

performance review 2019/20

SOCIAL WORK ENGLAND





ABOUT THE PERFORMANCE REVIEW PROCESS

We aim to protect the public by improving the regulation of people who work in health and care. This includes our oversight of 10 organisations that regulate health and care professionals in the UK. As described in our legislation, we have a statutory duty to report annually to Parliament on the performance of each of these 10 regulators.

Our performance reviews look at the regulators' performance against our [Standards of Good Regulation](#), which describe the outcomes we expect regulators to achieve. They cover the key areas of the regulators' work, together with the more general expectations about the way in which we would expect the regulators to act.

In carrying out our reviews, we aim to take a proportionate approach based on the information that is available about the regulator. In doing so, we look at concerns and information available to us from other stakeholders and members of the public. The process is overseen by a panel of the Authority's senior staff. We initially assess the information that we have and which is publicly available about the regulator. We then identify matters on which we might require further information in order to determine whether a Standard is met. This further review might involve an audit of cases considered by the regulator or its processes for carrying out any of its activities. Once we have gathered this further information, we decide whether the individual Standards are met and set out any concerns or areas for improvement. These decisions are published in a report on our website.

Further information about our review process can be found in a [short guide](#), available on our website. We also have a [glossary of terms](#) and abbreviations we use as part of our performance review process available on our website.

The regulators we oversee are:

General Chiropractic Council • General Dental Council •
General Medical Council • General Optical Council • General
Osteopathic Council • General Pharmaceutical Council • Health
and Care Professions Council • Nursing and Midwifery Council •
Pharmaceutical Society of Northern Ireland • Social Work England



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Social Work England performance review report 2019/20

At the heart
of everything
we do is
one main
purpose:
protection
of the public
from harm

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Social Work England

key facts & stats

Social Work England
regulates social
workers in England.

As at 31 December 2020, Social Work England was responsible for a register of:

95,251 professionals on its register

Registration fee is: £90 (as at 31 December 2020)

Social Work England's work includes:

- ▶ Setting and maintaining standards of conduct and practice for social workers in England
- ▶ Setting standards for the education and training of practitioners and assuring the quality of education and training provided
- ▶ Maintaining a register of practitioners ('registrants') who meet its standards
- ▶ Requiring registrants to undertake continuing professional development to ensure they maintain their ability to practise safely and effectively
- ▶ Acting to restrict or remove from practice individual registrants who are considered not fit to practise

Standards of Good Regulation met for 2019/20 performance review

	General Standards	4/5
	Guidance and Standards	2/2
	Education and Training	2/2
	Registration	3/4
	Fitness to Practise	4/5

Meeting, or not meeting, a Standard is not the full story about how a regulator is performing. You can find out more in the full report.

Social Work England

Executive summary

How Social Work England is protecting the public and meeting the Standards of Good Regulation



This is the report of our first annual performance review of Social Work England. It covers the period from 2 December 2019, when Social Work England started regulating social workers in England, to 30 November 2020. Social Work England is one of 10 health and care professional regulatory organisations in the UK which we oversee. We assessed Social Work England's performance against the [Standards of Good Regulation](#) which describe the outcomes we expect regulators to achieve in each of their four core functions.

To carry out this review, we analysed evidence from Social Work England and other interested parties, including: board papers, performance reports and updates; policy, guidance and consultation documents; our statistical performance dataset; and third-party feedback. We also used information available through our review of final fitness to practise decisions under the Section 29 process¹ and our review of accepted outcomes.² We used this information to decide the type of performance review we should undertake. Further information about our review process can be found in our [Performance Review Process guide](#), which is available on our website.

Social Work England's performance during 2019/20

We conducted a targeted review of Social Work England's performance against Standards 2, 3, 9, 11, 12, 13, 14, 15, 16, 17 and 18. Following our targeted review we concluded that Social Work England had met all but three Standards. It did not meet Standard 3 because it had made limited progress in its first year on gathering data about the diversity of its registrants and on developing and implementing its strategy for equality, diversity and inclusion. It did not meet Standard 11 because it was taking too long to deal with applications for registration.

Social Work England met four of our five Standards for fitness to practise. It did not meet Standard 17 because we had concerns about risk assessments in fitness to practise: for most of our review period it was not routinely carrying out full risk assessments at triage; in our review of cases we found numerous failures to follow the relevant policy; and we were not assured that it was making decisions about interim orders promptly enough in legacy cases. Under Standard 18, we recommended that it consider action to improve how it supports people to participate in the fitness to practise process.

¹ Each regulator we oversee has a 'fitness to practise' process for handling complaints about health and care professionals. The most serious cases are referred to formal hearings in front of fitness to practise panels. We review every final decision made by the regulators' fitness to practise panels. If we consider that a decision is insufficient to protect the public properly we can refer them to Court to be considered by a judge. Our power to do this comes from Section 29 of the [NHS Reform and Health Care Professions Act 2002 \(as amended\)](#).

² See Standard 16 below.

Key developments and findings

Launching a new regulator and responding to the pandemic

Social Work England is a new organisation which took on the role of regulating social workers in England on 2 December 2019. This was previously the role of the Health and Care Professions Council. As part of the transfer, Social Work England received work which the previous regulator had started but not finished, including a large number of open fitness to practise cases. Because Social Work England was a new organisation with some new powers, we adapted our oversight to respond to new risks that might arise.

The Covid-19 pandemic disrupted Social Work England's plans: for example, it had to delay introducing its new standards for education. It also affected its operational capacity. We took this context into account in deciding whether Social Work England had met our Standards.

Social Work England was given the power to open a temporary register of social workers to help with the response to the pandemic. There were over 8,000 people on the temporary register by the end of 2020. Social Work England worked with other organisations to create an online tool to help match people on the temporary register with suitable local employers. It also collaborated on guidance for social workers about specific risks and changes to practice as a result of the pandemic, as well as publishing information about what education providers were doing to adapt their courses to the emergency.

Equality, diversity and inclusion

Social Work England did not receive demographic data about its registrants when it took over as the regulator. Without that information, it will be difficult for Social Work England to know whether any of its processes may be affecting registrants differently based on different protected characteristics. Social Work England made only limited progress during its first year in gathering this important information.

Social Work England told us about the work it planned to do to develop its strategy on equality, diversity and inclusion. We have no reason to doubt its commitment. But by the end of our review period it had made only limited progress, and there was relatively little information available to the public about this important area of Social Work England's work. Until Social Work England finished developing the strategy, its ability to make progress on implementation was necessarily limited. We decided it did not meet Standard 3 this year. We have seen that Social Work England has undertaken further activity in relation to equality, diversity and inclusion since the end of our review period, and we will consider this in our next review.

Registration processing times

We looked at how long Social Work England was taking to process applications for registration. No other regulator took as long, on average, across all categories of application. The pandemic had an effect on its ability to deal with registration applications. We did not see evidence that the effect of the pandemic on Social Work England was so different from the other regulators that it justified the significant difference in processing

times. On balance, we considered this reflected a difference in performance, and decided that Standard 11 is not met.

Fitness to practise

We found that Social Work England met four of our five Standards for fitness to practise. As a new regulator, Social Work England has some different legal powers from other regulators we oversee. These include the power to close cases which would otherwise go to a final hearing by agreeing an outcome with the registrant. We reviewed all the cases it closed by accepted outcomes in its first year, and published a report of our findings. Social Work England engaged with our feedback and demonstrated that it wanted to improve its practice. We also reviewed a sample of cases closed earlier in the process.

Social Work England was not able to deal with fitness to practise cases as quickly as it expected. We were satisfied that this was due to a combination of exceptional circumstances beyond its control: it received and had to review a large number of cases, many of them already old, from the previous regulator, and then the pandemic emergency disrupted its plans. We will expect its performance to improve next year. We also found that these factors had affected Social Work England's ability to keep people informed about their fitness to practise cases. We identified three discrete areas where we recommended that Social Work England considers how it could improve its performance in supporting people to participate in the process.

We had some concerns about Social Work England's performance in assessing risk. For most of our review period, it was not routinely carrying out full risk assessments at triage, though our audit found improved recording of risk assessments from August 2020 onwards. We also found numerous failures to follow the risk assessment policy. We were not assured that Social Work England was making decisions about interim orders promptly enough in legacy cases. We decided that it did not meet Standard 17.

How Social Work England has performed against the Standards of Good Regulation

Introduction

This is our first report on Social Work England, a new regulator which started operations on 2 December 2019. Social Work England took over from the Health and Care Professions Council (the HCPC) as the regulator of social workers in England.

Because Social Work England is a new organisation, we adapted our approach so that we could identify and mitigate emerging risks to public protection:

- We worked with Social Work England and other organisations to help the process of its establishment and the transfer of responsibility from the HCPC. This included responding to public consultations and providing our comments on draft guidance Social Work England shared with us
- We carried out quarterly interim reviews of Social Work England's performance against our Standards. We sought further information and gave feedback about matters arising during the year based on these reviews, rather than waiting for our full assessment at the end of the year
- We reviewed all of the cases Social Work England concluded by accepted outcomes in its first year. The power to use accepted outcomes is a new one which, at present, only Social Work England has among the regulators we oversee. We published a [report](#) of our review of accepted outcomes. Social Work England took action in response to our findings
- We reviewed a sample of fitness to practise cases closed at the early stages of the process.

This report does not aim to describe everything Social Work England did in its first year of operation, or everything we looked at as part of our oversight. It summarises how we decided whether Social Work England had met each of our Standards, including the most relevant evidence.

In making our decision about each Standard, we took into account the relevant context. There were some significant challenges for Social Work England in its first year of operation:

- The Covid-19 pandemic affected all the regulators we oversee. Social Work England had planned to deliver significant work, such as a new set of education standards, which it had to defer because of the pandemic. Like many organisations, it also faced operational challenges which affected its productivity
- As part of the transfer from the HCPC, Social Work England received work the HCPC had started but not finished. This included a large number of open fitness to practise cases – over 1,500. Many of the cases had already been open a long time by the time Social Work England received them.

Where the context was particularly relevant to our decision about a Standard, we have made this clear in the report.

General Standards

Standard 1: The regulator provides accurate, fully accessible information about its registrants, regulatory requirements, guidance, processes and decisions.

