

SCOTTISH SOCIAL SERVICES COUNCIL CODES OF PRACTICE CONSULTATION SUBMISSION FROM SOCIAL WORK SCOTLAND

7th July 2023

Introduction:

Social Work Scotland is the professional body for social work leaders, working closely with our partners to shape policy and practice, and improve the quality and experience of social services. The codes of practice for social services workers and employers are therefore critical to our membership, and we welcome this opportunity to comment on the revised codes.

The reflections within this response are drawn from consultation with our membership which covers senior leaders, including Chief Social Work Officers, service and team manager from across the country in both local authorities and third sector involved in delivery of services to children and adults.

Social Work Scotland as an organisation is supportive of the move to update the Codes of Practice to strengthen the rights basis of the codes, link them to wider standards, and better reflect developments in practice. As a registered profession working with those who are most disadvantaged in society, those human rights principles are critical to how the profession and its leadership approach our work and service delivery.

The Codes provide a basis for how social workers and the wider social services workforce approach their work, and the attitudes and principles which should underpin what are often difficult conversations and activity. As a social work organisation, the principles of person centred and trauma informed approaches to care and service delivery are fundamental, and we support moves to embed this more strongly in the Codes. For employers, the Codes provide a basis for the standards they can expect of their social work and social care workforce. The role of the Codes in upholding the quality of behaviour and approach within the workforce is critical and the Codes must therefore be measurable and provide guidance on what is acceptable and why.

Whilst our response reflects our support for the revised Codes it also underlines the importance of the standards being measurable, for both staff - so that they know and can seek to achieve those standards - and for employers, who must be able to measure the behaviour of their employees and take appropriate, definable action where there are concerns or they are seeking to improve quality with their registered professional workforce. The change of language in the Codes to more positive wording is very welcome, but SWS would emphasise that the need for the codes to be measurable is critical in relation to both good practice and fitness to practice, and therefore achieving the intent of the review.

Social services are facing challenges not seen since the establishment of our current framework of local area based social work and social services provision in the 1970's. Recent years have also seen a steadily growing gap between ambition, investment, and ability to deliver, resulting in cumulative pressures on staff and those with whom we work. The expression of this context includes staffing shortages, issues with recruitment and increased demand because of both greater levels of need following the covid 19 pandemic and as a result of new initiatives and improvements. It is also a context of financial pressures, change and uncertainty which is causing anxiety and uncertainty for the workforce. As such the Codes become even more critical for staff and employers, as does the importance of knowing how the standards of behaviour they represent and to be delivered and measured.

SWS have appreciated inclusion in the revision of the Codes and look forward to ongoing engagement as the work is refined.

Consultation Questions:

1. *How Well do the revised Code of Practice for Social Services Workers encourage the following?*

Options: Not at all well, not well, neutral, well, very well

Kindness	Not well
Compassion	Not well
Rights and Relationships	Well
Risk Enablement	Well
Safety and Protection	Neutral

Relationship Based Practice	Well
Trauma informed practice	Neutral
Behaviour towards colleagues	Well
Organisational culture and behaviour	Well
Wellbeing	Neutral
Equality, diversity and inclusion	Well

Comments:

As the organisation which hosts the Self-Directed Support team, Social Work Scotland would hope to see stronger emphasis on choice than is currently reflected in the Codes. The employee code 6 states 'Be accountable for the quality of my work and take responsibility for maintaining and improving my knowledge and skills'. This could be strengthened by reflecting the SDS standards and including reference to choice. The same would apply to Code 1.2.

Similarly, in Code 3 while risk enablement is underlined, this should go alongside balancing the responsibility for statutory protection of adults, children and carers i.e. the supported decision making noted in the SDS standards (standard 6).

Code 3.9 should reference rights.

Code 1.3 There is an underlying inaccurate assumption that involvement with social work results in care. This is not reflective of the wider role social work plays in the system. This aspect of the code will therefore be less accessible to some areas of social work where work is being undertaken with individuals and families but this is not about care of a 'care package'. This links to 1.1 – not everyone involved with social work receives care and support services, and this Code may not be relevant for many operating in, for example, justice, children and families, or drug and alcohol services.

