

Cafcass response to Social Work England's consultation on Standards

Introduction

1. Cafcass (the Children and Family Court Advisory and Support Service) is a non-departmental public body sponsored by the Ministry of Justice. Cafcass represents children in family court cases in England. We put children's needs, wishes and feelings first, making sure that children's voices are heard at the heart of the family court setting, and that decisions are made in their best interests. Operating within the law set by Parliament (Criminal Justice and Court Services Act 2000) and under the rules and directions of the family courts, we are independent of the courts, children's services, education and health authorities and all similar agencies.
2. Our duty is to safeguard and promote the welfare of children going through the family justice system. Our Family Court Advisers (FCAs) have a minimum of 3 years post-qualifying experience and undertake a specialist social work role within the family justice system. FCAs may be asked by the court to work with families and then advise the court on what we consider to be the best interests of the children involved in three main areas:
 - divorce and separation
 - care proceedings
 - adoption, which can be either public or private law.
3. We are the largest single employer of child and family social workers in England, employing around 1,500 social workers including FCAs, service managers, Heads of Practice and senior operational leaders within the organisation. We also support around 80 social work students per year in their final year of studies and 8 Newly Qualified Social Workers who are completing their Assessed and Supported Year in Employment (ASYE). We have reviewed the new standards taking account of our specialist role and the different roles we have within the organisation.

Standards for social workers

4. We welcome the creation of a new specialist regulator for social work and the opportunity to work with Social Work England on developing the new standards. We hope that the standards will provide a clear threshold for safe and effective practice and we have already contributed to their development through the Professional Expert Group. This response has been developed in consultation with a number of our senior practitioners, and we have promoted the consultation across our workforce.
5. Overall, we think the standards are consistent, distinct, and will speak to what social workers do in their professional roles, including our own. We have a number of recommendations that we hope will help to refine the draft standards.
 - The standards need to be understood by social workers and people who experience social work. That means a ruthless focus on **plain English and accessibility** so that the standards can be interpreted and understood by a wide audience. We understand that there will be supplementary guidance but the aim should be to produce a set of standards that can stand alone without the need for further explanation. There are some phrases used regularly within the profession that those

who experience social work may not be familiar with, such as “informed choice”, “lived experience” and “active listening”.

- There is some **repetition** in the draft standards, such as in section 3 on challenging unethical practice which repeats a number of times how, when and where to report concerns. Reducing repetition should help to make the standards as clear and sharp as possible.
 - The standards will rightly be referred to by service users wanting to complain about a service they have received. But they can be subjective and hard to interpret or measure, so care is needed to explain exactly what is meant by a standard that is **open to interpretation**. For example, 4.7 recognises that social workers must not use technology or social media in a way that “brings the profession in to disrepute” but without further explanation, it isn’t clear what would constitute disrepute.
 - The sections start with “I will” or “I will not” and this switch between the 2 isn’t clear. It might be better to **group the standards differently** or consider a different format to avoid confusion.
6. We have reviewed the rules from an employer’s perspective and had a query about whether there is a time limit for complaints remaining on a professional’s record where there is no further action, such as complaints that haven’t met the threshold at triage or where there is found to be no case to answer. This could be a particular deterrent for social workers working in private law and we would welcome further clarity on this.

Standards for education and training providers

7. We agree with the need to stagger the introduction of the new standards for education and training. As with the professional standards, the new education and training standards to be introduced from 2020 are consistent and distinct but would benefit from being sharper and more focussed, with less repetition and clearer formatting.
8. Our main concern about the standards for education and training is that **student social workers** will not need to be registered with Social Work England. This leaves us with little recourse should we assess a student has failed in their fitness to practise. If their education and training provider disagrees with our assessment, then we have nowhere independent to appeal that decision. And if the institution agrees with us, there is nothing to stop the student reapplying elsewhere, especially if they are self-funding. This could lead to dangerous practise going unchecked and is a fundamental role for the regulator.
9. We also have an ongoing issue with the definition of what constitutes a **statutory agency for social work placements**. Cafcass is not considered a statutory agency in most areas, despite having a statutory function, and we believe that we should be - particularly for our final year students who are required to complete a statutory placement. We would welcome Social Work England providing a definition to clarify this.

Knowledge and Skills Statements and Professional Capability Framework

10. Finally, we would welcome a fresh look at how the new standards will align with the Knowledge and Skills Statements developed by the Chief Social Workers, and the

Professional Capability Framework maintained by BASW. These 3 sets of statements/standards are confusing and do not speak to social workers of the future, or people who experience social work. It is vital that we bring these together in a coherent way to avoid confusion and provide clarity on what is expected from professionals at different stages of their careers.

Helen Johnston
Assistant Director (Policy)
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