- 1.1 Social Work England publishes information about its role and activities on its website.³ The website includes an explanation of Social Work England's role as the specialist regulator of social workers in England. We have also seen that Social Work England uses social media to share information about its activities, for example to promote events and consultations.
- 1.2 Social Work England's register is easily accessible from its homepage, with a link to a simple search function. There is also a separate function for employers to search for multiple registrants.
- 1.3 There are links from Social Work England's homepage to dedicated sections about the main areas of its work. For example, in the 'Standards' section of its website, Social Work England publishes its current standards for social workers and for education providers, together with associated guidance. The 'CPD' section describes the requirement to undertake CPD and includes advice about how to record CPD and meet the relevant standard.
- 1.4 The 'Concerns' section of the website gives information about the sorts of concerns Social Work England deals with and what information should be included when raising a concern. It includes links to an online form to raise a concern about a social worker, and to other sources of support. This support includes resources for complainants, registrants and witnesses. Social Work England also publishes information for members of the public and registrants about how it will deal with concerns, and provides information specifically for employers. Information about recent and imminent hearings is available, including details of decisions made by Social Work England's adjudicators and case examiners.
- 1.5 Social Work England updated the information on its website during the course of the year. When it first launched, the website included a prominent link to frequently-asked questions about the transition from the HCPC. At the start of the Covid-19 pandemic, Social Work England set up a dedicated section of its website. This included information about changes to Social Work England's processes and requirements, such as its temporary register. It also included advice and signposting to other sources of support, such as for students on social work courses.
- 1.6 We also saw that Social Work England provided information about the requirement for social workers to renew their registration. It used its website and social media to do this, and made resources available to help registrants understand what they needed to do.
- 1.7 Social Work England holds six board meetings each year where members of the public can attend as observers. At first, Social Work England published

³ <https://www.socialworkengland.org.uk/>

board papers after each meeting. We wrote to Social Work England to explain why we think it is good practice to publish board papers in advance of meetings. We consider that this promotes transparency and can help stakeholders, including registrants and members of the public, to engage with the regulator – for example, to know whether they may wish to attend a meeting as an observer. Social Work England confirmed that, following development work on its approach to corporate governance, it would publish board papers in advance of meetings. It has routinely done so since then.

Conclusion against this Standard

- 1.8 Social Work England provides information about its registrants, regulatory requirements, guidance, processes and decisions in a way which appears to be accurate and accessible. Social Work England engaged positively with feedback we gave it about its approach to publishing board papers. We are satisfied that this Standard is met.

Standard 2: The regulator is clear about its purpose and ensures that its policies are applied appropriately across all its functions and that relevant learning from one area is applied to others.

- 2.1 Social Work England's role is set out in law.⁴ Its over-arching objective is to protect the public. This includes: protecting the health, safety and wellbeing of the public; promoting and maintaining public confidence in social workers; and promoting and maintaining proper professional standards for social workers.
- 2.2 Social Work England describes its purpose as being 'to regulate social workers in England so that people receive the best possible support whenever they might need it in life'. It says that it is committed to raising standards through collaboration with everyone involved in social work.
- 2.3 In May 2020, Social Work England published its corporate strategy, which sets out what it plans to achieve in 2020-23. It will publish a business plan for each year of the corporate strategy. We noted that the objectives in Social Work England's corporate strategy and business plan for 2020-21 seemed to emphasise collaboration with registrants more strongly than engagement with public, service users and employers. We asked Social Work England for more information. It explained that, as a new organisation, it had deliberately chosen to focus in its first year on engaging with its registrants. This was because it has some requirements which differ from the previous regulator, such as the requirement for social workers to record CPD and renew their registration each year. Social Work England said it was important to engage with the profession to make sure that it could respond positively to the establishment of the new regulator.
- 2.4 Social Work England told us that it had developed its corporate strategy in consultation with a wide range of stakeholders. It set up its National Advisory Forum in response to feedback from its engagement around the corporate strategy. The National Advisory Forum includes people with lived experience

⁴ The Children and Social Work Act 2017. Available at: <https://www.legislation.gov.uk/ukpga/2017/16/contents/enacted>.

of social work services. Social Work England explained that members of the Forum contribute to its work in several areas, including designing and reviewing its policies. Social Work England said that it is committed to co-producing its work with everyone who has an interest in social work, and it had made this one of the five main themes of its corporate strategy.

- 2.5 We understand why Social Work England prioritised engagement with its registrants in its first year of operation. We have also seen that since the end of our review period, it has carried out further work to engage with people who interact with social work services, such as commissioning research into public perceptions of social work. We will continue to monitor how it works towards its corporate strategy, as it is important that Social Work England is able to engage effectively with the public and people with experience of social work.
- 2.6 As a new organisation, Social Work England had to develop new policies for all its regulatory activities. We asked Social Work England for more evidence about how it ensured that policies are applied consistently. Social Work England gave us details of its policy approvals framework, which includes measures to promote consistency in how policies are developed and implemented. There is a review process and policy register.
- 2.7 Social Work England said that different teams work together to make sure that its approach is consistent across different functions. As an example, it said that its Legal team had worked together with colleagues in Registration and Fitness to Practise to develop its prosecutions policy in relation to misuse of the title of social worker.

Conclusion against this Standard

- 2.8 Social Work England explained why the first year of its corporate strategy prioritised engagement with registrants. We will continue to monitor closely how Social Work England works towards its corporate strategy, including how it engages with the public and people with lived experience of social work. Social Work England has processes in place to ensure that policies are applied appropriately across its functions. We are satisfied that this Standard is met.

Standard 3: The regulator understands the diversity of its registrants and their patients and service users and of others who interact with the regulator and ensures that its processes do not impose inappropriate barriers or otherwise disadvantage people with protected characteristics.

- 3.1 Social Work England is subject to the public sector equality duty in the Equality Act 2010. It must publish information every year to show how it has complied with the duty. It must publish equality objectives at least every four years.
- 3.2 Social Work England publishes information about its work to promote equality in its annual reports. It published its first statement of intent on equality, diversity and inclusion (EDI) in February 2021, after the end of our review

period.⁵ The statement says the principles of EDI are central to Social Work England's work as an effective regulator and employer.

Data about registrants

- 3.3 When Social Work England took over from the HCPC as the regulator of social workers in England in December 2019, it received data from the HCPC about the social workers on its register. Social Work England told us that the data it received from the HCPC did not include EDI data about registrants, that is, data about protected characteristics such as their age, ethnicity and whether they consider themselves to have a disability. Before December 2019, the HCPC held EDI data for only about 1% of its registrants.⁶
- 3.4 EDI data is important for regulators to be able to identify whether their processes may be affecting people differently on the basis of different protected characteristics. The lack of EDI data about registrants when Social Work England started operations was a significant gap that was outside its control.
- 3.5 We considered the action Social Work England took to obtain more EDI data. Social Work England used its annual renewal process, at the end of our review period, to collect data on registrants' gender identity, age and nationality. It planned to start collecting data on other protected characteristics from early 2021.
- 3.6 Social Work England told us that it plans to develop a data and insight strategy, to help it understand where it needs more information about the impact of its activities. It envisages that the strategy will directly support a range of activity across regulation and policy development. It would also use other, publicly available sources of information, such as data published by the Department of Health and Social Care about adult social care users.
- 3.7 We agree that it is appropriate for Social Work England to use information that is already available elsewhere to help it understand more about social workers and the people they work with. This is a reasonable step to supplement its own information-gathering and analysis, which will be necessary to understand the diversity of the people it interacts with and their experiences of those interactions.
- 3.8 Social Work England had not finished developing the data and insight strategy by the end of our review period. Nor had it begun systematically collecting data about some protected characteristics of its registrants. Social Work England was not responsible for the lack of EDI data when it started operation in December 2019, but it made only limited progress in this area over the year of our review period.

⁵ Available at: https://www.socialworkengland.org.uk/media/3771/social-work-england_our-statement-of-intent-on-equality-diversity-and-inclusion_feb-2021.pdf.

⁶ Our 2019/20 performance review report of the HCPC covers the period during which Social Work England took over the regulation of social workers in England. It is available at: <https://www.professionalstandards.org.uk/publications/performance-review-detail/performance-review-hcpc-2019-20>.

EDI strategy

- 3.9 Social Work England presented an EDI framework report to its board in September 2020.⁷ The report noted that Social Work England's EDI strategy was still under development, and outlined relevant work Social Work England had already completed. It said Social Work England had set up a project to cover all its work in relation to EDI. The project had four themes: governance, policies, procedures and practices; data collection and use; communications and engagement; and employment, training and development.
- 3.10 The report outlined objectives in relation to each theme. These included objectives to: review existing policies and processes, and audit their application; establish new structures and ways of working; make plans for further improvements, including to data collection and use.
- 3.11 We considered that the actions outlined in the plan appeared reasonable, though their effectiveness would depend on how Social Work England implemented them. We noted that the description of some objectives was at a very high level, for example that Social Work England would 'Create progressive policies and procedures that value equality, diversity and inclusion' and 'Support and develop everyone to their potential'. The report did not say exactly how Social Work England would measure progress and success in relation to each objective; it said that it would determine monitoring and reporting mechanisms that would include regular review and renewal as necessary. The report noted that the National Advisory Forum and a newly-established EDI steering group would help review progress.
- 3.12 Social Work England had not published its EDI strategy by the end of our review period, and there was limited information publicly available about its work in this area. For example, the framework report noted the establishment of the EDI steering group, but we could not see any further information about it in the public domain. So we asked Social Work England for more information.
- 3.13 Social Work England told us that it was planning to recruit specialist staff to lead its EDI work. It said that, once recruited, they would lead on the development of its EDI statement and the implementation of the action plan underpinning it. It had not completed this recruitment by the end of our review period. The EDI statement was published in February 2021, and Social Work England has since published further information about its work in this area, including more information about the EDI steering group.
- 3.14 As Social Work England had not completed the work to develop and publish its EDI strategy by the end of its first year of operation, there was relatively little information available to the public about this important area of Social Work England's work. Furthermore, until Social Work England finished developing the strategy, its ability to make progress on implementation was necessarily limited.

⁷ Available at: <https://www.socialworkengland.org.uk/media/3357/item-7-edi-report.pdf>.

Integrating EDI into everyday work

- 3.15 Social Work England told us about how it monitors and promotes EDI in its routine work. Its staff and partners⁸ have to undertake annual training on EDI, and other related training is available. All partners also have to complete mandatory learning about unconscious bias.
- 3.16 In respect of monitoring and promoting EDI in recruitment and appointments, it carried out EDI surveys of its staff and partners, publishing the results in June 2020. It includes people with lived experience of social work on recruitment panels for roles where it considers they can contribute most valuably, such as partners and regional engagement leads. It said it would continue to review its recruitment processes to ensure that they are aligned to its ambitions in relation to EDI.
- 3.17 Social Work England carries out equality impact assessments for all its consultations and new policies. These are published on its website. Where concerns are identified, appropriate mitigations are put in place. It said this is a requirement at each stage in the policy development process. It gave us examples of equality impact assessments it had completed for its policies on corporate complaints and remote working. These complied with the process.

