

**Social
Work
England**

Education and Training Rules 2019



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Part 1: Introduction

Citation and commencement

1. (1) Social Work England has made these Rules in accordance with regulation 3 of the Social Workers Regulations 2018.
(2) These Rules are made in exercise of powers conferred by regulations 20(6), 20(7), 21(3) and 24(3) of the Social Workers Regulations 2018.
(3) These Rules may be cited as the Social Work England (Education and Training) Rules 2019 and come into force on the date on which section 39(1) of the Children and Social Work Act 2017 comes into force.

Interpretation

2. In these Rules:

‘the Act’ means the Children and Social Work Act 2017

‘adviser’ has the meaning given in regulation 4(2)

‘AMHPs course’ has the meaning given in regulation 2(1)

‘approved course of initial education and training’ has the meaning given in regulation 20(2)

‘approved qualification’ has the meaning given in regulation 20(2)

‘education and training approval scheme’ has the meaning given in regulation 20(1)

‘inspector’ has the meaning given in regulation 21(2)

‘registered social worker’ has the meaning given in regulation 2(5)

‘regulation’ means a regulation in The Social Workers Regulations 2018, and ‘regulations’ shall be interpreted accordingly

‘regulator’ means Social Work England or a person carrying out the functions of the regulator set out in the regulations

‘relevant institutions’ has the meaning given in regulation 20(5), and ‘relevant institution’ is to be construed accordingly

'Schedule' means a Schedule of the Regulations

'Scheme' means the education and training approval scheme defined in regulation 20.

Part 2: Education and training approval scheme

3. (1) The criteria set by the regulator for the approval, monitoring and re-approval of courses of:

(a) initial education and training;

(b) qualifications;

(c) tests of knowledge of English;

(d) courses for persons who are, or wish to become, approved to act as approved mental health professionals by a local social services authority whose area is in England, referred to in section 114ZA(1) of the Mental Health Act 1983 ("AMHPs courses") in accordance with regulation 20(6)(a) and, for AMHPs courses, regulation 20(6)(d); and

(e) courses for persons who are, or wish to become, approved to act as best interests ("BIA") assessors whose area is England, referred to in regulation 5(3)(c) of the Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008, in accordance with regulation 20(7), are listed in rule 3(2).

(2) The criteria are:

(a) that the relevant institution can demonstrate to the satisfaction of the regulator that they meet the standards for education and training determined and published by the regulator under section 43(1) of the Act. These standards set out the regulator's expectations in the following areas:

(i) level of qualification for entry to the register;

(ii) admissions;

- (iii) learning environment;
- (iv) programme governance, management and quality;
- (v) curriculum and assessment; and
- (vi) supporting students.

(b) that the relevant institution can demonstrate that any course for which they seek approval or re-approval will ensure that students who successfully complete the course are able to meet professional standards determined and published by the regulator under section 41(1) of the Act.

(c) that for tests of knowledge of English, the relevant institution can demonstrate to the satisfaction of the regulator that any student who successfully completes any such test is able to meet:

- (i) the professional standards as required by rule 3(2)(b); and
- (ii) the requirements of regulation 11(2)(c).

(d) that for AMHPs courses, the relevant institution can demonstrate to the satisfaction of the regulator that any such course will ensure that students who successfully complete the course are able to meet the Key Competence Areas set out in Schedule 2 to the Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008.

(e) for best interest assessors:

- (i) Learning outcomes consistent with the statutory requirements for the role, with training that ensures that BIAs gain an applied knowledge of the relevant parts of the Mental Capacity Act 2005 and the relevant Deprivation of Liberty Safeguards Code of Practice, and have the necessary skills to obtain, evaluate and analyse complex evidence and differing views and weigh them appropriately in decision making.
- (ii) Training content based on appropriate knowledge and best practice.
- (iii) Training covers appropriate legislation, case law and policy updates.

