

Council, 2 December 2015

Review of the Social Work Student Suitability Scheme

Introduction

The Social Work Student Suitability Scheme (England), “the Scheme” was approved by Council at its meeting on 19 June 2012. The Scheme was closed on 31 July 2015, following the Education Department’s completion of its assessment of social work programmes in England. This paper provides details of the number of cases, the outcomes of those cases and an overview of the general operation of the Scheme.

The Scheme was designed to provide a transitional arrangement whilst the HCPC assessed social work programmes in England against the Standards of education and training. The Scheme provided a mechanism for dealing with concerns about students where it was deemed necessary; and a mechanism to deal with ongoing conduct cases concerning students that were transferred from the GSCC.

The Scheme gave authority to the HCPC to:

- provide an opinion, in exceptional circumstances, to a social work education provider on whether an applicant is of suitable character to be admitted to a programme;
- investigate where we considered that the education provider had failed to deal with a credible complaint about a student appropriately;
- consider the outcomes of an education provider’s fitness to practise procedures to determine whether a student should be prohibited from a programme;
- maintain a record of students who are not permitted to participate in a social work programme in England; and
- manage open cases concerning individuals applying to be on the student register previously maintained by the GSCC and those individuals who were on the GSCC student register at the time of transfer of regulatory powers from the GSCC to the HCPC (1 August 2012).

The attached paper has a dual purpose:

- a) to report on the handling, number and outcome of cases received under the Social Work Student Suitability Scheme over the period it has been in operation (1 August 2012-31 July 2015) in order to keep Council informed of the work undertaken in this area; and

- b) to feedback on any learning and/or matters to consider, following the conclusion of the Scheme, particularly its value when taking on board any new professions in the future.

Decision

This paper is to note; no decision is required.

Background information

Details of the Social Work Student Suitability Scheme (England) previously approved by Council in June 2012 can be found at:

<http://www.hcpc-uk.org/assets/documents/10003AD8enc02-Socialworkerstudentsuitabilityscheme.pdf>

Resource implications

None

Financial implications

None

Appendices

Appendix 1 - Social Work Student Suitability Scheme - Summary and Review

Date of paper

10 November 2015

Social Work Student Suitability Scheme - Summary and Review

1. Cases

The management of cases under the Scheme was undertaken by a case team within the Fitness to Practise Department. General queries and questions were dealt with in conjunction with the Education Department. Guidance and training was provided to the relevant individuals and operating guidance was produced to aid in the management of cases and in dealing with queries.

1.1. GSCC Transfer cases

GSCC cases concerning students that were open at the time of the transfer were managed under the Scheme, as set out in Article 5(3).

- Twelve open student fitness to practise cases were received from the GSCC;
- Each of these cases has been closed without referral to an Adjudicator or opinion from an Assessment Panel; and
- In ten of these cases the individuals have been placed on the Net Regulate Watchlist to ensure that information can be taken into account should an application be made the HCPC register in future.

A further seven cases were transferred from the GSCC where the matter had concluded and the individual struck off the student register. These individuals were added directly to the prohibited list as required under Article 9 of the Scheme. When the HCPC notified the individuals that they would be placed on the list they were provided the opportunity to ask for a review of the case, however no individual has requested such a review.

1.2. New cases

Between 1 August 2012 and 31 July 2015, 49 new cases concerning student social workers were received. All of the cases have been closed.

The cases received were as follows:

- Forty one cases from education providers concerning applicants to programmes;
- Seven cases were referred directly to the HCPC rather than to the education provider in the first instance; and

- One case was received from an applicant to an education programme.

All of the cases received have now been closed. The outcomes can be summarised as follows:

- Twelve cases (one of which was a referral from a member of the public) resulted in students being placed on the NetRegulate Watchlist to ensure that information can be taken into account should an application be made the HCPC register in future; and
- Thirty four cases (six of which were from members of the public) were closed with no further action on the part of the HCPC; and
- Three cases were referred for consideration by an Adjudicator, resulting in each of the students being included on the prohibited list (see the Case Study at paragraph 3.1 for details about the cases which were adjudicated upon).

There were no cases referred for consideration by an Assessment Panel.

Whilst the majority of issues raised in relation to student referrals received by the HCPC may have required action by the individual education provider, the evidence indicates that the bulk of the referrals received were not of a nature that required inclusion on the prohibited list or indeed referral to an Assessment Panel or for Adjudication.

