Gofal Cymdeithasol **Cymru**
Social Care **Wales**

Noddir gan
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Suitability for social work

Guidance for social work programme partnerships about student social worker fitness to practise

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Introduction

People with care and support needs and the public expect social workers to be well-trained, to work to high standards and to be accountable for their actions.

As such, there are clear expectations and responsibilities social work students need to meet that may differ from other students.

Social work students have to register with Social Care Wales at the beginning of their training and need to show their understanding and application of the *Code of Professional Practice for Social Care* in their academic and practice-based learning.

The Approval and Inspection of Degree Courses in Social Work (Wales) Rules 2018 sets specific criteria for selection onto social work programmes. The rules also require higher education institutions (HEIs) to have clear procedures for deciding the suitability of students and ending training should a student be found unsuitable for social work.

Social work education in Wales is an integrated learning experience with half the student's learning taking place in practice. The model for social work education provision is based on a partnership of HEIs, employers, people with care and support needs, and carers – employer partners take a lead role in managing practice learning arrangements.

This document provides guidance about the roles and responsibilities of HEIs, their employer partners and Social Care Wales to make sure social work students are suitable for training and professional registration.

Section 1

Application, selection and student registration

This section sets out what should happen before a student is enrolled on a social work degree programme in Wales.

Before a student is accepted on to a social work degree programme

Before admitting an applicant on to a programme, the HEI, with its partners, must carry out an assessment to be reasonably sure that:

- the applicant has the potential to meet the course requirements
- the applicant has enough relevant experience in social care to demonstrate they have the values and basic skills expected of social workers
- the applicant understands the *Code of Professional Practice for Social Care*
- the applicant has communication and application of number skills equivalent to level 2 or higher as specified by the Credit and Qualification Framework for Wales
- the applicant is able to understand and communicate effectively in written and spoken English or Welsh.

The HEI should also have a process for assessing whether an applicant's conduct, character and health are suitable for them to train as a social worker. The HEI must carry out an enhanced Disclosure and Barring Service (DBS) check as part of these arrangements.

Assessing an applicant's suitability may involve an element of self-declaration. This might cover:

- any criminal history that is not 'protected' as defined by *The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013 and 2020)*[1]
- any work-related disciplinary records or termination of employment due to misconduct
- any disciplinary findings by a professional regulatory body
- any circumstances where the applicant has been subject to statutory safeguarding investigations
- if the applicant has previously enrolled on a social work training programme
- any health issues that may affect the applicant's ability to practise social work safely and effectively.

In line with legislation, applicants should not be required to disclose physical or mental health conditions. However, programmes may ask applicants to declare that they are able to identify and manage their own health needs during qualifying training, in a way that avoids any risk to people with care and support needs or themselves.

1. The amendments to the Exceptions Order 1975 (2013 and 2020) provide for certain spent convictions and cautions to be 'protected' and not subject to disclosure. You can find more information about DBS filtering on the UK Government website at: www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide

While institutions will vary in relation to selection processes, any formal offer should include a statement that it is made subject to satisfactory DBS and health checks.

Information to applicants

HEIs should make sure that applicants know:

a) making a declaration won't automatically make an applicant unsuitable to train as a social worker, however the details and circumstances of what they declare may require further consideration

b) the consequences of not declaring something that may affect their suitability for social work or their ability to meet the requirements of the course

c) the benefit of declaring a health condition, in terms of the support that can be offered to assist them in future academic and practice-based learning

d) about the programme's student privacy notice, which allows the programme to share information about suitability assessments and investigations with Social Care Wales

e) any offers made by the HEI are separate to the decisions made by Social Care Wales about an applicant's suitability to register. Decisions about registration are made on an individual basis and Social Care Wales could refuse an applicant's registration even though they have received an offer from a HEI

f) they won't be fully accepted onto a social work programme until they have been registered by Social Care Wales

g) the implications of not being registered with Social Care Wales – that is, they will not be able to undertake social work qualifying training

h) about the appeals and complaints procedures for the programme.

Suitability assessment procedures

Where a self-declaration and/or DBS check results in a disclosure, the programme will instigate its own procedures for assessing suitability.

Processes should be clear, transparent and comply with relevant legislation.

DBS checks

Disclosures from DBS checks that call into question an applicant's suitability should be investigated, documented, and any offer made, withdrawn, if appropriate and proportionate to do so.

Employer partners should be included in decision-making processes to make sure the perspective of agencies who host students, is considered.

As far as possible, the programme should decide suitability in the same way that Social Care Wales does when it makes registration decisions[2]. This will reduce the risk of applicants being accepted onto a programme and then being refused registration.

2. This is outlined in the *Registration with Social Care Wales* section, page 7

Health and suitability

In most cases, health conditions and disability won't raise suitability concerns provided the student receives the appropriate support and reasonable adjustments necessary to study and work safely in a social work role.

However, programmes need to be confident that applicants can meet the requirements of academic and practice-based learning and the rigour of professional training. Where health declarations are made, suitability assessments should involve the HEI's occupational health service.

