1. Executive Summary

1.1. This paper outlines a series of issues of significant concern to the social work sector. Although the issues require urgent attention to improve conditions for social workers and services for service users, they are not being addressed in the absence of a Northern Ireland Executive and a functioning Northern Ireland Assembly. The issues are:

- The implications for social work arising from the reform of Health and Social Care process
- Impacts on social workers arising from the Child Tax Credit / Universal Credit Two Child Cap and ‘Rape Clause’
- The urgent need to reform the adult social care sector
- The uncertainty and instability caused by proposed Health and Social Care Cuts
- The need to pass into law the Adoption and Children Bill to ensure adoptive parents, birth parents, and adopted children receive the support they need throughout the adoption process

2. Introduction

2.1. The Northern Ireland Association of Social Workers (NIASW) is part of the British Association Social Workers (BASW), the largest professional body for social workers in the UK. The Association has 21,000 members employed in frontline, management, academic and research positions in all care settings.

2.2. NIASW is submitting evidence to this inquiry because it is acutely aware of the impact the absence of a Northern Ireland Executive and functioning Northern Ireland Assembly is having in terms of constraining much needed change to improve delivery of social work services as part of the wider health and social care sector in Northern Ireland.

3. Reform of Health and Social Care

3.1. In October 2016 former Health Minister, Minister O’Neill MLA, produced her 10-year vision for Health and Social Care – Health and Wellbeing 2026: Delivering Together. The document was informed by Systems, not Structures: Changing Health & Social Care – the review of Health and Social Care
undertaken by Professor Raphael Bengoa, which was commissioned by Minister O’Neill’s predecessor, Simon Hamilton MLA.

3.2. *Health and Wellbeing 2026* aims to address several key issues for the social work sector which had been raised with the Minister and her Assembly colleagues by NIASW. Among its various goals, the Vision document seeks to:

- Reduce bureaucracy and liberate time for care by equipping social workers with new technology to increase the time they have to spend with service users
- Enhance the role of social workers in primary care
- Develop a Health and Social Care (HSC) workforce strategy

3.3. The need to reduce bureaucracy in social work

3.4. Research published by NIASW in September 2016 concerning workforce pressures faced by social workers in Northern Ireland highlights:

- 88% of social workers routinely work additional unpaid hours
- The cost saving to HSC resulting from the unpaid hours worked by social workers is £11.4 million per year
- 44% of social workers consider unnecessary bureaucracy and lack of administrative support to be the single or joint greatest pressure they face
- 50% of social workers have at least one vacancy in their team

3.5. The report outlined a series of recommendations to address the problems identified. Following publication of the report, the Health Minister stated her support for NIASW’s recommendation for employers to undertake an audit to establish the number of unpaid hours worked by social work staff and the number of vacancies in social work teams in HSC.

3.6. However, since the collapse of the Northern Ireland Executive, NIASW has seen no efforts made to reduce bureaucracy within social work and the Association is not aware of any practical work taken forward to roll out technological solutions to increase the time social workers have to spend with service users.

3.7. NIASW is concerned that without a Northern Ireland Executive in place to progress this aspect of the former Minister’s vision, nothing will be done to reduce the bureaucratic burden borne by social workers.

3.8. Multidisciplinary Primary Care Teams

3.9. *Health and Wellbeing 2026: Delivering Together* contains a commitment to enhance primary care, with the future model based on multidisciplinary teams embedded around General Practice. These teams will include GPs,

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3.10. In January 2016 the Northern Ireland Assembly Health Committee launched an inquiry into the proposed introduction of multidisciplinary primary care teams. NIASW participated in a roundtable discussion hosted by the Committee in January 2017 and provided its initial views on the proposal. NIASW is of the understanding that if a Northern Ireland Executive is formed the inquiry will continue.

3.11. Since the launch of the inquiry, NIASW has conducted a programme of consultation events with social workers across Northern Ireland to enable it to inform both the inquiry and the development of the Department of Health model for multidisciplinary primary care teams. NIASW will shortly make the findings of the consultation process available to the Department of Health (the Department).

3.12. It is essential that any model developed by the Department makes the most efficient possible use of social work resources and recognises the unique skills and experience of social workers – guarding against integrating social workers into a medical model of care.

3.13. NIASW firmly believes any decisions to transform the delivery structures for social work services must be taken by a locally accountable, democratically elected Northern Ireland Executive Minister and scrutinised by the Northern Ireland Assembly. However, in the current political vacuum, the development of the Department’s multidisciplinary primary care policy is solely within the hands of its civil servants. It is being conducted without scrutiny, and with limited access for professional bodies, including NIASW, to inform the process.

3.14. NIASW is concerned at the potential implications for the social work sector which could arise from this process and believes this strongly reinforces the need for the restoration of an Executive to oversee the reform of primary care.

3.15. Workforce Planning

3.16. In December 2016 NIASW briefed the Northern Ireland Assembly Health Committee, presenting the findings of its workload survey report Above and Beyond: At What Cost?2. The report highlights the need for improved workforce planning to ensure social work staff are not working at unsafe levels.

3.17. NIASW was encouraged by the commitment in the former Health Minister’s Vision to Develop an HSC-wide workforce strategy and NIASW sits on the Department of Health Workforce Strategy Steering Group tasked with overseeing development of the strategy. However, in the absence of a Health Minister, the forthcoming strategy is unlikely to be implemented and will therefore be unable to address the workforce pressures faced by social workers.

