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REFRAMING CONDUCT: A  
CRITICAL ANALYSIS OF THE  
STATUTORY REQUIREMENT  
FOR REGISTRATION OF THE  
SOCIAL WORK WORKFORCE

By

Lel Francis Meleyal

A thesis submitted in partial  
fulfilment of the requirements for the  
degree of

Doctor of Social Work

University of Sussex

2011

**WORK NOT SUBMITTED ELSEWHERE FOR  
EXAMINATION**

I hereby declare that this thesis has not been, and will not be, submitted in whole or in part to another university for the award of any other degree.

Name: Lel Francis Meleyal

Signed:\_\_\_\_\_

Date: 28<sup>th</sup> July 2011

# UNIVERSITY OF SUSSEX

Lel Francis Meleyal

A thesis submitted in partial  
fulfilment of the requirements for the  
degree of

Doctor of Social Work

## REFRAMING CONDUCT: A CRITICAL ANALYSIS OF THE STATUTORY REQUIREMENT FOR REGISTRATION OF THE SOCIAL WORK WORKFORCE

### Summary

The relationship between the statutory registration of a workforce and impact upon practice and practitioners is unclear. Little empirical research in relation to the efficacy of existing professional registers has been undertaken. No research has so far been undertaken in relation to the impact of UK legislated registration upon social work practice. A number of high profile cases in health care such as the Bristol, Shipman, Ayling and Allit inquiries (DH, 1994; Crown Office, 2001 & 2005) have drawn attention to the inadequacies of workforce registration systems. Regulatory approaches to modifying the behaviours of the regulated are widely viewed as problematic in a broad range of theoretical literature from diverse disciplinary bases and methodologies. Literatures caution that just as 'markets' may behave imperfectly, so may regulatory mechanisms such as workforce registration systems (Ayres & Braithwaite, 1992; Baldwin, Scott & Hood, 1998; Haines, 1999; Sparrow, 2000; Ashworth & Boyne, 2002; Johnstone & Sarre, 2004; Haines & Gurney, 2004; Walshe & Boyd, 2007). The UK Better Regulation Task Force cautions that some regulatory interventions can make a situation worse (2003b). The potential of professional registers generally and the social

work register specifically to impact upon quality and improve protection has been questioned since 1982 when the first meetings about the development of a national social work regulatory council were held (Malherbe, 1982).

The regulatory body for social work in England, the General Social Care Council (GSCC) came into being in 2002. The first UK register of social workers came into force in 2005 with protection of title implemented shortly after. The first three conduct cases applying sanctions to registrants were heard within a year of the social work register opening.

Using a grounded theory approach, in the context of the first three conduct case outcomes, this study sought to elicit the perceptions of qualified social workers on the positive and negative impact(s) of the statutory requirement to register, for both the individuals and the organisations in which they work.

This study finds that the first registration conduct case outcomes triggered a reframing of the concept of conduct and that as a consequence, respondents in this study re-positioned their allegiance to registration, and engagement with conduct matters in the workplace. The study considers the relevance of research findings in the context of a changing policy and political landscape.

### **Dedication**

In remembrance of my beloved Grandmother Elizabeth Ann (Cissie) Collinson (1906-1991) who predicted this thesis would one day exist at a time when I believed a GCSE was beyond my grasp.

For my family: Partner Cathy Costello who has endured every high and low of my Doctoral journey with humour, hugs, love, support and coffee. You enrich me Cath, here there and everywhere. More than blood. For my parents, Eric and Yvonne Collinson, and my son David William Meleyal. I love you with all my heart.

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I take the opportunity to acknowledge also my team colleagues at the GSCC who have tolerated missed deadlines and carried work so that I did not have to and could focus on this thesis. Particular thanks are due to colleague managers Dr Paul Webster, Gwynne Jones and Helen Wenman. Your support has been invaluable and I thank you all.

Thanks are due to the participants in my research. The world is a better place because of your dedication to our profession. I thank you for giving me some of your precious time in already overworked schedules. This thesis would not exist without your generosity.

**Lel Meleyal**  
28<sup>th</sup> July 2011

### **Disclaimer**

The financial support of the General Social Care Council via a generous employee study support scheme must be acknowledged. However, it should also be noted that this work was not commissioned by the GSCC nor was any influence exerted upon me as an employee of the GSCC as to the parameters of the work.

The findings presented here are my own as an independent student and should not be taken to imply GSCC agreement with or support for the discussion presented.

**Lel Meleyal**

**28<sup>th</sup> July 2011**



**Explanatory note**

In section 6.3.4 I reflect upon the ethics of real case vignettes used in the course of research presented here. My examiners helpfully suggested that I replace actual names with pseudonyms in the final published version of this thesis. No other alterations to disguise the vignettes, or my reflections upon using real cases for vignettes, was required.

**Lel Meleyal**  
**December 2011**

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## LIST OF ABBREVIATIONS

BASW	British Association of Social Workers
CCW	Care Council for Wales
CSA	Care Standards Act 2000
CST	Care Standards Tribunal
CCETSW	Central Council for Education and Training in Social Work
CQSW	Certificate of Qualification in Social Work
CSS	Certificate of Social Services
CPD	Continuing Professional Development
CHRE	Council for Healthcare Regulatory Excellence
CPSM	Council for Professions Supplementary to Medicine
CAS	Critical Analytical Study
DH	Department of Health
DipSw	Diploma in Social Work
GMC	General Medical Council
GSCC	General Social Care Council
HPC	Health Professions Council
HEI	Higher Education Institution
NPM	New Public Management
NMC	Nursing and Midwifery Council
NISCC	Northern Ireland Social Care Council
PQ	Post Qualifying
SSSC	Scottish Social Services Council



## *Chapter 1*

### **INTRODUCTION**

This Chapter briefly describes the subject of this thesis. The research questions underpinning the work are introduced and the structure of the thesis is detailed.

#### **1.1 Background and context**

When children and adults known to the care system die or are abused at the hands of their carers we search for causes. Moral condemnation expressed in inquiries, courtrooms and the media become translated into a reassessment of regulation (Haines, 1999; Butler & Drakeford, 2003). The question ‘what went wrong?’ becomes transformed into a catalogue of inadequacies. In social work in the UK, as in other professions, questions have focussed on the absence of adequate rules and guidelines (Brooks, 1988), the inadequacy of personnel and managerial systems, and, human error (Laming, 2003; Bichard, 2004; DH, 2004; Artherworry, 2005; Daily Telegraph, 2005; Knight, 2005; Maynard, 2005; Malone, 2005; Laming, 2009). More recently, the call for explanations and better ways to prevent the harm of the vulnerable has been heard in relation to the cases of Victoria Climbié and Peter Connelly. However, as Butler and Drakeford (2003) have argued, such calls have been an important part of social policy development since the eighteenth century. Calls for ‘something to be done’ can be traced

through the early development of child protection policy in the 1840's; the Ely Hospital scandal (1969); the Maria Colwell and Christopher Clunis inquiries (1974 and 1993 respectively); the development of Community Care (1990) and the Pindown Inquiry (1991).

Since 1997 - the start of the first term of the New Labour Government led by Tony Blair, and continuing into the second and third terms of office, the third term under the leadership of Gordon Brown - significant attention was focused upon the 'modernisation' of social care services (Clarke, 2004). A good deal of this attention involved increased regulation of social work, for example; the development in 2001 of new regulatory bodies (the General Social Care Council (GSCC) and sister Care Councils in Scotland, Ireland and Wales and the Commission for Social Care Inspection). Regulation was supported through the development of sector skills councils (Skills for Care); and agencies facilitating best practice (Social Care Institute for Excellence). This period also heralded increased involvement within social work arenas by other governmental bodies, for example, education and training requirements for social work set by the Department of Health. Increased regulation was viewed as a mechanism for improving the quality of the workforce (and the work they undertake) and protecting vulnerable service users (DH, 1998).

One development within the modernisation agenda was the social work register. The register, developed and held centrally by the GSCC on behalf of each UK Care Council, although managed locally by each Council, came into being in 2005. The title of ‘social worker’ became statutorily protected shortly after. Registration requires registrants to abide by a published Code of Practice (developed in partnership by the UK Care Councils in 2002) and failure to do so can result in removal from the register or other admonishments (GSCC, 2003a).

The relationship between the statutory registration of a workforce and its impact upon practice is unclear. Little empirical research in relation to the efficacy of existing professional registers has been undertaken. At the time the fieldwork for this research study began in 2006, none had been undertaken in relation to social work in the UK. A number of high profile cases in health care in particular, such as the Allit, Ayling and Shipman Inquiries (DH, 1994; DH, 2004; Crown Office, 2005) and the Bristol Hospital Inquiry (Crown Office, 2001) have drawn attention to the inadequacies of registration systems – in these cases, concerns related to the practice of registered health professionals.

Regulatory approaches to modifying the behaviours of the regulated via the requirement to adhere to a set of formalised rules are widely viewed as problematic in a broad range of theoretical literature from diverse disciplinary bases. This literature cautions that regulatory mechanisms

and interventions may behave imperfectly (Ayres & Braithwaite, 1992; Baldwin, Scott & Hood, 1998; Haines, 1999; Sparrow, 2000; Ashworth *et al.*, 2002; Haines & Gurney, 2004; Johnstone & Sarre, 2004). The UK Better Regulation Task Force (2003b) cautioned that some regulatory interventions can make a situation worse. The potential of registers generally, and the social work register specifically, to impact upon quality and improve protection has been questioned since 1982, when the first meetings about the possible development of a national social work regulatory council were held (Malherbe, 1982; Parker, 1990).

Questions relating to the ability of professional registers to impact positively upon quality, and protect the public and others; and questions considering the vulnerability of professional registers to regulatory failures, were valid but unanswered by research at the time the fieldwork for this study began in 2006.

## **1.2 The story of this research**

This research is a final piece of assessed work within an eight-year personal and professional Doctoral journey (see Chapter 4, and Appendix 1 for details of contributory assessed work). The journey first began in 2003, in the context of a personal confusion and curiosity about a (then) new initiative in development which was to impact upon my professional

career, and the careers of other professional social workers – the social work register.

As a professionally qualified social worker, committed to and confident about my profession, with a documented history of continuing professional development, and an appraisal and supervision record over time which evidences competent and ethical practice, I began this research unable to understand how the planned statutory requirement for social workers to become registered was going to make any significant difference to me personally, but also to the overwhelming majority of social workers with whom, over many years, I had worked. I understood that the potential for ‘strike off’ from the register could remove unsuitable people from the profession, but felt this was likely to be relatively small numbers – possibly those who would more usually be managed via workplace disciplinary actions and/or criminal law. I found it difficult to understand the links between the requirement to register and its aims of ‘improving standards’ in social work and ‘protecting the public’ from incompetent or dangerous practitioners.

Informal discussions with colleague social workers suggested that many had reservations. Some were vocal and dismissive of registration as a ‘*politically driven nonsense*’, some views more privately held and shared in reserved tones ‘*I know I shouldn’t say this but I’m not sure what its supposed to do*’. Conversely, some colleagues articulated support of

registration though most often in terms of its ability to raise the status of and protect the profession rather than its use in raising standards or protecting 'the public'.

I started this journey wanting to understand how social workers responded to registration; why some informally shared responses appeared to be different to others and consider the implications, if any, in terms of the strengths and weaknesses of registration to achieve the stated aims. In 2003, I registered on the professional doctorate programme at the University of Sussex with the aims of learning how to undertake research, and finding some answers to my perplexing questions. The programme includes taught and assessed elements (see Appendix 1). One piece of work, the 'Critical Analytical Study' (CAS), was completed in 2005 and was substantively the literature review for this research. Several bodies of literature were sought and reviewed for that piece of work. These related to the history and development of the UK social work register, policy documents, regulatory theory texts and research reports relating to professional registers of which, frustratingly, very few were found (see Chapter 2.8.1). Methodologies for addressing the central research question for this study were also considered at that time and are discussed further in Chapter 3.

Fieldwork interviews began in summer 2006. During the same year, I became ill and was subsequently diagnosed with a degenerative

neurological condition. Shortly after completing the first write-up of the outcomes of initial data analysis during 2008, and engaged in learning how to become physically differently able, I had to intermit from study and postpone my planned thesis submission. In late 2010, with the encouragement and support of my supervisors, I considered whether my research findings (in the context of time moving on and changed policy and political landscapes) continued to have any relevance or worth. Did the responses of interviewees, tied as they were so closely to the first cases in social work registration history, offer any learning opportunities relevant to current and future social work registration systems?

A second trawl for reports of empirical studies relating to professional registers found little new material. I concluded that in this context the research presented in this thesis was still relevant and had a contribution to make to knowledge.

### **1.3 Research questions and structure of the thesis**

This research study aspired to improving understanding of the links between the legislative requirement for social workers in practice to register and the impact(s) registration has upon practice and the workplace. I understood that I did not have the resources to research actual impacts upon practice. I thought it feasible to explore registrants perceptions of registration and its impacts, if any, upon practice and the workplace. As such it began as a broad study guided by equally broad

research questions which underpinned the interview questions detailed later in Chapter 3. The central research questions were:

- In what ways, if any, does the requirement to register impact upon practice and professional life?
- In what ways, if any, does the register help to protect the public?
- Is registration supported by registrants and why?
- How, if at all, would registrants use the register as a quality assurance mechanism themselves?

I assumed that social workers would have opinions and perceptions about registration but I was also aware that some of the research questions had an in-built complexity which I hoped to be able to explore through the interview process. For example, would there be shared understanding of what ‘social work practice’, ‘professional life’, ‘protecting the public’, ‘supported’ actually meant? Would respondents be able to answer questions using such phrases in a way that would generate data with sufficient depth and focus? I chose not to try to define such terms further at this point as I was keen not to put my own constructions on these terms in order to enable a breadth of responses to terms, such as ‘protecting the public’, commonly used in social work arenas. I considered the possibility that registrants may perceive a threat in questions relating to their own use of the register as a tool – would they be honest if they thought I might negatively judge them for their response? Impacts upon the evolution and development of the initial broad research questions are discussed further



in Chapter 3 whilst in Chapter 6 the impact of the initially broad research questions is considered in relation to the quality of this work.

Chapter 1 begins by briefly introducing the policy and historical contexts for the development of registration and my personal journey as a new researcher interested in understanding how registrants responded to the register. The questions underpinning this research are also introduced. Chapter 2 discusses in more depth the policy context for registration and the changing regulatory landscape for social care 1998-2011. Findings from pre and post-research literature review, and efforts to find an evidence base for registration are presented in this chapter.

A grounded theory approach was chosen for this study. My position was that of an 'active learner' (Creswell, 1998; p 18). I wanted to understand the impact(s) – if any - of registration but had only generalised ideas about what needed to be understood. This, combined with informal discussions with professional colleagues, led to a belief that a fruitful initial approach to understanding the relationship between the statutory requirement to register and impact upon the arena of social work and its constituents lay in a qualitative approach focused on eliciting and interpreting accounts from professional social workers. The rationale for the choice of grounded theory methodology is discussed in Chapter 3 and methods used are documented. Grounded theory is an iterative, backwards-forwards method of analysis: the method of gathering data is impacted upon by data

gathered and so some research findings from pilot interviews are presented in this Chapter to illustrate that process.

Whilst Chapter 3 focuses primarily on methods for gathering and analysing data, Chapters 4 and 5 detail and discuss findings from research. The use of grounded theory methods for data analysis is illustrated in the presentation of research findings. Chapter 4 documents core categories identified in data and identifies the core or axial category to which all data can be related - that of 'reframing conduct'.

Chapter 5, utilising an illustrative model framework, proposes a theory of reframing conduct. The Chapter discusses the triggers, phenomena, intervening and contextual variables, and strategies employed by respondents to this research in the process of reframing conduct and goes on to document the consequences of reframing conduct as perceived by them.

Chapter 6 considers regulatory literature in efforts to understand research findings and draws together conclusions from the research as a whole. The Chapter considers the usefulness of this research in the context of policy changes impacting upon registration and the strengths and limitations of this research. Suggestions for strengthening registration as a regulatory tool are offered. The Chapter ends with personal reflections on my research journey.