Conclusion against this Standard

- 3.18 Social Work England is a new organisation, and its plans for its first year were disrupted by the Covid-19 pandemic. We considered the evidence we obtained about its performance in that context.
- 3.19 We recognise that Social Work England did not receive information from the HCPC about the demographic characteristics of its registrants. We make no criticism of Social Work England for that, and we recognise that it will take time and effort for Social Work England to gather data to inform its understanding of the diversity of people on its register. Without such an understanding, it will be difficult for Social Work England to assess whether, for example, any of its processes may be affecting registrants differently based on different protected characteristics. Social Work England made only limited progress during its first year in gathering this important information.
- 3.20 Similarly, while we did not have concerns about the EDI strategy Social Work England outlined, most of this work was still being planned at the end of our review period. Indeed, the strategy itself had not been finalised and published by then, and there was only limited information available to the public about this important area of Social Work England's work.
- 3.21 Social Work England has been clear that it understands how important this work is and its relevance to social care. We have no reason to doubt its commitment. But given how little information it had about the diversity of its registrants, and the early stage it had reached in its strategy work, we could not be assured about its performance during our review period. We determined that this Standard is not met this year.

⁸ Partners are people who work with Social Work England to help it carry out its functions, such as assessing CPD submissions, inspecting education providers or sitting on fitness to practise panels.

3.22 We have seen that Social Work England has undertaken a significant amount of activity in relation to EDI since the end of our review period, and has made more information publicly available. Our decision that the Standard is not met relates only to our review period of 2 December 2019 to 30 November 2020. We will consider the work Social Work England has done since then in our next review.

Standard 4: The regulator reports on its performance and addresses concerns identified about it and considers the implications for it of findings of public inquiries and other relevant reports about healthcare regulatory issues.

- 4.1 Social Work England has a legal requirement to report every year on the exercise of its functions. In our review period, it published its annual report and accounts in July 2020.⁹ As discussed under Standard 1 above, Social Work England holds six public board meetings a year, and it publishes board papers on its website.
- 4.2 When Social Work England began operation, it did not at first present performance reports to its board. This was because, as a new organisation, it needed time to establish appropriate and relevant performance measures. In the course of the review period, it developed Key Performance Indicators (KPIs) and other performance measures. It has continued to review these and to present them regularly to its board.
- 4.3 Social Work England has published its corporate feedback and complaints policy, which sets out how it manages concerns raised about it. Social Work England told us that from December 2019 to September 2020 it considered 175 complaints through its corporate feedback and complaints process. The complaints covered a range of issues, such as individuals having difficulties accessing or using their online accounts, the length of time to investigate fitness to practise cases, Social Work England's branding, or registration requirements such as CPD and fees.
- 4.4 Every quarter, Social Work England's internal quality and improvement team provides a thematic review of the complaints and feedback received and updates the executive leadership team on any learning and actions taken. Social Work England gave us examples of action it took in response to corporate complaints, including improving how its online CPD recording system works and revising guidance for overseas applicants about English language requirements. Social Work England told us it planned to review its feedback and complaints process by the end of March 2021, after the end of our review period. We will monitor any developments in this area.
- 4.5 Social Work England has measures to gather feedback about people's experiences of its processes. It routinely sends feedback questionnaires to the people involved in fitness to practise cases. It ran surveys to find out about

⁹ Available at: <https://www.socialworkengland.org.uk/media/3264/social-work-england-annual-report-2019-to-2020-final-digital-accessible.pdf>.

social workers' experience of completing their annual renewal and education providers' responses to the coronavirus pandemic.

- 4.6 Social Work England has given us assurance that it has mechanisms in place to respond to the findings of inquiries and reports with relevance for the health and social care sector. It said it worked closely with the Independent Inquiry into Child Sexual Assault and will cooperate and carefully consider the outcomes of the report.
- 4.7 Social Work England has also reviewed the Authority's feedback about its accepted disposal process. Following its review, Social Work England identified learning points which it said will feed into a wider programme of refresher training for its case examiners, investigators and operational staff. We discuss this further under Standard 16 below.

Conclusion against this Standard

- 4.8 Social Work England provides regular performance reports to its board and has set measures to capture and monitor performance. It has processes in place to collect feedback arising from corporate complaints and has been reviewing this process following its first year of operation. Social Work England also has mechanisms in place to act on feedback and recommendations arising from external inquiries and relevant publications. We are satisfied that this Standard is met.

Standard 5: The regulator consults and works with all relevant stakeholders across all its functions to identify and manage risks to the public in respect of its registrants.

- 5.1 As discussed under Standard 2, Social Work England emphasises its collaborative approach to regulation. It prioritised engagement with social workers during its first year of operation. It also created a National Advisory Forum, which has contributed to its work, including by designing customer service standards and reviewing the language used to refer to different participants in the fitness to practise process.
- 5.2 During our review period Social Work England commissioned two research projects. The first looked into social work in England to provide a snapshot of the profession and social workers' experiences and perceptions. The second looked at public perceptions of social workers and the regulation of the profession, and looked to understand experiences of people who receive support from social workers. Social Work England said it plans to use the research findings to inform future strategy.
- 5.3 It was appropriate for Social Work England to commission research to help gather more evidence about social workers and the people they work with. We note that it has continued to commission relevant research since the end of our review period. We will continue to monitor its work, in particular to see how the evidence from its research informs its activities.

Working with other organisations

- 5.4 Social Work England has a team of regional engagement leads. These are registered social workers whose role is to build relationships locally with people and organisations with an interest in social work. For example, Social Work England said that regional engagement leads build and maintain relationships with contacts at local authority employers, which helps it to share information with these important stakeholders. It said feedback obtained by the regional engagement leads suggested that employers were not confident about when to make fitness to practise referrals, and in response Social Work England organised online workshops for them. Regional engagement events continued remotely during the pandemic.
- 5.5 We received positive feedback from stakeholder organisations about Social Work England's engagement and joint working.
- 5.6 Social Work England signed up to the emerging concerns protocol, which is an information sharing agreement between health and care regulators.¹⁰ It establishes a process for sharing concerns at an early stage with other organisations where this might be of relevance to them.
- 5.7 Social Work England told us about the routine information-sharing activity it carried out during the year. For example, its triage team receives alerts from other social care regulators; its adjudication team sends fitness to practise outcomes to other regulators where the social worker holds dual registration. Social Work England said it also shares information with other regulators as part of the registration process where an applicant indicates they hold or have held registration with another regulator, or where a current or former registrant of Social Work England seeks registration with another regulatory body.
- 5.8 Social Work England explained that during the period under review it has been unable to produce reliable reports on the number of referrals it has made to other organisations, due to the limitations of its case management system. We expect Social Work England will want to assure itself that it can accurately record and track the instances where it has shared information with other organisations, particularly as the information is likely to be sensitive. We did not see evidence that this inability to report had significantly impaired Social Work England's ability to share information with other organisations where appropriate.

Consultations

- 5.9 Social Work England carried out numerous public consultations in the period before it started operation in December 2019. It also carried out other targeted engagement activity. Social Work England said it started talking to people about its rules and standards in 2018. It talked with its professional expert group¹¹ and its experts by experience,¹² who offered advice and challenge on

¹⁰ Available at: <https://www.cqc.org.uk/publications/themed-work/emerging-concerns-protocol>.

¹¹ Which includes the Authority, as well as numerous organisations with an interest in social work, such as ADASS, ADCS, employer organisations, professional bodies, trade unions, universities and the other UK social care regulators.

¹² A group of people with lived experience of social work, the forerunner of the National Advisory Forum.

its initial proposals. Social Work England worked with the Social Care Institute for Excellence (SCIE) to run two events specifically for children, young people and adults with lived experience of social work.

- 5.10 Social Work England publishes reports on consultations to explain how it has taken stakeholders' comments into account. For example, in November 2019, shortly before the start of our review period, it published reports on the outcome of consultations on fitness to practise guidance and guidance for applicants. Social Work England did not complete any public consultations in the period under review: in November 2020 it opened a consultation on changes to its rules as a result of the UK's exit from the EU, which closed shortly after the end of our review period. It has run further public consultations since then, for example on proposed changes to its CPD requirements, and we will consider these in next year's review.

Social Work England's response to the Covid-19 pandemic

- 5.11 The Covid-19 pandemic presented an unprecedented set of challenges for health and care professionals, including the social work sector, to which Social Work England responded quickly and constructively. It worked with the other nine regulators we oversee in issuing a joint statement about how they would regulate in light of the Covid-19 pandemic. It also worked in partnership with other organisations to produce guidance about practice in the pandemic, as discussed at Standard 7 below.
- 5.12 Social Work England was given the power to create a temporary register of professionals to increase the workforce in response to the pandemic emergency.¹³ It worked in partnership with other organisations to launch the 'Social Work Together' campaign. As part of this campaign, Social Work England, the Department for Education, the Department of Health and Social Care, and the Local Government Association worked together to launch an online tool to connect those on the temporary register who wish to return to practice with local employers.¹⁴ Social Work England worked with another sector organisation, Skills for Care, to develop a survey of education providers to understand the challenges they faced in the pandemic.

Conclusion against this Standard

- 5.13 Social Work England has made significant efforts to work with stakeholders before and since it became operational in December 2019. We received positive feedback from other organisations about how Social Work England has worked with them. Social Work England collaborated with other organisations as part of its response to the pandemic. We are satisfied that this Standard is met.

¹³ We discuss this further under Standard 11 below.

¹⁴ You can read more about Social Work Together in our case-study review, Learning from Covid-19, available here: <https://www.professionalstandards.org.uk/publications/detail/learning-from-covid-19-a-case-study-review>.

Guidance and Standards

Standard 6: The regulator maintains up-to-date standards for registrants which are kept under review and prioritise patient and service user centred care and safety.

- 6.1 Social Work England introduced new professional standards for registered social workers when it started operation on 2 December 2019. The standards apply to all registered social workers in England. As noted above in Standard 5, the development of the new standards involved consultation with stakeholders. Social Work England published a report to explain how it had taken stakeholders' comments into account.
- 6.2 As Social Work England's standards are new, the risk of them being already out of date appears small. We have not seen specific details of how the new standards map to the previous standards for social workers under the HCPC, or what analysis Social Work England carried out to ensure that there are no gaps. However, we saw from the consultation report that Social Work England had made changes to its draft standards to address gaps identified by respondents, and to focus on service users' needs and preferences. During the period of review, we have not seen evidence of concerns from the sector about emerging issues arising from the transition from one set of standards to another. Nor have we seen evidence that the standards are not appropriately focused on service users' care and safety.