Code 6 should have an explicit link to other codes and standards.

Code 6.2.1 requires employees to utilise digital methods of recording and sharing of information that are legal. This is challenging for employees, and it is the view of SWS that it places inappropriate responsibility on the employee. Agencies will have many and varied methods of recording, and the duty of the employee is to follow those agency processes – whether they are digital or otherwise. It is the employer's duty to ensure that those system are secure, and to monitor the safe use of those processes. We would suggest that this Code is re-phrased to show that the

employee should record accurately and diligently, and in line with the law and their employers' recording policies and procedures.

Resource availability and operational issues can reflect unmet need across structures within which social workers work. Our members do not consider that the removal of explicit reference to these terms in the Codes is helpful as it diminishes the impact which reduced resources and operational pressures can have on a social worker – and other registered disciplines - ability to carry out legal functions on behalf of the local authority. This risks a shift in responsibility to the worker from the structures in which they operate, and also in relation to the impact it can have on an employee's wellbeing.

2. *When have you used or experienced the Codes of Practice for Social Services Workers*

Induction	x
Recruitment	x
Organisational Policies	x
Individual supervision	x
CPD	x
Training	x
Qualifications	x
Team Meetings	
Performance management	x
Disciplinary	x
Inspections	x
Not aware	
Any other uses (please describe)	Performance management.

3. What impact will the proposed changes to the Code of Practice for Social Service Workers have on your practice?

Please give examples.

For all our members the Codes are the standard which they agree to abide by as registered social workers in relation to their behaviour and in their practice. It is also the standard they expect as employers of those for whom they have oversight and responsibility.

Our membership do not see major changes in the Codes which would change their approach or practice but they do welcome the more positive framing of many of the standards to say what they should do rather than what they should not do i.e. 5.3: 'I will not abuse the trust of people...' becomes 'I will maintain the trust of ...'

Social Work Scotland generally see improvement in the framing of many of the revised codes to better reflect rights. We host the national Self-Directed Support Project and would note that greater inclusion of 'choice' within the Codes, eg Code 1 would provide an even stronger basis for improved practice, as noted above. A fuller balance around the importance of managing and balancing risks would also strengthen the Codes.

The inclusion of wellbeing in the Codes is viewed positively by our members.

However there is significant concern amongst our members around how the codes might be used where there are practice concerns, given the challenges in measuring some of the Codes e.g. how do you measure kindness or compassion, and a query about why this is not simply an aspect of the outworking of good relationship based practice which is already contained in the Codes.

Similarly, Members commented that a significant gap in terms of wellbeing is the lack of reference to reflective supervision. Social Work Scotland would therefore like to raise a potential opportunity to strengthen the governance of social work professional decision making in the Codes of Practice. Supervision and reflective practice offer the opportunity for social workers to explore how they carry forward their legal duties and powers while upholding human rights, across complex areas of practice. The

review of the Codes of Practice is an opportunity to embed professional oversight of social work practice in supervision to include the requirement that social workers must be supervised by other social workers. To this end, we recommend the addition to the Codes of explicit reference that social workers require to be supervised by a more senior social worker. This would apply to both the employee and the employer codes.

4 How well do the revised Code of Practice for Employers of Social Service Workers encourage the following?

Options: Not at all well, Not well, Neutral, Well, Very Well

Kindness and Compassion	Not Well
Rights and Relationships	Well
Risk Enablement	Well
Safety and protection	Well
Relationship based practice	Neutral
Trauma Informed Practice	Neutral
Behaviour towards colleagues	Well
Organisational culture and behavior	Well
Wellbeing	Neutral
Equality Diversity and Inclusion	Well

Comments:

While we understand the drive to include reference to the way services are delivered, and support for what underpins this, there is a strong view from our members that the use of words such as kindness and compassion to describe this is not helpful. Such terms are subjective, and therefore at best challenging to define and measure. As we will note further in the comments on the Employers Code of Practice, this is of real concern where it needs to be evidenced in the context of fitness to practice or disciplinary proceedings. Employees, employers and service users will have many and varied understandings of what kindness, compassion and respect look like, resulting in confusion where there is no guidance on what this looks like against which to measure an individual's performance.