Approval of courses, qualifications and tests of knowledge

4. In order to approve courses of initial education and training, qualifications, tests of knowledge of English, BIA and AMHPs courses the regulator will subject relevant institutions concerned with the delivery of such courses, qualifications and tests to an inspection by one or more inspectors in accordance with regulation 21. Such inspections will aim to ensure that all such courses, qualifications and tests of knowledge meet the standards for education and training and professional standards.
5. (1) Relevant institutions seeking approval to deliver a course of initial education and training, qualifications and tests of knowledge of English, must provide, in the form required by the regulator, evidence of how they meet the criteria for approval set out at rule 3(2)(a)-(c).

(2) On receipt of this evidence, the regulator will:
 - (a) select a date for the inspection;
 - (b) allocate inspectors and a member of the regulator's staff to the inspection;
 - (c) undergo a conflict of interest procedure in accordance with rule 11 of The Social Work England (Investigators, Case Examiners, Adjudicators and Inspectors) Rules 2019;
 - (d) confirm the date of the inspection with the relevant institution seeking approval; and
 - (e) notify the relevant institution seeking approval if any further evidence is required prior to an inspection being undertaken, and request this further information from the relevant institution.
(3) Relevant institutions seeking approval to deliver an AMHP course must additionally in preparation for the inspection provide the regulator with information setting out how they meet the criteria set out in rule 3(2)(d) above no less than 40 working days before the date of the inspection.

(4) Relevant institutions seeking approval to deliver an BIA course must additionally in preparation for the inspection provide the regulator with information setting out how they meet the criteria set out in rule 3(2)(e) above no less than 40 working days before the date of the inspection.

(5) On receipt of the information provided under rule 5(1) and no less than 40 working days before the date of the inspection, the regulator will send the information to the inspectors for review.

(6) On receipt of any information requested under rule 5(2)(e), the regulator will:

- (a) confirm the date of the inspection with the relevant institution, or
- (b) rearrange the inspection and notify the relevant institution of the revised date,

(7) Following the inspection, the member of the regulator's staff appointed under rule 5(2)(b) will write a draft inspection report on behalf of the inspectors which will be:

- (a) agreed by the inspectors within 42 calendar days of the date of the inspection;
and
- (b) sent to the relevant institution concerned within 10 working days of that agreement.

(8) The relevant institution concerned may provide factual corrections to the draft inspection report to the regulator within 28 calendar days, and these may result in the draft inspection report being amended.

(9) The final report will be sent to the relevant institution within 10 working days of any amendments made under rule 5(8), and the relevant institution may provide any observations on the final inspection report for consideration by the regulator within 10 working days of receipt of the report.

(10) The final inspection report, and any observations provided by the relevant institution at rule 5(9) above, will be considered by the regulator, and:

- (a) if the relevant institution concerned satisfies the regulator that the course meets the criteria for approval and will enable any person who successfully completes it to meet the professional standards referred to in rule 3(2)(b) above, the relevant institution will be granted approval without conditions and the course will be added to the regulator's list of approved courses in accordance with rule 16(3) below; or
- (b) if the relevant institution concerned satisfies the regulator that the course meets the criteria for approval and will enable the person who successfully completes it to meet the professional standards set out in rule 3(2)(b) above with some exceptions in specific areas, the relevant institution concerned will be granted approval with conditions in accordance with rules 12 and 13 below and the course will be added to the regulator's list of approved courses in accordance with rule 16(3) below; or

- (c) if the relevant institution concerned does not satisfy the regulator that the course meets the criteria for approval and will enable the person who successfully completes it to meet the professional standards, the relevant institution concerned will not be granted approval in accordance with rule 14 below.

(11) The regulator will inform the relevant institution concerned of the outcome of the approval process and provide the final inspection report within 10 working days of the date of the consideration by the regulator.

