Consultation Response Form

Consultation closing date: 30 May 2014
Your comments must reach us by that date

Powers to delegate children's social care functions
If you would prefer to respond online to this consultation please use the following link: https://www.education.gov.uk/consultations

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name: Nushra Mansuri

Please tick if you are responding on behalf of your organisation. X

Name of Organisation (if applicable): BASW (British Association of Social Workers)

Address: BASW
Head Office,
16 Kent Street
Birmingham
B5 6RD

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail:
Please mark the category which best describes you as a respondent.

- Local authority
- Providers of social work services
- Social worker
- Social work educator
- Children representative body
- Social work representative body
- Local authority representative body
- Other (please specify)

Comments:
- Given that BASW is the largest professional association for social workers in the UK with a membership of over 15,000 we would have expected the DfE to formally write to our Chief Executive to make BASW aware of this consultation as amongst the stated target audience are social workers and their representative bodies. As a result of this, we have received complaints from some of our members given that this is a vitally important consultation. The timing of its launch is also somewhat unfortunate i.e. on the eve of Good Friday; furthermore, four Bank Holidays have occurred during the consultation period, reducing respondents capacity to make detailed and considered submissions. All of these factors are very disappointing and concerning to our membership. BASW also considers six weeks far too short a period to consult on something of this magnitude. We think there should have been at least a twelve week consultation period in accordance with the government’s code of practice although we know the government has chosen to depart from this and has done so in many instances to the detriment of principles for genuine consultation.

1. Do you agree that the draft regulations will give local authorities freedom to explore a wider range of approaches to discharging their social care functions?

- Yes
- No
- Not Sure (please comment below)
Comments: BASW has a number of serious reservations about these proposals and considers them to be ill-thought - carrying a lot of risks:

- BASW members strongly believe that protecting the country’s most vulnerable children is the responsibility of the State – to delegate this responsibility to a third party provider would be an abrogation of that responsibility and would sell our most vulnerable children and families short.
- There is not even a robust evidence base to legitimise running such a risk – the consultation makes reference to the Children and Young Persons Act 2008 which made powers to delegate looked after children and care leaver functions to third parties. However, the evaluation of the social work practices clearly states that the results of the five pilot were mixed and it certainly has not led to an explosion of SWPs across the piece as envisioned by some. This does not provide a strong enough basis to extend these powers to something as fundamentally important as protecting England’s most vulnerable and at risk children.
- The economic situation and impact of national and local budget cuts is already taking its toll on local authorities and is likely to intensify. BASW’s main concern is that these proposals would act as an incentive for local authorities to drive down costs and look for the cheapest provider rather than the one that offers the most quality to the detriment of children, young people and their families. We are already seeing the national probation service in England drastically being scaled back leading to less qualified personnel supervising offenders which is raising huge concerns in terms of the ethics of this as well as the ‘deprofessionalisation’ of probation officers. We can well envisage these proposals taking the social work profession in a similar direction.
- Whilst the strap line for these proposals is about ‘freeing up social work practice’, in reality, we believe that opening up the market to third party providers including ‘for profit’ organisations is likely to see a monopoly hold of this market by the major multinationals at the expense of smaller enterprises not being able to compete or eventually being bought out. We have seen this happen in our sector already with residential children’s homes and some independent adoption and fostering agencies. It is far from a level playing field.
- There are strong views in the sector which are also held by many of our members that this is a further example of depicting the public sector as failing when in fact, we should be proud in this country of the child protection system that has been established which other parts of the world both admire and have tried to replicate. As a profession, social work is worthy of a national positive profile that includes valuing the sector that many social workers work in i.e. the public sector including local authorities. BASW is concerned about the lack of national financial investment in children’s social care over the last 5 years - demands made on children’s services have reached unprecedented levels in that time yet are not being matched with human and other resources. This in itself, makes protecting children an even more stressful and precarious undertaking.
and no matter how gifted and able individual practitioners are they only have a finite capacity to practice safely and effectively in this highly complex activity. Sadly, the result of these pressures are higher than average burnout rates compared to other professional groups, high staff turnover, sickness levels and vacancy rates. Delegating children’s social care to third party providers will not solve these issues but will very likely exacerbate them for the reasons already stated. We feel very strongly that what is required is a national debate about financial spend priorities and that vulnerable children, families and vulnerable adults should be at the heart of that debate.

2 Do you agree with the proposed regulations?

☐ Yes  X ☐ No  ☐ Not Sure (please comment below)

Comments:
- The checks and balances in these proposals are certainly not robust enough and promote the notion of ‘public bad and private good’ given that the message is deregulation in respect of the providers, confining regulation to just the local authority and also tasking it with the quality assurance of the third parties. This presents a serious safeguarding concern in terms of the welfare of children and a clear disconnect between the public sector being heavily scrutinised and held to account whilst the private sector remains unregulated. This cannot be right given that whoever provides this service is providing a vital public service paid for by the tax payer. This also flies in the face of recent scandals of ‘for profit’ companies being found wanting in their delivery of public services. A report by the independent think tank Institute for Government (IfG) concluded that the Government still did not have the skills to manage private sector contracts effectively and called on ministers to slow down plans for further outsourcing to outside providers and carry out a review of all major new contracts.
- Even Professor Eileen Munro, architect of the child protection review in 2011 commissioned by the Government has voiced her opposition to these proposals, stating that “establishing a market in child protection would create perverse incentives for private companies to take more children into care or leave too many languishing with dangerous families.”
- This is why in our view, child protection must remain a State responsibility and should not be delegated to a third party.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.
Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

☐ Yes  ☐ No

All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be ‘digital by default’, but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

If you have any comments on how DfE consultations are conducted, please contact Aileen Shaw, DfE Consultation Coordinator, tel: 0370 000 2288 / email: aileen.shaw@education.gsi.gov.uk

**Thank you for taking time to respond to this consultation.**

Completed responses should be sent to the address shown below by 30 May 2014

Send by post to: Social Work Reform Unit, Department for Education, First Floor, Sanctuary Buildings, Great Smith Street, Westminster, London, SW1P 3BT.

Send by e-mail to: SocialServiceFunctions.CONSULTATION@education.gsi.gov.uk