Conclusion against this Standard

- 6.3 We consider that Social Work England's engagement with a wide range of stakeholders, including people with lived experience, employers, and professional bodies, was a reasonable way to elicit information about the focus of the new standards and any significant gaps. We are satisfied that this Standard is met.

Standard 7: The regulator provides guidance to help registrants apply the standards and ensures this guidance is up to date, addresses emerging areas of risk, and prioritises patient and service user centred care and safety.

- 7.1 Social Work England produced guidance to accompany its professional standards. This is to support social workers to understand the standards and to uphold them in their practice. The additional guidance includes specific sections about the duty of candour, reflective practice, professional relationships, and social media.
- 7.2 Social Work England published guidance for registrants about its CPD requirements. It updated this guidance during the year. It also ran online events to help registrants understand what they needed to do and how they could do it.

- 7.3 Social Work England published additional guidance for registrants (and others, such as education providers) during the pandemic, to help them respond to emerging risks and changes to practice. For example, it worked with the Principal Children and Families Social Worker Network to produce joint guidance on topics such as video calls and virtual home visits, and responding ethically to the pandemic.

Conclusion against this Standard

- 7.4 Social Work England published a range of guidance to help registrants apply its standards. This included guidance in response to emerging risks from the Covid-19 pandemic. We are satisfied that this Standard is met.

Education and Training

Standard 8: The regulator maintains up-to-date standards for education and training which are kept under review, and prioritise patient and service user centred care and safety.

- 8.1 When Social Work England started operation in December 2019, it published two sets of education standards. The first set closely followed the standards used by the HCPC, with some minor changes. This was to minimise disruption to education providers. Social Work England originally planned to introduce the second set of education standards, which introduce more significant changes from the previous regulator's standards, in September 2020.
- 8.2 However, Social Work England decided to defer the implementation of the new education standards until September 2021 because of the disruption caused by the Covid-19 pandemic. We agree that this was reasonable. Education providers were already under significant pressure because of the pandemic. In that context, it would not have been reasonable to place on providers the additional burden of meeting a new set of standards. There was no evidence of an immediate risk that Social Work England's education standards were out of date.
- 8.3 Social Work England collects information from education providers every year in its annual monitoring exercise. As part of this year's monitoring, it collected information about providers' readiness to implement the new standards. It told us it will use this information to help plan the transition.

Conclusion against this Standard

- 8.4 Social Work England's approach to introducing its education standards was appropriate in the context of the pandemic. We will consider its work to introduce the new standards in our next review. We are satisfied that this Standard is met.

Standard 9: The regulator has a proportionate and transparent mechanism for assuring itself that the educational providers and programmes it oversees are delivering students and trainees that meet

the regulator's requirements for registration, and takes action where its assurance activities identify concerns either about training or wider patient safety concerns.

- 9.1 Social Work England is responsible for approving and assuring the quality of training courses for qualifications which entitle graduates to register as a social worker. New courses must obtain approval from Social Work England. Courses previously approved by the HCPC kept their status when Social Work England took over as the regulator. Social Work England worked with the HCPC and education providers about new course approvals which were likely still to be under consideration at the point of transition. It said that seven pieces of quality assurance activity were handed over in progress, and that it dealt with all of these.
- 9.2 Social Work England carries out inspection visits to help it make approval decisions. It also has to reapprove courses every six years; this requirement applies to all courses whether they were first approved by the HCPC or Social Work England. Social Work England can set conditions on approval, requiring providers to take specific actions to ensure that they meet all the standards. We saw that it carried out inspection visits this year, including some where it set conditions.
- 9.3 As noted at paragraph 8.3 above, Social Work England requires education providers to submit information every year, so that it can monitor their performance. Education providers must also tell Social Work England about any significant changes to their programmes. Social Work England will assess the proposed change and decide whether further action is needed to ensure that the course still meets the relevant standards.

Quality assurance of education during the Covid-19 pandemic

- 9.4 We asked Social Work England for more information about how it had adapted its quality assurance activities during the pandemic. It explained that it paused its on-site inspections in March 2020, during the first national lockdown, and then carried out inspection visits remotely. Throughout this period it was able to continue with work that did not require on-site activity, for example where it could review documents to decide whether a provider was meeting relevant standards.
- 9.5 Before it started remote inspections, Social Work England's education quality assurance team held focus groups with inspectors, in which they reviewed the standards and considered what limitations a remote visit might place on their ability to inspect. They also considered what changes to the visit arrangements might be necessary to enable them to run effectively.
- 9.6 It said it collected comprehensive feedback from the course provider and the inspection team about the remote inspection process. The feedback was positive and Social Work England used it to make improvements to the process, which remained under review. Social Work England said that remote inspections have increased the need for engagement with course providers in preparation for an inspection. It confirmed that it obtained contributions from students and people with lived experience of social work as part of the remote inspection process.

- 9.7 Overall, Social Work England carried out fewer inspections than it had forecast. Partly this was because some education providers which had intended to seek approval in 2020 for courses to begin the following academic year delayed their plans because of the pandemic. Between March 2020 and the end of our review period, Social Work England carried out five remote inspections of courses seeking approval. Four inspections resulted in approvals, three of them with conditions; the other course withdrew.
- 9.8 Social Work England gathered information from education providers about adjustments they made to their courses in response to the pandemic. This included measures to increase flexibility around admissions processes, practice placements and assessment processes. It published this information on its website.¹⁵ We agree that this could be a helpful resource for students, potential students and others.

Post-qualification training

- 9.9 When it started operation, Social Work England took responsibility for approving and monitoring training courses for approved mental health professionals (AMHPs) and best interests assessors (BIAs). These specialist roles in relation to the Mental Health Act could be taken up by social workers or other professionals, such as registered nurses. Previously, the HCPC had approved courses for AMHPs but not BIAs. The Department of Health and Social Care kept a register of courses for BIAs.
- 9.10 Social Work England planned to review the standards for both roles and develop an approval programme for training courses. However, its work in this area depended upon the government's response to an independent review of the Mental Health Act, which recommended significant changes to both roles.¹⁶ A new role of approved mental capacity professional (AMCP) would replace that of BIA, and there would be changes to the AMHP role too. The government published its consultation in response to the independent review in January 2021, and its response to the consultation in July 2021, after the end of our review period.¹⁷
- 9.11 We agree that it was appropriate for Social Work England to await the government's response to the independent review and the outcome of the consultation. We will continue to monitor its work in this area.

Conclusion against this Standard

- 9.12 Social Work England has processes in place to approve and assure the quality of training courses. It adapted its processes to cope with the pandemic. We are satisfied that this Standard is met.

¹⁵ Available at: <https://www.socialworkengland.org.uk/education-training/covid-19-responses/>. You can read a case study about how Social Work England worked with education providers in our case-study review, Learning from Covid-19 (see footnote 14).

¹⁶ The independent review report is available at:

<https://www.gov.uk/government/publications/modernising-the-mental-health-act-final-report-from-the-independent-review>.

¹⁷ Available at: <https://www.gov.uk/government/consultations/reforming-the-mental-health-act>.

Registration

Standard 10: The regulator maintains and publishes an accurate register of those who meet its requirements including any restrictions on their practice.

- 10.1 Social Work England publishes its register on its website. It told us the online register is updated in real time, so that information is up to date. We checked a sample of entries on the register to ensure that it included up-to-date information about the outcomes of fitness to practise cases. We did not find any errors.
- 10.2 In March 2020, Social Work England received powers to open an emergency temporary register in response to the Covid-19 pandemic. It listed temporarily-registered social workers on its online register; it clearly marked their register entries to show that they were on the temporary register, not the full register. It also separately published a weekly list of social workers with temporary registration.

Conclusion against this Standard

- 10.3 Social Work England publishes its register and its temporary register. We saw no evidence of inaccuracies. We are satisfied that this Standard is met.

Standard 11: The process for registration, including appeals, operates proportionately, fairly and efficiently, with decisions clearly explained.

- 11.1 When Social Work England took over responsibility for holding the register of social workers in England, it received from the HCPC 920 applications in progress at the point of transfer.¹⁸ We did not see any evidence of concerns about how Social Work England had handled the transfer of the register. We received positive feedback from the Department for Education about how Social Work England handled the transfer.

Registration processing times

- 11.2 We collect regular data from each of the regulators, including about their registration processing times. At first Social Work England was not able to report data on registration processing times in the format we requested. It worked to develop this capability during the year, and it is now able to provide the data we asked for.
- 11.3 The table below sets out the registration processing times that Social Work England reported to us for the year from April 2020. The first three quarters fall into our reporting period; the fourth quarter falls into next year's reporting period. Social Work England's performance improved throughout the year. In quarter four it was significantly better than the rest of the year. The annual

¹⁸ Social Work England reported that 672 applications were transferred in one advance batch on 20 November 2019, and a further 248 individually over the period from 21 November to 9 December 2019.

median is based on all four quarters, not just the three in our reporting period. Therefore it reflects this improvement.

Performance review	2019/20			2020/21	
Period	Q1	Q2	Q3	Q4	Annual
UK graduate	27	16	10	2	12
EU/EEA graduate	131	102	85	0	84
Non-EEA graduate	116	114	51	0	62

Table 1: median time in days to process registration applications by category, April 2020 to March 2021

- 11.4 We considered Social Work England's registration processing data relative to the annual data we received from all the regulators for the year from April 2020 to March 2021.¹⁹ We noted that this comparison was favourable to Social Work England, because it includes the period from January to March 2021. As noted above, that was outside our review period for Social Work England, and Social Work England's performance during this quarter was much better than the three quarters which did fall into our review period.
- 11.5 Even so, no other regulator took as long, on average, to process registration applications across all categories as Social Work England. The General Dental Council took longer to process UK applications but dealt with international applications faster. The HCPC took a similar time to process international applications but dealt with UK applications faster. The chart below shows the regulators' data.²⁰

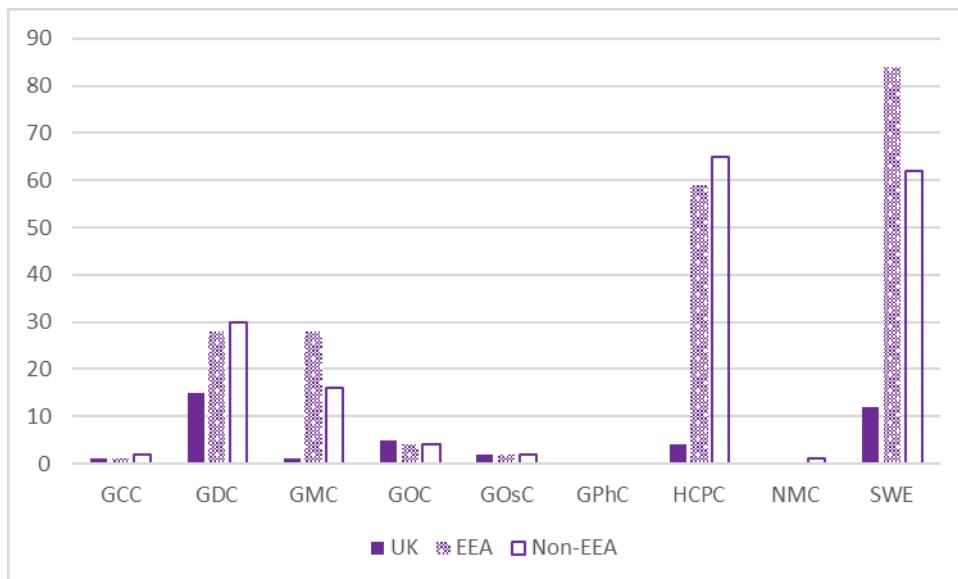


Figure 1: median time in days to process registration applications, April 2020 to March 2021

- 11.6 We appreciate that there are differences between regulators' processes and requirements, and we need to take care in comparing their data.