Due to the relatively small number of cases referred to the scheme (49 over a three year period relative to 3481 new FTP Social Work referrals received in the same period) and because no cases have required consideration by an Assessment Panel and only three by an Adjudicator, it is difficult to assess and comment on the effectiveness of these particular provisions.

2. Prohibited list

Ten individuals have been included on the prohibited list, seven of which were individuals previously struck off the GSCC student register. The prohibited list is published on our website at www.hpc-uk.org/education/studentsuitability.

3.1 Adjudication Case Studies

Case 1:

The case was referred to the HCPC following a decision by the Education Provider's Professional Suitability Panel to remove the student from their social work practice course with immediate effect and to prevent the student from undertaking study, within that university, on any professional practice course involving children or vulnerable adults.

The matters giving rise to the referral relate to concerns about the student's conduct involving their own child after injuries were discovered on the child. In the course of the Education Provider's investigation into these matters, it also came to light that there were several other incidents of concern recorded by the police, involving the student.

The cumulative effect of the information provided to the Adjudicator was that they formed the view that the student was not of suitable character to engage in unsupervised contact with vulnerable people, be they adults or children.

Case 2:

The case was referred to the HCPC following a decision by the Education Provider that the student must withdraw from the course upon which she was enrolled.

The matters giving rise to the referral relate to concerns that the student, whilst on a practice placement, returned from a break smelling strongly of cannabis. In the course of the Education Provider's investigation into the matter, the student denied smoking cannabis whilst on a placement and indicated that they were outside with someone who was. The student, despite efforts by the Education Provider, did not engage with the investigation or provide any further detail as to who the individual was who was allegedly smoking cannabis. The student made written submissions to the Education Provider to the effect that they had become aware that their personal values were at odds with Social Work values and that they did not consider it their role to tell someone to stop smoking cannabis if they were using it as a means of coping with difficult circumstances in their life.

The Adjudicator found that the concerns raised were not so much around the possibility that the student may have smoked cannabis during a break whilst on a practice placement. Rather, the Adjudicator found that the concerns related to the student's ability to exercise sound professional judgement and maintain professional boundaries given their decision to remain in the presence of the cannabis smoker, without expressing disapproval or reporting the matter to her supervisors. Further, the Adjudicator found that the student's personal values did not align with Social Work values and on that basis, determined that they were not of suitable character to engage in a Social Work programme.

Case 3:

The case was referred to the HCPC by an Education Provider, following the student's decision to withdraw from the Education Programme prior to the conclusion of student fitness to practise proceedings.

The matters giving rise to the referral relate to the student providing a prisoner, who they were working with whilst on a practice placement, with their personal mobile telephone number. When questioned about their actions, the student initially stated that they had provided the number as a means for the prisoner to keep in contact due to the student moving to part time hours. The student later disclosed that they had provided the telephone number to the prisoner with the intention of the prisoner contacting them personally, outside of working hours. The student admitted that they had formed a personal relationship with the prisoner. As a result of their actions, the student was dismissed from their placement and was excluded from the National Offender Management Estate (all locations).

The Adjudicator found that the matters referred raised serious concerns about the student's ability to exercise appropriate professional judgement and to maintain

professional boundaries. The Adjudicator considered that this revealed a fundamental inability or unwillingness to behave with professional integrity. On that basis, the Adjudicator found that the student was not of suitable character to participate in a relevant programme.

3. General queries

General queries have been received by email and by phone. Depending on the nature of the query they were responded to by either the FTP case team or by the Education Department.

These queries have been relatively few in number and generally concern what should be referred to the HCPC and general questions about the Scheme.

The challenge of operating a scheme and sharing responsibility for administering it across departments is that there has sometimes been confusion as to which department is responsible for responding to specific queries, which has led to delays in responses being provided in some cases.

4. Approval of programmes

All pre-registration social work programmes in England approved by the GSCC at the point of transfer were subsequently approved by the HCPC from 1 August 2012. This approval was transitional, which meant that programmes remained approved until approval was formally agreed or withdrawn following an assessment against our standards of education and training (SETs) via the approval process. Approval visits were scheduled over a three year period with the first visits commencing in the 2012-13 academic year. Programmes which successfully completed the approval process were granted open ended approval, subject to meeting our on-going monitoring requirements.

To be granted open ended approval, education providers must demonstrate how they are able to effectively manage student fitness to practise issues. In particular, the SETs listed below specifically assess the mechanisms in place for assuring the fitness to practice of students during their education and training.

