FOR LOCAL AUTHORITIES**

Thank you for the opportunity to comment on the above. The Guidance is welcome and supports clarity of the role and contribution to better outcomes made by registered social workers.

This response has been prepared on the basis of consultation with our workforce. It will be presented to elected members for consideration. As such the response at this time does not constitute the formal position of the Council.

- The restatement of Social Work values and principles is a positive inclusion.
- The recognition of the balance between managing and enabling risk is constructive.
- It would be helpful if the paper included reference to the role of Registered Social Worker in relation to supporting practice learning.
- It would be helpful if the paper included reference to the role of Registered Social Worker in relation to their obligation to maintain their own continuing professional development through availing themselves of post registration training and learning opportunities.
- It would be helpful if the paper included reference to the role of Registered Social Worker in relation to supporting research self evaluation and scrutiny within Social Work.
- The draft guidance emphasises the accountability of the registered Social Worker. Whilst this is appropriate it should be made clear that this is within the context of a shared decision making and risk assessment framework - often multi agency – and that the Social Work role can be about coordinating this
- The paper relates specifically to registered Social Workers it is helpful that para 18 acknowledges that in some instances important contributions will be carried out by non registered Social Work staff with the support of registered Social Work staff. The challenge should not be underestimated to develop schemes of delegation to maintain accountability for these functions with registered Social Workers.
- Paragraph 14 is helpful in linking professional leadership and registration at a local level through the role of the Chief Social Work Officer. In similar vein we believe it is important to make this link at a national level and consideration should be given that registration as a Social Worker is required for:
  - Chief Social Work Inspector
  - A nominated role within SSSC with responsibility for registration
  - Any lead Social Work Advisor to Government