

**Report of the Role of the Social Worker sub-group**

# **Reserved Functions of the Social Worker**

**September 2005**



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### 1. Introduction

The Role of the Social Worker Subgroup of the 21<sup>st</sup> Century Social Work Review has discussed the implications of the forthcoming commencement of Protection of the Title “social worker” and noted that currently only the roles of Chief Social Work Officer and Mental Health Officer are reserved by statute to those with a social work qualification. The sub group have developed this discussion paper as a means of defining those functions that require the skills knowledge and values of a social worker. The title “social worker” is used throughout this paper to mean someone who meets the registration requirements of the Scottish Social Services Council (the Council) to register as a social worker and has a live and current registration with the Council. Following the introduction of protection of title, these will be the only people entitled to call themselves social workers.

The paper sets these functions within the wider context of social work practice in the 21<sup>st</sup> Century. In doing so, it defines those responsibilities that **only** a social worker should carry out. It refers specifically to the duties of social workers in the pursuance of statutory duties. Local Authorities have a statutory responsibility to protect and to promote the welfare and well-being of all adults and children living within their authority. This function is normally delivered by Social Work Services, however they may be configured or managed. Where those duties are discharged in part or whole by other agencies on behalf of the local authority the same principles should be applied. Defining those functions that should be reserved to social workers will also enable other employers in the independent sector or other public sector services to make informed decisions about when they should employ a social worker.

### 2. Context of Integrated Services

Social work services do not work in isolation, nor do social workers. Most service users and carers will have some involvement with other services or agencies. Indeed, given the nature of the complexities, interactions and risks involved, many people will also be dealing with other professional groups from the health, education, housing, employment and justice services. Increasingly these services are being integrated around the individual needs of service users in order to produce better outcomes for children and adults. This approach is already evidenced through the Joint Future Agenda. It is also strongly articulated in the recently launched Scottish Executive consultation paper *getting it right for every child*<sup>1</sup> which proposes the development of a single support system for children in need and places statutory requirements on all professionals to protect children in need.

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<sup>1</sup> Getting it right for every child - Proposals For Action, Scottish Executive, June 2005

Integrated service delivery requires high level sharing of skills, knowledge and roles, involving a wide variety of professionals in working with, assessing, recommending and reviewing action plans for vulnerable children and adults. This in turn requires professionals to have a clear and well developed understanding of their own distinctive contribution and those of others.

Seeing people's situations in the round includes recognising the effects on them of having to engage with a variety of agencies, and assessing where action or change on the part of other agencies may open up opportunities for people or remove barriers to achieving the outcomes they seek. Social work skills are often deployed to good effect in collaborative work with other professionals, either in on-going multi-disciplinary teams or in ad hoc joint work around the needs of an individual or family. The distinctive social work contribution combines a developing body of knowledge and skills, a set of core values and principles, and a range of personal qualities.

### **3. A Tiered Approach to Social Work Practice**

In effectively discharging their responsibilities to protect and promote the welfare of adults and children, Local authorities need to make effective use of the knowledge, skills and values of the whole social work services workforce and in particular of those of their social workers.

There are four levels to this approach:

- i) those duties that should only be carried out by a social worker;
- ii) those duties that social workers are particularly well equipped to undertake;
- iii) those duties that require to be carried out by a professional, but which could equally well be carried out by for example a nurse or an occupational therapist; and
- iv) those duties that could be delegated under the proper supervision of a professional to a suitably qualified worker.

