

By email: Socialworkregulation.REVIEW@education.gov.uk

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ADCS response to the Independent Review of Social Work Regulation

1. Introduction

The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs). Under the provisions of the *Children Act (2004)*, the DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education.

ADCS is committed to the principles of equity, diversity, and inclusion which are fundamental to all areas of our work. We are committed to highlighting issues of disproportionality, discrimination, and systemic barriers that limit opportunity where they exist, recognising that not all children, young people and families are impacted equally.

ADCS welcomes the opportunity to respond to this important call for evidence to the Independent Review of Social Work Regulation, however, the timing of its publication and the three-week window to respond, has not allowed detailed discussions in national policy forums to take place. So, this response is a summary of email feedback received and primarily focuses on the asks of employers and the fitness to practice (FtP) process.

2. Employers: qualification routes

On the different qualification routes for social workers, the feedback from ADCS members was largely consistent, with many noting a marked difference in the readiness to practice between university students and those following workplace-based training routes; apprenticeships and Step Up brings the added benefit of learning on the job. Participants have generally been employed elsewhere in the sector, e.g. as family support workers, and are older, therefore they have their own life experiences which helps with practitioners' personal resilience, as well as their understanding of a breadth of family circumstances.

Social workers following the university qualification route have a good theoretical grounding, but arrive into practice with less experience of direct work with children and families. It can be difficult for university students to secure good quality statutory placements, meaning they require more support from employers to build up their skills, as well as confidence, when joining the workforce. It was also noted that this cohort tend to be younger so may not have the same life experience to draw on in their work with children and families during the early stages of their careers.

3. Employers: registration matters

Registration on the whole is simple, although a number of respondents shared examples of their employees experiencing significant delays here. This in turn impacted on career progression and income, with staff remaining as family support workers during an elongated registration process or unable to claim retention payments for working in certain teams. Long delays in processing FtP complaints made during the social worker's training

period can also add delay to registration, raising a question for some ADCS members about proportionality versus the level of trust registration instils in the public.

ADCS members noted registration waits are particularly acute for international social workers who have not practiced in the UK before, either as an alternatively qualified worker, or as a student. Some felt that overseas workers were being held to a higher standard while others noted that it can take time to help workers fully understand the legal and statutory requirements, plus the different cultural practices here in England and the UK.

Difficulties in supporting workers with a lapsed registration back into the workplace were also shared in terms of building up the required practice days as well as costs of funding the necessary DBS checks, for example.

With an ongoing cost of living crisis, some social workers who temporarily step away from frontline work may opt out of registration for financial reasons. In the event of another pandemic scenario mobilising qualified but unregistered practitioners into statutory roles could take longer, presenting a professional contingency risk. SWE could usefully explore more flexible models to maintain connections with inactive practitioners without requiring full registration to support national resilience aims.

4. Employers: CPD recording

The CPD record is relatively straightforward, although some respondents felt the reflective log model should be reviewed to determine whether it genuinely supports improved practice or is just a “tick-box” exercise. Similarly, ADCS members noted that it duplicates supervision records, for example, plus checks on CPD records have reduced at the same time as fees have increased, which is somewhat counterintuitive.

The CPD framework could better recognise the differing developmental needs of newly qualified social workers, from established frontline practitioners via a more differentiated CPD requirement; this might lead to more meaningful professional learning rather than the current one-size-fits-all approach.

5. Seeking the views and experiences of children, young people and the public

While it was positive to see the call for evidence include questions and prompts specifically aimed at children and young people, ADCS members noted that such a short consultation period does not lend itself to meaningful participation work with children who have a social worker to gather feedback in ways that feel both valued and valuable.

Where parents and carers have raised concerns about social workers with SWE, delays in responses and then further delays in coming to a resolution, often mean that these relationships have significantly moved on. However, an out-of-the blue contact, months later, can serve to undermine progress in rebuilding trust during the intervening period. It was also noted that safeguarding interventions are often unwanted by parents and carers, which can cause great distress, but this does not necessarily mean there is an FtP issue.

6. Professional standards

ADCS members generally felt that there is a good level of awareness of SWE's Professional Standards amongst social workers, as well as the consequences of not

meeting these. However, SWE's Knowledge, Skills & Behaviours, the DfE's Knowledge & Skills Statements, BASW's Professional Capabilities Framework, plus local policies and procedures also occupy the same space, which can feel confusing and muddled, particularly for student and newly qualified as well as overseas social workers.

Some respondents suggested professional standards could look to reflect not only skill acquisition, but also sustained professional resilience given the sustained demand pressures and greater complexity amongst the children and families we work with being seen.

7. Fitness to Practice (FtP)

The bulk of commentary received from ADCS members focused on the FtP process; this is the area of greatest concern for frontline social workers, leaders, and employers. A summary of the points raised is as follows:

- Multiple ADCS members shared concerns about the disproportionality that continues to be seen in FtP investigations involving Black and Global Majority staff and their disappointment in the ongoing absence of a clear action plan or response from SWE, beyond gathering data, was flagged.
- Members also shared concerns about other forms of disproportionality and overrepresentation in the process, with men, over 40s, and child and family social workers all more likely to be subject to FtP than their peers. Again, the lack of a plan to address this, or work with the sector, was raised.
- The FtP process is protracted and overly adversarial; some examples of SWE taking up to 12 months from referral to confirmation of an investigation were shared and of investigations being open with no resolution for a number of years. This level of delay is extremely stressful for the social worker, and for their manager, and was described as “inhumane.”
- Current FtP timescales are not clear, which in turn undermines confidence in the regulator when it takes so long to reach resolutions. Employers are given defined timeframes to respond to requests from SWE, however, SWE does not seem to have set timeframes that governs its own practice and responses.
- There was a view that communications between SWE, social workers, and their managers varies from one investigator to another. Greater consistency is needed.
- An issue about employers knowing that a new agency social worker is involved in FtP, if they move LAs during this process, was flagged as a concern.

Finally, one respondent suggested SWE could do more to support sector-wide learning to strengthen safety and professionalism via the sharing of accessible, anonymised learning from FtP cases, especially around systemic issues. This could help practitioners and employers prevent risks and improve practice in the future.

8. The role and responsibilities of SWE

On the role of SWE, members broadly recognised the role of registration, regulation, and standards setting but felt there was a less clear role or existing profile for SWE in being the voice of the profession, promoting it or having an active role in the recruitment of social workers. The British Medical Association, The Royal College of Nursing, or the British Association of Social Workers have a clearer and much more visible role in advocating for

the professions and professionals they represent with government, the public, and in the media.

9. Whether SWE is delivering on its statutory duties?

SWE should aim to be a driver of professional retention by being accessible, supportive, proportionate, and transparent. At present, many social workers perceive the regulator as primarily punitive. Positioning SWE as a partner in safe and sustainable practice could strengthen workforce morale and professional identity.

Some felt the current approach to FtP is disconnected from SWEs own standards and duties around constructive and respectful challenge where practice falls short (4.8), challenging the impact of policies, procedures, and practice that are not ethical or effective (6.6) and its duties to protect and promote the health, safety, and wellbeing of the public and maintain public confidence in social workers.

SWE could strengthen trust and retention by more clearly demonstrating the tangible value, services, or practice-enhancing functions that registration fees provide a social worker.

10. Other points raised

The other key point of feedback related to registration fees. These were recently increased with limited consultation, in the face of strong opposition in the sector, and at the time of a rising cost of living crisis. Some respondents felt this move raised an issue about SWE's responsiveness to the profession it serves.

To discuss any of the points raised in this response in more detail, please contact the relevant policy officer in the first instance via katy.block@adcs.org.uk.