

BASW, SWU & UNISON Joint Statement on

Social Work England Fitness to Practice Hearing Delays

This is a joint statement from our organisations to document our significant concerns on behalf of our respective members.

BASW, SWU and UNISON have ongoing concerns about the fitness to practice (FTP) hearing delays announced by Social Work England (SWE) due to budget constraints, as reported in Community Care on 10 March 2024.¹ The implications of this mean that case proceedings will increase over the next 12 months from the current average of just over two years. We consider two years' timescale to be detrimentally excessive for all parties involved and note respondents to a recent Community Care poll agree the current case length is already too long².

BASW, SWU and UNISON work collaboratively with SWE and have regular stakeholder forum meetings with relevant SWE representatives to promote effective joint working. Our approach is constructive, transparent and pragmatic, with a commitment to explore any common positions and solutions to resolve the hearing backlogs and delays.

We have worked hard to seek improvements for social workers in the FTP process, however the hearing delays are ongoing and are now being extended. The time has now come for swift action, as hundreds of social workers are currently left in limbo. This is not acceptable from both public protection and personal wellbeing perspectives.

Lengthy hearing delays can also have the unintended consequences. We frequently observe social workers unable to secure employment directly because of ongoing Social Work England FTP investigations, even when no restrictions have been imposed upon them. Employers learning of ongoing investigation decline to consider them as potential candidates. We believe this stagnant situation is also exacerbating the [recruitment and retention crisis in social work](#)³. Furthermore, the mental health toll for social workers subjected to lengthy FTP processes is intolerable and unfair. Some social workers electively stop working because the distress caused is so unmanageable.

We are aware that SWE received more cases than expected in 2019, but we also have concerns about certain adversarial practices and protracted procedures. We have many examples of cases that progress beyond triage when there is no reasonable reason for them to do so. We are aware that SWE have recognised this as an issue themselves and sought to address this but more needs to be done to ensure only referrals where there is a genuine public safety issue progress to further investigation.

¹ <https://www.communitycare.co.uk/2024/03/10/fitness-to-practise-delays-set-to-rise-further-due-to-social-work-england-budget-pressure/>

² <https://www.communitycare.co.uk/2024/04/10/fitness-to-practise-cases-six-months-readers-take/>.

³ <https://www.communitycare.co.uk/2023/02/17/social-work-england-to-research-professions-recruitment-and-retention-challenges/>

We also have concerns based upon case experience that SWE's investigations in almost all cases only seek evidence supporting the allegation against the registrant. Too often exculpatory evidence is either not considered or overlooked. Even when this is drawn to the attention of investigators. This has the effect of cases progressing that do not need to, taking up significant resources, the very problem that leads to delay at all stages. This situation undoubtedly contributes to the backlog of hearings, along with the pursuit of cases where there is little evidence to suggest any risk to the public.

Unless SWE adopt a more reasonable approach it is likely they will encounter more legal challenges to their decision making as seen in the recent Employment Tribunal case of Meade v Westminster City Council and Social Work England, where many of the issues we identify here were seen. Social workers deserve better than this and we stand by social workers in this demand. A fair and timely FTP process should not be aspirational - it should be a fundamental right.

We are calling for better FTP processes. In particular, we would like to focus on:

- A more collaborative and thorough investigation stage.
- Updating training and/or guidance for Case Examiners to make assessments from a neutral, less combative position, taking into account contextual factors.
- Develop alternative outcomes for cases which have been pending final hearing for multiple years.
- Adopt a more reasonable approach to voluntary removal from the register in which the protection of the public is considered pragmatically alongside the opportunity for registrants to voluntarily remove themselves.

We also strongly advocate that SWE should swiftly implement organisational and procedural measures to divert additional resources to FTP. For example, extending the renewals/CPD requirement cycle to 2 years - in accordance with other regulators. SWE is the only regulator that requires annual re-registration, which we believe must incur expensive and unnecessary administrative burdens and financial costs. The re-registration process could be simplified and streamlined, as the current process is laborious and obstructive – which we believe also contributes to the recruitment and retention crisis.

We wish to emphasise that it is imperative that the registration fee social workers are required to pay is protected and safeguarded and is not increased. Central government has invested millions of pounds in the creation and implementation of SWE and social workers should not be expected to fund the delays in case hearings, decision-making errors and financial shortfalls.

Our members already pay high registration fees and **cannot** afford to pay more. There is a cost-of-living crisis and social workers have already seen their pay cut by 31%⁴ in real terms since 2010. Increasing fees would exacerbate the current

⁴ <https://www.unison.org.uk/content/uploads/2024/02/NJC-Pay-Claim-2024-25.pdf>

chronic recruitment and retention crisis⁵ further and the widely acknowledged problems with [working conditions](#)⁶. Ravalier, McGowan & Allen's (2023) longitudinal study of social work from 2017-2023 highlights the consistent and chronically poor working conditions for social workers that create unsustainable risks in the profession.⁷

We hope this statement clarifies our position and is received by SWE in the collaborative and constructive spirit with which it is intended.

*The **British Association of Social Workers (BASW)** is the professional association for social work in the UK with offices in England, Northern Ireland, Scotland and Wales. With over 22,000 members we exist to promote the best possible social work services for all people who may need them, while also securing the well-being of social workers working in all health and social care settings.*

*The **Social Workers Union (SWU)** is the only trade union to offer representation by qualified social workers who understand the complexities of the profession. With officers working across the UK, SWU provides representation at internal hearings for disciplinary and grievance procedures, and employer investigations into practice and misconduct allegations.*

***UNISON** is the biggest trade union in the UK and the largest membership organisation for social workers and the wider social care workforce. We are recognised for collective bargaining within local government and the NHS and negotiate nationally, regionally and locally with employers to improve social worker pay, pensions, employment conditions and job security. Our Professional Services Unit provides the highly specialist knowledge and skills required to represent UNISON members who are being investigated by their professional regulator.*

⁵ <https://www.unison.org.uk/news/press-release/2022/06/social-workers-at-breaking-point-with-half-at-risk-of-quitting-warns-unison/> <https://www.unison.org.uk/content/uploads/2022/06/26799-social-work-survey-FULL-final.pdf>

⁶ [Professional working conditions & wellbeing | BASW](#)

⁷ [Social Worker Working Conditions and Psychological Health: A Longitudinal Study | The British Journal of Social Work | Oxford Academic \(oup.com\)](#)