Re-approval of courses, qualifications and tests of knowledge

- 6. In order to re-approve courses of initial education and/or training, qualifications, tests of knowledge of English, BIA and AMHPs courses the regulator will subject relevant institutions concerned with the delivery of such courses, qualifications and tests to an inspection by one or more inspectors in accordance with regulation 21. Such inspections will aim to ensure that all such courses, qualifications and tests of knowledge meet the required standards for education and training and professional standards.

- 7. (1) Relevant institutions seeking;

- (a) re-approval to deliver a course of initial education and/or training, qualifications, tests of knowledge of English, BIA and AMHPs courses; or
- (b) approval of a significant change to an approved course of initial education and/or training, qualifications, tests of knowledge of English, BIA and AMHPs courses.

must provide, in the form required by the regulator, evidence of how they meet the criteria for approval set out at rule 3(2).

- (2) On receipt of the form the regulator will:

- (a) select a date for the inspection;
- (b) allocate inspectors and a member of the regulator's staff to the inspection;
- (c) undergo a conflict of interest procedure in accordance with rule 11 of The Social Work England (Investigators, Case Examiners, Adjudicators and Inspectors) Rules 2019;
- (d) confirm the date of the inspection with the relevant institution seeking re-approval; and
- (e) notify the relevant institution seeking approval if any further evidence is required prior to an inspection being undertaken, and request this further information from the relevant institution.

(3) Relevant institutions seeking re-approval to deliver a course of initial education and training, qualifications and tests of knowledge of English, must in preparation for the inspection provide the regulator with information in the required form as to how they meet the criteria set out in rule 3(2)(a)-(c) above and any other information requested by the regulator as being relevant to the inspection no less than 40 working days before the date of the inspection.

(4) Relevant institutions seeking re-approval to deliver an AMHP course must additionally in preparation for the inspection provide the regulator with information setting out how they meet the criteria set out in rule 3(2)(d) above no less than 40 working days before the date of the inspection.

(5) Relevant institutions seeking re-approval to deliver a BIA course must additionally in preparation for the inspection provide the regulator with information setting out how they meet the criteria set out in rule 3(2)(e) above no less than 40 working days before the date of the inspection.

(6) On receipt of the information provided under rule 7(1) the regulator will send the information to the inspectors for review.

(7) On receipt of any information requested under rule 7(2)(e), the regulator will:

- (a) confirm the date of the inspection, or
- (b) rearrange the inspection and notify the relevant institution of the revised date.

(8) Following the inspection, the member of the regulator's staff appointed under rule 7(2)(b) will write a draft inspection report on behalf of the inspectors which will be:

- (a) agreed by the inspectors within 42 calendar days of the date of the inspection; and
- (b) sent to the relevant institution concerned within 10 working days of that agreement.

(9) The relevant institution concerned may provide factual corrections to the draft inspection report to the regulator within 28 calendar days, and these may result in the draft inspection report being amended.

(10) The final report will be sent to the relevant institution within 10 working days of any amendments, and the relevant institution may provide any observations on the final inspection report for consideration by the regulator, and:

- (a) any such observations must be provided to the regulator within 10 working days.

(11) The final inspection report, and any observations provided by the relevant institution under rule 7(10) above, will be considered by the regulator and:

- (a) if the relevant institution concerned satisfies the regulator that the course meets the criteria for approval and will enable the person who successfully completes it to meet the professional standards set out in rule 3(2)(b) above, the relevant institution will be granted approval without conditions and the course will be added to the regulator's list of approved courses in accordance with rule 16(3) below; or
- (b) if the relevant institution concerned satisfies the regulator that the course meets the criteria for approval and will enable the person who successfully completes it to meet the professional standards set out in rule 3(2)(b) above with some exceptions in specific areas, the relevant institution concerned will be granted approval with conditions in accordance with rules 12 and 13 below and the course will be added to the regulator's list of approved courses in accordance with rule 16(3) below; or
- (c) approval will be withdrawn from the relevant institution concerned in accordance with rule 14 below and the course will be removed from the regulator's list of approved courses.