Data protection

Programmes must make sure they protect applicants' personal data and that they comply with the Data Protection Act 2018. They must also make sure applicants are aware of their rights and how their data will be protected.

You can find more information about the Data Protection Act 2018 on the UK Government website at: www.gov.uk/government/collections/data-protection-act-2018

Registration with Social Care Wales

The HEI will inform Social Care Wales, via its online portal, that an offer has been made to a prospective student. The applicant will be invited to register. Once the application has been submitted, Social Care Wales will assess the applicant's suitability to register.

If Social Care Wales decides the applicant is suitable to register, it will let the applicant know they have been approved, but not yet registered.

The registration process will be completed once the HEI has updated the student's online nomination details with the relevant DBS information, indicating the check has been satisfactory.

Social Care Wales should be informed whenever an offer to study is withdrawn.

Issues of conduct

Social Care Wales, in its assessment of suitability, must consider whether an applicant's behaviour, in and outside the workplace, is likely to pose a risk to people with care and support needs.

This is made clear in the *Code of Professional Practice for Social Care Workers*, which states:

> "'I must not behave in a way – in work or outside work, online or in person – that would raise concerns about my suitability to work in social care.'"[3]

Having a criminal or disciplinary record won't necessarily stop an applicant being registered. But Social Care Wales must be satisfied that an applicant is suitable to be registered.

In some cases, disclosing a criminal offence may have no bearing on an applicant's suitability to work in social care. Decisions are made on an individual basis, which means it's difficult to give guidelines about the type of offences that will render an applicant unsuitable.

3. *Code of Professional Practice for Social Care Workers*, 2026, Section 5 (8)

When deciding an applicant's suitability, Social Care Wales will consider:

a) the relevance of the offence to social care practice

b) the seriousness of the offence

c) the length of time since the offence

d) whether the applicant has a pattern of offending

e) whether the applicant's situation has changed since the offence was committed

f) the circumstances surrounding the offence

g) the applicant's explanation for the offence

h) evidence of rehabilitation or training

i) evidence submitted by the applicant of their good character

j) the applicant's commitment to working safely in social care

k) upholding the trust and confidence of people with care and support needs, and carers.

Health conditions

Letting Social Care Wales know about a health condition won't necessarily stop an applicant being registered.

This is the advice Social Care Wales gives to applicants:

> "You must tell us about any physical or mental health condition that affects your ability to carry out any role in social care safely. This includes any role you might have in the future.
>
> "By safely, we mean that your physical or mental health condition should not affect your judgement or performance in any way that poses a risk to others."

If an applicant discloses a physical or mental health condition, Social Care Wales may ask them about the condition. It may also ask for their consent to seek a health report from their GP or other health professional who knows about their condition.

Registering an applicant

Social Care Wales will inform the HEI if it needs to make further enquiries, resulting in a delay in registering an applicant. Similarly, if an applicant is turned down for registration, Social Care Wales will let the HEI know.

HEIs should make sure all students are registered by the course's start date and enrolment processes can then be completed.

Section 2

Issues of suitability during qualifying training

This section sets out what should happen if a suitability issue arises when a student is enrolled on a social work programme.

HEIs are required to have suitability procedures in place to investigate any concerns about a student's suitability to train as a social worker and to terminate a student's place on the degree programme should they be found unsuitable for social work[4].

Students should be made aware of these procedures at the start of their training and the criteria for their use. They should also be reminded of their responsibility as a registered person to inform Social Care Wales if they are subject to suitability investigations during their training.

There is an important difference between a concern about professional suitability and questions of academic and practical competence.

- A student's competence is a matter of consideration by an examination board, informed by its practice assessment panel, as applicable. These are issues that sit outside suitability proceedings
- Concerns about a student's suitability in terms of complying with the *Code of Professional Practice for Social Care* should be subject to suitability procedures.

A student's suitability may be impaired because of:

- issues of professional misconduct and personal integrity
- a conviction, caution or decision by a regulatory body
- unsatisfactory professional performance
- issues relating to their physical or mental health.

Issues relating to professional misconduct

A student's behaviour in any area of their life may be considered relevant to deciding their suitability for social work practise – this includes their behaviour at university or in practice-based learning settings, in work or in their personal life.

If any criminal history comes to light during the student's studies, the HEI's response should be in line with relevant legislation relating to the rehabilitation of offenders and the right to not have to disclose certain 'spent' convictions or cautions.

Concerns may be shared about a student by people with care and support needs, a carer, a practice learning opportunity provider, an employer or a member of the public.

It is important the HEI informs Social Care Wales of any conduct issues even if these do not result in the instigation of suitability procedures.

4. The Approval and Inspection of Degree Courses in Social Work (Wales) Rules 2018, The Schedule (4) 7: b

Standard practice is that the HEI will initially assess concerns raised about social work students. If further action is necessary, Social Care Wales will investigate the concerns raised, in the same way as it would for any other registered person.

If the employer of a seconded student has any concerns about their professional conduct, they need to speak with the HEI and Social Care Wales as soon as possible. This requirement should be made clear to sponsors at the start of the programme.