SET 2.3	The admissions procedures must apply selection and entry criteria, including criminal convictions checks.
SET 2.4	The admissions procedures must apply selection and entry criteria, including compliance with any health requirements.
SET 3.16	There must be a process in place throughout the programme for dealing with concerns about students' profession-related conduct.
SET 4.5	The curriculum must make sure that students understand the implications of the HCPC's standards of conduct, performance and ethics.
SET 5.12	Learning, teaching and supervision must encourage safe and effective practice, independent learning and professional conduct.
SET 6.5	The measurement of student performance must be objective and ensure fitness to practise.

In relation to these standards, the HCPC set 66 conditions on the approval of social work programmes and thirteen recommendations, which can broadly be broken down into the areas linked to assessing student fitness to practice. Conditions must be met before a programme can be approved, whereas recommendations are provided where we are satisfied a standard was met, but consider there could be a risk in this area in the future around how the programme continues to meet it.

250 programmes transferred over from the GSCC. Of these, 184 programmes were assessed over the three academic years (2012-2015). The remainder closed their provision prior to us visiting.

The assessment process was fully completed on 27 August 2015 (the last Education and Training Panel which considered GSCC transfer programmes). The issues identified and dealt with through the assessment process were:

- One education provider was unable to evidence how issues around professionalism (rather than competence) would be dealt with by the student FTP procedure.
- Four education providers lacked sufficient clarity around their student FTP referral procedures.
- Six education providers lacked clarity regarding health requirements in their admissions procedures.
- Three education providers provided insufficient evidence demonstrating how they ensure students understand the standards of conduct performance and ethics and their relevance to them as a students and future registrants.
- Six education providers had issues with student FTP policies being clearly reflected in their programme documentation.
- Three education providers needed to review their quality assurance of practice placements, with regarding to the safe practice and professionalism of students.

5. Learning

The Scheme sits outside of the Health and Social Work Professions Order 2001. Therefore, the HCPC has no power to compel individuals or Education Providers to provide it with information in relation to referrals made under the Scheme. This has, in some cases, led to a delay in the HCPC being able to progress or close an investigation. If the Scheme were to be adopted for any new professions falling within the HCPC's regulatory remit, thought should be given to how the HCPC can obtain the information it requires in order to progress or close a referral made under such a Scheme. Similarly, it may be that the Education Department could assist the Fitness to Practise Department in relation to stakeholder management by informing Education Providers that it would expect them to cooperate with the HCPC and provide information that has been requested in a timely manner.

The systems for managing the cases referred under the Scheme are separate to the Fitness to Practise Department's main electronic Case Management System. Consequently, the process for monitoring and overseeing the progression of cases,

maintaining accurate and up to date case data and databases and ensuring that all parties to a referral are kept updated is more resource intensive as it requires the Fitness to Practise Department to operate a second database and maintain case files which are stored outside of the Case Management System. Should the Scheme be rolled out for future professions, thought should be given to managing such referrals within the Fitness to Practise Department's Case Management System.

When looking at the number of referrals received, the number of cases leading to inclusion on the prohibited list and/or referral for assessment and/or adjudication and the number of individuals whose names were included on the Net Regulate Watchlist as a result of a referral, it is clear that:

- The scope of the Scheme is very small;
- Only three cases (6 %) resulted in referral for Adjudication (leading to inclusion on the Prohibited list);
- 70% (34) of new referrals received under the Scheme (i.e. those not relating to an ongoing GSCC case) were closed with no further action on the part of the HCPC; and
- 24% (12) of new referrals received under the Scheme resulted in students being placed on the NetRegulate Watchlist.

It should also be noted that, of the seven referrals made under the Scheme by members of the public:

- Six had not been referred to the Education Provider prior to referring the matter to the HCPC;
- One related to a matter where the complainants were dissatisfied with the outcome of the Education Provider's Disciplinary Proceedings and was closed with no further action from the HCPC; and
- Each of the matters referred (with the exception of one case), appeared to relate to either personal disputes between the complainant and the student or disagreement with the judgement exercised by the student in the course of their practical placements. None of these issues would ordinarily be considered to be Fitness to Practise issues that should involve the regulator.

Now that all social work programmes in England have been approved, HCPC's existing arrangements for managing the risk associated with Fitness to Practise concerns regarding students is adequately managed by existing processes - namely the Watchlist process, the Registration process and the Education Provider approval process.