¹⁹ This is the period we use for our annual report and accounts. To avoid putting an extra burden on the regulators, we do not ask them to routinely provide separate annual data covering the precise period of their respective performance reviews.

²⁰ The chart does not include the Pharmaceutical Society of Northern Ireland because it did not deal with any non-EEA international applications during the period. Some of the regulators in the chart reported a median time of 0 working days to process some categories of applications.

Nevertheless, the difference between Social Work England and most other regulators in performance against these measures was striking. We also looked at Social Work England's own published data about how it processed registration applications.

- 11.7 The chart below shows Social Work England's performance against its own targets for processing registration applications in the period from April to December 2020. The targets shown in the chart are:

- To approve 95% of UK applications with no investigation required²¹ within 10 working days.
- To approve 95% of international applications within 50 working days.

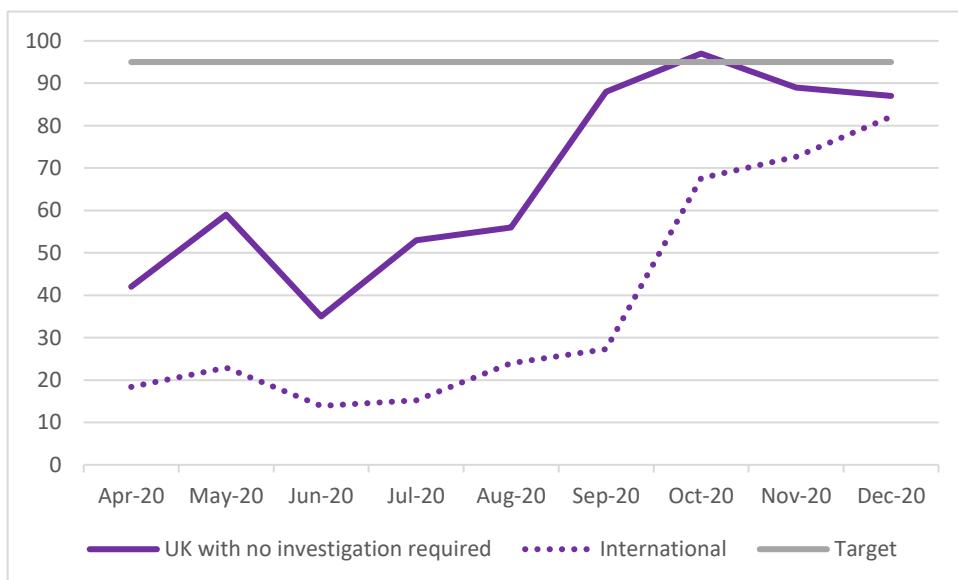


Figure 2: monthly percentage of registration applications meeting Social Work England's targets for processing time, April-December 2020

- 11.8 Again, Social Work England's performance improved during the course of the year, but overall it remained well short of its targets. It reported that in the whole period it processed 77% of UK applications requiring no further investigation within 10 working days against its target of 95%. We would expect applications from UK graduates which do not require any further investigation to be the most straightforward for a regulator to deal with.
- 11.9 We recognise that the pandemic would have had an impact on Social Work England's performance during this period. Social Work England explained that the pandemic made it harder to get information to process international applications, as overseas universities and regulators were less able to respond to requests for information, and IELTS tests were postponed.²² It also meant there were operational challenges, as Social Work England staff had to work from home.

²¹ In some circumstances, such as where an applicant declares a health condition or a previous conviction as part of their application, Social Work England might need to investigate to make sure it is appropriate to admit that person to the register.

²² International English Language Testing System, a test used to measure someone's ability to communicate in English.

- 11.10 Similar considerations would have affected all the regulators we oversee. At the same time, the pandemic emergency made it important that regulators were able to register appropriately-qualified practitioners efficiently.
- 11.11 We also recognise that, as a new regulator, Social Work England has no previous performance to which we can refer. This makes it difficult to quantify the effect of the pandemic on its processing times. We noted that most of the other regulators we oversee did not report significantly longer registration processing times this year. Indeed, in most cases they maintained or even improved these times relative to the previous year. We did not see evidence that the effect of the pandemic on Social Work England was so different from the other regulators that it justified the significant difference in processing times. We considered this reflected poorer performance.

Temporary register

- 11.12 Social Work England opened an emergency temporary register of social workers to help respond to the pandemic. It added people who had left the HCPC register in the previous two years to its temporary register, unless they opted out. By December 2020, around 8,000 people were on the temporary register.²³
- 11.13 Social Work England published temporary registration guidance, which included guidance for employers about the checks they should carry out to satisfy themselves that temporary registrants could return to safe and effective practice. As described at Standard 5, Social Work England worked with other organisations to help people on the temporary register find suitable posts.
- 11.14 Social Work England said it had not identified any instances where it added people to its temporary register inappropriately. It told us that it received only a small number of concerns about people on its temporary register in the review period. It dealt with these under its published process: concerns that met its triage test led to the individual's removal from the temporary register.

Conclusion against this Standard

- 11.15 We do not have concerns about Social Work England's handling of its temporary register. We were concerned about Social Work England's performance in processing registration applications. We took account of the challenging context. Based on the data we saw, we were not assured that Social Work England was dealing efficiently with registration applications in the period under review. Therefore this Standard is not met this year. We noted the improvement Social Work England made during the year, and we will report in our next review on whether it has been able to sustain this improved level of performance.

Standard 12: Risk of harm to the public and of damage to public confidence in the profession related to non-registrants using a protected

²³ Social Work England subsequently added around 5,000 people who had not renewed their full registration to the temporary register.

title or undertaking a protected act is managed in a proportionate and risk-based manner.

- 12.1 In England, it is illegal for someone to use the title social worker unless they are registered with Social Work England. Social Work England publishes information on its website about how to raise a concern that someone might be practising as a social worker illegally, and the action it can take in response.
- 12.2 We asked Social Work England for more information about its work on illegal practice cases during our review period. It told us that it had opened 162 cases during the period to 31 January 2021, including three transferred from the HCPC. It closed 141 cases; the median time it took to close cases was 14 days. The outcomes of cases included:
 - cases where Social Work England reminded former registrants who had returned to the register of the importance of checking their registration status
 - cases where Social Work England identified that the individual's role did not require registration as a social worker
 - cases where Social Work England sent formal cease and desist letters.
- 12.3 Social Work England explained that most of the illegal practice cases it had dealt with related to people who had failed to renew their registration with the HCPC and had carried on practising without realising the need to be registered with Social Work England. It said that only a small proportion of its illegal practice cases, about 4%, related to people knowingly using the protected title without registration.

Conclusion against this Standard

- 12.4 Social Work England provides information about how to report illegal practice. It has been investigating and resolving illegal practice cases. We are satisfied that this Standard is met.

Standard 13: The regulator has proportionate requirements to satisfy itself that registrants continue to be fit to practise.

- 13.1 Under Social Work England's statutory rules, social workers must renew their registration every year. As part of this, they have to provide evidence that they have met Social Work England's standards for CPD. These requirements are different from the HCPC's requirements which previously applied to social workers.²⁴ Those who do not renew their registration will be removed from the register.
- 13.2 For its first year of operation, Social Work England required social workers to record at least one piece of CPD in their online account. It would review a random sample of the submissions. It said that it would use the information

²⁴ Under the HCPC, social workers had to renew their registration every two years and confirm that they continued to meet its standards, which include a requirement to carry out CPD. The HCPC audited a sample of 2.5% of registrants' CPD.

social workers submitted about their CPD to review and update its requirements.

- 13.3 Some social workers said they encountered problems using their online account to record CPD. Social Work England said it made changes in response to this feedback. It made improvements to the online system, such as adding the ability to save draft CPD records. It updated the guidance for registrants, including a troubleshooting guide for common problems. Social Work England also engaged with organisations in the sector to help share key messages about CPD. It ran online workshops for registrants, as noted at paragraph 7.2 above.
- 13.4 We noted that relatively late in the year most registrants had not recorded any CPD: according to figures published by Social Work England, about three-quarters of registrants had not recorded any CPD by September 2020. We considered that there was a potential risk to the delivery of important services if a large number of social workers did not renew their registration.
- 13.5 Social Work England said it had anticipated this pattern of renewals, based on the experience of other regulators. It said that as well as its wider engagement work, it used targeted communications to support the renewal process. It sent targeted reminders to those who had not renewed their registration, and its data showed that these had been effective in prompting registrants to complete their renewal.
- 13.6 When the annual renewal exercise was complete, about 94% of social workers had renewed their registration. The number of registrants who did not renew their registration was consistent with previous years under the HCPC. Social Work England removed 256 registrants from its register for not meeting its CPD requirement.
- 13.7 Social Work England explained that it would be carrying out a review to learn lessons from the first year's renewal exercise. It said it would review the feedback received through a satisfaction survey as well as direct feedback obtained by staff and through social media. It had made plans for technical improvements to the system, as well as to its standard letters and communications plan.
- 13.8 Since the end of our review period, Social Work England has published a research report about CPD and social work, and carried out a public consultation on proposed changes to its CPD requirements. We note that this was consistent with Social Work England's plan to review its requirements after the first year. We will comment on this work in our next review.

Conclusion against this Standard

- 13.9 Social Work England completed the first annual renewal exercise for its registrants. It took steps to help registrants understand what they needed to do to meet the CPD requirement. Social Work England removed from its register the very small proportion of registrants who did not meet its CPD requirement. It has planned work to learn from the renewal exercise and registrants' submissions. We will monitor how this work develops. We are satisfied that this Standard is met.

