



Minutes of the Social Work England Board Meeting, Friday 02 July 2021

Agenda Item 2 Paper Ref 01

Paper for the

Social Work England Board

Sponsor

The Chair

Author

Alison Edbury, Executive Office Lead

Date

10 September 2021

Reviewed by

The Chair

This paper is for

Decision

Associated Strategic Objective

SO9: We will establish robust infrastructure, systems and processes that promote trust and confidence.

Impact: Risk Type and Appetite

N/A

Minutes of the Social Work England Board Meeting for approval
Friday 02 July 2021, 10.00am via videoconference

Board Members:	Lord Patel of Bradford	Chair
	Dr Andrew McCulloch	Non-executive Director
	Ann Harris	Non-executive Director
	Dr Helen Phillips	Non-executive Director
	Jonathan Gorvin	Non-executive Director
	Mark Lam	Non-executive Director
	Baroness Tyler of Enfield	Non-executive Director
	Colum Conway	Chief Executive, Executive Director
	Amy Lamb	Business Planning Manager
	Amy Soar	Head of Policy
Social Work England staff in attendance	Andy Leverton	Head of Business Planning and Improvement
	Claudia Thompson	Directors' Assistant
	Jonathan Dillon	Executive Director, Fitness to Practise
	Paul Peros	Policy Manager
	Philip Hallam	Executive Director, Registration, Quality Assurance and Legal
	Richard Simpson	Head of Finance and Commercial
	Sarah Blackmore	Executive Director, Strategy, Policy and Engagement
	Tracy Watterson	Executive Director, People and Business Support
	Felicity Allen	Department for Education (DfE)
	Michelle Mann	Department for Education (DfE)
Sponsor Team:	Sue Howson	Department for Education (DfE)
	Representative	Professional Standards Authority
Public Observers:	Representative	UNISON
	Alison Edbury	Executive Office Lead
Minute taker:	n/a	
Apologies:		

1. Welcome

1.1 The Chair, Lord Patel welcomed Board members, guests and observers to the meeting.

1.2 There were no declarations of interests reported.

2. Minutes of the Last Meeting

Paper 01

2.1 The minutes of Friday 21 May 2021 **were approved as a correct record.**

3. Matters Arising and Action Log

Paper 02

3.1 The Chair reviewed the actions from the previous meeting and noted the open actions:

- Regional meet and greet opportunities to be scheduled alongside Board meetings (action 4): ***to be updated in line with government guidance updates;***
- Executive Office Lead to support the Chair and Chief Executive in re-instating regional engagement opportunities and shadowing programme with regional engagement leads (action 17): ***to be updated in line with government guidance updates;***
- Chair to discuss Board and Committee structure at next Board strategy planning day (action 20): ***to be updated following the new appointments to the Board, anticipated September;***
- Executive Director, People and Business Support to prepare an overview people performance report for the Board for later in the year (action 22): ***this was in progress for reporting at the November meeting.***

4. Chair's Report - verbal

4.1 The Chair reported he had meetings with our sponsor team, the Chief Executive and Executive Directors and he had attended Social Work England's monthly company meeting with all our people in June. He had also met with Ann Harris and the board of the Money and Pensions Advice Service (MaPS) regarding the work undertaken in relation to our partnership project.

4.2 The meeting with the new Chair of the General Optical Council (GOC) had identified the potential for some joint work on building capacity for people to become NEDs through an apprenticeship or shadowing programme with a particular focus on from a Black, Asian and Minority Ethnic background. The meeting with the new Children's Commissioner had resulted in agreement for regular meetings with our Chair and the Chief Executive.

4.3 The Chair noted that Board members, Baroness Tyler of Enfield and Dr Helen Phillips would be stepping down from the Board at the end of their terms of office in August. He recorded his thanks on behalf of the Board and the rest of the organisation for their positive contribution as founding members of the Board which helped to establish the right foundations for Social Work England. The Chief Executive added his thanks on behalf of the Executive Leadership Team and the organisation.

5.1 The Chief Executive introduced his report with an update on the approach to this quarter's performance report. Reporting on our performance forms part of our standard governance procedure and it was important to ensure that this was consistent with our quarterly reporting to the Professional Standards Authority (PSA) and to our sponsor, the Department for Education's (DfE) strategic review meetings. Due to the timing of this meeting, the Q1 performance report could only be prepared up to 31 May 2021 and therefore an interim report had been prepared for a discussion with the Board prior to this meeting. The Chief Executive provided assurance that the timing for future meetings had been adjusted to align with the quarterly reporting cycle and that the full quarter report to 30 June 2021 would be published on Board Intelligence and on our website before the end of July 2021. He confirmed that the Q1 report would also be formally presented to the Board at the September meeting. The Chief Executive asked Executive Directors to report on performance to date for each directorate.

