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2 March 2010

Dear Colleague

THE ROLE OF THE REGISTERED SOCIAL WORKER IN STATUTORY INTERVENTIONS: GUIDANCE FOR LOCAL AUTHORITIES

Please find attached Guidance on The Role of the Registered Social Worker in Statutory Interventions. This is one of the key products developed by the Practice Governance Group, one of the five change programmes set up as part of the Government's response to *Changing Lives*, the 21st Century Social Work Review.

This Guidance complements that issued in February 2009 on the Role of the Chief Social Work Officer and has been subject to a full formal consultation and agreed with Cabinet colleagues and COSLA. I would like to thank everyone who took the time to contribute.

It is important to note that this Guidance focuses on the role of the registered social worker in formal statutory interventions. This is where decisions have a particularly significant effect on people's lives and it is important that you, and the public, are confident that accountability for these rests with a suitably qualified social worker. It does not reflect every aspect of the important contribution social workers make to improving outcomes for children, families and communities. Nor does it constrain creative use of social work skills or joint working with other disciplines and agencies in early intervention and prevention.

I would like to thank the Practice Governance Group for all their work in bringing this guidance together.

I would be grateful if you would cascade this Guidance as appropriate to support your internal governance arrangements to foster safe and effective practice.



ADAM INGRAM

THE ROLE OF THE REGISTERED SOCIAL WORKER IN STATUTORY INTERVENTIONS: GUIDANCE FOR LOCAL AUTHORITIES

Introduction

1. The overarching purpose of the Scottish Government¹ 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.
2. The purpose of this guidance for local authorities is to set out those social work functions which only registered social workers should be accountable for.
3. Highly trained and skilled social workers make specific contributions to a range of complex circumstances which may or may not involve formal statutory intervention, and it is essential that that continue. It is not the purpose of this guidance to reflect every aspect of what social workers contribute to achieving better outcomes for individuals, families and communities. The scope is limited to where there is a need for statutory intervention. Identifying the role of the registered social worker in those areas where there is a need for statutory intervention does not constrain using social work skills creatively, often working with others, in early intervention and preventing risk factors developing into crises. Nothing in this guidance is intended to detract from the engagement of social workers, often working with others, in non statutory interventions.
4. This guidance complements the *Guidance on the Role of Chief Social Work Officer*² and the Practice Governance Framework³ produced as part of a national suite of materials from *Changing Lives*⁴. In addition work is underway on revision of the 1998 document, *Protecting Children – A Shared Responsibility*⁵ to reflect evolving national policies and help embed best practice, including the key role for registered social workers.

Context

5. “The social work profession promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance well-being. Utilising theories of human behaviour and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work”⁶

¹ *National Performance Framework*, November 2007

² Published March 2009 and available at <http://www.socialworkscotland.org.uk/resources/pub/GuidanceRoleCSWODocMarch2009.pdf>

³ Still under development but expected Spring 2010

⁴ *Changing Lives*, Report of the 21st Century Social Work Review
<http://www.scotland.gov.uk/Publications/2006/02/02094408/0>

⁵ A National multi-agency group established in February 2009 with a view to consultation on revised guidance in spring 2010.

⁶ Definition of Social Work from the International Federation of Social Workers.

6. To make changes in their lives, people assess how to meet need, recognise and manage risk to themselves and others and do this in the context of balancing often competing rights and responsibilities. Through their relationships, social workers help people analyse where they are, work out where they want or need to be, and can be the catalyst for change.

7. Alongside other key professions, social work has an important contribution to make to realising notions of citizenship, inclusivity, fairness and service improvement embedded in the national outcomes in the Performance Framework. While social work can justifiably claim to play some part in all the national outcomes, there are some where this contribution is central.

8. While not exclusive to social work, promotion of personalised solutions has always been important; engaging with people who use support or services, carers, families and communities being the hallmark of effective social work practice. Personalisation is a key means of ensuring that people have the support or services that meet their needs and priorities and address their personal circumstances. The promotion of Citizen Leadership⁷ supports this as does a focus on outcomes rather than process or procedure.

9. Effective social work requires a range of professional skills, in particular the ability to make and contribute to holistic, often multi-agency, assessments of the circumstances with people. It also requires co-operation and close working relationships between social workers, people who use services, carers, providers of care in the private and third sector and other professionals – in health, education, housing, employment and justice services. The ability to draw together a diverse range of opinions, develop and agree solutions that both promote the wellbeing of the individual and manage the risk to an individual and/or the public, particularly where risks and needs are complex, is a key skill of the social worker. Promotion of health and well-being is important as well as the provision of care and support. It is essential that an appropriate balance is struck between managing risk and encouraging self determination. Whilst the former is critical, it is also vital that supports offered to individuals encourage them to be all they can.

