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Dear Consultee

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

I am writing to seek your views on the attached guidance document on The Role of the Registered Social Worker in Contributing to Better Outcomes for Scotland: Guidance for Local Authorities.

**Background**

Changing Lives, the Report of the 21st Century Social Work Review, set out a vision for the future for social work services in Scotland. The delivery of safe, effective and innovative practice in social work services is identified as an important aspect and the purpose of this guidance to local authorities is to:

- highlight the role of social work in contributing to better outcomes for Scotland; and, particularly,
- set out those social work functions which only registered social workers should be accountable for.

It also complements the *Guidance on the Role of Chief Social Work Officer* issued in February 2009.

The guidance has been drafted by the Changing Lives Practice Governance Group, which is one of the five change groups that were set up following the publication of Changing Lives. The Group is chaired by Andrew Lowe, Director of Social Work at the Scottish Borders Council, and includes a number of senior figures from the social work sector, supported by Scottish Government officials. In drafting the guidance, the Practice Governance Group has worked closely with key stakeholders.

The purpose of this consultation is to seek your views on the guidance document.

The consultation period starts on 5 July 2009, and will run for 12 weeks. The deadline for responses is **Friday 25 September 2009**.

Following the end of the consultation period, and subject to the views of respondents, the guidance will be finalised and distributed to key stakeholders.

### **Consultation paper and consultation list**

The consultation paper is attached, along with a list of consultees. We have tried to cover all relevant interests but if you feel another party would benefit from seeing this consultation, please pass on a copy.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

### **Responding to this consultation paper**

I invite written or email responses to this consultation paper by **25 September 2009**. Please send your response to:

[gwen.smith@scotland.gsi.gov.uk](mailto:gwen.smith@scotland.gsi.gov.uk) or

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EH6 6QQ

### **Handling your response**

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the attached Respondent Information Form as this will ensure that we will treat your response appropriately. If you ask for your response not to be published we will regard it as confidential and we will handle it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made under the Act for information relating to responses to this consultation exercise.

Where respondents have given permission for their response to be made public, copies will be made available to the public in the Scottish Government library and on the Scottish Government web pages. Where agreement to publish has been given, we will check all responses for any potentially defamatory material before logging them in the library or placing them on the website.

**What happens next?**

Following the closing date, all responses will be analysed and considered along with any other evidence to help finalise the guidance. We aim to issue a report on this consultation process by the end of November 2009.

**Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to me at the address above.

Yours sincerely

**GWEN SMITH**  
Policy Manager

# The Role of the Registered Social Worker in Contributing to Better Outcomes for Scotland: Guidance for Local Authorities

## Introduction

1. The overarching purpose of the Scottish Government<sup>1</sup> 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:
  - highlight the role of social work in contributing to better outcomes for Scotland; and, particularly,
  - set out those social work functions which only registered social workers should be accountable for.

It also complements the *Guidance on the Role of Chief Social Work Officer*<sup>2</sup> and the Practice Governance Framework<sup>3</sup> produced as part of a national suite of materials from *Changing Lives*<sup>4</sup>. In addition work is underway on revision of the 1998 document, *Protecting Children – A Shared Responsibility*<sup>5</sup> to reflect evolving national policies and help embed best practice, including the key role for registered social workers.

## Context

3. “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”<sup>6</sup>
4. 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. While social work can justifiably claim to play some part in all the National Outcomes, there are some where this contribution is core. Annex 1 provides more information.

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<sup>1</sup> *National Performance Framework*, November 2007

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

<sup>3</sup> Still under development but expected Autumn 2009

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

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

<sup>6</sup> Definition of Social Work from the International Federation of Social Workers.

## **Social Work's Contribution and Function**

5. While not exclusive to social work, promotion of personalised solutions has always been important; engaging with people who use services, carers, families and communities being the hallmark of effective social work practice. Personalisation is a key means of ensuring that people have services and support that meet their needs and priorities and address their personal circumstances. The promotion of Citizen Leadership<sup>7</sup> supports this as does a focus on outcomes rather than process or procedure.

6. Effective social work requires a range of professional skills, in particular the ability to make and contribute to holistic assessments of the circumstances with the service user. It also requires co-operation and close working relationships between social workers, users and 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. It is essential that an appropriate balance is struck between managing and enabling risk. 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**

7. Local authorities have a statutory responsibility to promote social welfare and partnership working is key to providing high quality and effective services and support. Registered social workers play their part in this, working alongside other agencies and professionals. However, 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.