Registration, Education and Training

5.2 The Executive Director, Registration, Quality Assurance and Legal reported that:

- Good progress for registration and enquiries had been achieved during April and May and the same level of performance was expected for June.
- Direct Debit payments from 67,000 registrants on 1 April 2021 had been made. This was the second instalment of the registration fee for the period 1 December 2020 to 30 November 2021. 130 registrants were removed from the register for failure to pay the fee. This was a significant reduction compared to last year when 820 registrants were removed.
- Work was ongoing in consultation with other healthcare regulators regarding the Professional Qualifications Bill. Progress on the Bill would be monitored regarding its recognition of the unique duty of public protection across the health and social work professional regulators, and our ability to make appropriate assessments as part of the process of application.
- It was understood from discussions that the temporary register may need to remain in place until March 2022. Research had been undertaken with registrants on the temporary register. Applicants for restoration linked to the temporary register had been reminded that they would need to gather CPD evidence on their competency to practice to fully restore to the register.
- The registration and advice team had been preparing for the registration renewal process to start in August.
- The education quality assurance team were at an advanced stage of development for the education and training reapproval cycle beginning September 2021.
- Recruitment had been undertaken to support the needs of the registration and advice team, and the education quality assurance team as they entered their busiest periods.

Fitness to Practise

5.3 The Executive Director, Fitness to Practise explained that the performance indicators FTP1, 2 and 3 were designed to measure the progress against the recovery plan; whilst FTP4, 5 and 6 measured the risk management, timeliness and quality of the FtP service. He reported:

- A positive trend in caseload reductions in both triage and investigations.

- That 650 legacy cases remained out of the 1,291 legacy cases we started with. We were on-track to achieve the target of 80% legacy cases progressed beyond investigation by March 2022. The DfE were involved in discussions regarding how to expedite this further and to address the build-up of both legacy and new cases in Hearings.
- Internal assessment of quality in decision making (FTP6) had performed well and the decision making group was seeking to strengthen decision making guidance. Thematic reviews were being undertaken to support this. An audit of internal quality assurance processes would be conducted by Haines Watts during Q2.

5.4 The Chief Executive said that in addition to the work expediting legacy cases a project had been established to work 'upstream' on exploring the nature of the high number of new cases being referred. Regional Engagement Leads were looking at this in local areas.

5.5 The Board discussed the recent Employee Appeal Tribunal noted in the Chief Executive's report. The potential was noted for policy implications that might affect Social Work England and other regulators who use partners in an independent decision-making capacity. The Chief Executive confirmed that the situation was being monitored and mitigating actions were being considered.

Strategy, Policy and Engagement

5.6 The Executive Director, Strategy, Policy and Engagement said this had been a busy period and highlighted significant activities and events as follows:

- The policy and legal team had been working on our response to the Department for Health and Social Care's (DHSC) consultation 'Regulating Healthcare Professionals, Protecting the Public'.
- Our public consultation on the proposed CPD increase was launched in May and was due to close on 11 August. There had been an encouraging response so far with regard to increasing the CPD submission from 1 to 2 records.
- Working with the DHSC, the policy team were preparing for the consultation on the introduction of the new Approved Mental Capacity Professional (AMCP) role that would replace Best Interest Assessors. This had created a timely opportunity to consult on the proposed revised education and training standards for Approved Mental Health Professionals (AMPH).
- The engagement team attended 80 events and engaged with 1,454 people in April and May. A programme of national events was planned for July-November to support the requirement to upload CPD and renew registration.
- The engagement team had also supported the Fitness to Practise team in Q1 through offering social work expertise in the decision making groups for triage. They delivered 5 workshops to employers to share our fitness to practise process with 226 participants in total.
- The National Advisory Forum had been undergoing an extensive internal evaluation to review its first year and support future planning. Initial findings were positive, a full report would be shared with the Board in due course.
- Two parallel surveys relating to equality, diversity and inclusion were in process. We had asked social workers to share their diversity data, whilst the Principal Social Worker networks had conducted a deep dive study into racism in the workplace.

5.7 The Board noted the importance of the data gathering concerning equality, diversity and inclusion. The Chair thanked the Strategy, Policy and Engagement team for their work.

People and Business Support

5.8 The Executive Director, People and Business Support reported:

- Recruitment was on track. There were two unplanned leavers, one for career progression and the other for personal reasons.
- The People Engagement Survey had a 4% increase in the response rate. More information would be reported at the September meeting and a full workplace report would be presented at the November meeting.
- New systems had been implemented. Grow was the new learning and development platform. The new corporate system, Enable, had been used successfully to run the payroll in June for the first time. This was a significant milestone achieved by the team.
- The number of corporate complaints received was averaging around 20 per month. There would be further work to review the nature of the complaints, to be reported in Q2.
- There had been a recent announcement that the EU had made an adequacy decision in respect of the UK and data flows from EU-based data processors, therefore this was not a corporate risk at this time. The risk would be removed from our corporate risk register and the situation would be monitored by the Head of Information Governance and the Data Protection Officer.