Issues relating to health

When a student makes a disclosure about a health condition they feel is affecting their ability to study and practise, the programme will need to make sure the student receives timely support and guidance from the HEI's well-being support services.

Programmes may use their suitability procedures to consider serious health problems, especially if the condition has implications for safe practice – even if they have not received any complaints about the student's behaviour.

In these instances, the HEI will:

- consider the steps the student is taking to manage their health condition
- seek more information about the student's condition and the potential impact it may have on people with care and support needs, and their carers
- give the student an opportunity to show they understand the potential implications of their health condition on people with care and support needs, and their carers
- seek more information about the student's commitment to working safely.

Investigating suitability concerns

When a HEI decides to initiate suitability procedures, it should let employer partners, the student's sponsor (*as applicable*), and Social Care Wales's fitness to practise team know. Social Care Wales will normally open a case and await the outcome of the HEI's investigation.

However, there may be occasions where it is in the interest of the public or the registered person for Social Care Wales to initiate inquiries. This may involve, for example, criminal or safeguarding matters. The student will remain on the Register while the investigation is under way, but an Interim Suspension or Interim Conditional Registration Order can be put in place if necessary.

Social Care Wales will provide the HEI and student with regular updates during its investigation and notify them of the outcome / actions to be taken.

HEI suitability procedures should allow for a student to be suspended from practice and/or study where appropriate, and when this happens, they must let Social Care Wales and any sponsors know. Similarly, procedures should set out how the programme will manage interruptions to the studies of a student who is subject to a suitability investigation. This should take account of the eight-year time limit for student social worker registration.

While a HEI suitability panel/hearing is not a formal legal procedure, the HEI will be aware of its responsibility to comply with the Human Rights Act 1998 to make sure students:

- are afforded a fair hearing within a reasonable timeframe by an informed, independent and impartial panel
- know and understand the evidence being presented
- are aware they have the right to be represented.

The HEI's procedures will also need to be consistent with the Equality Act 2010.

Whilst the final decision under suitability procedures lies with the HEI, it is expected that employer partners will be involved in the process of determining suitability to remain on the programme.

The HEI must let Social Care Wales and sponsors know the outcome of the investigation and whether the student is suitable to continue studying on the social work programme.

The HEI should therefore make sure the student knows:

- Social Care Wales will be told the outcome of the investigation and will consider the question of their registration
- Social Care Wales will receive all correspondence and reports relating to the suitability hearing
- if the student is sponsored, the employer will also be informed.

The HEI should have a clear process that allows the student to appeal against the outcome of a suitability investigation. If a student has been suspended, the suitability procedures should allow for the suspension to continue through the appeal process.

Student withdrawal from programmes

a. If the HEI decides a student is unsuitable to continue on a programme

The HEI must let Social Care Wales's fitness to practise and registration teams know when a student is removed from a programme because of suitability concerns.

The student should be told in writing that Social Care Wales has been informed. If a student is being sponsored or supported by an employer, the employer should also be told.

The HEI should make sure it keeps detailed and comprehensive records of any suitability proceedings and their outcome as they will help the HEI respond to a possible appeal by the student or to an external review.

b. If a student withdraws from a course

Where a student withdraws from a course for academic, health or personal reasons, or no longer wishes to continue training, the HEI must inform the registration team at Social Care Wales. The student will be removed from the Register.

In instances where an individual withdraws from a programme when a suitability investigation is proceeding or a decision is pending, HEIs are expected to complete the process.

Where the completed suitability investigation identifies concerns about the student, this information must be forwarded to Social Care Wales. It will be retained and flagged on the student's record and considered if they make a subsequent application to the social care register.

Where there are criminal investigations underway, Social Care Wales will be able to make requests to the police about outcomes, where appropriate, if there are safeguarding concerns. This applies even if the student is no longer on the Register.

Section 3

Post-qualifying programmes

HEIs approved to offer post-qualifying awards in social work must also have suitability procedures to address concerns regarding a social worker's fitness to practice. Many HEIs will be able to apply the suitability procedures they have developed for the social work degree. However, these processes will need to take account of the different status of post-qualifying students in that the majority are employed.

All post-qualifying students should be registered as a qualified social worker. This can be verified by the Register[5]. The status of their employment will vary. For example, they may be:

- employed by a local authority, an independent provider or a health board
- working as an agency worker through an employment agency
- working as an independent social worker.

Employers/sponsors should be advised of their responsibility to notify the HEI and Social Care Wales if the student is the subject of a serious disciplinary investigation and/or is suspended from work during the period of training.

If suitability concerns are raised through the student's participation on the course, the HEI should contact the employer and Social Care Wales to discuss the actions it will be taking.

If concerns are raised about a self-employed student's suitability, the HEI must let Social Care Wales know it is starting suitability proceedings. The HEI should also inform any employers involved in supporting the student's training.

Suitability procedures for post-qualifying students should follow the guidance set out in section 2 in relation to the principles underpinning suitability investigations and managing the decision-making process.

5. You can search the Register of Social Care Workers at: scwonline.wales/en/search-the-register