Fitness to Practise

Standard 14: The regulator enables anyone to raise a concern about a registrant.

- 14.1 Social Work England publishes information about how to raise a concern about a social worker. Its website includes information about the process and details of sources of support.
- 14.2 As part of looking at Social Work England's performance this year, we reviewed a sample of fitness to practise cases it had closed at the early stages of its process. We discuss relevant findings in relation to each of our Standards for fitness to practise. In the cases we reviewed, we did not find evidence of barriers to people raising concerns.

Guidance to employers about referrals during the pandemic

- 14.3 During the first acute phase of the pandemic, Social Work England published guidance to employers which said they should only refer fitness to practise concerns involving 'high risk situations'. This policy was in place from 20 March to 10 June 2020.
- 14.4 We were concerned about Social Work England's advice to employers only to refer high risk cases. In our view, there are inherent risks to such an approach, and it is not appropriate to put the onus on complainants to assess the risk or seriousness of a potential referral. The regulator is best placed to make such an assessment. It is also able itself to assess risk in individual cases and decide whether they could, for example, have been put on hold for a period.
- 14.5 We considered that one way to mitigate the risk of Social Work England's policy would have been to provide detailed guidance for employers about the sorts of referrals they should continue to make and what to do about less urgent matters which would ordinarily warrant referral. Social Work England had updated information on its website to say that employers should 'limit fitness to practise referrals to cases involving high risk situations, such as abusive behaviour or serious safeguarding concerns'. It also signposted employers to its existing guidance about the types of concerns that they should refer.
- 14.6 We asked Social Work England for more information about its reasons for introducing the policy and what effect it had. Social Work England said that this was part of its work to help the sector respond to the pandemic emergency. It said that its main concern was the risk to the public if frontline agencies like employers could not focus on the immediate response to the pandemic. It wanted to focus its own efforts, and those of employers, on progressing high risk concerns. It said it had consulted regularly with other regulators about the approaches being taken in the acute phases of the pandemic.
- 14.7 There was limited evidence about the effect of the policy in practice. Social Work England received slightly fewer referrals during the relatively short

period the policy was in effect, but this was common across the regulators we oversee. The decrease coincided with the first national lockdown and was not necessarily a consequence of the policy. Social Work England gave us a summary of its risk scores of referrals from employers throughout 2020.²⁵ This fluctuated over the year and there was no clear evidence that the policy had affected it significantly.

- 14.8 We were not aware of any instances where people or organisations who wanted to raise a concern about a registrant had not been able to do so. Social Work England confirmed that it had not declined any referrals on the basis that they were considered low risk. It also explained the steps it had taken to ensure that employers were aware that the policy no longer applied after 10 June 2020: these included updating the information on its website and direct contact with employers and stakeholders through its regional engagement work.
- 14.9 We also noted that, overall, Social Work England continued to receive a relatively high number of concerns. Based on the HCPC's experience, Social Work England had expected to receive around 120 referrals a month. In practice, it received on average over 150 referrals a month. Though this dropped slightly in April and May 2020, Social Work England still received over 130 referrals in each of these months.

Conclusion against this Standard

- 14.10 While we were concerned about Social Work England's advice to employers only to refer high risk concerns during the first acute phase of the pandemic and considered that there may have been other ways to pursue the same outcome, we understood why Social Work England sought to reduce the burden on employers at this time and recognise that the decision was taken during an emergency.
- 14.11 The policy was in place for only a short time and there was little evidence that it had a significant effect. Social Work England continued to receive referrals and it did not decline to consider any. We did not see any evidence that in practice people and organisations were finding it difficult to raise concerns about social workers. Therefore we are satisfied that this Standard is met.

Standard 15: The regulator's process for examining and investigating cases is fair, proportionate, deals with cases as quickly as is consistent with a fair resolution of the case and ensures that appropriate evidence is available to support decision-makers to reach a fair decision that protects the public at each stage of the process.

- 15.1 When Social Work England took over from the HCPC as the regulator of social workers in England, it received the open fitness to practise cases the HCPC was working on at the point of transition. We have reported on concerns about the HCPC's handling of fitness to practise cases in our recent performance reviews. In our 2019/20 performance review report, which covers

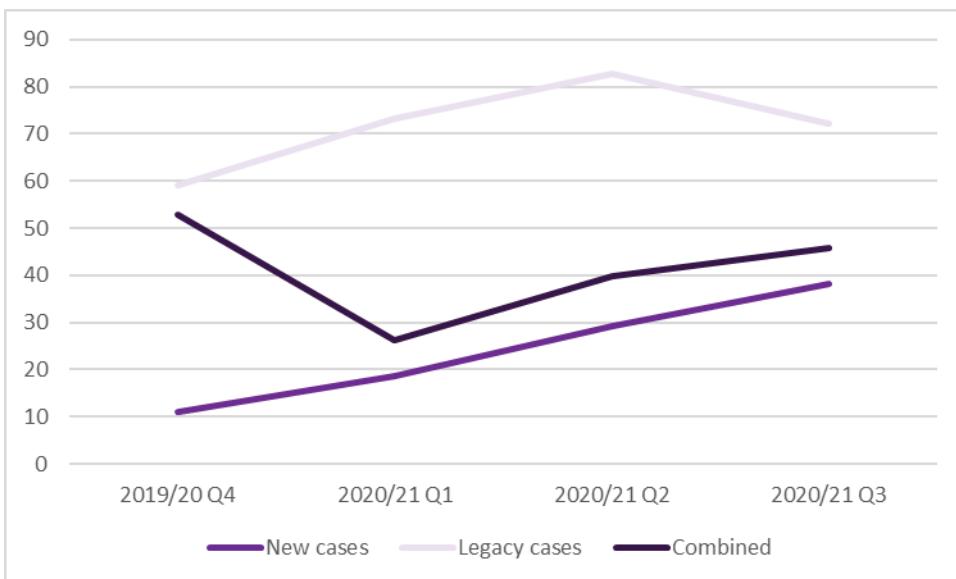
²⁵ As part of its risk assessments, Social Work England uses a scale of 1-4 to record the severity of the risk identified.

the period when Social Work England took over from the HCPC as the regulator of social workers in England, the HCPC met only one of our five Standards for fitness to practise. The HCPC has implemented an action plan to address our concerns, and we are closely monitoring its progress.²⁶

- 15.2 In total, Social Work England received 1,545 live cases from the HCPC. Social Work England told us that the average age of the cases the HCPC transferred to it was 49.7 weeks, that is, nearly a year. It said its immediate priority was to review and risk assess the entire caseload, and to establish a strategy for dealing with them. It said that it had completed its initial review by mid-March 2020. Then the pandemic affected its ability to make progress on the cases.
- 15.3 We agree that it was necessary for Social Work England to review the cases it received from the HCPC. We accept that this would have taken a significant amount of work, given the number of cases received. Social Work England also told us that it often had to do more work on these cases. It reported to its Board in October 2020 that when its lawyers reviewed cases which the HCPC had labelled as being ready to schedule for a hearing, they considered only about 10% of them to be complete; the rest needed further work before they were ready to schedule for a hearing. Overall, the legacy caseload it received from the HCPC presented a significant challenge to Social Work England.

Performance data

- 15.4 In reporting to us about how long it takes to deal with fitness to practise cases, Social Work England distinguishes between legacy cases and new cases. This is fair because some of our measures start counting when a case is first received, and for legacy cases some of this time was while the HCPC had the case. The chart below shows how long Social Work England took to make case examiner decisions.



²⁶ You can find our 2019/20 performance review report on the HCPC at the link in footnote 6. You can find our 2020/21 report at <https://www.professionalstandards.org.uk/publications/performance-review-detail/performance-review---hcpc-2020-21>.

Figure 3: median time in weeks from receipt to case examiner decision, January-December 2020

- 15.5 All of the cases Social Work England closed at final hearings in this review period were legacy cases. The table below shows how long it took to reach final hearing decisions.

Median weeks taken:	2019/20 Q4	2020/21 Q1	2020/21 Q2	2020/21 Q3
From case examiner decision to final hearing/outcome	36.6	47.9	66	76.9
From receipt to final hearing/outcome	107	88	156.3	134

Table 2: median time in weeks to reach final hearing decisions, January-December 2020

- 15.6 The number of open fitness to practise cases more than a year old increased throughout the year. This was common among the regulators we oversee, as a consequence of the pandemic (discussed further below). By the end of December 2020, Social Work England had 1,264 open cases that were a year or more old; all but 60 of these were legacy cases.
- 15.7 We also looked at Social Work England's own data about case progression. It was clear that Social Work England was not meeting the forecasts it had made before it started operating. Its target was to have an open caseload of 300 cases at triage and 1,100 at investigation; at the end of September 2020, the caseloads were 543 and 1,348 respectively. We also note that Social Work England received 1,270 open investigations from the HCPC on transfer, which immediately exceeded its initial forecast for caseload at that stage. As discussed at paragraph 14.9 above, Social Work England also received significantly more referrals than it had forecast. This put extra pressure on its resources. We also note that Social Work England set its targets without knowing that there would be a global pandemic during its first year of operation.

The effect of the pandemic

- 15.8 The pandemic had a significant effect on Social Work England's ability to deal with fitness to practise cases. We cannot precisely quantify that effect. As this was Social Work England's first year of operation, there is no data available to make a comparison with what it might have done if there had been no disruption. However, we know some of the factors that affected how long it took to deal with cases.
- 15.9 Like other regulators, Social Work England paused activity on many fitness to practise cases because registrants and employers did not have capacity to deal with requests for information at the same time as responding to the pandemic. That was reasonable in the emergency situation of the pandemic. It meant that many cases took longer to investigate than they would otherwise have done.
- 15.10 Similarly, regulators had to stop holding panel hearings in person because of the pandemic. It necessarily took some time for them to develop the capacity to hold hearings remotely. This affected their ability to conclude serious cases. It also affected the number of open old cases, because a regulator's oldest cases are often those which need to go all the way to a final hearing. By the

end of our review period, nearly all of Social Work England's cases awaiting a hearing were over a year old; most of them were over two years old.²⁷

- 15.11 From April to September 2020, Social Work England completed a total of six hearings, far below the capacity it had originally planned. It was able to complete more hearings as it developed its capacity to hold them remotely. By early 2021, after the end of our review, it had returned to full capacity.
- 15.12 Social Work England has developed a plan to help it recover from the effects of the pandemic. It changed how it makes decisions at triage. Previously its triage decision-making group took all decisions; under the new process, cases can be dealt with differently depending on their risk and complexity. Senior staff can sign off some triage decisions without the need for the decision-making group to consider them. Social Work England expects this to help increase its capacity at triage. It told us about the measures it has in place to assure the quality of decisions, which include random sampling by its decision review group, and an audit of triage decisions by its internal quality assurance team.
- 15.13 Social Work England has invested additional resources at triage and investigations, by taking on extra staff and by instructing its external legal providers to investigate more cases. It set up specialist teams to focus on working through the lower risk legacy cases. It believes the changes in its processes will help it deal with fitness to practise cases in a timely way. We will continue to monitor its progress in this area.