5.9 The Chair thanked the Executive Director and her team. The Board commended the progress on implementing Enable.

6. Audit, Risk and Assurance Committee (ARAC) Chair's Report

Paper 04

6.1 Ann Harris, Chair of ARAC reported on the business from the 24 June ARAC meeting and developments since the meeting:

- From the recent meeting with Department for Education Arms' Length Bodies (ALBs) Chairs, it was understood that the independent reviews of ALBs by Sponsor Departments would be following new guidance. The DfE would keep us informed of the timeline for our review, this was not expected until 2022 at the earliest. The sharing of risks across ALBs had been discussed, future ALB risk meetings would be topic focused.
- The internal audits, CPD and FtP, had been due to start in Q1 but were slightly delayed by Haines Watts. The audits had been scoped and fieldwork would commence July. ARAC had agreed to review and clear any papers by correspondence in August and to arrange an additional meeting at that time if required.
- The Committee had agreed to review the Commercial Strategy by correspondence in August. The paper would then be presented at the September Board meeting.

6.2 The Chair thanked the Chair of ARAC for her report and acknowledged the amount of work that the Audit, Risk and Assurance Committee had delivered.

7. Finance and Commercial Report

Paper 05

7.1 The Head of Finance and Commercial reported the year to date revenue expenditure, net of fee income, was £21k lower than budget, a variance of 1.5%. There had been a year to date

overspend within Fitness to Practise and this was offset by underspends within other directorates. The budget forecast would be monitored closely, and work was underway to review the overspend with the implementation of mitigating measures where necessary.

8. External Audit Completion Report

Paper 06

8.1 The Chair of ARAC reported that Mazars, contracted by the National Audit Office (NAO), had produced the Audit Completion Report. The items picked up in the Audit Completion report were negligible. Mazars had praised the finance team's preparation of financial accounts for the year.

9. Annual report and accounts 2020/21

Paper 07

9.1 The Chief Executive reported that following a review by ARAC, the draft Annual Report and Accounts had been distributed to the Board for review and approval. He noted that subject to minor design amendments, the Annual Report and Accounts would be finalised, signed off and laid before the parliamentary summer recess. The Board was asked to submit any final comments on the draft to the Executive Office Lead by 1.30pm 2 July 2021.

Action: The Board to submit any final comments on the draft Annual Report and Accounts by email to the Executive Office Lead by 1.30pm 2 July 2021.

9.2 The Chief Executive said that ARAC had recommended that a summary version of the Annual Report and Accounts would be produced as a complement to the full version for our website.

9.3 **The Annual Report and Accounts 2020/21 were approved by the Board**, subject to any material changes. **A summary version, as recommended by ARAC, was approved by the Board.**

10. Consultation / research on mental health

Paper 08

10.1 The Executive Director, Strategy, Policy and Engagement reported that the final preparations were being made for the public consultation and research on the new education and training standards for mental health. Feedback from the Board on the draft standards had been gratefully received.

10.2 The Head of Policy, and the Policy Manager provided a presentation of the consultation process. There would be two consultations - approved mental health professionals' (AMHPs) education and training approval standards; and approved mental capacity professionals' (AMCPs) education and training approval standards. Alongside this, it was planned to publish the research commissioned into the professional experiences of AMHPs and best interest assessors (BIAs) – soon to become approved mental capacity professionals (AMCP). The consultation was planned to open in July and conclude in September, the standards would then be published end of January 2022. Close working with the DHSC had enabled this workflow to align with the plans for when the Mental Capacity regulations would be laid before Parliament and then come into force.

10.3 The Board were provided with assurance on the timing of the process and its accessibility for different service users. The Chief Executive confirmed that the learning outcomes would be used to inform our strategic approach in developing the model and how annotations would be used on the register. The Board noted that the finalised standards would need Board review and approval.

Action: Executive Director, Strategy, Policy and Engagement to enable the Board's review and approval of the finalised AMHP and AMCP standards.

10.4 The Chair congratulated the team on the good presentation and taking this work forward

11. Corporate risk register

Paper 09

11.1 The Executive Director, People and Business Support introduced the paper. This was to provide an update on trends concerning risk and to present any emerging risks to the Board.