This thesis focuses on social work registration in England under the management of the General Social Care Council (GSCC) and all policy and legislative documents referred to in this thesis, in relation to the development of the social work register, have central relevance to the development and role of the GSCC. The legislative and policy relationship to the other countries of the UK is complex and the specific legislation and policy covering the other countries of the UK is signposted but not discussed in any detail in this thesis. The General Social Care Council was established at the same time as the other Councils and, under the Care Standards Act 2000, given a lead role in the development and management of the software platform (OSCAR) for the registration database. The database is held centrally by the GSCC but managed locally by each Council. Conduct case management is also managed locally, based upon the home residence of the registrant. For example, a registrant living in Wales but working across the border in England, would have their conduct case investigated and heard by the Care Council for Wales and outcomes would be reported on their website. However, the central database, located on servers managed by the GSCC, would record the outcome and it would be discoverable to searches on any of the Care Councils websites.

In the context of the 2010 announcement that the GSCC is to be abolished and the registration function transferred to another body, the four countries of the UK are, at the time of writing (July 2011), working together to

disaggregate the registration data base into registrants by country and consider the implications for the operation of the register (McKeown, 2011).

The policy context for the development of the social work register is discussed in more detail in the next chapter.

## ***Chapter 2***

### **THE POLICY CONTEXT AND LITERATURE REVIEW**

This Chapter details the historical development of the UK social work register from conception to opening. The impact of changing political landscapes upon the register is discussed. Attempts to find an explanatory evidence base for the development of the register are discussed in relation to a literature review and the exploration of other sources of evidence.

#### **2.1 The policy context**

UK Government efforts to establish formal interventions, such as registration, to protect the vulnerable from poor practice can be traced back to the 16th century. The Poor Laws of 1536 and 1601 are perhaps the earliest recorded examples of Government activity that defined outcomes (care of those in need) and the appropriate mechanisms by which the outcomes would be achieved – for example, workhouses run by charitable and faith based organisations. In 1763, a House of Commons Select Committee was appointed to investigate claims of cruelty in madhouses. As a consequence of this and a number of successive government committees over the next 50 years, systems of inspection of asylums and inspectorates were established. For example, the 1828 Madhouse Act required asylums to report to the Home Office and, following the 1845 Lunatics Act, the establishment of the Lunacy

Commission with powers of visitation over asylums, workhouses and hospitals (Butler & Drakeford, 2003). The Charity Commission was established by Government in 1853 to oversee and ‘call to account’ the work of charity and faith organisations (Horner, 2004). The General Medical Education and Registration Council of the United Kingdom (shortened to the GMC in 1951) was established by the Medical Act of 1858 and held the first register of a professional group in the UK (Irvine, 2003). Between the turn of the century and the early 1970’s the ‘social’ work of charity and faith organisations was absorbed into statutory welfare work (alongside voluntary sector provision) and gained a mainstream work role identity (Younghusband, 1978).

In 1968 the Seebohm Committee, established to review the organisation of social services, delivered its report and recommendations. In 1971, in response to recommendations made in the Seebohm Report (1968), the Government created the Central Council for Education and Training in Social Work (CCETSW) with a remit to establish and standardise social work education (Horner, *ibid*). CCETSW developed the first qualifications in social work which evolved over time into the Diploma in Social Work. (The diploma was subsequently to be replaced by a degree in social work under the remit of the GSCC). This same period - the period in which the Maria Colwell Inquiry report was published (1974) - heralded increasing attacks on the caring professions both in the media and by politicians (Betcher, 1999; Butler & Drakeford, *ibid*).

These continued and escalated with the election of the Thatcher Government of 1979 and through to the 1988 Cleveland Inquiry, which considered abuse of children by professional medical staff (Butler & Drakeford, *ibid*).

Whilst regulation and state intervention in social and health arenas is not a new phenomenon, UK public sector reforms since 1979, reflected also in welfare reforms in other developed countries (Clarke, *ibid*), have developed from a new model of public governance, specifically ‘new public management’ (NPM). The Conservative Government began the reform of social work towards a ‘laissez faire’ model of welfare provision (Fox Harding, 1996; Hood & Scott, 1996). The ‘new’ governance under the Conservatives advocated the ending of direct state involvement in people’s lives, except in the most acute cases, and increased support to families. This trend for new approaches to reform was continued and widened with the Labour Government of Tony Blair whose ‘new’ approach to governance had different philosophical and political underpinnings and was significantly more interventionist than the predecessor’s model. The Blair approach also added increased emphasis on civil rights and civil responsibilities (Blewett *et al.*, 2007). The government’s modernising agenda (continued by Blair’s successor Gordon Brown) further developed the Blair model and had a strong emphasis on performance management, with responsibility delegated from direct state control to ‘arm’s length bodies’ such as the GSCC.

That is not to say that state involvement became residual: delegation to external bodies was made with considerable input from state about how state functions must be managed, specifically ‘in a business-like way’ with state reform ‘*framed within a very limited range of legitimated possibilities*’ (Clarke, 2004; p117) which included new organisations developing new practices.

The changing approach to state involvement in welfare provision provided the backdrop to new legislation including that which introduced the statutory registration of social workers.

## **2.2 The UK social care regulatory landscape 1998**

The White Paper *Modernising Social Services* (DH, 1998) proposed the development of the GSCC and its sister bodies in Ireland (Northern Ireland Social Care Council); Scotland (Scottish Social Services Council); and Wales (Care Council for Wales).

Key tasks of the UK Social Care Councils were:

- The development of codes of practice for the social care workforce
- The development of a social work qualification at degree level and the regulation of all professional social work education
- The development of a register of social care workers (of which social workers were to be the first registrants)
- The development of mechanisms for the investigation of complaints and disciplinary proceedings which can ultimately result in removal of licence to practise via conduct hearings.



Proposals in *Modernising Social Services* (1996) became UK legislation as *The Care Standards Act 2000* which heralded the establishment of the GSCC and its sister body the Care Council for Wales. The Scotland and Northern Ireland Care Councils were established under different legislations in 2001 (Regulation of Care (Scotland) Act 2001 and Health and Personal Social Services Act (Northern Ireland) 2001). Legislation sets out virtually identical functions for each Council, specifically to promote high standards of conduct and training of social care workers via the development of a register, which would register both social workers and social care workers, and codes of practice. The register was to be jointly developed and the software platform managed by the GSCC, though registration and conduct processes would be managed locally by each country. These developments in social work and social care reflect similar developments in healthcare arenas where five new national agencies – the National Institute for Clinical Excellence, the Commission for Health Improvement, The Modernisation Agency, the National Patient Safety Agency and the National Clinical Assessment Authority - were created to regulate the NHS (Walshe, 2002).

As Hood *et al.* (2004) point out, most regulatory activity has risk management at its centre but approaches to this task are likely to be via a complex combination of multiples of institutions, rules and practices, some of which impact directly and specifically (such as the social work register) whilst others may impact indirectly (for example, legal cases

which set precedents or decisions by ombudsmen). The organisations referred to above form the backbone of the regulatory landscape of social work in the UK but they exist within a broader professional framework which impacts social work practitioners. This includes professional bodies such as the British Association of Social Workers (named 'BASW – the College of Social Work' from January 2011); the College of Social Work (a different organisation to the BASW College) established in 2010, and trades unions. Places of practice, such as local authorities, are also subject to other regulatory mechanisms such as ombudsmen and common law (McInnes & Lawson-Brown, 2003).

Key principles of respect, partnership working, openness and quality, arising within the context of the New Labour model of New Public Management (NPM) which emphasised direct relationships with 'consumers', were expected to underlie services. The key tasks were developed to enable principles to be delivered in practice in the workplace (*Modernising Social Services, 1998*).

### **2.3 The Care Standards Act 2000**

Part IV of the Act established the General Social Care Council and the Care Council for Wales. Councils were established in Ireland and Scotland under different legislation implemented within a year of the Care Standards Act (see 2.2). Each of the sub-sections referred to below are from Part IV of the Act and have a central relevance for this thesis.

Sections 56-62 of the Care Standards Act 2000 form the legal basis for the England and Wales registers to be developed and mandate that each Care Council will ensure that registrants are qualified as social workers, of good character and 'fit' to be social workers. Additionally the rules of conduct and de-registration are specified (59-61) and to enable 'good conduct' (and the identification of misconduct) the English and Welsh Councils are charged with developing Codes of Practice (62) to which registrants are expected to adhere, or face being sanctioned or removed from the register. The Ireland and Scottish Councils are given the same powers under different legislation (see 2.2). As the title of social worker is protected under the Care Standards Act 2000 and other nations' legislation, sanctions and removal from the register can mean that individuals are no longer able to work as a social worker in the UK. All practising social workers in the UK were required to join the social work register.

#### **2.4 The social work register and conduct function: Development and processes**

The first professional model of registration in the UK - and the one which appears, in comparison, to be the model upon which others have been developed - is that of the medical profession. The Medical Act of 1858 established the General Medical Council (GMC) with a remit to regulate who could and could not be in the profession. Irvine (*ibid*) provides rich description of the context of the development of the Act

that saw increasing numbers of practitioners, with different areas of expertise, laying claim to different domains of practice and increasing concern by practitioners, government and members of the public about ‘quacks’ and dishonest practitioners.

Irvine’s description could easily be applied to the context of UK social work regulation over the previous twenty years which has heralded doubt about social workers’ ability to ‘do the right thing’ (Butler & Drakeford, 2003) and increasing distrust of the notion of professional self-regulation. However, neither the White Paper which heralded the Care Standards Act 2000, nor Brand (1999) in his report on the development of the England Care Council explain why the tools of regulation, in particular registration and the Codes of Practice, were chosen other than by brief reference to comparison of regulatory strategies in other professions and other countries and a costing plan. The unexplained choice of registration is perplexing in light of both Brand’s (1999) acknowledgement that the different international registration systems were not especially helpful in guiding choice and criticisms of it as a regulatory method used by the medical profession’s regulators (Secretary of State for Social Services, 1975).

Registration and Conduct Rules subsequently published by the GSCC (2003a, 2003b) evidence near identical registration requirements and conduct proceedings to those of the medical, nursing and allied health

professions (JM Consulting, 1998; Gladstone *et al.*, 2000; HMSO, 2002; Allsop *et al.*, 2004). Proceedings can be assumed to be the same as those of the medical, nursing and allied health professions unless differences are specified (below).

Potential registrants must be of 'good character', assessed via references, police and health checks and sign a declaration to abide by the Codes of Practice. They must hold a recognised professional social work qualification from an approved (by a Care Council) course of training. The UK Councils may grant registration which, with protection of title enshrined in law, is effectively a licence to practise; apply registration with conditions; refuse to register or remove names from the register. As with other professional registers, complaints can be received from members of the public, employers, peers, the police and other organisations. Information received will only be acted upon if the allegation calls into question the suitability of the registrant to remain on the register. Following receipt of a complaint, the information is considered by a Preliminary Proceedings Committee (investigation stage of the GMC and Nursing and Midwifery Council (NMC) proceedings). The registrant will be informed at this point. If cause for concern is found, the case will be referred to a Conduct Committee (Fitness to Practise Panel of the GMC and Conduct and Competence Committee of the NMC). Conduct Committee meetings are held in public and registrants may have representation. Conduct Committee hearings may,

by right of the Rules (GSCC, 2003b), be delayed if criminal investigations against a registrant are ongoing (in such a case, interim orders may be put in place). All witnesses must swear or affirm. The Committee is made up of a majority of lay members, who are recruited via a process of public advertising and interviews. The process of recruitment is conducted by the (lay) Chair of the relevant Care Council (Weeks, 2005). In a mirror of proceedings for doctors and nurses, Conduct Committee hearings have three stages:

1. findings of fact in relation to the formal allegation against the Registrant
2. Findings of misconduct on the facts proved
3. Mitigation and sanction.

The standard of proof is on the balance of probabilities (GMC, 2004; NMC, 2004; Weeks, no date).

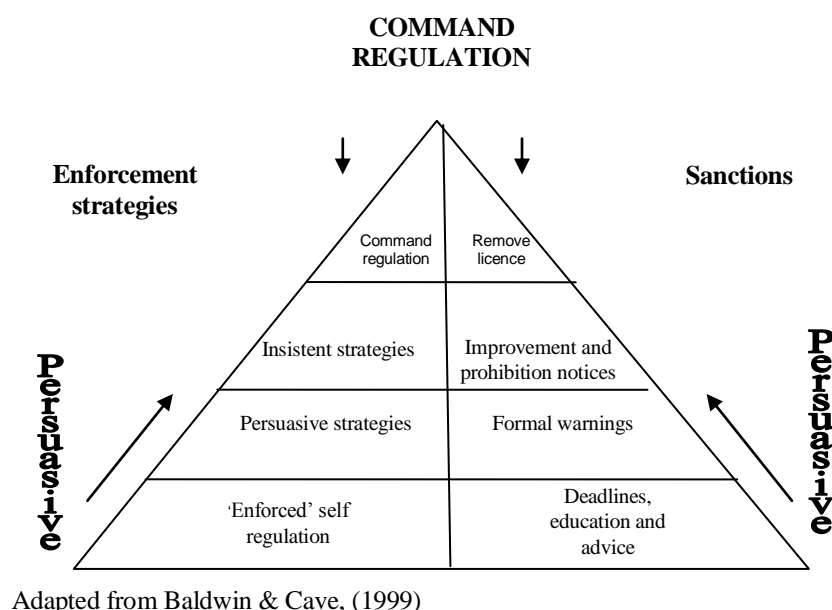
Registration of practitioners is one of the tools used in the regulation of social work and argued to be a *key* tool in mechanisms to improve the quality of social work practice and strengthen public protection (*Modernising Social Services 1998*). Gladstone *et al.* (2000; p 12) argue that regulation of the professions depends upon a ‘regulative bargain’ between representatives of the organised occupation and the state whereby privileges, such as market monopoly (i.e. protection of title), are given in return for a promise of ethical and competent service. For this relationship to work certain conditions must be put in place. Allsop

and Mulcahy (1996 cited in Gladstone *et al.*, 2000; p31) suggest these are:

1. Control of market entry and exit
2. Control of competitive practices
3. Control of market organization
4. Control of remuneration
5. Ensuring safety.

Registration, in that it is a condition of protection of title, can also be argued to meet the conditions for a regulative bargain specified by Allsop and Mulcahy (1996). Registration data which evidence that the majority of social workers did not join the register until compelled by law to do so (see 2.5) may suggest that social workers were not wholeheartedly convinced by the trade (*Community Care*, 2005a; 2005c).

The compulsion for social workers in practice to register, and the ability of a central body to remove names from the register, heralded a shift in the operative place of power.



*Figure 1. Regulation Pyramid*

The regulatory power shift had gone from the self regulating individual practitioner and employer utilising local level persuasive strategies, to the regulatory body operating, at the peak of the regulatory pyramid (fig 1.), top down command and enforcement strategies which allow for sanctions and removal of license to practise.

## **2.5 The opening of the first UK social work register**

The GSCC led the opening of the social work register in April 2003. Initially registration applications received were slow – only 87 applications had been received in the first six months of operation with 43 applicants becoming registered (GSCC, 2003c). Starting in February 2004 the GSCC began an advertising campaign in the national and sector-specific press to encourage registration. The drive to encourage social workers to register was assisted by the (then) Parliamentary



Secretary of State for Health, Dr Stephen Ladyman, announcing protection of title which was to come into force on 1<sup>st</sup> April 2005 (*Community Care*, 2004). Protection of title, allowed by right of legislation, decrees that it is an offence punishable by law for any person not registered to practise as a social worker in the UK.