(12) the regulator will inform the relevant institution concerned of the outcome of the re-approval process and provide the final inspection report within 10 working days of the date of the decision.

Monitoring of courses, qualifications and tests of knowledge

- 8. The regulator will operate an annual process to monitor courses of initial education and training, qualifications, tests of knowledge of English, BIA and AMHPs courses to ensure that all such courses meet the criteria set out in rule 3(2) and will publish details of this process.
- 9. (1) The regulator will inform the relevant institution concerned with the delivery of a course of initial education and training, qualification, test of knowledge of English or BIA and AMHPs course that they must complete an audit or declaration in the required form for monitoring purposes.
 - (2) The relevant institution must provide in their audit or declaration information as to how they meet the criteria set out in rules 3(2)(a)-(c) above and any other information requested by the regulator as being relevant to the monitoring process.
 - (3) Relevant institutions delivering an AMHPs course must additionally provide in their audit or declaration information setting out how they meet the criteria set out in rule 3(2)(d) above.

(4) Relevant institutions delivering a BIA course must additionally provide in their audit or declaration information setting out how they meet the criteria set out in rule 3(2)(e) above.

(5) If a relevant institution does not provide an audit or declaration when requested the regulator may decide to set conditions on approval in accordance with rules 12 and 13 below or withdraw approval in accordance with rule 14 below.

(6) The regulator may instruct inspectors to assess the information.

(7) If the information provides evidence to show that the course continues to meet the criteria the regulator will determine that approval should continue.

(8) If the information does not provide evidence that satisfies the regulator that the criteria at rule 3(2) are met, the regulator may require:

- (a) more information from the relevant institution and such additional information may be provided to the inspectors for further assessment; and
- (b) that an inspection should take place.

(9) If the additional information or information gathered during an inspection provides sufficient evidence to show that the course continues to meet the criteria the regulator will determine that approval should continue.

(10) The regulator will make a decision about approval within 28 calendar days and will inform the relevant institution of this decision.

(11) For courses of initial education and training, the regulator will consult representatives of the following groups about the quality of the course in accordance with regulation 20(6)(e):

- (a) any persons undertaking the course;
- (b) social work service users; and
- (c) bodies, other than the relevant institution concerned, that provide any element of the education and training comprised in the course.

(12) The regulator will operate a process to act on concerns raised with the regulator from any other bodies or individuals about the quality of approved courses of initial education and training, qualifications, tests of knowledge of English, BIA and AMHPs courses provided by relevant institutions. This process will:

- (a) set out for those wishing to raise a concern the form in which this concern should be raised;
- (b) set out the actions that the regulator will take once a concern has been received, and the time within which any actions will be taken;
- (c) set out the process by which the relevant institution will be notified of any concern raised;
- (d) set out the process by which the relevant institution must respond to the concerns raised; and
- (e) set out the actions the regulator may take once the concern has been investigated. These actions will include:
 - (i) take no further action
 - (ii) carry out an extraordinary inspection of the relevant institution

Inspection of courses, qualifications and tests of knowledge

10. The regulator will carry out inspections of relevant institutions concerned with the delivery of courses of initial education and training, qualifications, tests of knowledge of English, BIA and AMHPs courses. Relevant institutions must facilitate the following activities which may form part of an inspection:
 - (1) Meetings with relevant staff from the relevant institution;
 - (2) Meetings with persons undertaking the course, social work service users, bodies that provide training placements to persons undertaking the course and staff that supervise and assess persons undertaking the course whilst on training placements;
 - (3) Observation of teaching delivered at the relevant institution or on training placements;
 - (4) Observation of any or all of the qualifying examinations;
 - (5) Observation of any or all of the qualifying examination boards; and
 - (6) Tours of facilities used to deliver teaching and assessment at the relevant institution, or at training placement locations.
11. The regulator will take action when the information provided under rule 9 above or information arising from an inspection as set out in rule 10 above indicates that the relevant institution may or does not meet the criteria, which may include:
 - (1) Requesting further information or clarification from the relevant institution pertaining to how they meet the criteria;

(2) Meeting with relevant staff at the relevant institution to discuss how they meet the criteria;

(3) Consultation with persons undertaking the course, social work users or bodies other than the relevant institution concerned that provide any element of the education and training comprised in the course; and

(4) Carrying out an extraordinary inspection of the relevant institution which may include some or all of the elements set out in rule 10 above.