Key performance indicators

- 15.14 Social Work England developed key performance indicators during the year, including for fitness to practise. We noted that these included measures of case outcomes: one indicator measured the proportion of cases closed at triage, another the proportion of cases referred for a hearing by the case examiners. We asked Social Work England for more information about these measures, as it is important that a regulator deals with each case on its merits.
- 15.15 Social Work England explained that it needed to track the proportion of cases moving through each stage of its fitness to practise process so that it could ensure it had appropriate resources at each stage. It said that these measures were planning assumptions, not targets for individuals. It said that decision-makers were instructed to have no regard to these targets, and that it has controls in place to check the quality of decisions.
- 15.16 We noted Social Work England's explanation. We saw no evidence, including in our audit, that these key performance indicators had influenced how Social Work England approached individual cases. We note that since the end of our review period Social Work England has reviewed its approach to performance reporting and developed a new set of key performance indicators, which do not include measures of case outcomes. We will consider its work on and progress against these performance measures in our next review.

²⁷ Necessarily, all cases that were more than a year old at the end of Social Work England's first year were legacy cases from the HCPC.

Our audit findings

- 15.17 As noted above, we reviewed a sample of closed fitness to practise cases. These included new cases and cases transferred from the HCPC. We found, as we expected, evidence of delay coinciding with the period when the pandemic disrupted Social Work England's ability to deal with cases.
- 15.18 There were a small number of cases where we considered that Social Work England should have made further enquiries before making its decision. Social Work England agreed with most of our feedback. In most cases we reviewed, we were satisfied that Social Work England had obtained appropriate information to make its decision. We did not see evidence of problems in its process that undermined its ability to make reasonable decisions.

Conclusion against this Standard

- 15.19 Social Work England was not able to progress fitness to practise cases in line with its expectations this year. We were satisfied that this was substantially due to factors beyond Social Work England's control, rather than poor performance on its part. As soon as Social Work England started work, it received a large number of cases, many of them already old, from the HCPC. It needed to review these cases to determine how to deal with them appropriately. At the same time it was receiving new referrals at a significantly higher rate than the HCPC had done. Then the pandemic emergency disrupted its plans. No other regulator we oversee encountered this combination of circumstances. We are satisfied that the circumstances of this review period were truly exceptional for Social Work England. On that basis, we are satisfied that this Standard is met this year.
- 15.20 We will continue to closely monitor its performance in this area as it seeks to address the legacy caseload and improve how long it takes to deal with fitness to practise cases. As the context changes and Social Work England has an opportunity to implement its process improvements, we will expect to see improvements in timeliness in order for the Standard to remain met.

Standard 16: The regulator ensures that all decisions are made in accordance with its processes, are proportionate, consistent and fair, take account of the statutory objectives, the regulator's standards and the relevant case law and prioritise patient and service user safety.

- 16.1 As noted under Standard 15 above, Social Work England has processes in place to assure the quality of the decisions it makes in fitness to practise cases. These include its decision review group, which consists of senior managers, lawyers, social workers, an independent representative from another regulator and experts by experience from the National Advisory Forum. The group reviews a sample of cases closed at each stage of the process every month, and recommends further action where it considers this necessary.

Accepted outcomes

- 16.2 As a new regulator, Social Work England has more up-to-date and flexible legal powers than the other regulators we oversee. Its powers include a new process as part of its fitness to practise provisions. This process enables case examiners to propose sanctions to social workers where they consider that there is a reasonable prospect that adjudicators will find the facts of the concerns proved and that these will lead to findings of misconduct and impairment. If the social worker accepts the proposed sanction, that will close the case. This is called an accepted outcome.
- 16.3 This process is new for the regulators that we oversee and we considered that it would be important for us to review how the process worked in practice since the Government is proposing to provide these powers to the other regulators as part of its plans for regulatory reform.
- 16.4 We reviewed all of the cases Social Work England closed as accepted outcomes by the end of 2020, 41 in total. We provided feedback to Social Work England about cases where concerns or good practice were identified. We published a report about our findings.²⁸
- 16.5 We had particular concerns early on in the process about some cases where the Case Examiners had taken no action against registrants in order that they could leave the register voluntarily. We had concerns as to whether this was, in fact, appropriate or within Social Work England's powers. The issue is discussed at greater length in our report. However, Social Work England took immediate action on our concerns and has amended its process. We will review how the process works in practice.
- 16.6 In summary, our three most important findings were as follows:
 - The process worked well for simple cases where the facts were clear and uncontested. It saved time and reached outcomes which were clearly appropriate. It was particularly appropriate for cases where the registrant's health was a concern. The good decisions were robust, well-argued and clearly protected the public
 - There are some cases which are unsuitable for this process and we were concerned that the case examiners did not always identify that this was the case and reached decisions that might not have been sufficient to protect the public. This is concerning because these are final decisions in respect of serious matters and there is no means of review
 - There is a danger that registrants who are not represented may agree to more serious outcomes than would have been the case if they had had the matter heard by panels. There is a danger that this may lead to perceptions that the system is unfair.
- 16.7 We fed back our findings, which included serious concerns about eight of the 41 cases we reviewed. Social Work England engaged positively and constructively with our review. We were clear that there is a genuine desire to learn, reflect and develop good practice. Social Work England carefully considered the points we raised and has taken steps to address them. We

²⁸ Available at: <https://www.professionalstandards.org.uk/publications/performance-review-detail/review-of-social-work-england-s-process-for-accepted-outcomes-in-fitness-to-practise-cases>.

noted improvements in the quality of the decisions we saw after we shared initial comments with Social Work England in August 2020, including:

- more detailed reasoning, which took greater account of public interest matters
- clearer engagement with the sanctions guidance
- case examiners had dealt robustly with a number of cases where this was required, and had properly rejected requests from social workers for reduced sanctions.

16.8 Social Work England is considering the training and guidance it provides in this area. We will continue to review and monitor accepted outcomes through our performance review process.

Our audit findings

- 16.9 We reviewed a sample of over 50 fitness to practise cases closed at the earlier stages of the fitness to practise process. Our sample included legacy cases as well as cases received directly by Social Work England. Some cases covered more than one decision point: we reviewed 14 cases which passed Social Work England's triage test and were then closed by the case examiners, and in these cases we looked carefully at the decision at both stages.
- 16.10 In four cases we identified serious shortcomings in the decision-making or reasoning. Social Work England broadly accepted our findings. We had less significant concerns about the decision-making in a further four cases. So in 92% (49 out of 53) of the cases reviewed we did not have serious concerns about decision-making, and in 85% (45 of 53) we did not need to give any feedback about it.

Just Disposal Policy

- 16.11 Social Work England has a published policy setting out the approach it takes to legacy cases, in line with its legal powers. This is called the Just Disposal Policy. It explains the different tests Social Work England applies, depending on the stage the case had reached by the time the HCPC stopped dealing with it. The policy includes some ways in which Social Work England can close a case which the HCPC had decided to take further. For example, where the HCPC had referred a case for a hearing but the hearing had not started, Social Work England can refer it back to its case examiners to consider closing it if there has been a change in the evidence available which means there may no longer be a realistic prospect of finding the social worker's fitness to practise impaired.
- 16.12 Social Work England gave us further information about its progress in reviewing cases under this policy. It said its staff had reviewed all the legacy cases from the HCPC against the policy. Its decision-making group looked at all recommendations to close cases or refer them back to the case examiners under the policy. It told us that by February 2021, the decision-making group had reviewed 342 such recommendations:

- In 290 cases it agreed with the recommendation, and the case was either closed or referred back to the case examiners, depending on what stage it had reached
- In 26 it disagreed with the recommendation to close the case under the policy, and these cases continued through the fitness to practise process
- In the other 26 cases, the decision-making group adjourned because it needed more information to make a decision.

- 16.13 Social Work England said that it would continue to use the policy to review open legacy cases. It might be able to appropriately close some more cases under the policy, depending on the outcome of further enquiries.
- 16.14 Our audit sample included cases Social Work England had closed under the policy. We identified some issues in the handling of individual cases, and we gave Social Work England feedback about these points. In one case Social Work England agreed that the decision to close was premature based on the information available at the time. This was one of two cases Social Work England had considered under the policy where we found that it had not recorded adequate reasons for its decision; Social Work England accepted our findings. It outlined the action it has taken, including refresher training for staff and regular feedback from its own quality assurance monitoring.
- 16.15 In most of the cases we looked at, we agreed that Social Work England had reached a reasonable decision. We did not see evidence of problems in the way it was applying the policy, except that it was taking too long to tell people what was happening, which we discuss further at Standard 18, below.

Conclusion against this Standard

- 16.16 We looked carefully at Social Work England's accepted outcomes process. We saw some benefits, but we also had some serious concerns. Social Work England engaged constructively with our review and made improvements based on our feedback.
- 16.17 We reviewed a sample of cases closed at the earlier stages of the fitness to practise process. Overall our findings reflected a good standard of decision-making, and Social Work England said it would take action on feedback we gave it. We did not find significant problems in how Social Work England was using the Just Disposal Policy to make decisions.
- 16.18 On balance, we are satisfied that this Standard is met. We will continue to monitor closely Social Work England's use of accepted outcomes.

Standard 17: The regulator identifies and prioritises all cases which suggest a serious risk to the safety of patients or service users and seeks interim orders where appropriate.

Interim order timeliness

- 17.1 The average time Social Work England took to make decisions about interim orders tended to increase over the year. As above, Social Work England reports separately on new cases and legacy cases; for legacy cases, the time

from receipt to interim order decision included time when the case was with the HCPC.

