

SUBMISSION REGARDING DRAFT SOCIAL WORKERS REGISTRATION BOARD RETURN TO PRACTICE BYE-LAW 2013

16th May 2013

INTRODUCTION AND SUMMARY

The Irish Association of Social Workers (IASW) welcomes the opportunity to make a submission regarding the Draft Return to Practice Bye-Law. The submission is informed by feedback from the membership of the Association who were informed of the consultation process and invited to give feedback to both the IASW and CORU.

The process proposed by the IASW is informed by the view that applicants who wish to be restored to the register have already satisfied CORU that their skills, knowledge and performance suffice. The knowledge base underpinning social work does not develop at such a rapid pace that a return to practice after two or five years would necessitate a lengthy and cumbersome process to ensure professional competency as outlined in the Draft Bye-Law. Nor does skill development cease when social workers do not practice the profession as many social work skills are transferable to, and can be developed in, contexts other than social work.

The IASW recommends that the process for Return to Practice as detailed in the Bye-Law be replaced by a period of probation or provisional registration for those who have been registered as social workers and wish to return to the register. Provisions could be made for an applicant to be employed as a 'temporary registrant' or 'provisional registrant' in their post until their supervisor signs off that they are satisfied with the professional conduct and competence of the applicant. Probation could be for a three month period, and extended to six months where necessary.

A number of supporting structures and mechanisms would need to be put in place to support the process:

- Training and support for supervisors;
- Clear guidance for supervisors on the minimum requirements to pass the probationary period for the purpose of registration

It is essential that supervisors of applicants are registered social workers if they are to ensure that supervisees meet the standards of ethics, conduct and performance expected of registered social workers.

The IASW believe that the proposed process would make for an efficient and effective structure to support those who wish to return to the practice of the profession of social worker and to ensure that the skills, knowledge and performance of applicants meets the standards required to protect the health and well-being of service-users.

FEEDBACK ON SELECTED SECTIONS OF DRAFT BYE-LAW

Feedback on the Draft Bye-Law is outlined below with comments on each relevant section.

Section 2

Definition of “applicant” – the IASW requests that the definition be amended to read ‘five years or more’, rather than ‘two years or more’.

Section 4

(1) An applicant who has not practised the profession for any period of between 2 and 5 years must complete a period of updating consisting of not less than 210 contact hours.

Please delete this sub-section. The IASW believes that applicants who wish to be restored to the register and who have not practised for two to five years would not require a formal ‘period of updating’ as described in the Draft Bye-Law. The timeframe specified is too short a time for practitioners in the profession of social work to have their knowledge, skills and performance become outdated due, in large part, to the nature of social work as distinct from many other professions. Many of the tools used in the practice of the profession do not rely on knowledge or skills in how to use technology and equipment, and are skills which reside with the individual. Furthermore, many social work skills are skills that are further developed and refined in work and other contexts where applicants are not acting in a social work role. Examples of these skills include assessment, listening skills, mediation and counselling skills. The IASW considers social workers who have not practiced for a period of five years to be safe to practice and recommends that lapsed registrants be allowed restore their name to the register within a five year period without any requirement for a ‘period of updating’.

(2) An applicant who has not practised the profession for any period greater than 5 years must complete a period of updating consisting of not less than 420 contact hours.

(3) An applicant must have completed his or her period of updating within the two year period prior to the date of submission of his or her application, unless the Board permits otherwise.

The IASW is of the view that any ‘period of updating’ needed can and should be done on an in-service basis. We suggest that a process whereby applicants can be employed as ‘provisional registrants’ for a probationary period to be signed off on by a supervisor.

(4) The period of updating shall consist of contact hours spent by the applicant engaging in any one or more of the following:

It is not appropriate for an applicant, or safe for the health and well-being of service users to create a situation whereby those returning to practice could be assessed on the basis of knowledge only, with no assessment of skills and performance. To create the potential for an applicant to focus solely on formal or private study decontextualises social work practice, taking it out of the organisations in which social work operates. We recommend that social work performance, skills and knowledge are assessed by a supervisor of the 'provisional registrant' social worker during a probationary period of the social worker's post.

The IASW have a number of additional questions regarding each of the following areas as set out in the Draft Bye-Law:

(a) supervised practice;

- How will supervised practice operate?
- How are supervisors accessed and allocated? Will this be the task of the individual? Will supervisors be contracted by CORU?
- Will supervisors be remunerated? By whom?
- Will supervisees be paid for their work?
- What system will be in place to support the supervisor?
- Will the supervisor's agency provide professional indemnity cover? If not, who will? (At present, professional indemnity insurance cover is not available to social workers.)

(b) formal study; and/or

(c) private study up to a maximum of 105 contact hours.

- Who assesses learning needs?
- Who decides on the learning plan?
- Who accredits the learning plan?
- Will assessment of learning needs take account of social workers having a generic skill set which makes it possible to move across specialities and is recognised by key employers, including the HSE

Section 5

5. (1) For the purposes of the period of updating, supervised practice shall, subject to paragraph 8, consist of the applicant practising the profession:

(a) under the guidance of a supervisor;

(b) in a structured manner in accordance with a learning plan which has been agreed between the applicant and his or her supervisor; and

(c) in accordance with such guidelines as the Board may publish from time to time.