Each placement of national advertisements in the press heralded a rise in the number of applications. The last advertising campaign concluded in February/March 2005. By 18<sup>th</sup> March 2005, 61,693 applications for registration had been received (which was a very significant increase on the numbers at 3<sup>rd</sup> February, when only 12,000 applications had been received) (Harding, 2005). In February 2007, the GSCC issued a press release celebrating 90,000 registrations. 95% were qualified social workers and the remaining 5% social work students (GSCC 2007). The last published registration figures (March 2010) show total registrations at 100,882 of which 16,384 are students (GSCC 2010c). The GSCC has a staff home page (*'The Source'*) which is updated regularly. In February 2011 figures showed a slight increase on most recent published figures and that the database held 105,007 registrations, which breaks down to 87,634 qualified social workers plus 17,443 social work students on the register at that date. It is not known if total joining figures have been adjusted to account for removals from the register, voluntary withdrawals and/or deaths.

Initially the standard of ‘acceptability’ for filtering of applications received was very high and assessors were instructed to check every anomaly in detail, or seek clarification from applicants for elements which were unclear (such as employment date anomalies or gaps in employment history). Additionally, applications which evidenced *any* criminal conviction (including minor driving offences) or a declaration of ill health which might impact upon the applicant’s ability to work (such as depression) were referred to the chair of the organisation (at that time, the conduct committee was not yet established). This process was enshrined in policy (Skidmore, 2004).

In October 2004, the GSCC anticipated a dramatic rise in the number of applications to be received following the announcement of protection of title and an intensive advertising campaign and devised a new ‘streamlined’ declarations policy and risk assessment procedure (Skidmore, *ibid*). This was to ensure that the GSCC did not, because of inability to process applications quickly enough, cause social workers or their employers to work unregistered and therefore illegally following implementation of protection of title on 1 April 2005 (which could have been a political embarrassment to both the GSCC Council and the Government which established the GSCC, the register and protection of title). The new policy implemented lower standards of application acceptability (specifically, that relating to the minimum standard of supporting materials which would be accepted) during filtering which

did not require the checking of small anomalies and allowed for decisions to be made by team leaders in the registration team, with only applications which fell into 'high risk' categories of assessment (such as recent drug or assault convictions) requiring decisions from the chair, and later, the conduct committee (Skidmore, *ibid*).

From 2005, degree students starting courses were invited to join the register. It is not compulsory in law for social work students to be registered. However links have been made between registration, bursary and placement funding (support funding to students) which compel students to join the register to receive financial support in training. Not surprisingly, there has been little evidence of delays in application to the register by student social workers.

In March 2010, following a Department of Health review of a number of DH funded social care workforce organisations, a new Social Care White Paper (DH, 2010) proposed that the General Social Care Council would become the General Social Work Council with responsibility only for social work. Unlike the other UK councils which were mandated to expand registration to social care workers, responsibility for social care workforce registration in England was to be delegated elsewhere (McGregor, 2010b).

## **2.6 Changing policy and political landscapes: A time of crisis and reform**

In 2008 the Department of Health began a review of the cost-effectiveness of the GSCC and other organizations which was anticipated to bring about significant changes to the organizations under review. However, publication was delayed following the suspension of the GSCC's Chief Executive in 2009 (McGregor, 2010a). Mike Wardle, then Chief Executive was suspended after a backlog of 203 un-assessed and un-allocated conduct case referral files were discovered. The then Health Secretary Andy Burman asked the Council for Healthcare Regulatory Excellence (CHRE) to undertake a review of GSCC systems and processes and to make recommendations on what should be done to restore confidence in the conduct function (Lombard, 2009).

In November 2009, the CHRE delivered its report which included a range of recommendations (CHRE, 2009). Recommendations included a number of suggestions for improving processes, assessment, case management and fees but also recommended that the GSCC adopt a fitness to practise approach in line with other professional regulators such as the General Medical Council and the General Dental Council; lower the threshold for referrals and broaden the range of sanctions to include sanctions with conditions. Fitness to practise with a focus on competence as well as conduct was suggested as a better approach.

Starting in February 2009, and running alongside both the latter half of the Department of Health review and the CHRE review, was the comprehensive review of frontline social work under the leadership of Moira Gibb, being undertaken by the Social Work Task Force. This review was also established by the Department of Health in partnership with the Department for Children, Schools and Families. The broad range of recommendations made in the final task force report, *Building a Safe, Confident Future*, included support for a shift of regulatory focus to fitness to practise rather than conduct and the introduction of the notion of a licence to practise which would be dependent upon evidencing the demonstration of continuing competence and professional development (Social Work Task Force, 2009).

In response, initially to the pressing concerns raised in the CHRE report but also addressing the points raised by the Task Force, the GSCC implemented immediate changes (such as the implementation of a case management system) and established an internal working project group: The group was tasked to oversee the scoping and development of the changing of registration rules to allow the focus of suitability management to shift primarily from conduct to the broader focus of fitness to practise (GSCC, 2010).

### **2.6.1 A new Government and the abolition of the GSCC**

Following the 6 May 2010 election, David Cameron led a Conservative/Liberal Democrat coalition government into office.

In July 2010, the Department of Health published *Liberating the NHS: Report of the arm's-length bodies review* (DH, 2010). The report detailed the ambition to reduce costs to government, reduce bureaucracy and improve efficiency by reducing radically the number of NHS organisations including the Department of Health's arm's-length bodies. The report detailed the abolition of the GSCC and the transfer of its registration and conduct functions to the Health Professions Council (HPC) which would oversee the registration function '*on a similar footing*' (DH, 2010; 3.37 p22) to other professions. This would include the requirement that registration would be paid for entirely by registrant fees.

The Health and Social Care Bill 2011 was presented to parliament on 19<sup>th</sup> January 2011 and went to third reading by committee on 31<sup>st</sup> March 2011. At the time of writing (July 2011) the Bill continues to be subject to ongoing amendment and the next stage in the process, the 'report' stage, is not yet scheduled ([www.parliament.uk](http://www.parliament.uk)). After the report stage, the Bill must pass through several other stages before receiving Royal Assent and then pass into law.

GSCC staff and stakeholders (via the GSCC website [www.gsc.org.uk](http://www.gsc.org.uk)) have been advised that transfer of function is planned for not earlier than July 2012. The impact of this significant change in policy upon research presented in this thesis is considered in Chapter 6.

## **2.7 Literature review**

The literature review informing this study was not a single event but was made up out of two distinct episodes, though each shared a similar methodological approach but with different filtering. The first episode (September 2005) was for an assessed academic assignment, the ‘Critical Analytic Study’ phase of the professional doctorate and a preparatory study for the research (see Appendix 1); the second review (March 2011) was a post-analysis updating review of a range of literatures, including policy documents, regulatory literature, commentaries and empirical research relevant to this study. For each literature review various configurations of the words ‘registration, regulation, professional, medical, doctors, nursing, social work, conduct, misconduct’ and the phrases ‘fitness to practise’, ‘conduct hearings’, ‘struck-off’, were used to search English language electronic journals accessible via the University of Sussex library such as the Journal of Social Work and the Journal of Social Policy. Databases such as Jstor, Bids, Zetoc, Econlit, Ingenta were also accessed via the University library. The trade journal *Community Care* was accessed directly. Search words and phrases listed above were also used in web searches via Google (see search strategy at

Appendix 2). These search terms produced a broad range of documents, many of them with no relevance to this study. They were subsequently filtered against a checklist considering whether the paper was empirical research about professional registration, or commentary about registration. Following completion of data analysis, an updating review of literature was undertaken (early 2011). The University of Sussex library had introduced an electronic 'quicksearch' facility allowing searches across expanded sets of electronic subject resources relevant to my field of study. Sets chosen were 'education'; 'law, politics and sociology'; 'medicine'; 'psychology'; and 'social work and social care' as these groupings were thought likely to cover aspects of profession related materials relevant to this study. 'Quicksearch' accessed the same databases used in the first literature review but made the process of searching simpler. Materials were filtered by date - published post 2005. Bodies of literature were initially reviewed to enhance my own sensitivity to my chosen arena of research and to gather factual information about registration such as its legal basis, and number of registrants. I had intended to filter empirical research reports about registration using the TAPUPAS framework (Pawson *et al.*, 2003; p 3) (statements of principles of knowledge) as a guide but, in fact, little empirical research relating to professional registration was found. Pawson's framework was instead used as a guide to consider the quality of this thesis (see Chapter 6).



### 2.7.1 Literature review findings

Registration is a key tool chosen to improve the quality of staff and strengthen public protection (DH, 1998). Whilst *Modernising Social Services* (1998) acknowledged that the majority of social care staff carry out their work ‘safely and with humanity’ (5.16), it suggests that enforceable standards of conduct against which practitioners will be held accountable (via the registration scheme) will be applied to the whole [social care] workforce. This, it is suggested, will achieve strengthening of public protection (5.15). As such it is a ‘safeguarding’ mechanism against possible risks caused by ‘rogue’ or incompetent practitioners. The first literature review (2005) began with the intent of seeking an evidence base for registration which would support assertions made in *Modernising Social Services*: In particular, seeking evaluations of professional registration schemes and evidence of effectiveness in relation to the aims of raising of standards of conduct and protection of the public.

The initial search for literature relating to evidence of effectiveness of professional registration schemes proved to be frustrating. No empirical research reports were found: two evaluation reports were found. The first, based upon a literature review, detailed social work registration and licensing schemes internationally (Malherbe 1982). The text concluded that there was little evidence to suggest registration schemes improved

either quality of practice or improved client safety. The report, although interesting, was unclear about its methodology. (It is also interesting to note that this was a study funded and published by the Central Council for Education and Training in Social Work (CCETSW), the predecessor body to the GSCC). The second report (Allen, 2000), considered the use of a registration scheme. Commissioned by the GMC, this found that the majority of complaints received by the GMC were in relation to clinical practice but that findings from fitness to practise hearings revealed that a proportionately higher number of sanctions had been applied to cases involving dishonesty categories of misconduct. It was found that a higher number of overseas qualified, and older, longer qualified doctors were subject to conduct hearings (and proportionally therefore more likely to receive sanctions). No interpretations of the findings were included in the report which was to be considered by the GMC.

Some materials were found in relation to American and Canadian systems of registration but these were not empirical or research based papers and were largely descriptions of systems of accreditation and local state licensing which differ significantly state to state or province to province. These were, however, useful in gaining background knowledge and in contextualising the UK scheme in a broader international context.

The websites of other UK regulatory bodies - for example, the General Medical Council (GMC) and the Nursing and Midwifery Council (NMC) - each have 'fitness to practise' sections. Materials documenting processes for managing conduct cases of registration were viewed as were materials about modernising systems of registration. None of these suggested evidence bases for registration or for its effectiveness in achieving quality beyond the assumed improvement as a consequence of strike-off and effective removal from the profession of a limited number of people.

Internet searches using key words and phrases (see 2.8 for a discussion of the methodology and Appendix 2 for the literature review strategy) raised very few relevant academic or research papers but did produce a large number of 'hits' of press reports, often sensationalist in tone, such as '*Dead Victoria is your fault Lisa*' (Malone, 2005). Many of these were read to gain an overview of commonalities and differences, both in reporting and in detail. These were followed up by directly accessing case reports available on the professional body websites (where available) to gain a fuller understanding of the relevance and impact of registration in use.

'Fitness to practise' and 'suitability' key word searches highlighted a number of papers relating to admission screening and gate-keeping in social work education. These were read in the hope that they would

highlight innovation in relation to defining fitness to practise and professional suitability which might be helpful in considerations of the effectiveness of registration. Generally, they evidenced that education bodies, like professional regulators, struggle to find definitions upon which they can build effective filtering systems (see for example, Moore & Unwin, 1991; Cole & Lewis, 1993; Koerin & Miller, 1995; Gibbs & Blakely, 2000; Barlow & Coleman, 2003; Lafrance & Gray, 2004).

The absence of evaluative literature was one of the drivers to the methodology eventually chosen to address the research questions.

A second updating literature review was conducted during the latter stages of writing up this thesis in early 2011. A growing but still disappointingly small body of new research was found relating to professional registration systems, only two of which specifically considered the efficacy of professional registration. These papers related to explorations of transparency in regulation, (McGivern *et al.*, 2009a; McGivern *et al.*, 2009b). The first paper detailed an exploratory interview based study with doctors and psychologists in a number of different countries, the second a detailed outcome paper related to research findings relating specifically to the then pending new statutory requirement for psychologists to register. McGivern sought to explore *'the effects of regulation on practitioners at the micro level, where the side effects of regulation might be more apparent'* (2009a. p 150). The

two papers were based upon a total of 50 interviews with a range of stakeholders including regulators, patients and doctors and psychologists. McGivern identifies four themes in his research findings.

Respondents told McGivern that:

- Perceptions of blame led to defensive models of practice
- The best way to prevent bad practice was to create formative spaces which allowed for discussion of difficult issues
- Doctors ‘covered themselves’ (*ibid.*: p 19) in case things went wrong and this was less about practising safely than being seen to adhere to protocols
- Doctors believed regulation was about issues other than their best interests and was driven by other agendas.

McGivern raises a concern that reactivity may lead to behaviours which appear to suggest an improvement in performance but he suggests that reactive practice may actually undermine efficacy of practice (*ibid.*: p 20). In particular, it may lead to defensive practice in order to meet outcome measures; for example, doctors choosing to treat ‘easy win’ rather than difficult cases or ‘patching up’ patients rather than offering complex treatments (2009b). In a subsequent paper related specifically to the registration of psychologists and the impact of new regulation upon them, it is further suggested that unless registration of psychologists was seen to be legitimate by psychologists, it could lead to ‘*gaming and superficial compliance*’ which, he notes, is hard to detect (2009b; p 14). McGivern concluded by proposing that registration is not a measure of outcomes in practice and that, as a regulatory mechanism, it could undermine public

protection. He goes on to caution that the high impact of high profile cases (he refers to the Shipman case but could equally be discussing the Beckford or Climbié cases) drive regulatory developments and this is costly and may not be effective due to the unintended consequences, such as defensive practice and ‘back covering’ he identified in his study. Finally McGivern raises a concern that ‘transparency ‘ is a concept from ‘regulatory mentality’ which, instead of achieving transparency was creating a rule following culture which was eroding ‘formative spaces’ which he considers essential for effective practice (*ibid.*: p 7).

One GSCC commissioned report (Roberts, 2006) was found which surveyed registrants (500 via telephone survey; 1000 feedback forms sent as a part of the registration process; 25 face-to-face interviews) about predominantly, their positive or negative experiences of the *process* of becoming a registered professional – the ease or difficulty of submitting the forms. The report contained a single page relating to feedback on the value of registration (Roberts, 2006; 6.2 p 48).

Research findings suggested that the majority of those surveyed were in support of registration due to its perceived positive impact upon status of the profession but some did not understand how it would make much difference to practice.

Two papers not directly concerned with the efficacy of registration *per se* but of relevance to the subject area, referred to analysis of outcomes

of social work challenges to GSCC findings taken to Care Standards Tribunal hearings (Wiles, 2009; McLaughlin, 2010). Wiles' (conference) paper is based upon her doctoral research and discusses discourses of social work conduct and misconduct in Care Standards Tribunal (CST) hearings. CST hearings consider appeals against Care Councils' refusals to allow registration or sanctions orders. Twelve CST reports were analysed using a discursive Foucauldian genealogical framework to identify themes, categories and relationships between categories evidenced in reports (Wiles, 2009; p 6).

Wiles proposes that the reports evidence a blurring of boundaries between private life behavior and professional life behaviors and variation on how behaviours in each arena are assessed in relation to outcome decisions made by Tribunals. She confidently states that social workers' private life should be available to scrutiny but raises concerns about the lack of transparency about where the boundary between 'private' and 'public' lay and the impact this could have upon Care Standards Tribunals outcomes, and expectations in practice.

McLaughlin's (2010) qualitative content analysis of 14 CST hearing decision reports sought also to identify implicit and explicit themes identified in the texts. Like Wiles (2009), he identified that 'out of work' behaviours were considered to be within the remit of the GSCC to investigate and censure (*ibid.*: p 311), raises concern about the GSCC's

*‘enormous scope to regulate the private life of the social worker’ (ibid.: p 320)* and questions the justification for this.