4. Child Tax Credit / Universal Credit Two Child Cap and ‘Rape Clause’

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2 Ibid.
4.1. NIASW strongly objected to the UK Government’s two-child cap for Child Tax credit claimants introduced in April 2017 and opposes the same cap which applies to Universal Credit, which began its introduction in Northern Ireland on a phased basis in September 2017. The cap will serve to increase the reach and deepen the impact of poverty across all regions of the UK.

4.2. There are a number of exceptions to the cap, including for children conceived as a result of a non-consensual sexual act – the ‘rape clause’. If a woman makes an application on this basis, her claim must be verified by an approved third party (a social worker, healthcare professional or specialist support worker from an approved organisation).

4.3. NIASW considers it unethical and degrading to subject a woman to disclose an incident of rape to a third party to access benefits. Doing so risks further traumatising the woman, stigmatising the child and increases the chance of the woman experiencing additional violence and further mental distress.

4.4. NIASW is particularly concerned by the requirement for social workers, under Section 5 of the Criminal Law Act (Northern Ireland) 1967, to report to the police a rape disclosed as part of a Universal Credit application. A social worker is legally required to report a rape even if this contravenes the wishes of the service user. Unless the matter is brought to the attention of the police, the social worker risks criminal prosecution. This requirement to report does not apply in Great Britain.

4.5. NIASW has obtained legal advice on how Section 5 of the Criminal Law Act (Northern Ireland) 1967 would be applied in an instance of non-disclosure by a social worker of a rape which they were informed of as part of a Child Tax Credit / Universal Credit application. The advice explains that having any knowledge that there has been a rape and knowledge of the identity of the victim of the rape is sufficient to attract the operation of Section 5.

4.6. NIASW’s parent organisation, the British Association of Social Workers (BASW) has produced guidance for members across the UK advising them to use professional judgement when deciding whether to assist service users applying for Universal Credit under the rape clause. It explains BASW will support any member who refuses to engage with the policy on grounds congruent with the BASW Code of Ethics. Guidance is also provided concerning the legal requirement for social workers in Northern Ireland to report to the police any information they receive concerning a rape.

4.7. An amendment to Section 5 of the Criminal Law Act (Northern Ireland) 1967 is required to protect social workers from the potential for prosecution if they choose to respect the wishes of a service user and not report a rape to the police. NIASW believes an amendment should exempt professionals from having to report a crime disclosed to them by a patient or service user where

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3 The Child Poverty Action Group estimates the introduction of the Universal Credit two-child cap will push 200,000 additional children into poverty across the UK
the patient or service user is the victim, and reporting could cause substantial likelihood of further harm to their safety or wellbeing.

4.8. There is precedent for amending the legislation in question. The Sexual Offences (Northern Ireland) Order 2008 contains a clause (Article 79) which means that while consensual sex between underage children remains an offence, there is no longer a statutory duty to report to the police cases of sexual activity involving a young person aged 13 to 16 years old, where the other person is under 18 years of age.

4.9. While power is devolved to Northern Ireland, any amendment to the legislation would need to be undertaken by the Northern Ireland Assembly. However, in the current situation of democratic deficit, there is no opportunity to seek an amendment to the legislation. Therefore, social workers and other professionals continue to be exposed to the risk of prosecution if they do not report an incident of rape to police disclosed in a Universal Credit or Child Tax Credit application.

5. Reform of Adult Social Care

5.1. The Expert Panel on social care established by former Minister of Health, Michelle O’Neill MLA, recently published its report – Power to People: Proposals to reboot adult care & support in NI. The report makes a series of recommendations aimed at avoiding a collapse of the social care system and ensuring increased demand for social care services can be met in future. The recommendations include:

- Introduction of means tested contributions to pay for social care services
- Payment of the Living Wage, as a minimum, to social care staff
- Introduction of a regulated ‘sustainable return’ for social care providers
- Putting the rights of family carers on a legal footing and the introduction of a strategy to place them at the centre of transformation of adult care and support
- The alignment of reform of adult care with the Community Planning responsibility of local councils

5.2. While there is a need for a sector-wide debate of the Expert Panel's findings, in the absence of a Northern Ireland Executive, none of the recommendations will be implemented, further postponing much needed reform of the Northern Ireland social care sector.

6. Proposed Health and Social Care Cuts

6.1. In August 2017 Northern Ireland’s Health and Social Care (HSC) Trusts’ announced they would collectively be required to save £70m from their budgets during the remainder of the financial year. Following October’s Department of Finance monitoring round, the required HSC savings were reduced to £30m.
6.2. The planned savings caused concern both to social workers and service users. The initial proposal threatened the provision of Older People’s services, particularly domiciliary and residential care, where a significant proportion of the cost savings were intended to be made. The savings were proposed at a time when existing funding constraints had already restricted access to domiciliary and residential care services.

6.3. The episode was widely regarded among the social work profession as evidence of a lack of leadership in the HSC system. It served as a clear indication of the pressing need to restore a Northern Ireland Executive to ensure a Health Minister and Finance Minister are in post to avoid any further confusion and worry akin to that caused by the announcement of cuts to services which were later found to largely avoidable.

7. **Adoption and Children Bill**

7.1. In April 2017 NIASW responded to the Department of Health’s consultation on the Adoption and Children Bill. The response outlined that NIASW, as part of BASW, has undertaken an Independent Inquiry into Adoption across the UK and a key issue highlighted both in Northern Ireland and GB has been the lack of consistency and vastly different approaches to adoption support services. The response noted that in some cases, families do not know what support, if any, is available and do not know how to access it.

7.2. NIASW recognises the draft legislation offers an opportunity to ensure adoptive parents, birth parents and adopted children receive the support, information and guidance they need before, during, and post adoption. However, in the absence of a Northern Ireland Executive, the draft legislation will not be progressed towards royal assent.

18 December 2017