Inevitably there will be some overlap between these levels and professional responsibilities contained within them. Whilst acknowledging the role that other professionals play it is our view that social workers are particularly well equipped to be the lead professional when:

- the child's, adult's, family's or social situation is unusually complex with a number of interacting factors affecting assessment and decision-making;
- the child or adult is at risk of serious harm from others or themselves and requires skilled risk assessment and protection;
- the child or adult is likely to put others at risk of harm, distress or loss and a response needs to take account of the individual's interests and welfare and well-being of others;
- the child's or adult's circumstances, including their health, finances, living conditions or social situation, are likely to cause them or others serious harm, social exclusion, reduction of life-chances or well-being;
- the situation requires assessment of, and intervention in, unpredictable emotional, psychological, intra-family or social factors and responses;

- relationships, rapport and trust need to be established and maintained with a child, adult or family who find trusting relationships difficult;
- there is a high level of uncertainty about the best form of intervention and/or its likely outcome;
- the circumstances are such that there are significant risks in both intervening and not intervening, and a fine judgement is required ;
- the person is facing obstacles, challenges, choices and/or life-changes which they do not have the resources (personal, intellectual, emotional, psychological) to manage without skilled support;
- prescribed or standard service responses are inadequate, and sensitive, creative and skilled work is needed to find and monitor personalised solutions; and
- the child's or adult's situation is getting worse, either chronically or unpredictably, and is likely to need additions or changes to interventions.

However this is not to say that professional responsibility in these circumstances rests exclusively with social workers. There are many responsibilities which must be discharged by a professional worker but not necessarily by a social worker. The development of single shared assessment and proposed new arrangements around integrated assessment for children are examples of circumstances where a social worker may be best equipped to fulfil these roles but so may other professionals, such as teachers and health care professionals.

Where adults are able to give informed consent to their assessment and care plan and require easily accessible and available services, this process can be delegated to a suitably qualified para-professional working under the supervision of a professional. Appropriate assessment methods need to be deployed to ensure referral to a professional of any user or carer identified as having more complex needs.

The delivery of defined elements of a care plan have always been delegated to a range of workers within Social Work Services and an increasing range of independent providers. Workers involved in the provision of services will have detailed knowledge of the needs and abilities of the user and/or carer. All professionals have a responsibility to ensure that they use this knowledge to adequately inform their ongoing management and review of cases.

However this paper is primarily concerned with those functions that should only be carried out by a social worker. These are described in the section below.

#### **4. Reserved Functions of the Social Worker**

The primary reasons for setting out those functions which require to be designated as reserved to social workers is to safeguard people in certain circumstances and to protect their rights. A clear articulation of what it is only a social worker should do will also bring greater clarity to the roles they carry, particularly in integrated services. Once determined, these reserved functions should be set out in regulations. This would give them formal status, while allowing them to be more easily amended and extended to reflect service developments and changing roles and responsibilities than if they were enshrined in primary legislation.

## 5. Guiding Principles for Social Work Practice

The professional practice of social workers should always be underpinned by the following principles:

- adherence to The Codes of Practice for Social Services Workers and Employers of Social Services Workers (The Codes); and
- the primary responsibility of the social worker is the protection and promotion of the welfare and well-being of children, vulnerable adults and communities;
- social workers should use their professional knowledge and expertise to make judgements and decisions for which they are professionally accountable;
- whatever the line management arrangements, organisations must ensure social workers have access to agreed professional consultation, which provides support and advice from appropriate, experienced social workers. This consultation should focus on assisting practitioners to reflect on their practice, use their powers effectively and make complex decisions for which they are personally and professionally accountable;
- the level of complexity and responsibility carried by social workers should be reflected in the career structures and remuneration available to them, and the continuing professional development they undertake; and
- as practitioners, social workers hold positions of responsibility. They are personally answerable for their decisions, professional judgement and for their actions and any omissions. They are professionally accountable to the Council for maintaining the high standards of professional conduct, as well as having a contractual accountability to their employer which includes an obligation to operate within their organisation's policies, procedures, resources and the law for their actions.