The IASW has a number of key questions regarding this section

- How does the SWRB propose that applicants access supervisors for the purposes of the period of updating?
- Where will liability for the supervisee lie during this period?
- Who will provide professional indemnity cover?
- How will Garda clearance be obtained? By whom?
- Where will responsibility for data protection issues lie?
- How will issues of confidentiality be addressed?

The IASW proposal for those Returning to Practice would create a simple, effective and less costly way of addressing the issues outlined above.

(2) *The learning plan shall:*

- (a) be structured in a manner which is consistent with the standards of proficiency for social workers published by the Board from time to time; and*
- (b) provide for the applicant to develop, demonstrate and apply his or her knowledge and skills as a social worker,*

having regard to:

- (c) the applicant's experience in the profession;*
- (d) the applicant's intended area of practice upon resumption of practice;*
- (e) the length of time the applicant has not practiced the profession;*

The IASW recommends that points (c), (d) and (e) are deleted as they are considered to be overly prescriptive and not necessarily relevant to a social worker returning to practice. As already stated, qualified social workers are equipped with a generic skill-set and knowledge base which enables them to work across a range of specialisms. The possibility that many social workers may not have learning needs in the context of registration also needs to be taken into account. Please refer to our comments on **Section 4** for previous points made regarding the learning plan.

Section 6

- (1) For the purposes of the period of updating, formal study shall, subject to paragraph 8, consist of the applicant undertaking and participating in educational courses, training or programmes of education and/ or training (including structured educational courses or training delivered electronically and/ or through distance learning) relevant to the practice of the profession.*

As social work practice has, at its core, a focus on building relationships and reflective practice, it does not suffice for courses or training delivered electronically and/or through distance learning to have the potential to constitute all of an applicant's contact hours. Again, we refer to our proposal for those returning to practice to be considered a 'provisional registrant' in their post until they pass a probationary period of say, three months.

In addition, there is no clarity as to who will accredit courses and the process for accreditation. This section demonstrates the need for clarification on accreditation of post-qualification courses and training for social workers and is gap which professional bodies are well-positioned to fill given their knowledge, expertise and relationship with the relevant profession.

Section 9

(2) Where the applicant's period of updating includes a period of supervised practice, the applicant must ensure that his or her supervisor(s) signs the relevant section(s) of the Returners to Practice form.

The IASW welcomes the recognition of the role of supervisor and supervision in the professional development of social workers.

11. [The Board reserves the right to waive the requirements that a supervisor and/or an attesting signatory must be registered in the register in circumstances where it can be shown that the supervisor and/or the attesting signatory, as applicable, was:

- (a) eligible for registration during the transitional period; applied for registration during that period and was not refused registration; or*

- (b) eligible for registration during the transitional period and had sufficient skill, knowledge and/ or experience as a social worker (in the opinion of the Board) to act as a supervisor and/or attesting signatory, as applicable for the purposes of this bye-law.]*

The IASW request that Section 11 be removed as it undermines the principles underpinning registration by giving the SWRB the right to waive the requirement that a supervisor and/or an

attesting signatory be registrants. The section, as currently drafted, contradicts and undermines the concept of registration. The IASW believe it is essential that supervisors of social work practice (*and those educating social workers*) are themselves registered social workers and that no discretion should be exercised to make exceptions in this regard. The section begs a number of questions:

- In what circumstances, would it be appropriate for a supervisor not to be a registrant?
- Can the SWRB provide examples of the categories of supervisor for whom exceptions could be made?

Section 12

Without prejudice to any bye-laws which the Board may from time to time make pursuant to section 31(1)(e) of the Act, the Board reserves the right to require any person who:

- (a) applies for registration as a social worker in the Register; and*
- (b) has been engaged in the practice of the profession of social worker outside of Ireland for two years or more*

to furnish detailed particulars of his or her practice, experience and evidence of registration with any regulatory body outside of Ireland for the purposes of satisfying itself that the nature of the person's practice and experience outside of Ireland is equivalent or sufficiently similar to the practice of the designated profession of social worker in Ireland. In the event that the Board is not so satisfied, the Board:

- (c) may require such person to:*
 - (i) comply with the requirements of this bye-law; or*
 - (ii) undertake such activities, education and/or training as the Board may specify in order to refresh, update and/or improve his or her skills, knowledge and performance as are relevant for practice as a social worker in Ireland.*

There are a number of areas which need clarification in this section

- It is not clear why this section is included or which category of applicant this section legislates. Does the section relate to applicants who qualified in Ireland and/or to those who qualified abroad?
- How does the SWRB propose that practice and experience will be assessed? Assessed by whom?

The IASW recommends that the period of two years or more be changed to five years or more. Where an applicant holds an approved qualification (as listed in the Approved Qualifications for Social Work Bye-Law 2011), the proposed process of provisional registration proposed in this submission could apply.

Please don't hesitate to contact us if you would like to meet to discuss any aspect of this submission.

Yours sincerely,

Ineke Durville
Chairperson IASW
CPD Committee

Frank Browne
Vice Chair IASW
CPD Committee

Clíona Murphy
CPD Officer
CPD Committee