



NIASW response to Health and Personal Social Services (Amendment) Bill

The Northern Ireland Association of Social Workers (NIASW) is part of BASW, which is the largest professional association for social workers in the UK. The Association has over 18,000 members employed in frontline; management, academic and research positions in all social care settings.

NIASW welcomes the Health and Personal Social Services (Amendment) Bill; the proposed amendments appear to improve and strengthen the NISCC model of registration and monitoring of fitness to practice.

NIASW are keen to work with the NISCC as they develop the operational guidance in due course.

As requested we have set our response as a series of comments on the specific clauses of the Bill.

Clause 1

The extension of the range of measures and sanctions which can be imposed on registrants is to be welcomed, this aligns Northern Ireland with the rest of the UK social work and with the other professions. At present there are a limited number of sanctions that can be imposed (admonishment, suspension and removal) and the addition of the options of making registration subject to conditions, agreements to comply with specific undertakings, and giving warnings or advice provides more flexibility in how NISCC disposes of conduct cases and the ability to tailor this more effectively to the individual circumstances of each case is supported by NIASW.

Registration 'subject to conditions' (da) allows for the inclusion and monitoring of conditions deemed necessary in order to remain or attain registration. This is an important step forward as application of the balance of probability in determining outcomes did not previously offer recourse to pertinent 'conditions'.

'Duration' (dc) varied for conditions, allows for extension of same in the event of registrant not complying or not within agreed timescales. Useful in an increasingly changing working/managing structure, offers a timeline and continuity for supervision/monitoring of development.

(df) 'warning' ensures a record of council's concerns and is in keeping with the employing agency's disciplinary measures, would hope this is formally recorded and timeframes are clear for duration of same on individual's registration.

(dg) 'advice' applies the developmental model to registration which incorporates the ethos of Professional in Practice undertaking lifelong learning. These systems should rightly run in parallel.

Clause 2

Gives NISCC powers to obtain information in relation to registering social workers and social care workers and in making decisions about fitness to practice, to require disclosure when an investigation is being conducted, and to publish information about fitness to practice. These all seem appropriate and NIASW are supportive of these measures, this will allow investigations to be better informed and better decisions to be made.

'Power to obtain information' (7A) and application to the county court strengthens the exercise of council's powers to ensure a robust investigation. This amendment aligns the council's recourse with its legislative dictate.

(7B) complements clause 1 (df) by permitting sharing of relevant information with employers, not otherwise disclosed. Additionally (16A) permits disclosure to the public via the register which provides transparency and trust building in the sector. Particularly relevant in terms of the pervasive corrosion of Social Work integrity in the media.

NIASW suggest that the powers to disclose information about a registered person's fitness to practice require to be more fully rehearsed and should also be explicitly referenced to data protection considerations.

Clause 3

NIASW welcome and support the requirement that anybody working as a social worker in NI should be registered with NISCC. We would suggest that it would be helpful if arrangements between the various UK regulatory councils were developed to facilitate ease of registration across devolved boundaries.

'Social Workers to register' - supports an oversight of practitioner movement across the UK and Europe. This offers a more robust mechanism for monitoring fitness to practice issues otherwise lost in movement between agencies/states. A matter of considerable concern to the public in light of historical investigations and the notion of 'shifting the problem' and an ever changing demographic in Northern Ireland where all measures to boost public confidence are important.

These proposals provide professionals the opportunity to engage in and take pride in registration as a stamp of fitness to practice.

Clause 4

NIASW welcomes the power to regulate proficiency and how it can be recognised. It will be the supporting regulations for the Bill and NISCC's operational guidance which will provide the detail of this will be achieved. As stated earlier NIASW will be keen to work with the NISCC as they develop these.

'Recognition of attainment of standards by Social workers' - ties in with the PiP process and ensures engagement by practitioners to ongoing learning. Also relevant for the supervision and management of social workers pre-AYE era and provides clarity re individual responsibility to undertake and review practice development.

This ties in with Capability processes and Clause 5 which allows for appeals to the care tribunal if required.

Clause 5

Gives Care Tribunal the additional option of placing conditions on practice which would require an individual to do something to improve their fitness to practice. Again, this increased flexibility in how the Care Tribunal can respond to appeals is to be welcomed. The power to specify a condition on practice emphasizes the Care Tribunal's role to assist improvement in practice and the practitioner's responsibility to deliver that improvement.

Clauses 6 – 9, NIASW has no comment.

Carolyn Ewart, Country Manager

On behalf of:-

NIASW

Douglas House

397 Ormeau Road

Belfast BT5 7HP

Email: n.ireland@basw.co.uk

Tel: 02890648873