

Response to Social Work England consultation on continuing professional development

August 2021

1. Introduction

- 1.1 The Professional Standards Authority for Health and Social Care promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and registration of people working in health and care. We are an independent body, accountable to the UK Parliament. More information about our work and the approach we take is available at www.professionalstandards.org.uk
- 1.2 As part of our work we:
- Oversee the ten health and care professional regulators and report annually to Parliament on their performance
 - Accredit registers of healthcare practitioners working in occupations not regulated by law through the Accredited Registers programme
 - Conduct research and advise the four UK governments on improvements in regulation
 - Promote right-touch regulation and publish papers on regulatory policy and practice.

2. General comments

- 2.1 We welcome the opportunity to respond to this consultation on continuing professional development. Social Work England had committed to reviewing its CPD policy, and has in the meantime commissioned a helpful review of social workers' attitudes towards and experiences of CPD. It would be helpful for SWE to be able to provide some evidence of the impact of its CPD requirements at appropriate points; and we urge colleagues to consider how this would be measured at this early stage. In particular, we would hope to see some evidence of a positive impact from people with lived experience.
- 2.2 Overall we support the proposals, which are broadly in line with our policies in this area.¹ In particular, we welcome the proposal for SWE to set a theme for one of the two pieces of CPD '*based on our insight into social work practice, or areas of practice that have emerged as a concern through our regulatory activity*'. This would enable CPD to be targeted at the areas of risk, in a way that is agile and proportionate. We also support the proposal for risk-based sampling of CPD validation.

¹ https://www.professionalstandards.org.uk/docs/default-source/publications/policy-advice/continuing-fitness-to-practise-based-on-right-touch-regulation-2012.pdf?sfvrsn=68c67f20_6

- 2.3 We recommend that social workers who fail to meet the CPD requirements should ultimately run the risk of losing their registration, once SWE has made fair and proportionate efforts to engage them in the process – and it is for SWE to determine what these would look like.
- 2.4 Without this, there is a risk of the requirements not being taken seriously, and of their having limited effectiveness as a result. Given the feedback about the difficulties faced by many to carve out time for CPD, and the lack of available resources, a clear message from the regulator that CPD is a requirement of continued registration might help to embed the requirements.

3. Detailed comments

Question 1: To what extent do you agree that we should increase the number of pieces of CPD from one to 2?

- 3.1 We do not have a view on the amount of CPD that is needed in order to ensure continuing fitness to practise, however there would seem to be advantages to having a module on a variable theme to be determined by the regulator. This would enable Social Work England to be responsive to emerging risks, and to use the CPD scheme, which is a valuable tool for harm prevention, as a means of addressing risks as and when they emerge. Social Work England may also want to consider how it intends to communicate any changes to its CPD requirements following this consultation to ensure social workers understand these and the rationale for doing so.

Question 2: To what extent do you agree that we should set a broad theme for one of the 2 pieces of required CPD?

- 3.2 As per our previous answer, we support this approach, as it would enable SWE to be targeted and agile with respect to risks to service users and the public, as well as general trends in performance.

Question 3: What broad themes should we consider?

- 3.3 We urge SWE to make use of the data it holds through fitness to practise, and, indeed, the CPD validation process itself, alongside any external data sources that might be helpful.
- 3.4 As we set out in our paper on continuing fitness to practise, it is important to consider what these processes can do to address both pure competence issues, but also conduct weaknesses, such as sexual boundaries or dishonesty.

Question 4: To what extent do you agree that we should replace the unstructured and structured forms with a single form with revised wording?

- 3.5 No comment.

Question 5: What are your thoughts on the proposed template for the new form at annex A?

3.6 No comment.

Question 6: To what extent do you agree that:

- **we should require social workers to speak to a manager or peer in relation to the CPD they are recording.**
- **if speaking with a peer, this person should be a registered social worker (where the social worker is registered to practise in the UK).**
- **social workers should declare, when recording, that they have reflected on their CPD with a manager or peer.**

3.7 We consider that overall embedding peer engagement within the CPD process is likely to be beneficial to social workers' CPD, and support this approach. Engagement with colleagues on professional development and ongoing performance matters can only be beneficial in our view.

3.8 We cannot however comment on the extent to which this is likely to address the lack of support many social workers experience in the workplace. That is unfortunately part of a larger problem linked to the limited resources available to social work services. That said, Social Work England has a role in highlighting where registrants are encountering barriers to meeting requirements of registration, particularly where these could put the public and users of social work services at risk.

Question 7: To what extent do you agree that we should take a more intelligent approach to selecting a sample for validation, as described above?

3.9 We support this approach, which would enable SWE to target groups of social workers based on evidence of risk. We agree that this should be carried out in line with the Equality Act, ensuring that any measures represent a proportionate means of achieving a legitimate aim.

Question 8: To what extent do you agree that where a social worker is given advice, we should ask them to provide further details of CPD within 2 months of being informed?

Question 9:

If the CPD submitted within the 2 month period does not meet our requirements, or no further CPD is submitted, what course of action should we take: option 1 or option 2, as described above?

3.10 We have a preference for option 1 – and would have welcomed more detail on it – as it provides a means of dealing with non-compliance. We are aware of the issues faced by SWE at the first round of validation, when registrants were placed on a temporary register to avoid a significant exodus from the register – we would support the use of conditional registration as a robust, proportionate, and transparent tool to address non-compliance with CPD.

- 3.11 Option 2 on the other hand has no backstop of removal, and could therefore allow an endless cycle of non-compliance.
- 3.12 We recommend that social workers who fail to meet the CPD requirements should ultimately run the risk of losing their registration – once SWE has made fair and proportionate efforts to engage them in the process. Without this, there is a risk of the requirements not being taken seriously, and of their having limited effectiveness. Registrants whose conduct and practice are not kept up-to-date pose a risk to the public. Given the feedback about the difficulties faced by many to carve out time for CPD, and the lack of available resources, a clear message from the regulator that CPD is a requirement of registration that is essential to public safety might help to embed the requirements.
- 3.13 We also recommend that the CPD policy spell out explicitly how removal from the register would be dealt with given the two routes available:
- Administrative removal: for many regulators, failure to comply with revalidation/CPD requirements ultimately leads to administrative removal; how much latitude is granted to non-compliant registrants before this is seriously considered is a judgement to be made by each regulator;
 - Fitness to practise: where continued failure to comply with CPD requirements gives rise to a concern about fitness to practise, a referral to FtP may be appropriate. There should in any case be links between the CPD review team and the FtP team to ensure that FtP concerns emerging from CPD are identified and referred as necessary, and we would expect this to be made clear somewhere in the CPD policy.

Question 10: Do you think any of the proposals we make for the CPD process could impact on any persons with protected characteristics?

- Yes, positively
 - Yes, negatively
 - No
 - Don't know
- 3.14 Don't know. We are not in a position to put forward a view on this question.

4. Further information

- 4.1 Please get in touch if you would like to discuss any aspect of this response in further detail. You can contact us at:

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