Attaching conditions for approval or re-approval to courses, qualifications and tests of knowledge

12. The regulator may decide to attach conditions to the approval and re-approval of courses of initial education and training, qualifications, tests of knowledge of English, BIA and AMHPs courses, in accordance with the process in regulation 22(1)-(4), if:

(1) A relevant institution fails to provide to the regulator information required for approval, monitoring or re-approval processes; or

(2) evidence gathered in the course of processes described in rules 8-11 above demonstrates that the relevant institution does not meet the criteria for approval.

13. When a condition or conditions are attached to approval or re-approval the regulator will require the relevant institution concerned to provide information to specified deadlines to demonstrate progress towards meeting the condition or conditions. The provision of information may be more frequent than the annual provision of information set out in rule 9(1) above. The regulator may:

(1) Decide based on the information provided by the relevant institution that the condition or conditions have been met and confirm this with the relevant institution;

(2) Decide based on the information provided by the relevant institution, or if the relevant institution has failed to provide information at all, that the condition or conditions have not been met and take action as set out in rule 11(1)-(4) above; or

(3) Decide based on the information provided by the relevant institution, or if the relevant institution has failed to provide information at all, that the condition or conditions have not been met and refuse to approve or withdraw approval as set out in rule 14 below and regulation 23(1)-(6).

14. The regulator may decide to refuse to approve or withdraw approval of courses of initial education and training, qualifications, tests of knowledge of English, BIA and AMHPs courses, following the process as set out in regulation 23(1)-(6) if:
 - (1) A relevant institution fails to provide to the regulator information required for approval, monitoring or re-approval processes;
 - (2) A relevant institution fails to comply with a condition or conditions attached to the approval or re-approval, in accordance with rules 8 and 9 above by the time specified or at all; or
 - (3) Evidence gathered in the course of processes described in rules 8-11 above demonstrates that the relevant institution does not meet the criteria for approval.
15. Where the regulator refuses to approve, or withdraws approval under rule 14 above, the regulator will follow the process set out in regulation 23(2)-(4).
16. The regulator will publish information about the approval of courses of initial education and training, qualifications, tests of knowledge of English, BIA and AMHPs courses in accordance with the regulator's publication scheme. This will include:
 - (1) Reports, including reports of inspections carried out in accordance with rule 10;
 - (2) Decisions in relation to approval; and
 - (3) Lists of approved courses of initial education and training, qualifications, tests of knowledge of English, BIA and AMHPs courses.
17. The regulator will provide information on the following areas to relevant institutions during the approval and re-approval process:
 - (1) Guidance on the information to be supplied annually against the criteria for approval, monitoring and re-approval;
 - (2) Guidance on the inspection process if and when applicable to that relevant institution;
 - (3) Reasonable notice of an inspection taking place if and when applicable to that relevant institution;
 - (4) Guidance on how actions and decisions, including the setting of conditions, are taken by the regulator as part of the approval, monitoring and re-approval process; and

(5) Information about the process used to consult with persons undertaking the course, social work users and bodies, other than the relevant institution concerned, that provide any element of the education or training comprised in the course.

Inspectors

18. Inspectors under these Rules will be appointed and will carry out their functions in accordance with the Social Work England (Appointment and Functions of Advisers and Constitution of Panels of Advisers) Rules 2019, and the Social Work England (Investigators, Case Examiners, Adjudicators and Inspectors) Rules 2019.

Fees

19. The regulator does not set any fees in relation to approval under these Rules.