McLaughlin suggests that there is no evidence that registration has improved the quality of service provided by social workers. He concludes that evidence from CST hearing analysis suggests a lack of clarity in the way GSCC requirements, codified in [their] Codes of Practice, can be interpreted. Moreover, he proposes that this lack of clarity will mean *‘informal areas of life being ever more regulated’* and this as a mechanism by which the regulator will become the *‘contemporary arbiter of morally ‘correct’ behaviour’ (ibid.: p 325)*.

Doel *et al.* (2009), in research commissioned by the GSCC, considered professional boundaries and the relationship of formalized codes of practice and guidance materials to personal and professional moralities. The research consisted of an extensive systematic literature review seeking to identify different types of guidance and a review of workplace guidance literature on boundary issues. Telephone interviews were conducted with representatives from five regulatory bodies and three professional organisations. Respondents were asked questions relating to a number of vignettes based upon boundary violations between professionals and service users. Findings from the research are rich and make a significant contribution to knowledge about how professional practitioners engage with boundary issues. Doel identified differences



between respondents relating to where boundaries lay: respondents perceived boundaries to be changing and negotiable depending on context, thus leading to lack of clarity about boundaries and differences in practice as a consequence. Respondents found vignettes describing violations of boundaries relatively easy to think about, Transgressions – what Doel refers to as the *penumbra*, or ambiguous areas of practice - were more challenging and respondents raised the importance of guidance materials in assisting decisions about best practice though, as Doel found, these were the very areas missing from formal guidance (*ibid.*: p 8). Importantly, respondents reported that even with guidance they may choose not to engage with registration requirements and, in the context of seeing bad practice by a colleague, may ‘*pretend not to know*’ so they did not have to report others (*ibid.*: p 87). The main source of influence upon decision making in relation to such dilemmas were the practitioners’ personal and moral perspectives (*ibid.*: p 18).

One discussion paper was found relating to the role of professional registration schemes in ensuring ethical practice (Orme & Rennie, 2009). This paper compared the introduction of registration in the UK and New Zealand. The authors conclude that the interdependent relationship between ethical codes and registration is problematic because the ability of codes to have impact on personal behaviours is assumed, and they argue, open to challenge.

No research reports or papers were found which commented positively on the impact of professional registration or offered possible challenge to findings presented in this thesis.

Whilst it was clear that, as might be expected, since 2008 there has been some increased interest in relation to elements of approaches to regulation of professions, materials mostly evidence or propose weaknesses in such schemes. There appears to have been disappointingly little advance in research asking ‘*does registration of professions improve quality in practice and if so how?*’

The literature referred to above is considered further in Chapter 6.3.1 which evaluates the strengths and weaknesses of this thesis.

A review of media reports relating to social work and social workers found that little had changed in tone or content. Newspaper reports into the failings surrounding the death of Peter Connolly (‘*Let down by everyone who should have cared: Report reveals appalling failures that led to Baby P’s brutal death*’, Smith & Martin, 2010) were barely distinguishable from reports relating to Victoria Climbié in 2005 (‘*Dead Victoria is your fault Lisa*’, Malone, 2005). Media calls for ‘something to be done’ in relation to social work had not changed, lessened or abated and change in policy or developments in social work training and regulation had not seemed, so far, to have had any positive impact upon perceptions of the social work profession in the media. It was noted that

after a flurry of newspaper reports relating to the removal of people from the social work register from the introduction of registration in 2005, the only reports which mentioned social work registration to appear in the mainstream press up to 2011 related to the Peter Connolly case. Not a single news report of GSCC conduct outcomes related to less high profile cases could be found in the UK mainstream press after November 2009, with the exception of the trade journal *Community Care* which continues to publish brief reports on conduct case outcomes. Interest in social work registration as generally newsworthy appeared to have waned.

## **2.8 Beyond the literature review: Other sources of evidence for the effectiveness of professional registration schemes**

Following the first literature review in 2005, unable to find any empirical research studies relating to the effectiveness of professional registration schemes, I considered other sources of evidence. I revisited some of these sources of evidence following the second literature review.

In 2005 the minister who originally sanctioned the development of registration, Paul Boateng, and key members of the working group which developed the proposal for registration (listed in Brand 1999) were emailed (where public email addresses could be found via a Google search). The email asked if they were able to suggest an evidence base for registration and asked what had informed decision making about the development of the social care register; none replied.

I considered an assumed indicator of effectiveness – sanction of registrants. Materials related to the nearest ‘cousins’ of social work registration, that of the UK medical and nursing registers, were considered. A review of sanction reports initially undertaken in 2005 and repeated again in 2011 (from both the General Medical Council, and the Nursing and Midwifery Council) evidence that significant numbers of doctors and nurses receive sanctions or are removed from professional registers every year. For example, in 2002-3, of the 650,000 nurses on the register (NMC 2005), conduct cases relating to 326 nurses were considered by the NMC which resulted in 154 nurses struck off the register and a further 66 cautioned (Winchester, 2004). Data from 2008-9 show that figures have remained stable with a very small percentage rise in numbers sanctioned (NMC, 2009). Similarly, GMC data show that of 200,000 doctors on the register in 2003, 3,963 complaints had been received by the GMC which resulted in 39 doctors removed from the register, 83 suspensions and 130 conditional practice orders (Boseley, 2004). In 2009, data show that removals from the register had dropped compared to previous years but suspensions had increased by 28% since 2003 (GMC, 2009).

Of 12,000 registrations received by the GSCC by 3<sup>rd</sup> February 2005, 0.5% had been considered unsuitable for registration whilst a further 0.2% were registered with conditions (Harding, 2005). At the time of

writing (May 2011) the latest published cumulative data up to and including March 2008, shows that of 70,000 social workers being registered, a total of 14 had been removed from the register, three had been suspended and 16 had received admonishment following conduct case hearings.

Whilst it is not possible to make any meaningful comparisons between data from professional regulatory bodies, data clearly evidence that professional registration schemes can and do remove and sanction individuals. It can be reasonably assumed that the removal and sanction of individuals will contribute towards raising standards and protecting the public. The extent and impact of that contribution had not been clearly established when this research began.

Policy literature from 1998 and that relating to the most recent policy developments (2011) clearly evidences that registration as a regulatory tool continues to be supported by Government as a method of achieving improvements in quality and protection of the public. There is no clear empirical evidence which supports the notion that professional registration schemes can improve quality beyond the assumed indicator of removal of unsuitable people from professional practice arenas. The research presented in subsequent Chapters attempts to make a contribution to providing an empirical evidence base for registration.

The next Chapter details the methodology and methods used in this research study. Some data from pilot interviews are presented.

### *Chapter 3*

#### **DATA GENERATION, METHODOLOGY AND METHODS**

This chapter begins by detailing the methodological and ethical underpinnings of the work and justifies the research methods used. The impact of pilot interviews on this research study is discussed.

##### **3.1 Research approach**

Bryman (2001) notes that assumptions and commitments will feed into the ways in which questions are formulated and research carried out. Guba and Lincoln (1994; pp 105-117) suggest the key importance of three interconnected questions: what is the form and nature of reality and how it can be known? (The *ontological* question); what is the relationship between the knowledge holder or inquirer and what can be known? (The *epistemological* question); and how can the inquirer find out what is believed can be known? (The *methodological* question). Lincoln and Guba (2000; p 165) offered the following summary of alternative inquiry paradigms:

**Table 1. Basic Belief of Alternative Inquiry Paradigms**

Item	Positivism	Postpositivism	Critical theory <i>et al.</i>	Constructivism
Ontology	Native realism – 'real' reality but apprehendable	Critical realism – 'real' reality but only imperfectly and probabilistically apprehendable	Historical realism -virtual reality shaped by social , political, cultural, economic, ethnic and gender values: crystallized over time	Relativism – local and specific constructed realities
Epistemology	Dualist/ objectivist: findings true	Modified dualist/ objectivist: critical tradition/ community: findings probably true	Transactional/ subjectivist: value mediated findings	Transactional/ subjectivist/ created findings
Methodology	Experimental/ manipulative: verification of hypotheses: chiefly quantitative methods	Modified experimental/ manipulative: critical multiplism: falsification of hypotheses: may include qualitative methods	Dialogic/ dialectical	Hermeneutical/ dialectic

Lincoln and Guba's (2000) illustrative summary table of alternative paradigms was used in my case as a diagnostic. In preparation for progressing my research and reflecting on the best approach to addressing my research questions, it guided me to consider fundamental questions of 'self' as a starting point for this research: What represented my world view? What defined, for me, the nature of the world and mine and others' place in it? What underpinning philosophy would guide the research task and why?



Positivism and post positivism were rejected as possible inquiry paradigms shaping and informing this study. Their underpinning ontological assumptions that an objective truth could be found via experimental methodologies and hypotheses testing did not fit either with the exploratory nature of the research, or my belief that seeking the perceptions of registrants could not lead to findings of objective 'truth' but subjective constructions of 'truth' as perceived by them. I was clear that my research questions were best addressed through qualitative research.

Critical theoretical approaches were considered. Critical theoretical approaches begin from a premise that individuals' views of themselves are shaped and influenced by social and historical experiences which are argued to constrain. Critical theory research seeks to confront injustices and is purposeful in that it seeks to erode ignorance and generate transformative knowledge (Kincheloe and McLaren, 2000). Critical theoretical approaches had some personal resonance and appeal for me as a politically active feminist with a history of working on gender and sexuality awareness issues. However, whilst I could identify a personal affinity with elements of this paradigm its transformative aim was similarly at odds with the exploratory nature of my proposed research. My work had the potential to be transformative, but it did not begin from an intention to be so.

Phenomenological, case study and ethnographic research approaches were rejected because, although each fit within a qualitative paradigm, the first two were focused upon study of a closely defined phenomenon, which I did not have, whilst the latter was focussed more towards understanding of a culture (Creswell, 1998). These approaches could not address my research questions.

Constructivist research appeared to be that which could best address my research questions. Ontological and epistemological underpinnings of this approach also best reflected my personal beliefs that the nature of ‘reality’ is dependant upon the individual experiencing it - that there is no apprehendable ‘truth’ and that ‘realities’ can change. If the ‘truth’ is not apprehendable it therefore follows that findings of inquiry are *created* in the process of investigation and are thus subjective and transactional and involve interaction between the researcher and research contributors (Lincoln & Guba, 1985). The research purpose was also suited to the constructivist paradigm in that individual social workers’ engagement with registration will be impacted upon by many variables, including their own personal belief systems. Perceptions of the value, use and worth of registration would not be ‘truth’ but informed constructions which if discovered and analysed might allow for better understanding of possible relational links between the statutory requirement for social workers to be registered and impacts upon the twin goals of registration – improved standards and protection of the public. This work would be inductive,

seeking to understand and interpret people's (subjective) 'common sense thinking' hoping to generate theory (Bryman, 2001; Cohen *et al.*, 2003) and as such, it fit within the constructivist paradigm.

### **3.1.1 Grounded theory methodology**

Grounded theory, specifically the Strauss and Corbin (1998) approach to grounded theory, was chosen as that best suited both to the ontological and epistemological paradigm within which the work sat and the questions underpinning this research which were broad and exploratory (see Chapter 1.3). This choice was significantly influenced by the lack of relevant literature which, in a grounded theory approach, is not a hindrance but a help in that the ideas and theories of others are said to have the potential to constrain and stifle the emergence of theory *grounded* in data (Strauss & Corbin, 1998; p 49).

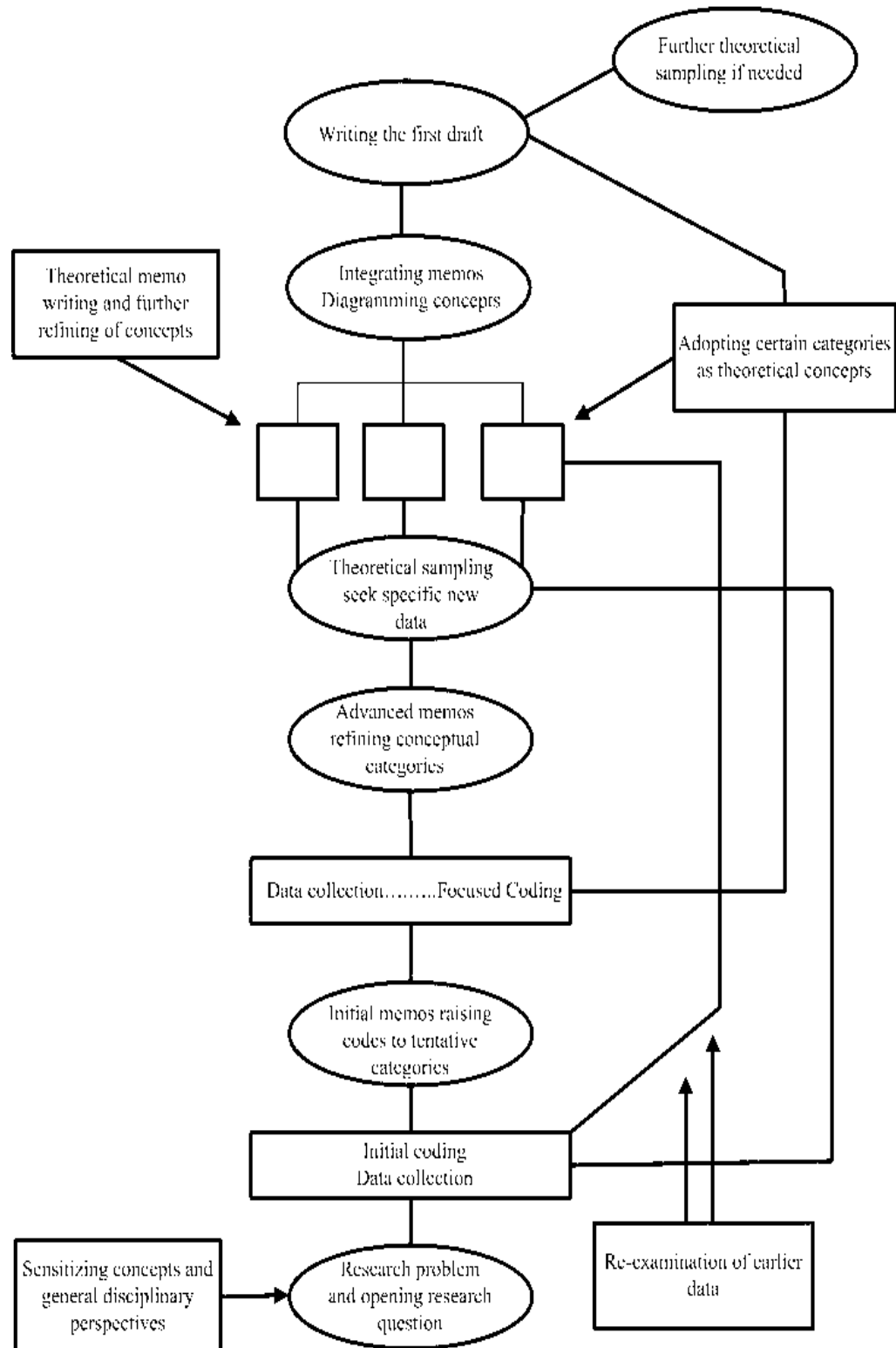
The research questions were, in keeping with the grounded theory approach, used only as a general guide to facilitate data generation out of which would come more focused research related to the area of study. Grounded theory is a systematic and inductive research approach that is useful where, as was true in relation to the impact of professional registration systems, little previous research has previously been conducted. The purpose of this approach is to generate or discover a theory (Creswell, 1998; Charmaz, 2006). It is both a methodology and set of methods rooted within symbolic interactionism. Initially developed by

sociologists BG Glaser and AL Strauss, later built upon by notably Strauss and Corbin (1998) and Charmaz (*ibid*) it is concerned with understanding action and interaction from the perspective of the individual agent in response to a phenomenon (Glaser & Strauss, 1967) and developing theory from research grounded in data rather than deducing testable hypotheses from existing theories (Charmaz, *ibid*). Grounded theory is more than simply a method of analysing data: it is a way of thinking about data and how data and analysis of data are impacted upon by the environment in which they are generated (Strauss & Corbin, 1998). Fundamental to grounded theory are underpinning beliefs that people take an active role in responding to problematic situations, based upon meaning defined and redefined through interaction, and that the place for discovering beliefs, meanings and interactions is in the field (Strauss & Corbin, 1998; p 9). If analysis of data is similarly impacted upon by origins and environment it is implicit that the researcher must work reflexively and make explicit factors influencing analysis thus allowing for the transparency called for by Guba and Lincoln (1994).

