



## **Critical Social Work Practice**

### *Regulation in social work*

#### **Winifred**

What we want to look at now is the growth of regulation and how that feeds in to the ability of individual practitioners to use their discretion. So if I could begin with you Professor Trevillion, has there been a growth in regulation? Is there, as we all seem to feel, more regulation now than there ever was before?

#### **Steve**

Well I think the short answer is yes. We are not all imagining it. There is more regulation. As far as social work is concerned I think it's true to say that there has for a long time been an element of regulation. Originally it was focused exclusively on certain kinds of areas of practice and the delivery of services, mainly residential care. But what we have seen in the period since New Labour came to power is a massive growth in both the amount of regulation and the scope of regulation. Broadly speaking we've now got a situation where social care services are now comprehensively regulated and we've also got a situation where qualified social workers are themselves regulated as a profession. And of course we know that the intention is to extend this regulation to other parts of the social care workforce and the General Social Care Council is working on that as we speak. So regulation as a whole has expanded and is expanding further.

#### **Winifred**

When it comes to regulating the profession professionals like, don't they, to regulate themselves. Now in the case of social workers that has been rather taken out of your hands because I think that on most of the committees that regulate social workers lay members predominate. Is that a good thing do you think?

#### **Steve**

I think it is. I think social work has always had a rather difficult relationship to the idea of professionalism. In many ways social workers have been a little suspicious of the elitism associated with the idea associated with the idea of being a professional and inevitably they think of some of what could be seen as the self-serving aspects of self-regulation in areas such as law and medicine. And they have, I think probably wisely that they didn't really want to be that kind of profession, which seemed to be inward looking and which was focused only on it's own interests. They wanted it to be a different kind of profession. There was widespread support for the idea of setting up a regulatory framework for social work which directly involved people who use the services and lay people as well as well as professional social workers. There can be difficulties about it in practice of course but I think that basic principle of wanting to be a new kind of profession, a more open and a more accountable profession has been quite important and successful.

#### **Winifred**

Andy Pithouse, what do you think then is driving the growth in regulation?

#### **Andy**

In some respects it is what some people describe as the real fundamental changes in the welfare state whereby we are having a much more mixed market approach to a delivery of social care services. Where we have devolution, power coming from the centre out to the different countries in the UK, where government likes to think it's hollowing out the old giant ministries of welfare and empowering the local areas if you like. And in the course of all that, as a means of keeping control of events there is still more centralised power if you like insofar as we have a mixed market of welfare and lots of providers, lots more empowerment, lots

more I think discretion in many ways. We still have central control. I mean I will give you a good example. In children's services one has to do an initial and a core assessment within set times. That's not negotiable and so that's an externally imposed control. It's not something that managers can negotiate. It comes from Central Government. And insofar as we have a much more de-centralised political and welfare delivery system, much more differentiated than ever before, and one way of keeping tabs on that it seems to me is that we do have more regulation, more audit, more centralised control through standards, through legislation and through a set of requirements which none of us can negotiate. It's not a question of managers versus practitioners. In a sense we all have to live in this particular world. And it is troublesome. A brief example that we covered in research the other day was how a family needed some basic services, some basic resources. Quite simply it was self-evident to anybody concerned what they needed but they had to undergo a thirty five day core assessment of their needs when it was quite unnecessary but it was the only way to get the resource. And so levels of discretion have been stripped out in various places and that's just one example I think of many. But we can't get away from the fact that the world is very, very different now than it was when we - well certainly when I qualified in practice some twenty five years ago. And for example in Wales we've got eighteen hundred providers of social care services; seventy thousand staff who provide social care services; four and a half thousand social workers; a hundred and fifty thousand service users. There is no way that we can actually control what goes in any direct sense through standards or through regulations with that size and complexity of activity. I think that standards and regulations and requirements appear rational and sensible or not as the case may be but whether they actually really impact on the real world of practice on a day to day basis is quite another matter. So I think there is still discretion in the way that we do what we do and I think that's worth exploring a bit.

### **Maggie**

I think that increased regulation and what's called high standards, they often become developed or defined through increased risk aversion and sometimes that can have quite you know perverse consequences like the example that was given there about somebody having to have a thirty day assessment before they could get a very simple thing.

Steve: I think we must be careful actually not to jump to the conclusion that there is a built in conflict between the idea of standards and concepts of the individual responsibility of the social worker. In fact if you look at the work that's been done on the codes of practice, which now are one of the key kind of regulatory instruments –

### **Winifred**

Tell us a bit more about them then and how they work.

### **Steve**

The codes of practice effectively embody the ethical standards underpinning social work practice and they're applicable to all qualified social workers and indeed to anybody who is registered with the General Social Care Council. So –

### **Winifred**

They say for example then –

### **Steve**

They, for example, have things built into them about respect and the way that you deal with service users and all the issues that we talked about earlier on and there are issues there about power and the use of power and abuse of power and so on. So a lot of the things that we were talking earlier on are flagged up in the codes. And interestingly enough one issue about the codes is that there's a code of practice for social care workers and there's a code of practice for employers. Of course one of the issues is what kind of teeth that code of practice on employers actually has. However, the point I wanted to pick up is the fact that the code of practice has a direct impact on the registration of social workers. These days social workers are registered so long as they maintain the standards that are built into those codes. Now if they engage in misconduct and do things which are effectively dangerous or abusive or things which are in conflict with basic professional standards, they run the risk of being removed from the register and that means they cannot practice as social workers. What that effectively

does is create quite an interesting leverage, which wasn't there before. In other words, you as an individual social worker can sometimes feel that there's an ethical conflict between what you feel should be done in a situation and what you may feel your managers are asking you to do. Now with registration you clearly have a responsibility to act in accordance with the codes of practice, regardless of what your managers are saying because if you act in a way that is in conflict with the codes of practice, you are running a personal risk of having your own registration subject to question. So there is an example there I think of the way in which standards in that sense can support individual professional responsibility rather than act as a brake on it.

### **Andy**

I agree with much of what Steve has said but I do think it rather implies that codes of practice can map across to the everyday world of practice in some kind of concrete sense and apply directly. And I'm not entirely sure that some of the dilemmas and contradictions of practice itself work like that. I mean for example you could have a case of a child in a family where the mother has some very serious addiction problems and it's a moot point as to whether you leave the child there in relatively unfortunate circumstances but still with it's mother or you take it out and you put it with a family who will have much better life chances. Now these are very profound dilemmas in some respects. Intervening there of course is a question of resources anyway and issues of other perceptions and points of view. And I agree with Steve that the ethical framework gives us a bit of arm wrestling to say look, in a decent world this is what we should be doing. But whether or not social workers in their day to day practice refer to the ethical framework standards seems to be another matter and I think they kind of come back and bite them on their bum when things go wrong rather than providing a code for day to day work. And – just a very brief aside – it's a bit like you were referring to - those terrible things at the back of your DVD. When it goes wrong you go through this fault-finding list and standards like that they just don't work. Your DVD still doesn't work having gone through this long list of things to try and remedy stuff. And sometimes the rules, the frameworks don't quite work because the real world is more complicated and systems just don't deliver.