The Role of the Registered Social Worker in statutory interventions

10. Local authorities have a statutory responsibility to promote social welfare and partnership working is key to providing high quality and effective support and services. In protecting and promoting the welfare and wellbeing of children, adults at risk and communities, statutory powers may be exercised to address very serious, complex issues. This requires balancing competing needs, risks and rights. In these circumstances, given the far-reaching significance of the decisions being made, it is important that accountability for the exercise of these functions should rest with a registered social worker.

⁷ *Principles and Standards of Citizen Leadership*, encourages people who use services and their carers to become involved as leaders in the planning, development and monitoring of their services, published April 2008. It can be accessed through: <http://www.socialworkscotland.org.uk/resources/pub/CitizenLeadershipPrinciples&StandardsPaper.pdf>

11. Some tasks required in respect of statutory interventions may be undertaken by others than a registered social worker. However, final decisions/making recommendations for statutory intervention drawing on information held by others and work done by them as appropriate, lies with the accountable registered social worker. All social service workers must be able to explain and account for their practice and to have their thinking challenged appropriately⁸. Registered social workers are accountable for their own competence and performance and that of those they line manage. Where they don't have line management responsibility for others who may be involved, accountability for competence and performance remains with the individual and their employer. However, the registered social worker does have responsibility for helping ensure everyone plays their part in discharging their role in respect of the statutory intervention.

Care and Protection

12. Careful and complex decisions as to when and how there may be intervention in the lives of individuals and families may have far-reaching consequences for those concerned and fundamentally affect the future course of their lives. A number of agencies and professionals will contribute to the process. However, it is important for the assurance of all involved, that *accountability* for these important decisions and the subsequent exercise of statutory functions lies with a suitably qualified and trained professional – a registered social worker.

13 So, 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;

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;
- implementation of the social work component of a risk management plan and take appropriate action where there is concern that a multi-agency plan is not being actioned;
- 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;
- carrying out the measures identified in the Adoption and Children (Scotland) Act 2007 and The Looked After Children (Scotland) Regulations 2009.

14. The Adult Support and Protection (Scotland) Act 2007 does not require that a 'Council Officer' be a registered social worker. However, where this is the case they, as others deemed as 'Council Officers' for this purpose, must retain accountability for carrying out the measures contained in the Act.

⁸ Continuous Learning Framework, published December 2008

Criminal Justice

15. Criminal justice social work relies on partnership working and so intervention with an offender can be undertaken by a range of professionals, with or without qualifications. However, the functions set out below inform significant judgments impacting on, for example, whether individuals should be returned to prison or be permitted to remain in the community. The requirement for effective risk assessment and risk management means that registered social workers are best placed to ensure safe and accountable practice.

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

- provision of all reports to courts which could have an impact on an individual's liberty;
- provision of all reports to the Victims, Witnesses, Parole and Life Sentence division of government as they 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;
- while directly undertaking case management work in respect of those who are subject to statutory orders or licences and who are considered to pose a high risk of serious harm.

Mental Health and Adults with Incapacity

17. Mental Health was the first practice area to reserve functions to suitably qualified social workers.

18. 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.

Professional Leadership

19. 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 regulations⁹ and there is guidance on the Role of the Chief Social Work Officer¹⁰. Only a registered social worker may carry out the role of Chief Social Work Officer.

⁹ **1996 No. 515 (S.49)** The Qualifications of Chief Social Work Officers (Scotland) Regulations 1996
HMSO

¹⁰ *Role of the Chief Social Work Officer*, March 2009

Why a Registered Social Worker

20. Social workers are trained to make assessments taking account of a range of factors including identifying and balancing need, risk, and rights; to deal with behaviour which is abusive; and to intervene to assist and to protect either individuals or communities.

21. To qualify as a registered social worker, an individual must hold an entitling qualification in social work, be registered with the Scottish Social Services Council (SSSC) and comply with the SSSC Code of Practice for Social Service Workers.

22. This provides both probity of actions and assurance to individuals and the wider public interest that judgments about intervening in families to provide protection, depriving individuals of their liberty for periods of time or managing offenders are being taken by people who are suitably trained, experienced and professionally qualified to make crucial decisions which will have a major impact on people's lives.

23. This does not in any way diminish the contribution of anyone else involved in an individual's support or supervision, nor mean that it is only in this way that registered social workers make a contribution. But rather it clarifies the lines of accountability for specific statutory social work functions. It is for Chief Executives, elected members, Chief Social Work Officers and line managers to ensure that, whatever the configuration of services or functions, only registered social workers are delegated accountability for the exercise of these particular functions. This should be the case even where some tasks within the function may be carried out by other staff, the employer retains overall responsibility for the competence and performance of such staff.

Conclusion

24. This guidance is designed to ensure the best possible use of the valuable resource provided by registered social workers in delivering better outcomes for people and communities in Scotland where statutory intervention is required. It complements the body of guidance developed under *Changing Lives* to ensure the delivery of safe, accountable and effective social work practice, and should be taken forward in conjunction with the Guidance on the Role of the Chief Social Work Officer and the Practice Governance Framework for Social Work Services.