Median weeks to interim order decision:	Q4 2019/20		Q1 2020/21		Q2 2020/21		Q3 2020/21	
	Legacy	New	Legacy	New	Legacy	New	Legacy	New
From receipt of referral	51.7	6.3	40.2	10.7	70.1	15.6	80.1	11
From decision that there is information indicating the need for an interim order	2.7	3.9	3.7	3.2	2.4	3.4	3	3

Table 3: median time in weeks to make interim order decisions, January–December 2020

- 17.2 Social Work England's performance in making interim order decisions about new cases fluctuated but remained well within the range of the other regulators we oversee. Similarly, we were not concerned about how long it was taking to make interim order decisions once it had identified the need to consider this. But we were concerned about how long it was taking to make interim order decisions in legacy cases. While some of this time was while the HCPC held the case, the time increased through the year. As the year went on, Social Work England had been responsible for these cases for longer.
- 17.3 Social Work England explained that it took time to review the legacy cases. Its priority was to identify higher risk cases. It said that it referred some cases for interim orders when it obtained further information. Social Work England also told us that its case examiners had referred some cases for interim orders on the basis of information obtained during the investigation. We have been concerned about this issue when we found it in relation to other regulators,²⁹ because it may mean that the regulator failed to identify and act on risk at earlier stages of the process.
- 17.4 Social Work England said that its case examiners made about 16% of referrals for interim orders; five cases referred by the case examiners resulted in an interim order being granted on the basis of information that was available earlier in the investigation. This is only a small number, but the risk to the public, and to public confidence in the regulator, where there is a delay in imposing an interim order can be significant.
- 17.5 Social Work England told us that it is going to review all the cases which the case examiners referred for an interim order. The review will seek to identify learning and opportunities to improve. Social Work England established an Investigations Review Group in early 2021, and part of its work is to review any further cases which the case examiners refer for an interim order.

Our audit findings

- 17.6 As part of our audit, we looked at how Social Work England had considered and recorded risk. We fed back concerns to Social Work England about risk

²⁹ See our 2019/20 performance review of the General Dental Council, available at: <https://www.professionalstandards.org.uk/publications/performance-review-detail/performance-review-gdc-2019-20>.

assessments at all three stages of the process included in our audit: triage, investigation and Just Disposal Policy.

- 17.7 Social Work England's policy required investigators to record risk assessments at the beginning of the investigation and whenever they received new information; it also said that monthly supervision sessions with lead investigators would include a review of case risk ratings.
- 17.8 When we looked at investigations, including cases under the Just Disposal Policy, we found numerous cases where staff had not recorded risk assessments on receipt of new information. We also saw instances where risk assessments lacked reasoning to support the risk score recorded. We did not see any cases in our sample where Social Work England had failed to act appropriately on information which increased the risk on a case. Nevertheless, these failures to follow Social Work England's risk assessment policy did not assure us about how it would handle information about increased risk.
- 17.9 Social Work England accepted that there were some delays in completing risk assessments, and that staff had not always recorded risk assessments when they received new evidence, as the policy required. It said this was an issue of record-keeping rather than risk assessment, noting that there were no cases in our sample where staff had failed to record risk assessments about new evidence that increased the risk. It said that the cases we reviewed were from the period shortly after it started operations, which it said was relevant as staff were all new to their roles and processes were embedding. It had given further training to staff about risk assessments and the framework for supervision with lead investigators included the need to document risk assessments on receipt of new information.
- 17.10 We found limited evidence of risk assessments in triage cases from the early part of our review period. Social Work England explained that until August 2020 it did not require staff to record a full risk assessment and risk score at triage. Social Work England said that it routinely reviewed all open cases at triage and assigned them one of two priority levels: standard or high risk/high profile. It was satisfied that this process had been applied appropriately in the cases we reviewed. Its case management system did not initially have the functionality to record a risk score at the triage stage. Following an internal review it introduced this capability and required staff to complete full risk assessments at triage from August 2020 onwards.
- 17.11 We noted Social Work England's explanations. While we accepted that it faced specific challenges as a new organisation, effective risk assessment is important and we consider Social Work England should have been aware of the need to design processes to support this adequately from the outset. In the event, as we have seen, Social Work England's caseload at triage was higher than it had expected, and it was taking longer than expected for cases to move through this part of the process. In that context it was even more important for Social Work England to have effective means of identifying and prioritising higher risk cases. We saw that full risk assessments routinely took place in triage after the introduction of the new policy in August 2020. But for most of our review period, this was not in place.

Conclusion against this Standard

- 17.12 Prompt and effective risk assessment is important for public protection. We were concerned about the shortcomings we found. We were not assured that Social Work England was making decisions about interim orders promptly enough in legacy cases. The absence of routine full risk assessments at triage for most of our review period did not demonstrate that Social Work England was able to identify and prioritise higher risk cases at this stage. In the cases we audited, we found numerous failures to record risk assessments as Social Work England's policy required, though we did not see any cases where it had failed to act appropriately on information increasing the risk level on a case.
- 17.13 Social Work England has taken some steps to address these shortcomings. Our audit found improved recording of risk assessments at triage from August 2020 onwards. We will monitor Social Work England's work to learn from interim order referrals, such as the establishment of its Investigation Review Group shortly after the end of our review period, and any further changes it makes as a result. However, based on the range of concerns we identified and the importance of effective risk assessment, we determined that this Standard is not met this year.

Standard 18: All parties to a complaint are supported to participate effectively in the process.

Accepted outcomes

- 18.1 As we noted at paragraph 16.6 above, one of the risks we identified about Social Work England's accepted outcomes process was that it might disadvantage unrepresented registrants. In some of the cases we reviewed, we considered that unrepresented registrants may have agreed to accepted outcomes which were harsher than a hearing would have been likely to impose. We asked Social Work England what it had done to mitigate this risk.
- 18.2 Social Work England told us it had considered this risk from a variety of perspectives. It said it designed its fitness to practise processes to encourage registrants to engage from the earliest stages. It believed this would help registrants understand and demonstrate insight and engagement, which would make it more likely that accepted outcomes would be appropriate.
- 18.3 It also considered how to communicate, for example by using plainly written regulatory concerns in its investigation reports rather than formal charges, as these would be more accessible and less intimidating for unrepresented registrants. It said it had taken great care to ensure that the wording of its guidance and response forms makes it clear that registrants are under no obligation to accept the outcome proposed by the case examiners. It had reviewed its correspondence and had amended template documents based on feedback from its representative steering group.
- 18.4 Social Work England planned further work to improve the support available to people. This included improving how it collects feedback from, and working with other regulators to explore providing additional support to, people involved in fitness to practise cases.

Our audit findings

- 18.5 As part of our audit, we looked at how Social Work England communicated with people involved in fitness to practise cases. We gave Social Work England feedback where we found shortcomings in customer service, which included a small number of cases where staff had failed to respond appropriately or at all to people's correspondence. Generally, though, we saw that Social Work England provided a reasonable level of customer service in the cases we reviewed.
- 18.6 There were two main themes of concerns we fed back to Social Work England. These were about: its approach to explaining triage decisions; and delays in giving people updates about legacy cases.
- 18.7 Social Work England's approach to confirming triage decisions is to copy the text from its internal record of the decision and insert it directly into the decision letter to the registrant and complainant (where there is one). We acknowledge that this is one way to ensure that people receive an accurate explanation of the reasons for the decision in their case. But we found it was not always the most helpful way to support people involved in fitness to practise cases. It made the tone of the letters uneven, as most of the letter addressed the recipient directly while the text of the decision spoke about the registrant in the third person. We also saw cases where we considered that the decision text did not demonstrate empathy towards the recipient, including potentially vulnerable people.
- 18.8 Social Work England said that because it had so many cases to deal with at triage, it did not have the resources to tailor its correspondence to the extent we had suggested. It said it would consider our audit feedback as part of a wider review of communications in its fitness to practise department. We acknowledge that Social Work England was dealing with a high caseload in difficult circumstances. Nevertheless, it is important for regulators to consider the needs of the individuals they are communicating with, particularly where they may be vulnerable.
- 18.9 We also saw some long delays in updating people about their cases, particularly in cases closed under the Just Disposal Policy. In some of the cases we looked at, the first correspondence on file with the complainant was several months after the transfer to Social Work England, to tell them that their case had been closed.
- 18.10 Social Work England said that it was not possible to provide regular updates on legacy cases because it received so many. It wrote to social workers and complainants on 5 December 2019 to explain that it had taken over open cases and that it would be in touch with them in due course. It said that it had prioritised high risk cases. For lower risk cases, Social Work England would tell people about its approach if they contacted it for an update, and would try to give them a timescale for their case.
- 18.11 We accept that it was reasonable to prioritise high risk cases. However, in some cases Social Work England had not been in contact at all with people for over six months. Even in the context of the pandemic, that was not good customer service, because we know that open fitness to practise cases can be a source of significant anxiety for registrants and complainants. Taking that

into account, we thought Social Work England should have considered how it could give a general update to people it had not contacted about their case since the transfer. We also considered that proactively contacting people about their cases could have helped Social Work England manage their expectations.

Conclusion against this Standard

- 18.12 Our review of accepted outcomes identified the risk that unrepresented registrants might agree to disproportionately harsh outcomes. Social Work England engaged with our findings and told us about the work it has done and planned to mitigate this.
- 18.13 Our audit of closed fitness to practise cases found a reasonable standard of customer service overall, with two main themes of concern. We did not think Social Work England's approach to explaining triage decisions was the most effective way to support people, especially those who may be vulnerable. We also did not think it was good customer service that Social Work England had not contacted people for a long time about their cases, even though it had rated these as low risk cases.
- 18.14 Again, we acknowledge that Social Work England faced a combination of difficult circumstances, in that it received a large caseload from the HCPC and the pandemic disrupted its ability to work on this. Social Work England engaged with the feedback we provided. We consider that the issues we identified represent opportunities for Social Work England to improve how it engages with people involved in fitness to practise cases, particularly given its emphasis on collaboration.
- 18.15 Taking into account the exceptional circumstances of the period under review, we are satisfied that the Standard is met this year. We consider that there are some discrete areas that could improve Social Work England's performance in this area, and recommend that it considers how it can:
 - Mitigate the risk of accepted outcomes resulting in disproportionately harsh outcomes for unrepresented registrants.
 - Ensure its approach to explaining triage decisions takes adequate account of people's individual needs, particularly those who are vulnerable.
 - Effectively keep people updated about their fitness to practise cases.
- 18.16 We will consider in subsequent reviews any further work Social Work England does in this area, including its response to our recommendations.

Useful information

The nature of our work means that we often use acronyms and abbreviations. We also use technical language and terminology related to legislation or regulatory processes. We have compiled a glossary, spelling out abbreviations, but also adding some explanations. You can find it on our website [here](#).

You will also find some helpful links below where you can find out more about our work with the 10 health and care regulators.

Useful links

Find out more about:

- [the 10 regulators we oversee](#)
- [the evidence framework we use as part of our performance review process](#)
- [the most recent performance review reports published](#)
- [our scrutiny of the regulators' fitness to practise processes, including latest appeals](#)

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