Grounded theory research focuses on an area of study and gathers data which, via a systematic process, are then analysed using coding and theoretical sampling procedures (Glaser & Strauss, 1967; Creswell, 1998; Strauss & Corbin, 1998; Richards, 2005; Charmaz, 2006). Interviews are a typical primary source of data in grounded theory. Data are analysed and organised into discrete categories according to their properties and

dimensions alongside collection of further data. On-going data collection is refined according to findings from earlier collected data until saturation occurs – that is, until no more information about the subject area can be found. Data are ‘microscopically examined’ (Strauss & Corbin, 1998; p 57) using a constant comparison method. This involves open coding in which initial categories, and the properties and dimensions of those categories are developed. Then data are re-assembled to identify central phenomena: the axis and causal conditions (those which influence the phenomenon), strategies (the actions or interactions that result from the central phenomenon), and the context or intervening conditions (those that influence the strategies and delineate the outcomes of the strategies for the phenomenon being studied). Theory is created via selective coding in which the categories in axial coding are integrated and conditional propositions (or hypotheses) are presented.

See Figure 2 for a schematic representation of the process. The schematic follows the logic of grounded theory in linear form (Charmaz, *ibid*) but in practice only the entry point of ‘sensitising concepts’ is linear. All other linked sections involve ‘backwards-forwards’ cycles involving the comparing of data with data coded earlier and developing theoretical sampling direction for future data gathering. In this sense, all connecting lines could include two way arrows.



Charmaz (2006, p 11)

**Figure 2. Schematic representation of the grounded theory method**

The emergence of data in grounded theory is symbiotically tied to the methods of data analysis.

Glaser and Strauss (1967) referred to the concept of ‘theoretical sensitivity’ – the notion that code emergence would be enabled via the theoretical knowledge or insight of the researcher, but were unclear about what exactly it consisted of or how it should be applied. The notion of ‘theoretical sensitivity’ and the implications of the use of it in grounded theory research later caused significant public disagreement between Glaser and Strauss. Glaser proposed (1978) that grounded theory be built upon two types of codes. These are substantive codes which are developed during the first stages of open coding and emerge from the material being coded, and theoretical codes which might be conceptualised as a knowledge ‘kit bag’, made up concepts from other knowledge fields such as sociology used to make sense of the substantive codes.

Using Glaser’s approach, data is understood upon the basis of concepts external to it. Strauss in his later work with Corbin, published in 1998, proposes the notion of a ‘coding paradigm’ of ‘when, who, how, why, and consequences’ which is used to structure data and develop and refine relationships between emerged codes, with a view to identifying the axis or central theme to which all data relates. The axis is defined from within the coded material and not from concepts external to it. The coding

paradigm is argued to be a framework to facilitate the management of data.

Both Glaser and Strauss had views about the role of literature in the research process with Strauss and Corbin (1998) suggesting that all kinds of literature may have a use before a research study commences.

However, Glaser (1992; p 31) was emphatic that the researcher should not review any literature prior to the study in case they were ‘contaminated, inhibited or stifled’ in efforts to generate categories and codes. Glaser’s ‘theoretical coding family’ – the lens through which codes should be understood could be argued to require the researcher to have an expansive and research experienced sociological and epistemological background knowledge. Strauss and Corbin’s coding paradigm, though criticised by Glaser (1992) as likely to cause a ‘forcing’ of data to fit appeared to offer a novice researcher without a significant academic or research background a user friendly, bounded framework within which to manage data in meaningful and transparent ways and was the chosen framework for this study. It was understood that using a framework could narrow how data were managed but, in using a clear framework, it was hoped that the work would have a transparency which would leave it open to comparability and verification. Glaser’s criticism of the framework as having the potential to ‘force’ category and code development was not simply dismissed, however, and was actively used to consider the ‘fit’ of data to codes and categories as data were analysed.



Grounded theory is inductively derived *from* that which it represents and, as such, is argued to have better fit than grand sociological theory to explain and predict behaviour and to provide practical applications relevant to the area of study (Strauss & Corbin, 1998). Glaser and Strauss (1967) argue that Grounded theory is a *scientific* method (though not to be understood in a positivist sense) concerned with the generation, elaboration and validation of a theory which enables its trustworthiness and authenticity to be judged. It is a methodological approach which is well suited to the constructivist paradigm underpinning this research and also suited to exploration of the research area.

Data are presented in Chapters 4 and 5. The emergence of findings is intrinsically linked to methods used in grounded theory which are illustrated in the presentation of findings. The grounded theory approach is critiqued in Chapter 6. An example list of codes and categories developed from data can be found at Appendix 3.

### **3.1.2 Sampling**

The size (90,000 registered social workers at the time the research was undertaken) and diversity (different professional qualifications, length of time in practice, types of client group, types of settings, gender, ethnicity) of the total potential population made it impossible for a singleton researcher, with limited resources, to investigate the whole population or, indeed, a representative population sample.

As Creswell (1988) argues the selection of participants in a study is a key decision requiring clear selection criteria and rationales for decisions about selection. Grounded theory approaches to sampling are distinguished from more traditional qualitative approaches to sampling. Grounded theory does not begin from a point of knowing categories in advance which are then explored via a research process. Categories are developed upon the basis of initial sample findings. Further categories are developed and explored using a theoretical sample of people who are able to contribute to the evolving theory (Charmaz, *ibid*). Theoretical sampling is not about representing a population or increasing the generalisability of result (Charmaz, *ibid*). It is purposeful only in so much as it is based upon theoretical concerns which arise in the context of analysis of initial data and aimed towards the explicit development of theoretical categories via further inquiry.

Key concerns in theoretical sampling are analysis of incomplete categories or gaps and the prediction of where and how data can be found to saturate categories (Strauss & Corbin, 1998). This is a method based upon inductive and deductive reasoning and involves consideration of theoretical explanations for data, forming hypotheses and checking them further. It is a 'back and forth' method between data collection and analysis upon which theory is developed through constant comparison and

enables the researcher to:

- Delineate the properties of a category
- Check hunches about categories
- Saturate the properties of a category
- Distinguish between categories
- Clarify relationships between emerging categories
- Identify variation in a process.

(Charmaz, 2006; p 104)

As a registered social worker myself, interested in and curious about the impact of registration, I thought it reasonable to assume that other social workers beyond my workplace colleagues, would have opinions and perceptions about the impact of registration on them as individuals and on the profession more generally. It also seemed reasonable to assume that if views were elicited, initial categories could be developed to allow for further exploration.

Criteria for initial sampling were simple: interviewees must be registered social workers willing to be interviewed within a relatively short time-period. I believed that interviews with three registered and experienced social workers would allow for initial category discovery. Three professional colleagues were invited to participate and all accepted.

Whilst there are no fixed rules to determine sample size in qualitative work, it is often recommended that the largest sample possible be included (Cohen *et al.*, 2003). However, in grounded theoretical sampling, *saturation* is the point at which data gathering stops. This is the point at which fresh data no longer generate theoretical insights or new properties of core categories. As Glaser (2001) suggests this is not about simply seeing the same patterns but about comparisons which yield different properties of the pattern until no new ones emerge. Strauss and Corbin (1998) suggest that theoretical sampling should be worked out carefully, so as to remain focused on the area of study. This involves consideration of the scope of the study and what is reasonably achievable within timescales and resources (Richards, *ibid*).

I decided that the sample must include only registered social workers. I know personally of several qualified social workers who have chosen not to register and understanding reasons for such choices is an area ripe for research. However, including non-registrants, or refusal-to-register would add a breadth to the study beyond that which time and resources would allow.

Social work takes place in a broad variety of settings with a similarly broad range of client groups. For the purpose of this study, after initial coding from three interviews, I decided that participants from both statutory and voluntary agencies engaged in social work in mental health,

adult and children's services would be sought but that effort would not be put into breaking this down further into smaller sub groups – for example, women's mental health agencies, or adoption services. This decision was made based upon my professional experience that most social workers typically primarily classify their work arenas or arenas of expertise into a children/adult/mental health, voluntary/statutory delineation of service. I hoped that by attempting to involve people from across the children/adult/mental health, voluntary/statutory sector divides, differences and similarities related to work arena could be identified and considered.

The sample would seek to include holders of all recognised social work qualifications (as specified in the Care Standards Act 2000). Qualifying social work education has changed since the early 1970's from the first professional qualification, the Certificate of Social Services (CSS); the Certificate of Qualification in Social Work (CQSW); the Diploma in Social Work (DipSW) to the Degree in Social Work introduced in 2003. I hoped that by attempting to involve holders of the different qualifying awards, differences and similarities in responses to, and engagement with, registration which might be related to either or both length of time as a practitioner and the influence of training could be identified and considered.

The sample would seek to include practitioners and managers. All registrants have a duty to abide by the Codes of Practice (GSCC, 2002) but managers have the additional responsibility to facilitate others' adherence to the Codes of Practice. It was hoped that issues related to these different responsibilities might be highlighted and considered.

Additionally the sample would seek to be diverse in terms of gender, ethnicity and age to allow for a breadth of perspectives and for differences and similarities between respondents to emerge.

At a later stage, after further interviews had taken place and further codes developed, the sample was added to with people who had chosen to become registered though it was not demanded by their work role, for example, professional social work educators. Towards the end of the interview stage, two further contributors were sought: a dually qualified nurse/social worker and a newly qualified social worker, in practice for a short time.

Decisions about who might contribute were guided by relatively simple questions: for example, 'what would happen if I asked... (role/gender /workplace)... about that?' Interviews were concluded when no new information relating to the coded categories, and no new coding categories emerged – that is, data were saturated and the sample did not need to be expanded further.

A 'snowball' sampling process was initially used to recruit participants to this research. A small group of social workers known to me professionally were invited to contribute. All then (helpfully) identified others who might be prepared to participate. Later respondents interviewed for this study were chosen from the pool of potential respondents generated via the snowball approach on the basis of identified gaps in the sample demographic (for example, types of qualifying award held). Potential respondents were then contacted by telephone or email.

Nineteen registered social workers were interviewed. The demographic composition of the sample is detailed in Appendix 4. Demographic composition as intervening conditions are discussed in Chapter 5.

All interviews were approximately one hour in length, tape recorded and fully transcribed into an average of eight A4 pages of single line text per transcript, thus altogether 152 pages of interview text were analysed.

Interviews were guided by a simple semi-structured interview schedule.

All interview transcripts were coded and re-coded adhering closely to grounded theory methods.

### **3.2 Ethics**

The role of values and ethics in this research study must also be considered, both in terms of how they influence the study and in terms of how they can be transparent throughout the process (Creswell, 1998; Christians, 2000; Shaw & Gould, 2001; Bryman 2001; Peled &

Leichtentritt, 2002; Cohen *et al.*, 2003; D'Cruz & Jones, 2004).

Adherence to an explicit set of ethical standards is a fundamental quality criterion against which the rigor and merit of research work can be judged. Guba and Lincoln (1994) suggest that all researchers must understand the social, political, cultural, economic, ethnic and gender history that shapes and structures [their] inquiry. For practical, professional and personal reasons ethical concerns had a primary centrality in my work and were thoroughly rehearsed before this research study began.

### **The Sussex Institute Ethics process**

In the first year of my participation in the professional doctorate programme at the University of Sussex, my cohort was introduced to the research ethics procedures of the Sussex Institute. Students were required to engage in a formal process which involved discussion of research proposals with both our supervisor and the Chair of the Research Ethics Committee. Because my research was with adults who had free choice about whether to opt in, and the risks to participants were considered to be minimal my proposal was able to be approved by the Chair on behalf of the committee. In addition to, and in preparation for, the requirement to engage in the process my cohort considered the subject of ethics over a challenging and interesting weekend workshop when various scenarios were examined and discussed. I consider myself fortunate to have had this rare opportunity to consider and explore in detail the concept of ethics because as Cohen *et al.* (2003) remind us, moves from general or abstract



statements of ethical practice to the particular and concrete can take place when, without prior indication, one finds oneself in an ethical minefield. A potential minefield I considered was that of my responsibilities and freedoms in relation to my paid employment.

### **Facilitating ethical transparency in my workplace**

In my paid employment I am a mid-level manager within the GSCC. My Doctoral studies benefited from part funding by that organisation. At the time of receipt of contributory funding the study support scheme was newly developed and perhaps as a consequence only minimal conditions were placed on receipt of it. The scheme had not been used before for research based qualifications. No rights to generated research data were claimed by my employer, and no boundaries placed on publication of findings. However, I am also bound by my contract of employment which is established as having implied expectations of loyalty to the employer. Privately, I believed, but did not articulate at work, that the register would not impact upon my own practice as a professionally qualified and registered social worker. In my professional/public role there is a clear expectation that I support registration and, indeed, elements of my professional role require me to promote registration and allow me to instigate regulatory body interventions and apply sanctions to organisations which do not comply with registration requirements. (I do not have any direct role in applying sanctions to individuals). My role as both ‘insider’ and ‘outsider’ in relation to this research was a tension I

needed to manage transparently (Drake & Heath, 2011). I had to consider that publicly documenting my own thoughts about registration and the possibility of registration-negative findings from the research would not be well received by my employing organisation and had to develop strategies for the management of this. Naturally, I did not want to lose my paid work (nor did I think this was a likely possibility) but ‘publish and be damned!’ was not a luxury I could casually afford. I sought discussion with my employer and clarified expectations (hence the disclaimer at the beginning of this work which is included at the request of my GSCC senior manager). I established formal, agreed strategies for information gathering within my own organisation. For example, information readily in the public domain would be used and cited without permission. Other information accessible by the public but not readily in the public domain - for example, information held on data bases - would without exception be formally requested under the Freedom of Information Act 2000. This would allow for a transparent audit trail which offered protection for both my employer and me. The potential for transparency of an audit trail also facilitated confirmability of the findings. Information received informally – for example, internal email - would not be used without the express permission of the original author, and, for sensitive information, the agreement of a senior manager. Interviews with senior staff included formal and recorded agreement that information shared could be used in

this work. Thus my employing organisation was facilitated in ‘informed consent’ to contributions made to my research.

I am mindful that once in the public domain this thesis has a potential for (political) interest beyond the GSCC. To ensure there are no surprises for GSCC management a presentation of the research and findings is to be offered to coincide with the submission of this work.

### **Power and control**

Negotiations with my employer, though anxiety provoking, offered the opportunity to reflect on issues of power and control in the research process. In some ways, my relative lack of power in a political, hierarchical organisation, subject to, but not necessarily a part of decisions made by others, with a decision making-framework which was not necessarily transparent to me, was a mirror to that I could potentially have as the researcher in relation to those I interviewed. I would enter the relationship knowing the questions to be asked. When information was shared, I then became its ‘holder’ and that came with responsibilities.

How to minimise the negative impacts of power and control differentials in interviews and actively engage people *in* the work rather than as subject *of* the work was considered to be a vital part of the approach. Interviews would be led by an agenda based upon respect, empowerment and equality (Olesen, 2000; Cohen *et al.*, 2003). This required recognition that I *must* clearly enable research participants to make informed choices about

information they gave me and the boundaries of confidentiality I could offer. This required a clear explanation of my different roles as employee of the GSCC, as a registered professional social worker and as an independent, and novice, research student. In some cases this involved discussion of ‘shared space’ and changed roles as some respondents knew me in my professional role.