## **Care and Protection**

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

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<sup>7</sup> *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>

9. 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;
- 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.

### **Criminal Justice**

10. Criminal justice social work relies on partnership working and so intervention with an offender can be undertaken by a range of qualified and unqualified professionals. 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.

11. 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.

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

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

13. 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**

14. 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<sup>8</sup>. Only a registered social worker may carry out the role of:

- Chief Social Work Officer.

## **Why a Registered Social Worker**

15. Social workers are trained to identify and balance need, risk, and rights; to deal with behaviour which is abusive; and to intervene to assist and to protect either individuals or communities.

16. 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.

17. This provides both probity of actions and assurance to service users 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.

18. 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 clarify 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, regardless of the fact that this task may be carried out by a non-qualified team member.

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<sup>8</sup> 1996 No. 515 (S.49) The Qualifications of Chief Social Work Officers (Scotland) Regulations 1996 HMSO

## **Conclusion**

19. 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. It complements the body of guidance being 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.

**Practice Governance Change Programme**



## **Social Work's contribution to the National Performance Framework**

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. This is underpinned by 5 Strategic Objectives – to deliver a Wealthier & Fairer, Smarter, Healthier, Safer & Stronger and Greener Scotland – and 15 National Outcomes which are set out in the National Performance Framework.

While social work and social care services could claim to play some part in delivering on all 15 national Outcomes, there are a number where social work's contribution is a core element:

- We realise our full economic potential with more and better employment opportunities for our people. (*National Outcome 2*)
- Our children have the best start in life and are ready to succeed. (*National Outcome 5*)
- We live longer, healthier lives. (*National Outcome 6*)
- We have tackled the significant inequalities in Scottish society. (*National Outcome 7*)
- We have improved the life chances for children, young people and families at risk. (*National Outcome 8*)
- We live our lives safe from crime, disorder and danger. (*National Outcome 9*)
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others. (*National Outcome 11*)
- We take pride in a strong, fair and inclusive national identity. (*National Outcome 13*)
- Our public services are high quality, continually improving, efficient and responsive to local people's needs. (*National Outcome 15*)

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

## CONSULTATION LIST

Local Authority Chief Executives  
Local Authority Directors of Social Work/CSWOs  
COSLA  
UNISON  
Legal Deposit Libraries  
Scottish MEPs  
Clerk of the Committee of the Scottish Parliament  
Departmental Committee Liaison Officer  
Equal Opportunities Commission  
Commission for Racial Equality  
SPICE  
Association of Directors of Social Work (ADSW)  
SOLACE  
NHS Chief Executives  
Scottish Prison Service  
ACPOS  
British Association of Social Workers  
Community Justice Authorities  
Local Authority Child Care Partnerships  
Local Authority Community Planning Partnerships  
Scottish Social Services Council  
Social Work Inspection Agency  
Care Commission  
Audit Scotland  
Community Care Providers Scotland  
Scottish Council for Voluntary Organisations  
Voluntary Sector Social Services Workforce Unit  
Chairs of 5 Changing Lives Programmes  
IRISS  
Centres for Excellence  
Association of Scotland's Colleges  
College of Occupational Therapists  
Social Care Association  
Universities of Scotland  
JSWEC  
SCRA  
Institute of Health Services Management  
Scottish Care at Home  
Scottish Care  
ADES  
Local Authority Directors of Education and Childrens Services  
HMIE  
Scottish Federation of Housing Associations'  
Directors of Housing  
Scottish Institute of Housing  
Care for the Single Homeless  
Scottish Prison Service  
Local Practitioners Forums  
National Social Work Services Forum

Learning Networks  
Scottish Court Service  
Mental Welfare Commission



# RESPONDENT INFORMATION FORM

Please Note That This Form **Must** Be Returned With Your Response To Ensure That We Handle Your Response Appropriately

## 1. Name/Organisation

Organisation Name

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

Surname

Forename

## 2. Postal Address

Postcode	Phone	Email

## 3. Permissions

I am responding as...

**Individual** / **Group/Organisation**   
 Please tick as appropriate

**(a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate  Yes  No

**(b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

**(c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate  Yes  No

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate  Yes  No