The Codes should however more closely link to the Common Core and wider practice standards.

5. When have you used or experienced the Code of Practice for Employers of Social Service Workers?

Induction	x
Recruitment	x
Organisational Policies	x
Individual supervision	x
CPD	x
Training	x
Qualifications	x
Team Meetings	
Performance management	x
Disciplinary	x
Inspections	x
Not aware of the codes	
Any other times (please explain)	

6 What impact will the proposed changes to the Code of Practice for Employers of Social Service Workers have on your practice?

In addition to comments already made, we would note that some aspects of the Codes reiterate existing legislative duties of employers, and we query if inclusion in the Codes is therefore placing additional and unnecessary burden on employers. For example, Code 2.9 requires employers to ensure people and organisations they work with know what information is held about them and have measures in place to protect such information in line with legislation. This Code reflects what is already in statute through GDPR. We suggest that this, and other areas later in the Codes which reflect legal duties of organisations already in statute, should be combined into a Code that says employers should ensure legal duties placed upon them through statute are carried forward and that their employees know their responsibilities in line with these pieces of legislation.

We suggest that rather than specific reference to the health and social care standards, there is a more generic and wider reference to 'other professional quality standards' given the wide range of standards to which staff and employers must adhere and which differ across disciplines.

7 When looking at the revised Codes of Practice for Social Service Workers and Employers how do you feel about the following statements?

Options: Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree

The codes are clear and consistent.	<u>Neutral</u>
The codes are easy to understand	Disagree
The codes set a clear standard	Agree
The codes are relevant to my work	Agree
The codes reflect the values needed to work in social services.	Agree
The codes reflect good practice.	Neutral
The words and terms used are up to date	Agree

Comments:

Social Work Scotland agree with the move to a more rights based and positively framed presentation of the Codes. In some areas, however, this has led to the Codes being less clear. Members, both at practitioner and management level, are keen that the Codes are able to be measured as they consider this critical for them as individuals seeking to apply those standards to their practice, and as managers applying them to individuals and services. The shift to more subjective language in some areas makes the Codes less consistent, and at best challenging to apply.

This is particularly the case in relation to 'emotion' words such as kindness, compassion, and respect. As noted, these are subjective terms and not measurable therefore difficult to reflect in relation to accountability and performance management and fitness to practice areas. To effectively practice, lead, manage, and supervise, the social work workforce requires an assurance that legal duties and powers are being carried forward in line with social work values, human rights and asset-based approaches – a more measurable way of expressing what we think is behind the proposed wording in the revised Codes, and more

relevant in a registered workforce which often deals in areas of compulsion and challenges. For social workers and employers of social workers we suggest that to ensure these values are being appropriately practiced means reflecting in the Codes the earlier point that social workers should be supervised by experienced social workers.

Our members support the emphasis on inclusion of the lived experience voice as something at the core of good social work practice. However, Code 2 requires employers to 'work with staff to ensure people who use services and carers are supported to develop and thrive and be fully involved and confident in the decisions relating to their care'. We note that not everyone has the choice (or right) to be fully involved in decisions about their care specifically in some situations where statutory measures are being applied. Nor does every individual want to be fully involved in decisions about their care. This should be reflected in the Codes. There is also a need to recognise specifically the additional layer and complexity where another individual holds authority to make decision on behalf of an individual as is the case with children and parental rights and where Power of Attorney or Guardianship are in place and in related areas where involving advocacy is a legislative requirement. Wording here such as "insofar as they wish to" and inclusion of proxy decision makers would be helpful.

8. What impact will the proposed changes to the Codes of Practice for Social Service Workers and Employers have on people experiencing support?

While the Codes are for employees and employers, it is important that the Codes are understood by those accessing services provided by registered individuals.