Professional social work training has always included communication skills training. I could reasonably expect interviewees to have ‘considered’ communication skills, some formally developed such as counselling or, indeed, interviewing. It was incumbent upon me to make obvious that this was a *research* interview distinguished from the achievement of social work aims or from ‘counselling’. I needed also to be mindful of and assess the possible impact of professional skills held by interviewees upon data generated; be prepared for the possibility that people might be affected by the interview process and consider strategies for management of this (which did not involve counselling). In fact, the clarification of interviews as *research* for the purpose of the study proved to have benefit beyond addressing ethical concerns. In discussing the ‘hat’ I was wearing, including acknowledgement of myself as a social worker and novice researcher, and asking interviewees to put away their own ‘talking professional hat’, rapport was established, as was manifest in comments such as ‘*you’re a social worker, I am sure you know how it can be....*’. Such comments had an additional benefit when listening back

over tapes at data analysis stages as they acted as a prompt to stop and consider – did I? What had been the impact of supposed shared understanding upon the interview process and data created? What privileges had the ‘shared space’ between colleagues and myself granted and what perhaps had been withheld? This required that I considered more broadly how, and in what ways, I was an ‘insider/outsider’ to the participants in the research and to the research task (Oleson, 2000; Corben Dwyer, 2009; Drake & Heath, 2011). Insider/outsider dilemmas and issues are discussed further in Chapter 4.

The purpose and aims of the research and respondents’ rights in terms of confidentiality and protection of data were specified in a signed consent form held by both parties (see Appendix 5) sent on email prior to the date of interview. The form was explained in relation to the protection it offered them as a signed commitment I would make to protect confidentiality and to report on findings honestly and that the interviewee was signing to evidence that these things had been explained and that their rights were understood. I was aware that I was asking for potentially sensitive information which might bring with it concerns in relation to my dual role as a researcher and a member of staff of the regulatory body.

I took great care to explain the implications of my multiple roles at all future interviews and placed particular emphasis on my responsibilities as

a registrant bound by the Codes of Practice and the implications of this in relation to confidentiality boundaries.

Some respondents were from the same workplaces and interviewed on the same day. To anonymise contributions, numbers allocated to respondents in this text do not relate to or imply order of interview.

### **3.3 Methods**

This section explains and details the method used to gather data. Data are used to illustrate the development of methods used and to begin to example the iterative process of the grounded theory approach (discussed further in Chapter 4).

#### **3.3.1 Interview**

Consideration of the ontological and epistemological underpinnings of the research task led to consideration of the research strategy and similarly required an examination of ‘self’. I had decided that face-to-face semi-structured interviews would helpfully address the research task. This was influenced by practical considerations, experience and personal preferences: I felt confidence in my ability to conduct interviews. This confidence arose in the context of professional experience as a counsellor combined with a review of the similarities and differences between counselling and research interviewing, and a self critique of skills undertaken as a part of an earlier doctoral studies assessed task (see

Appendix 1). I prefer interactive dialogue not restricted over methods such as Likert scale questions or elicited written accounts.

I was confident that, through my professional networks, I could easily access social workers prepared to be interviewed within the timescales required of this work. As Shaw and Gould (2001; p 63) have noted, social work is a 'talking job'. A mainstay of social work practice is the interview (D'Cruz & Jones, 2004). My professional experience suggested to me that social workers would more enthusiastically engage with interview than requests to provide written accounts. However, whilst it is important to acknowledge the influence of convenience and prior knowledge and skills on research strategy choices, this is not enough to justify them. Explicit consideration must inform strategy and method choices to enable the quality of inquiry to be judged in terms of its *trustworthiness* - its credibility, transferability, dependability and confirmability, and the *authenticity* of the work (Guba & Lincoln, 1994; p 109).

Review of research literature suggested that interviews are a staple of qualitative research and ideally suited to gathering complex and nuanced data (Rubin & Rubin, 2005). This research was underpinned by a constructivist philosophy and the aim that knowledge would be generated from data. The research began from an assumption that I as researcher could only have generalised notions of what might be discovered and therefore must rely upon what respondents reported to begin to develop

theory (Lincoln & Guba, 1994). I was also alert to the possibility of respondents constructing accounts depending on how they saw me as ‘audience’ (Shaw & Gould, 2001).

Similarly, I was aware that I had my own cultural lens which could frame my understandings (discussed in Chapter 4.2.1). To ensure I was understanding the world view as perceived by respondents, I needed a method which allowed me the opportunity to explore, probe and clarify and that skills in listening and observing would be key to understanding the complexity and nuance of information shared by respondents. These underpinning aims and assumptions suggested that an interactive process was best suited to this research.

Shaw and Gould (2001) suggest that qualitative interviewing is an exchange that is more formal than simple conversation in that it is an arranged event, typically recorded and transcribed. The formality is typically conceptualised in terms of a range from formal tightly structured to unstructured informal. For this research, a semi-structured approach was chosen. This approach was initially based on broad outline topics informed by the research questions. As interviews progressed, questions were developed out of constant comparisons of data and category development.

Nineteen face-to-face interviews were conducted. All interviews began with a discussion of the content of the consent form. Interviews were



restricted to one hour to reduce any inconvenience for interviewees. All interviews were recorded and later fully transcribed. I had considered prior to the interviews that terms used in questions – such as ‘practice’ - might have different meanings to different people and prompt questions such as ‘*could you tell me more about that?*’ were used during the interviews.

I was also aware that the relationship between interviewer and interviewee is one of different agendas and patterns of power (Limerick *et al.*, 1996). To ensure that respondents’ words were accurately represented, each was sent a copy of their transcript to corroborate. They were asked not to change any text but invited to remove sections of text if they did not want them to be used in the final thesis, or add further notes if they wished to expand on what they had said during the interview. One person returned the transcript with added explanatory notes.

Interviews followed traditional techniques which included a friendly tone, ice-breaker questions and exploratory questions (Fontana & Frey, 2000). In this study, open-ended questions were used which allow a frame of reference for respondents whilst minimising restraint on answers (Kerlinger, 1970 in Cohen *et al.*, 2003; p 273). Such questions are flexible and allow for exploration and clarification of answers. A particular feature of open-ended questions is their ability to reveal unexpected answers which, in the context of grounded theory approaches, is a

particular benefit in that these allow for more thorough consideration of categories and the properties of categories (Strauss & Corbin, 1998).

Interviews allow participants to discuss their interpretations of the world and to express how they regard them, from their own points of view (Cohen *et al.*, 2003). They may also choose the extent to which they disclose information. As such, it is a method ideally suited to the paradigmatic and ethical underpinning of the study, the trustworthiness and authenticity criteria suggested by Guba and Lincoln (1994) and the research aim of identifying personal values, preferences, attitudes and beliefs which impact upon engagement with registration.

### **3.4 Pilot interviews**

Three pilot interviews were conducted at the beginning of this research. Pilot studies are argued to be a crucial element of good study design (Teijningen & Hudley, 2001; Cohen *et al.*, 2003). The interview schedule, developed to elicit information relevant to the central research questions, was piloted, - that is 'pre-tested' (Baker, 1994; pp 182-3) with three respondents, all of whom were registered social workers. These three participants were also asked to give feedback on the interview questions and the process. The purpose of pre-testing was to test the adequacy of the research instrument, assess if the questions were understandable to respondents, assess if the interview questions elicited data relevant to the central research questions, identify logistical problems and collect

preliminary data (Bryman, 2001, Teijlingen & Hundley, 2001; Cohen *et al.*, 2003).

An interview schedule consisting of 16 questions was designed. Initial questions elicited identifying information, such as qualification held, employment sector and type of work undertaken by respondents. This was to allow for analysis of similarities and differences between respondents in terms of their distinguishing factors.

The other questions broke down into three themes:

1. knowledge about the aims and purpose of registration
2. impact of registration on personal and professional life
3. Perceived strengths and weaknesses of registration.

Pilot interviews had a significant impact upon the direction of this research study.

### **3.4.1 Adequacy of the research instrument**

During the first three interviews, several interview questions elicited requests for clarification; this suggested some ambiguity in the questions. Some questions elicited responses which were only vaguely related to the focus of the research which suggested misunderstanding by the respondents and/or badly framed questions. Some terminology was commonly used but it became apparent that there were different understandings between respondents, and between interviewer and respondents about what such terms meant. An example of this is in

discussions about ‘Codes’: I understood responses about ‘Codes of Practice’ to be in relation to those published by the GSCC. However, it transpired that the respondent was referring to the Code of Practice published by the British Association of Social Workers (BASW).

### **3.4.2 Pilot interview data: Impact on subsequent research**

Three interview transcripts were listened to several times and also subject to comparative coding. Although clear themes emerged (for example ‘status of the profession’ and ‘public private domains’ which were explored in future interviews) it became apparent that the interview approach needed to be re-thought. I believed that the research instrument I had designed would elicit information which would allow data to be gathered relating to my central research questions, specifically, about the ways the register impacted upon respondents’ practice, contributed to protection agendas and whether registration was supported. In fact, respondents discussed registration as a concept that had little relation to ‘real life’ or social work practice. It was discussed in terms of it being external both to individuals and to practice environments. All respondents discussed registration in theoretical terms and were articulate in theorisations about what it might or might not achieve, or who it might impact upon but reported that it has made no difference to them personally or professionally.

*I am sure it is a very good thing for the profession and it might raise the status of social workers inter-professionally and with the public but it means nothing to me personally.*

*Respondent 8*

*Well, we all know of people who you wouldn't let near your mother (laugh) but that's not me so I don't see what difference it will make really but I guess I support it.*

*Respondent 7*

A further important theme to emerge was that respondents did not feel that they personally would ever 'use' registration/conduct processes in relation to concerns about the practice of others:

*Well I am glad it isn't my job. I don't supervise anyone else so this isn't going to be an issue for me yet. I won't feel very comfortable about it when I am in that position. It would be an awful thing to do wouldn't it? Report someone to the GSCC?*

*Respondent 9*

*Hmm... the distasteful side of life, grassing someone up. A bit at odds with social work values if you ask me. I don't know who will be doing it but I think it fairly unlikely that it will ever be me.*

*Respondent 7*

There was also evident confusion about how processes could or should be used '*I don't even know how to make a referral*'; confusion about GSCC registration requirements in relation to employment line management processes '*I don't really know whether you would jump your line manager and go straight to the GSCC*'; and little evident knowledge about requirements upon them as registered social workers in relation to the Codes of Practice '*well I am glad it isn't my job to report people*'.

The general tone of speech used by respondents was one of boredom and lack of interest in registration as a subject. Sentences were spoken as if

from a script and this was also reflected in body language which was relaxed and casual. This contrasted sharply with posture which became animated alongside powerfully evocative language used when discussing actual bad practice they had seen or in unscripted questions asked ‘off the cuff’ about how they personally felt about the potential to have their own conduct investigated. On several occasions throughout interviews, the pilot interviewees referred to the first three publicised conduct cases which had taken place in the Spring of 2006, shortly prior to the interviews:

*They drag us all down don't they, honestly...it makes me steam...we are such a disliked profession and ...well, it makes me cross. That bloke [Jones – conduct case], well he should have known better for heavens sake. The press tar us all with the same brush.*

*Respondent 8*

*Well, can I be? [Struck off the register] Erm I'd never actually thought of that –they can look into personal life. Hmm [thinking pause] I could lose my job! Can they just complain about work or just because they don't like me or like what I do outside work? Well I hadn't really thought that through. Somebody should have made that a bit clearer, I think we need to keep that bit quiet don't you [laugh]?*

*Respondent 7*

Teijlingen and Hundley (2001) caution that data from pilot studies can lead to making inaccurate assumptions. However, the very distinct different responses to the interview schedule questions between ‘informed by publicity material’ responses - compared to personal/emotional responses from *ad hoc*, more probing questions framed around ‘the personal’ relating specifically to opinions about the then recent actual

cases - led me to conclude that the pilot interview schedule questions would not elicit the personal perceptions of interviewees. I believed that planned questions were more likely to elicit responses that respondents thought perhaps, they *should* say. Thus findings in relation to my central research questions would be shallow and of little real value. I concluded that questions should be re-framed to generate more personal reflections from the 'internal' rather than theories in relation to the external.

Additionally, although I had not framed initial questions in relation to the first three social work conduct case hearings which had taken place shortly before the interviews all three respondents expressed opinions about these three cases. It was also clear that respondents had strong views about conduct; perceptions about how 'good' and 'bad' conduct was manifest and opinions about how it should properly be dealt with. Also of interest was that all expressed the opinion that their own views would be shared amongst the profession but in fact, their perceptions and opinions differed. For example, two felt that the 'strike off' was appropriate and expressed anger towards the person being struck off for what was perceived to be actions damaging to the profession; whilst the other thought it disproportionate and expressed anger towards the GSCC for what was perceived of as '*knee jerk heavy handedness*'. Opinions were expressed forcefully and changed perceptions of registration were articulated. The shift in perception appeared to centre upon an initial belief that registration had, prior to the referred to conduct case hearings, been perceived of as a

mechanism of recognition of status but since the hearings, it was perceived that registration had become a mechanism to punish. Loss of trust in registration, and changed engagement with it, was articulated by both the people who expressed support for the outcomes of the cases and the person who did not.

The interview schedule was subsequently re-written with fewer questions. The central focus of the interviews was eliciting intra-personal views and reflections in relation to vignettes describing the (first) three conduct cases held up to the period the interviews were held (see Appendix 6). These cases included one strike off the register, one suspension from the register and one admonishment.

The three pilot interviews were not discarded, however. Data relating to conduct issues and the three conduct case hearings facilitated both the development of initial codes and an amended interview schedule. Initial simple codes included ‘conduct’, ‘what is a professional?’, ‘public/private domains’. Data not apparently related to these codes were nevertheless coded as the relevance of this material could not at this point in the research be understood. Data were included in second stage analysis. Some data were discarded at the axial coding stage and this is discussed further in Chapter 4. A further 16 interviews were conducted and transcripts systematically coded guided by a simple interview schedule. Respondents were invited to read case vignettes (see Appendix 6) at the



start of each interview (all respondents reported familiarity with all cases each of which had been subject to significant national and sector press reporting).

The following questions informed future interviews:

1. Was this case a reasonable case to bring?
2. Was the outcome fair?
3. Will this case finding impact on you in any way?

‘Tell me a little more about that’ was used as an additional prompt. Using these questions as a prompt, I hoped to elicit more focused responses to the central research questions relating to perceptions of the impact of the cases on practice and professional life, the contribution respondents believed registration as a method to manage conduct made to protection agendas and whether in the context of real cases respondents articulated support for registration.

### **3.4.3 Vignettes**

As was noted earlier, pilot interview findings suggested markedly different responses to interview questions focused on the *concept* of registration as compared to those focused on the individual and personal. Responses to questions about personal feelings about registration elicited opinions on three conduct case hearings heard within the first year of the register opening and close to the time that interviews were held. Strong feelings, attitudes and anxieties about the cases were expressed. It became

clear that these were the responses which were likely to generate new knowledge related to the central research questions. A question then was how to best build upon these responses? What was the best method to elicit intra-personal perspectives about real cases and real people rather than those focused externally on the process or impact upon potential, but un-named and theoretical, 'others'?

Vignettes have long been used in social science research (Jefferies & Maeder, 2006). Fook *et al.* (2000) used vignettes in a study to explore and compare responses of participants and build a picture of practice as conceptualised by practitioners themselves. Their use in this study clearly evidenced the rich opportunities they offer to generate knowledge. The vignette approach is particularly useful in eliciting data in relation to attitudes, and for difficult to explore and sensitive topics (Hughes & Huby, 2002). They encourage respondents to think beyond their own circumstance whilst retaining topical focus (Schoenberg & Ravdal, 2000). Typically, vignettes are created hypothetical scenarios. Of key importance in the creating of a vignette is that they must be believable and credible (Bryman, 2001). This posed a challenge. Social work registration in the UK was, at the time the research was conducted, a regulatory strategy new to social work professionals. At the time of conducting interviews for this study, there had been only three registration conduct cases. I was wary of assuming what others would find believable and credible. I decided that the first (and at that time, only) three cases which had gone before the

registration conduct committee, and for which there were public domain judgements, would be used as vignettes for this research. The choice to use the real cases as vignettes was also influenced by experience from initial interviews when respondents externalised discussion of registration as being about abstract ‘others’ such as ‘alcoholics’ or ‘weirdos’ (both mentioned during the pilot interviews) and not relevant to ‘self’ or real people. It was felt that real cases would make abstract externalisations less likely.