### ***Lead Professional***

Statutes place a number of duties on local authorities to protect and promote the welfare and well-being of vulnerable adults and children in the communities they serve. They discharge this accountability through the provision and delivery of social work services. Increasingly these duties are mirrored by duties on partner organisations to collaborate. This means that complex arrangements need to be co-ordinated and managed in order to protect and promote welfare and well-being. The lead professional role will fall to social work in those instances where the local authority either has the lead role in statute, or it has been so agreed by relevant agencies having taken account of the nature and complexity of the case. This role in no way relieves other professionals of their own personal professional accountability. When a case is allocated to a social worker he/she is directly responsible through their line management arrangements for the management and delivery of care to the user. In addition, as lead professionals they may receive information and assistance from colleagues and other professionals in meeting their responsibilities. They will retain professional accountability for their own contribution and for the overall coordination and management of cases allocated to them. Part of their role as designated lead professionals should be to co-ordinate and oversee the contribution of other workers in the implementation of a Care/Case Plan.

## **6. Duties that should only be carried out by a Social Worker**

In pursuance of statutory duties the following should only be carried out by social workers.

### ***Care and Protection***

Social workers should assess, plan, manage the delivery of care and safeguard the well-being of most vulnerable people and children, in particular, those who:

- are in need of protection; and/or
- are in danger of exploitation or significant harm; and/or
- are at risk of causing significant harm to themselves or others; and/or
- are unable to provide informed consent.

To do this social workers must:

- carry out enquiries and make recommendations when necessary as to whether or not a person requires to be the subject of protection procedures; and
- be responsible for the development, monitoring and implementation of a plan to protect the person, in particular, identify and respond appropriately to any risks to the achievement of the plan and/or any need for the plan to be revised because of changing circumstances

### ***Children Looked After and Accommodated***

Social workers will have direct contact with the child in order to:

- assess and make recommendations about whether a child should be accommodated away from home;
- monitor the progress and make on-going assessments and recommendations on the needs and welfare of children who are looked after;
- provide the social work contribution to reviews of children including making recommendations on behalf of the social services agency to a Children's Hearing about the termination or variation of Supervision Requirements; and
- be responsible for through and after care assessments, recommendations and planning and active implementation.

### ***Child Care Provision***

- assess and make recommendation about prospective foster and adoptive parents and kinship carers;
- approve the recommendations of adoption and fostering panels; and
- monitor, supervise and review foster parents and, where appropriate, adoptive parents.

### ***Criminal Justice***

- provide Social Enquiry Reports to Courts;
- provide Parole Reports for the Parole Board;
- investigate, assess, review and implement plans for those who will be subject to statutory controls on release from prison;
- manage, monitor and ensure ongoing assessment of those who are subject to statutory orders;

- manage, monitor and ensure ongoing assessment of sex offenders subject to statutory legislation and other offenders assessed as potentially dangerous also subject to statutory legislation;
- supervise parole, life licence and other forms of supervision on release from prison; and
- supervise Drug Treatment and Testing Orders.

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

- the duties of a Mental Health Officer as set out in the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity Act 2000.
- The duty to inquire 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
- supervise guardians appointed with personal welfare functions;
- investigate those circumstances where the personal welfare of an adult appears to be at risk; and,
- undertake the functions of a guardian on behalf of the Chief Social Work Officer.

**7. Professional Leadership**

To develop effective social work practice and promote a culture of continuous performance improvement, it is necessary to ensure professional leadership, informed by social work knowledge, skills and values. This will include ensuring appropriate quality assurance of organisational arrangements, the monitoring of social work practice and supervisory and management practice. To ensure this the following roles should only be carried by social workers:

- Chief Social Work Officer
- Chief Inspector of the Social Work Inspection Agency

## **8. Education, Training and Professional Development**

We welcome the contribution of other disciplines to the training of student social workers and the ongoing professional development of registered social workers.

However, endorsement of a student social workers competence to practice should be carried out by a social worker holding an appropriate practice learning qualification, after they have collated and considered all of the evidence gathered during the assessment process.

This same process should apply to the assessment of the competence to practice at higher and advanced levels of practitioners as they develop their knowledge and skills through continuing professional development. Teaching staff holding posts as Teaching Fellows, Tutors, Lecturers, Senior Lecturers, Readers, and Professors where Social Work appears in the Title (e.g. Lecturer in or of Social Work) should be Social Workers.

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