11.2 The Head of Business Planning and Improvement reported that 5 risks had been discussed in detail with ARAC. Changes had been made to CRR8 (operating systems) and CRR1 (financial viability). Since the last Board meeting, 2 new risks had been added to the risk register - CRR20 (quality of FtP decision making) and CRR17 (EU data adequacy decision). Since this time, the EU data adequacy decision had been updated and therefore this risk would be removed. FtP risk CRR10 had been adjusted based on the Q1 performance report.

11.3 The Board advised that the Employment Appeal Tribunal should be added as 2 separate risks to take account of the risk to policy and to finance and that ELT should conduct a 'what if' scenario regarding this risk.

Action: The Business Planning Manager to add 2 risks relating to the case of the Employment Appeal Tribunal to the register.

Action: Executive Leadership Team to conduct a 'what if' scenario relating to the Employment Appeal Tribunal.

11.4 The Chair asked for feedback on the new format of the Corporate Risk Register report. It was agreed that the format was an improvement. **The Corporate Risk Register was noted by the Board.**

12. Assurance Framework: Schedule of Regulatory Delegations Paper 10, Annexes 10a and 10b

12.1 The Executive Director, People and Business Supported reported the draft Assurance Framework presented to the Board had been updated following its review at the recent ARAC meeting. Work would continue to finalise the framework in time to report to ARAC in November and then to be presented to the Board for approval. The accompanying paper 10a, Schedule of Regulatory Delegations, a component of the framework, was presented as a working draft for consideration by the Board

12.2 The Board asked that the assurance framework map should be revised to include the Board and ARAC in the second line of defence and for the NAO to be included in the fourth line of defence to represent their independence from Social Work England.

Action: Executive Director, People and Business Support to update the assurance framework map.

12.3 The Executive Director, Registration, Quality Assurance and Legal presented paper 10a Schedule of Regulatory Delegations. The paper provided clarification to which roles the Board delegates each activity carried out by the organisation according to the powers it has been given by the Children and Social Work Act 2017 (the “2017 Act”) and the Social Workers Regulations 2018 (the “2018 Regulations”). It also sets out that any powers being delegated outside of Social Work England, can only be delegated to the Board. The Board was assured that the Schedule of Regulatory Delegations would be kept under review to ensure that accountability was held in the correct area.

12.4 The Board noted its responsibility for delegation to the adjudicators contracted to carry out review hearings under paragraphs 14 and 15 of Schedule 2 of the 2018 Regulations.

12.5 The Board asked for sections of the schedule to be reworded in order to:

- set out best practice regarding when an Executive Director would amend the delegation and how the authority of the Chief Executive as the Registrar would be sought;
- reflect the role of the Board in relation to formal consultation carried out by Social Work England.

Action: Executive Director, Registration, Quality Assurance and Legal to reword the schedule accordingly.

12.6 The Board approved in principle the scheme of regulatory delegations as a system of clear decision making for Social Work England, subject to the agreed amendments being actioned.

12.7 In addition, it was agreed that the non-financial and financial delegations should be consolidated into one document to be approved as one overall scheme of delegation for the organisation. This would then present the opportunity for the Board to discuss the matters reserved for the Board at future strategy sessions.

Action: Executive Director, Registration, Quality Assurance and Legal and Executive Director, People and Business Support to consolidate the non-financial and financial delegations into one overall scheme of delegation.

13. Framework Document 2021/22 (draft)

paper to follow

13.1 The Chief Executive informed the Board that the new template for the Framework Document had been supplied a day before the meeting. The Executive Leadership Team would conduct a full review of the draft and circulate to the Board.

Action: Executive Director, Registration, Quality Assurance and Legal and Executive Director, People and Business Support to lead the review with ELT and circulate the Framework Document to the Board.

14. Date and Time of Next Meeting: Friday 10 September 2021 10.30 am.

The meeting ended at 12.47pm

Summary of Actions

1. The Board to submit any final comments on the draft Annual Report and Accounts by email to the Executive Office Lead by 1.30pm 2 July 2021.
2. Executive Director, Strategy, Policy and Engagement to enable the Board's review and approval of the finalised AMHP and AMCP standards.
3. The Business Planning Manager to add 2 risks relating to the case of the Employment Appeal Tribunal to the register.
4. Executive Leadership Team to conduct a 'what if' scenario relating to the Employment Appeal Tribunal.
5. Executive Director, People and Business Support to update the assurance framework map.
6. Executive Director, Registration, Quality Assurance and Legal to reword the schedule accordingly.
7. Executive Director, Registration, Quality Assurance and Legal and Executive Director, People and Business Support to consolidate the non-financial and financial delegations into one overall scheme of delegation.
8. Executive Director, Registration, Quality Assurance and Legal and Executive Director, People and Business Support to lead the review with ELT and circulate the Framework Document to the Board.