Vignettes were created which were short amalgamations of press reports of the three cases readily in the public domain at the time the research interviews were conducted (see Appendix 6). In each of the three cases judgements were different – one ‘strike off’ for failure to adhere to the Codes of Practice (professionally inappropriate behaviour with a client who was also a young person); one suspension from the register for bringing the profession into disrepute (by advertising as a part time escort); and one admonishment for dishonesty (in failing to declare criminal convictions). These cases coincidentally encompassed the full range of possible GSCC registration sanctions and offered opportunities for exploration of categories developed from initial interviews, specifically, ‘defining a professional’ and ‘professional/ private attitude tensions’.

The vignettes and the simplified interview schedule informed all future interviews but grounded theory approaches are iterative and as transcript analysis took place alongside interviews, the prompts used to explore responses became more focused towards areas of interest which emerged from analysis. This process is explained further in the following Chapter. Reflections on the use of real case vignettes are offered in Chapter 6.3.4.

### **3.5 Computer aided analysis**

As a student on a professional doctorate programme, I was introduced to computer aided data analysis as part of a taught research methods module. My interest was piqued and I was keen to add use of data analysis software to my skills base. Learning how to use computer software can be in itself challenging and demanding of time (it was) so, before I invested this time, I needed to consider if it fit with what I was trying to achieve (Gahan & Hannibal, 1998). I also needed to consider whether the process of using software might somehow influence or corrupt my engagement with data. It was important that stories within data rather than the process of using software remained at the forefront of analysis.

Strauss & Corbin (1998) at the time of writing *Basics of Qualitative Research* did not have experience themselves of using data analysis software but they express interest in the invitation extended by them to Hiner Legeiwe (cited in Strauss & Corbin, 1998, pp 277-279) to contribute to their book with an explanation of how software might be used to facilitate grounded theory analysis. Their inclusion of reference to

this invitation suggests they were open to use of data analysis software and their openness to it as a method encouraged me to explore the possibility further. Blank (2004) suggests that computer aided qualitative data analysis is *practical, systematic, valid and verifiable (ibid.: p 288)*. The suggestion that it was a *systematic* method was of particular appeal to me as a novice researcher as it implied a structured method for the management of data. Additionally, the suggestion that it allowed for verification met quality criteria for good research. Blank (*ibid.*: p 189) also suggested that software makes organisation of data easier and therefore allows for flexibility and creativity.

Cohen *et al.* (2003) suggest that a key to choice about how data are analysed should be governed by fitness for purpose and legitimacy and be appropriate for the kind of data to be analysed and put the view that interview transcripts are particularly suited to use of data analysis software.

Bryman (2001) suggests that software development in recent years has been influenced by the core processes of grounded theory – coding and the emergence of theory from codes - and that much software has been written and developed by individuals to facilitate grounded theory studies. This influence is evident in works by Richards (2005) who writes on qualitative data analysis and also designs and develops software. Computer aided data analysis, in particular QSR NUD\*IST software,

influenced in design by grounded theory approaches, was used to analyse data in this research project. The choice of this particular software was influenced by the fact that it was designed for grounded theory research (Creswell, 1998), and because it was available on a reduced cost, time limited licence basis via my university IT department. Computer aided analysis is critiqued in Chapter 6.3.4

The next Chapter goes on to discuss research findings.

## *Chapter 4*

### **PROFESSIONAL IDENTITIES, PUBLIC/PRIVATE STATUS OF PRACTICE, AND REFRAMING CONDUCT: GENERATING CORE CATEGORIES**

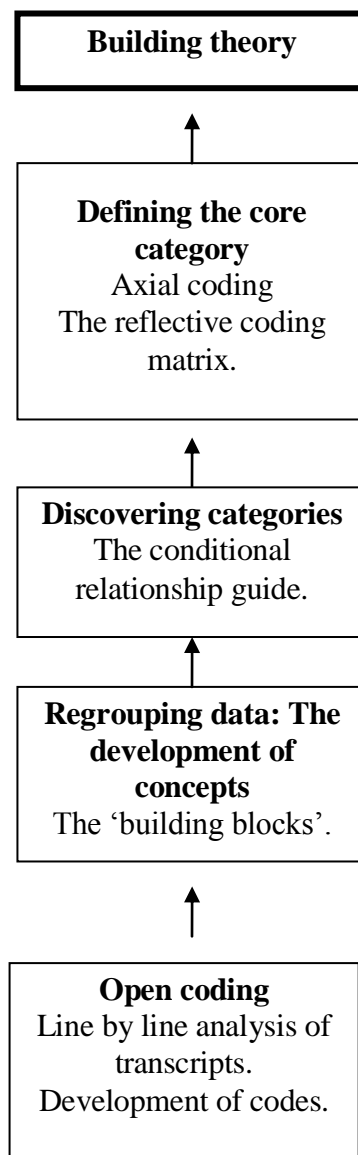
This Chapter presents findings from the analysis of 19 interviews.

Findings emerged from the central research questions used as a framework to guide this study and detailed perceptions of the impacts of registration upon public and private lives.

#### **4.1 The process of data analysis**

Traditionally in research reports, methodology and findings chapters are distinct but the presentation of findings from a grounded theory study does not readily fit this template (Charmaz, 2006). In this chapter, the presentation of findings will be illustrated with the grounded theory methods used and will follow a pattern as illustrated in Figure 3 below, though as was discussed in Chapter 3, (Figure 2, p53) the process of using grounded theory methods is not linear in practice. Grounded theory methods are very closely interlinked with findings from analysis and the relationship between the emergence of findings and the method of analysis is complex and detailed. Findings from several stages of analysis will be presented from the initial comparative analysis of transcripts, through to the discovery of concept groups and categories within data to the identification of a core category to which

all data could be related. The core category is explained in a theory presented in Chapter 5.



*Figure 3. The process of data analysis*

Glaser and Strauss (1967) coined the term 'constant comparative method' to describe grounded theory research. The process involves a microscopic



analysis of data segments and assigning names and labels which simultaneously categorise, summarise and account for each piece of data (Charmaz 2006). In this project line by line analysis was undertaken of all transcripts. NUD\*IST computer software, discussed in Chapter 3, was used to facilitate comparison.

#### **4.2 The initial analysis of transcripts: Open coding and developing codes**

The coding process is at the heart of grounded theory analysis (Moghaddam, 2006). Open coding, the first stage of data analysis, is '*the analytic process through which concepts are identified and their properties and dimensions are discovered in data*' (Strauss & Corbin, 1998; p 101). Data are broken down into discrete parts and compared so that events, happenings and actions/interactions that are similar in nature or related can be grouped in to concepts which are later abstracted into categories (Strauss & Corbin, 1998; p 102). Charmaz (2006) suggests that this process allows the research to become free of the respondents' world view and see it from a different perspective. This is important, as grounded theory is about identifying patterns, not necessarily perceived by respondents themselves, and not about understanding their world as they construct it (Glaser, 1998).

Each interview transcript was coded line by line and each line named according to all component parts or properties (Charmaz, 2006). Line by line analysis was guided by a coding paradigm considering respondents'

responses to questions about registration in terms of the conditional factors, interaction among the actors involved, strategies and tactics used, and the consequences they reported (Strauss, 1987 Strauss & Corbin, 1998). Scott (2004, pp115-116) refers to these as the ‘*what*’, ‘*when*’, ‘*where*’, ‘*why*’, ‘*how*’ and ‘*with what consequences*’ questions. Questions such as ‘*what tacit assumptions are being made here?*’; ‘*what meaning is being ascribed?*’, and ‘*what actions are being described?*’ guided coding. Coding goes beyond simple description and phrases are converted analytically using the coding paradigm as a guide. Additionally, ‘naming’ words or phrases used by respondents themselves were coded as *in vivo* codes which were considered in memos and became part of the data set. *In vivo* codes allow for expansion of thinking about the data – what Richards (*ibid*) refers to as ‘taking off’ from data into thinking about themes and contexts around the topic being researched.

As an example of open coding, one respondent told me:

*For a long time we have been seen as a Cinderella profession and this [registration] gives us a professional status.*

*Respondent 17*

This sentence was initially coded as:

- Belief about the negative perceptions of others
- Changing status
- Historical change
- Belonging to a group.

The phrase ‘Cinderella profession’ became an additional *in vivo* code and was reflected on in a memo considering this phrase (see the memo at Appendix 7). The respondent may or may not have perceived the profession of social work as being poorer, less valued or respected, and hard done to by other more powerful groups - as Cinderella is in the fairy story - but the use of the phrase implied that he felt that this was how the profession of social work had been seen by others. Reflection on this phrase prompted further examination of data looking for examples of both feeling that the profession was negatively perceived and feeling that the profession was positively respected. The code ‘belief about the negative perceptions of others’ was changed into two codes ‘belief about the negative perceptions of others’ and ‘belief about the positive perceptions of others’ as other data became part of the set. The ‘perceptions of others’ code was later further broken down to categorise *who* was negatively perceiving the profession – examples were ‘the public’, ‘government’ and the GSCC. Text already coded in the original code was then re-assigned to the most appropriate of the newly created codes. This process allows for a comparison between data of similarities and differences of experience and their contexts. As a consequence of a review of previously coded data against the phrase ‘Cinderella profession’, other codes were added to the set. These were

- Heroic profession
- Benefit to profession.

Later, as more interview transcripts were coded, the code 'benefit to profession' was sub-divided into the types of benefits identified by respondents. Examples of benefits included improved status, potential for increased salary and increased training budgets allocated to continuing professional development (CPD). A memo considering these findings in relation to the 'usefulness' of registration – one of the central research questions, was created which became a part of the data set.

See figure 4 for a diagram of the process, showing how one initial code, 'beliefs about the negative perceptions of the profession' was disaggregated and re-coded.

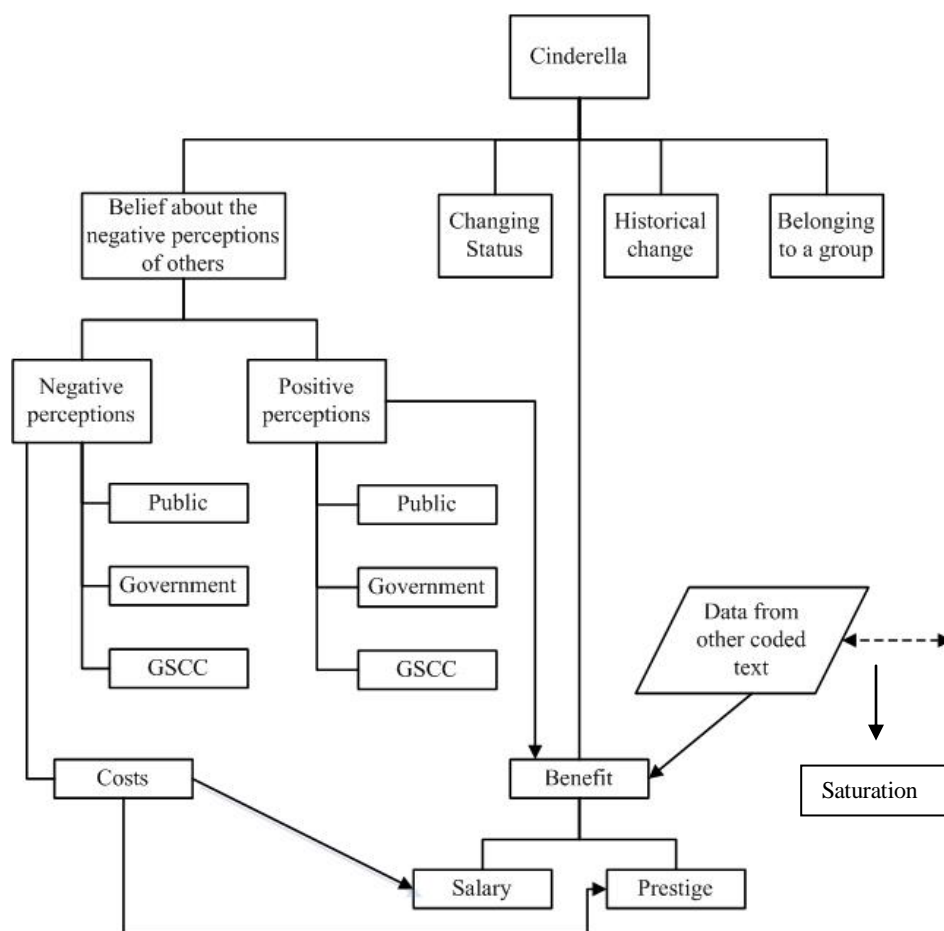


Figure 4. Diagram of the process of disaggregating coded data

To give a further example of coding, another respondent said

*Well (laugh) everybody hates social workers! Love nurses but not us. Well that's not quite fair – the doctors I work with think we are great. Now though the public will be able to tell that we are equally professionals.*

*Respondent 19*

This sentence was also disaggregated and new codes were added to the data set. A new code 'comparison to other professional groups' was added to the codes created for the 'Cinderella' example, thus expanding this set of codes. As the data set and subsets of data were identified,

already coded transcripts were re-reviewed against the newly identified codes.

As can be seen in these examples, coding is not a linear process but involves a backwards-forwards, iterative, examination of data as new codes emerge and are compared to texts until no new information – no properties, dimensions, conditions, actions/interactions or consequences – emerge from data. Strauss and Corbin (1998; p 136) refer to this as ‘saturation’.

#### **4.2.1 The researcher lens: Influences on the process of coding**

The open coding phase of this research was a time of both excitement and anxiety in that a large number of codes – over 3,000 - emerged. The large number of codes suggested that there was a lot to learn from respondents and this generated excitement, both in terms of the potential for finding new knowledge about the research questions underpinning the study and the learning associated with taking a grounded theory approach to analysis. What was I to do with all the data? How was I to make sense of them? I was unsure where data would lead me or, indeed, if I would be led anywhere at all. As several grounded theorists have noted (Creswell, 1998; Strauss & Corbin, 1998; Richards, 2005; Charmez, 2006) this is not unusual for novice researchers. They urge researchers to be comfortable with the fluid nature of grounded theory approaches and not fall into the (comfort?) trap of trying to fix pre-conceived ideas upon data (Glaser, 1992) which, it is suggested, will narrow the focus of analysis and

preclude the emergence of theory. As I became more conscious of my own discomfort of being on a journey with an unknown destination I also became uncomfortable with the notion of myself as an 'empty head'. It was inevitable that I had pre-conceived ideas, particularly as I was an 'insider' as both a registrant and professionally involved with the development of registration. It was therefore important that I reflected upon my own lenses, theoretical and conceptual frameworks and how they might influence my analysis (Kelle, 2005). My own lenses included academic history of and interest in psychology, sociology and regulatory theory and professional experience of counselling, social work and quality assurance work.

My academic and interest background influenced how I looked at data (see examples below). In the context of being an employee of the regulatory body leading on and promoting registration, my personal opinions on registration had been confused. This was helpful to a grounded theory approach in that I had been unable to form a clear opinion on the value or usefulness of registration either to the profession or to individuals within it or its efficacy as a quality assurance mechanism.

I entered analysis with an open mind, willing and keen to learn from respondents to this study and confident that I was not trying to prove or disprove a held hypothesis. This reflection allowed me the opportunity to consider how my knowledge and experience impacted upon coding: did

the codes reflect actual data or was I giving a dimension beyond that actually suggested by the respondents' words? Was inductiveness compromised? An example of this is in a text section I coded as 'understanding cases using social work approaches'. I noted that the majority of respondents described their understanding of cases presented in the vignettes much as [I believed] they might try to understand client situations.

