

Council, 7 December 2016

New regulatory body for social work

Executive summary and recommendations

Introduction

This paper provides an update about developments since the last Council meeting relating to the transfer of the regulation of social workers in England to a new regulator.

Decision

This paper is for discussion; no decision is required.

Background information

None

Resource implications

None

Financial implications

None

Appendices

None

Date of paper

24 November 2016

New regulatory body for social work

1. Introduction

- 1.1 This paper provides an update about developments since the last Council meeting relating to the transfer of the regulation of social workers in England to a new regulator.

2. Meetings

- 2.1 A verbal update of any relevant meetings will be given at the meeting.

3. Children and Social Work Bill

- 3.1 Discussion of part two of the Children and Social Work Bill (which addresses the regulation of social workers) took place on 8 November 2016.
- 3.3 In advance of the discussion, the Government laid proposed amendments to the Bill.¹ A policy statement was published alongside, explaining the Government's rationale for its proposed amendments. In summary these amendments included the following.
 - Instead of an Executive agency of the Department for Education, the new body would be an arm's length body, with greater independence from Ministers. The new body would be named 'Social Work England'.
 - The new body will have the same common objectives that apply to the nine regulators of health and care professions overseen by the PSA.
 - The PSA would have oversight of the new regulator. This includes being able to refer final hearing fitness to practise decisions to the High Court where they consider the outcome has not protected the public.
- 3.4 The amendments were agreed by the House.
- 3.5 The third reading took place on 23 November 2016. The main change to report is that peers agreed a Government amendment which requires an independent review of Social Work England to be undertaken after the new regulator has been operational for five years. The report of the review is to be laid before Parliament alongside a response from the Government. This was originally proposed by Lord Warner at the report stage, in part to allow for there to be consideration of the impact of the proposed legislative reform of the other nine regulators overseen by the Professional Standards Authority (PSA).
- 3.6 At the time of writing, dates for consideration of the Bill in the House of Commons had not been announced.

¹ Government amendments

[http://www.publications.parliament.uk/pa/bills/lbill/2016-2017/0057/17057-1\(d\).pdf](http://www.publications.parliament.uk/pa/bills/lbill/2016-2017/0057/17057-1(d).pdf)

4. Other

- 4.1 On 2 November 2016, Unison (a trade union) published a report on the Government reforms. The report outlines the outcomes of a survey of social workers and is highly critical of the proposed reforms.²
- 4.2 The report is critical of the reform to the regulation of social workers. The chief concern is that the regulator should be 'genuinely independent' of the Government. The report also notes that creating a new regulator might lead to increases in the registration fees paid by social workers in the future and that the HCPC might also 'be forced to raises its fees for the remaining professional they regulate...in order to make up for the absence of social workers'.

² Unison (2016). What about the children? A Unison report on social work reform in England. <https://www.unison.org.uk/content/uploads/2016/10/24068.pdf>