

REPORT NO 229./97

ANGUS COUNCIL**SOCIAL WORK COMMITTEE 25 FEBRUARY 1997****REPORT BY THE DIRECTOR OF SOCIAL WORK****THE OBLIGATIONS OF CARE: A CONSULTATION PAPER ON THE
SETTING OF CONDUCT AND PRACTICE STANDARDS FOR SOCIAL
SERVICES STAFF****ABSTRACT**

The Obligations Of Care is a consultation paper published by the UK Health Departments. It outlines issues about standards of conduct and practice for social work service staff in all sectors, and invites comments on the issues, and on the proposals the paper contains. This report summarises the paper, and other related studies, and is presented to members for information and approval.

1. RECOMMENDATION

It is recommended that the Social Work Committee: notes the contents of this report, and approves the terms of the conclusions as a basis for a response to the Department of Health and the Scottish Office; and instructs the Director of Social Work to forward the response by the required date ie, 27 February 1997. In particular it is recommended that Committee affirm the need for a statutory General Council for Social Work.

2. INTRODUCTION

To assist in the process of developing practice and conduct standards in this area the Government commissioned two studies in 1994, to undertake detailed work on the setting of standards. Reports from these studies were completed in 1995, and the current consultation paper was published in October 1996. A copy of the consultation paper has been placed in the Members' Lounge.

3. BACKGROUND

The issue of clarifying standards of conduct and practice for social work staff has been the focus of much attention since the 1980's. The National Institute for Social Work (NISW) published two reports in 1990 and 1993, arguing for the creation of a statutory General Social Services Council, to establish and enforce standards and practice. The 1993 report contained detailed proposals for constituting such a council, and for setting and enforcing standards, including the registration of workers in defined professional and occupational groups.

The Department of Health commissioned two feasibility studies in 1994, to undertake further work in this area, and to produce frameworks for draft standards of conduct and practice.

One study, completed by a group including NISW, published a joint report in November 1995. This study looked at work done to operationalise standards in an area of Northern Ireland, and reviewed and researched existing professional codes of conduct, national occupational standards and a sample of standards developed by local authorities. The study concluded that agencies need benchmarks for standards, because of the changing nature and context of practice, because of the malpractice identified in recent inquiries, and because of the need for greater openness and clarity with service users. It also concluded that it is possible for agencies to adopt and use national frameworks for their own standards, and to apply such standards in such a way that outcomes can be measured.

The second study was completed by Price Waterhouse consultants with a report issued in April 1995. This study concluded that comparisons between standard setting in the social work service field and other caring professions were not possible, because of differences in professional training and organisational cultures. It argued that social work staff are more influenced by work-place policies, procedures and management structures, and that employers have the vital responsibility for defining and applying standards. The study did discuss possible roles for a national body, to undertake work producing standards, but it emphasised the central enforcing role of employers, using employment contracts, which could include codes of conduct, and disciplinary procedures.

4. THE OBLIGATIONS OF CARE: A CONSULTATION PAPER

The paper consists of an introduction, two sections which describe the characteristics of social work services workforces and the case for standards, and a section which describes the actions flowing from the Government's proposals.

The introduction comments on proposals for a statutory regulatory council, and concludes that such a body would be too large and costly, and that a statutory body already exists for qualified social workers. It clearly states that the Government's view is that such a body cannot be justified, in terms of either public protection, or cost effectiveness. It acknowledges the need for employers to clearly articulate and widely share their practice and conduct standards, and it proposes that a small central unit could be set up, to distill existing standards into draft codes, and to promulgate these. It says that statutory guidance could then recommend the adoption of such codes by authorities, but implies that responsibilities should lie with employers for producing and enforcing standards.

In sections 2 and 3 the paper summarises the characteristics of social work workforces, and the contexts in which they work, and it acknowledges that staff deal with vulnerable people, in difficult situations. It argues, though that mechanisms already exist for making complaints and that while there is a need for the further development of standards action can and should be taken by employers to tackle instances of poor standards of conduct or practice by staff.

The last section in the paper details four action points. The Government invites all agencies to consider the adequacy of their current staff guidance on conduct and practice standards. It indicates a willingness to create a small central unit to provide guidance in standards and to disseminate model standards. It suggests that the relevant Health Departments, including the Scottish Office could issue statutory guidance recommending the adoption of standards by authorities. Finally it suggests that the central unit could continue, in the longer term, as an advisory body, with no regulatory function. This section also emphasises that local employers, in reviewing their own current standards, pay over-riding attention to the perspectives of service users, and of wider communities, to avoid the danger of professional introspection.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

6. CONCLUSION

Section four of the consultation paper is titled 'Action and Options', but the only option being proposed by the Government is the creation of a small central standards unit, with no statutory or regulatory authority, whose work could be re-enforced by the issue of guidance by the Secretary of State. The paper acknowledges the need for standards which are clearly articulated and consistently enforced, but the clear

preferred option is for employers to be responsible for defining and enforcing standards, through employment contracts, disciplinary procedures, and contracts with service providers.

The paper dismisses the case for a statutory general council, setting outline standards and regulating and registering workers, by saying such a body would not provide extra public protection, and cannot be justified on a cost-benefit analysis. The paper does not indicate, though, how costs and benefits were calculated, and does not explore the advantages of having a regulatory body providing protection for the vulnerable members of the public using social work services. Perhaps most significantly though, the paper, endorses the notion that employers should carry the primary responsibility for defining and enforcing standards. Whilst it is vital that employers, such as local authorities, have clear standards and apply these consistently to their own staff and other providers they use, the expectation that employers alone can enforce standards of conduct and practice is unrealistic. The assumption that contracts of employment and related disciplinary procedures can be effectively used to enforce standards does not acknowledge the problems inherent in such an approach and the weaknesses of disciplinary procedures. Disciplinary processes, and how they are handled, can be influenced by a range of factors, and will not necessarily be applied consistently across all agencies, and given the pluralism in the social work service field many small voluntary and private sector providers may have totally inadequate disciplinary procedures.

The case for a national statutory council, to set and promote standards of conduct and practice and maintain a register of staff, remains valid. Such a body would compliment the procedures employers can and should use to define and enforce standards within their own workforce, and would provide necessary safeguards given the limitations which there can be to the application of disciplinary procedures within agencies. The case for a national body has been endorsed previously by local authority associations, private and voluntary sector employers, and by relevant professional groups, and the case should be reiterated in the response to the consultation paper.

W B Robertson
Director of Social Work

17 February 1997

Note: The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to a material extent in preparing this report:-

1. The Obligation To Care: A Consultation Paper on the Seeking of Conduct and Practice Standards for Social Services Staff. Published by UK Health Departments.
2. Feasibility Study on Developing Standards of Conduct and Practice for Social Services. A report by Price Waterhouse Management Consultants.
3. Feasibility Study on Developing Standards of Conduct and Practice for Social Services. A joint report by the National Institute for Social work, Eastern Health and Social Services Board and North Down and Ards Community Trust
and
Alyson Leslie Associates Management Development Services.