Social workers operate in areas where distress and conflict are often the key features for individuals receiving a service. The action needed may involve utilising statutory interventions which impact on an individual's rights, and which is necessary to ensure either their safety or the safety and wellbeing of another.

Those receiving a service must therefore be able to use the Codes constructively to understand how that difficult and potentially distressing intervention should be undertaken, but without the Codes undermining that activity and resulting in undue pressure on those delivering a service. Currently our membership would consider that this balance is not fully achieved in all the Codes.

Please also see our comments earlier, which reflect concerns about some of the wording of the codes and the challenge and potential confusion this might cause, especially where fitness to practice matters are raised. This will also be difficult for those in receipt of services, should they wish to make a complaint or raise an issue about whether someone has been, for example, kind. The 'lack' of kindness may simply be a social worker carrying out their statutory duty to safeguard a child or vulnerable adult by removing them from a dangerous situation. That may be felt by the individual as unkind and would as the Codes currently stand, be a breach of the Code of Practice. We strongly suggest further attention is given to how the intent of the Codes is better worded and in a measurable manner which is not likely to cause additional conflict. This applies to kindness and compassion but also Code 2.1 which references respect.

9. Do you have any other comments, suggestions or ideas about the revised Codes of Practice?

As noted, Social Work Scotland are supportive of revised Codes. We have a few final comments not already covered above:

- We note that there is some repetition within the Codes which could be given attention e.g. requirement to ensure that workers have knowledge about exploitation, harm neglect and abuse is included in more than one area; Code 4.2 which repeats that employees should work in partnership and keep themselves safe – this aspect of keeping themselves safe is also contained in 3.3
- Some members have expressed concern about the inclusion of 'where appropriate' in some aspects of the Codes, specifically where this relates to risk enablement (Code 4.3) as not being compliant with a human rights approach.
- Given the current financial and resourcing challenges facing all aspects of social work and social care we suggest that the word 'resourcing;' is reinstated in Code 3.4
- In relation to the proposed combining of the aspects of Codes 5 and 2 around public trust, we suggest that while both Codes are important and interdependent, they are different and equally necessary in the Codes. Our view is that responsibility to

uphold public confidence in social services should sit separate in the Codes from how we treat people. Social workers are public servants who hold responsibility for the delivery of policy and legislation at the frontline in a manner which instils confidence in communities. They undertake their role through voluntary and compulsory engagement with the public, supporting public protection processes, and retaining responsibility for justifying public money spent to meet need. Accountability for practice as a whole is shared by employers, SSSC and through inspection activity. Holding the workforce to a standard of practice around public confidence through the Codes supports how the profession can evidence and reassure the public of its commitment to meeting legal duties and responsibilities and how it uses powers appropriately as public servants to ensure human rights are upheld. We suggest that the Codes do not flesh that subtle difference as best as it could, and that this section could be improved.

- We would also reiterate that the use of digital record keeping through the Codes of Practice for workers is misplaced. Organisations rather than the individual hold the duty around record retention, storing, and are the data controllers through GDPR. This is a legal duty on an organisation to which both employer and employee must comply. As this sits in the employee section but is not referenced in the Employer Codes it could confuse where responsibility lies for ensuring the organisational responsibility around information sharing. Confidentiality and maintaining accurate records on the systems that organisations have in place would be a better reflection of the workers role in this process, with the organisational aspect being referenced in the Employer Codes.
- We have some concern about the expansion of the duty on the individual to advise the SSSC *and/or the relevant authority* about personal difficulties which might affect ability to undertake their job. The original wording required the worker to advise their employer and the SSSC of any personal difficulties that may impact their ability to undertake their role. Expanding the accountability from employer and SSSC to include "and/or the relevant authority" leads to a query of "who else" and as an organisation we are not sure which other agency or organisations would be relevant - or why it is necessary to add this to the Codes given the contractual nature of

employment and regulatory requirements sit with employers and the SSSC for the social work and social care workforce.

For further information, please contact:

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