This is a typical response to the vignette describing the case that led to Mary Smith's suspension from the register:

*Well you have to ask yourself, why was she doing that? Was she experiencing poverty or some other personal problems? I am not sure about the suspension. It seems to me this is a lady in trouble and we should be trying to help her rather than punish her. It's what we do.*

*Respondent 4*

Considering my own conceptual frameworks caused me to reflect on my professional experience as an 'insider' social worker and my belief that this was a 'social work' response. Might I have coded this text differently if I was an 'outsider' with no knowledge of social work (Oleson, 2000; Drake & Heath, 2011)? How had my lens impacted upon this coding and did codes adequately reflect this segment of data? Did my 'insider' knowledge add depth and breadth to the research or did it lead to findings that were arrived at through means that would not be transparent to 'outsiders'? These questions were considered in a memo which became a



part of the data set and informed and developed coding. ‘Insider/outsider’ issues are also discussed in relation to ethics in Chapter 3.2.

Initial line by line coding became, with experience, intensely absorbing, quite fluid and using the ‘*what*’, ‘*when*’, ‘*where*’, ‘*why*’, ‘*how*’ and ‘*with what consequences*’ questions (Scott, 2004; pp 115-116) relatively straightforward, as I became emerged in and familiar with both process and data. However, as more codes emerged, the process of accurately naming them required an intense time of reflection and consideration. The process of using memos to facilitate and clarify thinking enabled me to move from simple description to analysis and conceptualisation. Moreover, memos provided a mechanism through which the gestalt of the process could be recorded and the emergent theory checked against both its grounding in data (Strauss & Corbin, 1998; p 218) and relevance to the central research questions.

#### **4.2.2 Re-grouping data: The development of concepts**

Just over 3,000 initial codes emerged from initial line by line coding of 19 interviews. The next stage of analysis, referred to as ‘axial coding’ by Strauss and Corbin (1998); ‘elemental coding’ by Scott (2004) and ‘focused coding’ by Charmaz (2006), involved turning those codes into concepts. Data are drawn together into analytical portions. Concepts are abstract illustrations of events, objects, actions or interactions that emerge from data as significant and are the ‘building blocks’ upon which

subsequent stages of the grounded theory analysis are developed (Moghaddam, 2006; p 60). This process involved comparative analysis in which segments of data were disassembled from their original order and identified as having shared characteristics with other coded segments of data and grouped together. This process allows for examination of the degree of consistency of meaning between the codes and also allows for the dissimilar to be identified and analysed (Strauss, 1987; Strauss & Corbin, 1998). For example, the concept 'professional identity' pulled together all the coded sections related to identity – that is, sections of text in which respondents told me about the defining characteristics of social workers with sub categories defining the contexts and mechanisms by which respondents developed professional identities.

During the process of coding into conceptual groups, data were continually compared – did they fit? If they did not, what did that tell me about that segment of data or the concept group? As an example, one piece of coded text was included in a concept group named 'bad practice'. In fact, the respondent had reported that she had never seen bad practice by another social worker. This caused me to review data within this concept group. I noted that this respondent was the only person to have reported no experience of seeing bad practice by other colleagues and so this singleton segment of data was removed from the group to be considered separately. As a consequence of the review of this group, data were further grouped into sub categories including 'bad practice –

reported' and 'bad practice – not reported'. Similarly a concept group named 'other professions' was merged as a sub-category within the concept group 'professional identity' as analysis of data suggested that reference to other professions was made in the context of describing the respondents' own professional identity. This constant comparative process was followed for all concept groups until no further properties of the concept groups emerged.

Initial codes were re-grouped into 22 concepts. As an example (of one of the smaller groups) the concept 'wanting more from registration' included the following codes. These codes represent 142 text units:

- wanting guidance on expectations
- needing help to understand cases
- waiting for/wanting more impact of registration
- unsure of impact on others of hearing about cases
- wanting more personal benefit
- concern that decisions were not transparent
- perception that others not using codes to guide practice
- feeling apologetic about lack of impact
- being uncertain about powers of GSCC
- being uncertain about expectations upon individuals
- wanting flexible rules
- wanting proof that registration achieves outcomes.

This concept group was later merged as a sub-category within the concept ‘utility’ which encompassed what respondents had identified about the use of registration to themselves as individuals or to the profession.

The next step in the grounded theory process is putting back together the loose array of concepts into a pattern – into ‘categories’.

### **4.3 Discovering categories**

Categories represent phenomena (Strauss & Corbin, 1998). Categories gather together the concepts that share some similar characteristics. The purpose of categorising concepts is to identify core categories which are those to which other categories and their properties are related in order to generate theory (Strauss & Corbin, 1998).

As Scott (2004) suggests, understanding relationships between concepts is not intuitive. She suggests the use of a conditional relationships guide which acts as a bridge between analysis, interpretation and theory generation. The guide developed out of Strauss and Corbin’s (1998) coding paradigm is *‘a more specific method for understanding relationships and dimensions’* (Scott, 2004; p 115). Each of the final 22 concepts were reviewed within Scott’s conditional relationships guide addressing relational questions – what, where, when, why, how and with what consequence – what Strauss and Corbin (1998) refer to as ‘process’. The concept group below contained all data that referred to or was a dimension of a group labelled ‘professional image’. Each coded selection

was considered against the relational questions. Through considering and reflecting upon all data gathered loosely into concept groups against the above questions, data were re-woven back into a pattern. The use of the guide allowed for dynamic multi dimensional constructions to be made taking into account a multitude of impacts, internal, external and over time, upon respondents' engagement with registration. It enabled understanding of the construction of patterns of connection. See Table 2 as an example (simplified) for the concept 'professional image (external)'.

**Table 2. Conditional Relationship Guide**

Concept	What	Where	When	Why	How	Consequence				
Professional image (external)	Grey – unclear.	In practice.	During external dialogues (general public).	Because of comparisons to other professions (especially nursing and medical).	Social work (practitioner) voices “drowned out”, “being silenced”, “being ignored”—not heard in debates.	“stay in my zone”				
	Grey – “dingy”	In private domain.				“”don’t engage with it, just get on”				
	‘Lacking in credibility’.	In the public domain when high profile cases are highlighted.	During political dialogues.	Because social work is not understood.	Social work voices excluded by other more powerful forces (managers, politicians, clients, media).	“play it safe”				
	“Less than a profession”.		During private dialogue (friends & family)			“keep my head down”				
	“Not really a profession”.	In the public domain when new policy initiatives are discussed.	When profession is under attack.	Because social work is not seen to have a skill base.		“there’s no point in trying to change how they see us”				
	“Idealistic”.					<b>Withdrawal</b>				
	“Weak”.	In the media.								
	Abusive (of power).									
Untrustworthy.										

In this example, the question ‘what is professional image?’ was defined by respondents as something perceived by others, as ‘dingy, ‘weak’ and ‘not really a profession’. They developed these perceptions of others’ attitude to the social work profession in the context of their working lives (*where*)

particularly in relation to working alongside other professional groups (*why*), but also in their private lives (*where*) in relation to media portrayals of social work and dialogue about their work with friends and family (*when*). They reported feeling ‘silenced’ or ‘ignored’ within discussion and debate about the profession (*how*). Respondents did not think there was much they could do about their professional image to external people other than carrying on with their work, being immune to perceived outside attack or misunderstanding about role and remit but in order to protect themselves they ‘played it safe’ and ‘kept their head down’ (*consequence*). The ‘when’, ‘where’ and ‘why’ questions identify conditions whilst the ‘how’ question identifies the interactions among categories and the dynamic of the process (Scott, 2004; p 116). The consequences on this guide identifies the lived meaning of respondents to issues and prompts, causing them to reflect on the notion of ‘professional image’ as perceived by others outside the profession or in the context of attacks upon the profession. The social work conduct cases referred to during interviews (specifically, the Jones, Smith and Clarke cases heard in 2006), were seen to be attacks on the profession and the GSCC had shifted position from ‘champion’ to ‘external critic’. The consequences section was abstracted to ‘withdrawal’ as the defining characteristic of this conceptual group. ‘Withdrawal’ was chosen because respondents reported a step beyond not engaging with a perceived negative perception of the profession but taking active steps to reduce the potential to be impacted

upon by it. They ‘withdrew’ both in debates and also in their practice.

The consequences are analysed more fully in the development of a reflective coding matrix, discussed in Chapter 4.3.

When guides were completed for all concept groups, they were compared.

In the first instance groupings were based upon the ‘what’ descriptor.

Each guide was printed and laid out. Each was then matched to others by considering the question, ‘*what is this concept guide’s relationship to that concept guide*’? This resulted in four distinct groups of guides:

professional identity; attitudes to registration; understanding of conduct issues and belief about boundaries between professional and private behaviours.

All codes could be categorised as fitting within one of these headings.

Reviews of individual transcripts and a further review of data in the guides suggested that individuals’ sense of professional identity had a close relationship to their attitudes to registration. Similarly, how individuals made sense of and responded to conduct issues seemed to have a relationship to their beliefs about boundaries between professional and private behaviour. At this point, concept groups were then further grouped into categories. Two core categories emerged: ‘developing professional identities’ and ‘the public/private status of practice’.

### **Category one: developing professional identities**

Category one consisted of 14 concepts (a gathering together of 1790 coded text units). This can be broadly separated into two distinct sub-categories. Firstly, professional identities which sub-divided into professional identities as perceived by self and professional identities as perceived by others. The second area was attitudes to registration.

#### **C1.A Professional identities**

This sub-category gathered together respondents' descriptions of what social work was or what they thought it should be – and conversely what it was not, and should not be:

*It's a very technical and skilled job and we are highly trained to do it. People don't always understand the incredibly complex and important decisions we have to make and it's a job that can't be undertaken lightly.*

*Respondent 14*

*People rely on the information we give. It must be accurate. We must get it right and be seen to get it right. We can't be sloppy.*

*Respondent 11*

*[Referring to the Jones' case] It was a breach of professional boundaries. Professional boundaries are sacrosanct. Without them we don't have a profession.*

*Respondent 15*

*We owe it to them [clients] to do the job really well. In our team we have a bit of a zero tolerance approach to sloppy practice.*

*Respondent 16*

They described the influence of workplace culture and management upon practice, and expectations of self as a social worker and of other social workers. They discussed external impacts, such as the media and policy, upon social work (these findings will be discussed in detail in Chapter 5).



When re-reviewing the coded sections, I noted that the impact of change, from several sources, was expressed as a factor in professional identity.

*When I first started [in children's residential unit] I was Auntie \*\*\*\*. That would be completely inappropriate now – not to mention, not allowed. I have much more of a distance from clients now. I haven't worked out yet if that is a loss or a good thing. Time will tell.*

*Respondent 10*

*You just get used to doing things one way and then another policy comes along and it's the buzz word and we all have to adapt ...things change and then next week they change again. I've had about ten different job titles! Rolling with the changes is a part and parcel of this job but I hope registration means that things will settle down a bit.*

*Respondent 13*

*Once upon a time we wouldn't think twice about a small degree of physical comforting, nothing excessive you understand, just maybe a hand on a shoulder but times change and what was once seen as part of being a social work professional would now be seen as unprofessional so who we are has changed a lot and will no doubt change again. We cope with it [laugh].*

*Respondent 5*

Respondents spoke in terms of being relatively powerless and hostage to imposed change rather than as a body of professionals considering and adapting to changing knowledge and environments. Change was expressed as a requirement from external drivers which shaped the way professional identity was defined. And, although several respondents spoke of pride at the adaptability of the profession, no respondents suggested or indicated a belief that the profession itself drove changes in practice or the practice environments.

I noted both insecurity about having a professional status and defensiveness about the perceived status of the profession. This was most commonly referred to in comparisons of social workers to other professional groups. *Every* respondent made a comparison to other professional groups (most usually doctors and/or nurses) though no specific question referred to other professions. These are typical examples:

*Well everybody calls nurses angels don't they but not us, they don't really know what we do. We don't have that status - yet.*

*Respondent 3*

*You can picture a nurse in your head can't you, or even a doctor but nobody, not even us can really picture a social worker. They have a status in the public's imagination that we don't have but maybe we are moving in that direction.*

*Respondent 17*

*I just sometimes wish, you know, that people understood that we are no more 'do-gooders' than a doctor or a nurse but that we are as trained as they are. I wish medical colleagues understood this as well as clients! I think they [medical colleagues] may be more likely to understand that we are professionals because they understand registration and what that means.*

*Respondent 6*

Some respondents made very similar comments but added that they did not care about comparative status – they did not need it or seek it. Nevertheless, they thought it important enough to articulate their 'lack of care' about status.

This sub-category evidenced that respondents felt that the professional identity was fluid and developing as a consequence of external drivers. Although individuals within it held notions of what being a professional

meant, they did not perceive that the profession held much status outside the profession. Ideas about what social work was and should be were articulated confidently and at times defensively and these opinions had a direct relationship to how respondents made sense both of the conduct case vignettes and their own responsibilities in relation to using the register as a quality assurance mechanism. Data also suggested that, in the context of the imposed change of registration implementation, respondents were in a state of *waiting* during which they were passively absorbing information about registration in order to assess the impact upon them and make decisions about their support for it. These findings are discussed further in Chapter 5.

### **C1.B Attitudes to registration**

A second group of concepts were grouped under the heading ‘attitudes to registration’. Although a distinct grouping, it was felt to be a part of the core category ‘developing professional identities’ because attitudes to registration were framed around its *utility* as a method of positively enhancing the profession discussed specifically in terms of improved *status*, or in terms of its potential to have a negative impact on the status of the profession:

*Registration gives us some authority with the public – they know that they can trust us. Our image has been bad. This allows us to show the seriousness of what we do.*

*Respondent 19*

*Professional status is part of what registration brings I guess. I was never concerned about the status for myself - it doesn't make*

*a lot of difference to wages. I am not a great fan. I can't see any benefit it has brought at this time.*

*Respondent 2*

*It's a bit of a paradox isn't it? We want to improve the status of the profession but all this talk of conduct is just bringing into the public domain all the things we want to be in denial about, about the behaviours of our colleagues. It might do more harm than good.*

*Respondent 16*

*I have thought about this since [the Jones case] and reflected on going global rather than staying local. Employers have always managed disciplinary stuff and as far as I am aware, did an OK job at it. Now it's all going to be much more visible and before registration has even brought any public benefits we are going to have our professional necks on the line on a much bigger scale. I find it hard to think of how this can do any good at all.*

*Respondent 4*

Three respondents spoke positively of the requirement that registrants professionally update (continuing professional development - 'CPD', or post-qualifying training 'PQ'):

*One of the good things will be that employers need to put more into training – PQ and CPD and that will be a benefit.*

*Respondent 19*

*We are really lucky in our team because we have access to as much training as we want but filling in the CPD form did make me think a bit more... strategically about my sort've personal training plan. When I registered it was a bit of a hotch-potch and so I thought that maybe I should have more of a considered plan and that's a good thing to come out of it.*

*Respondent 10*

*Because as a tutor and practitioner I have training needs related to both roles and I have been able to use the CPD requirement to make a case for funds to do training and go to conferences and things.*

*Respondent 13*

Only one respondent spoke about registration, somewhat ambivalently, as a method of protecting people who use services: *'I think it's a way to stop clients getting hurt but as they are struck off after the damage is done I don't know how that works'* and another spoke of it as a method of ensuring accountability: *'I suppose it might give clients a bit more of a comeback if things go wrong'*. Attitudes to registration predominantly seemed to be based on *'what will it do for us'* and as such it was felt to be a part of the core category 'developing professional identities'.

### **Category two: The public/private status of practice**

Category two consisted of 7 concepts (a gathering together of 1337 coded text units). This can be broadly separated into two distinct areas, 'the public/private status of practice' and 'making sense of conduct issues'.

#### **C2.A The public/private status of practice**

Data suggested a continuum of beliefs about whether registration did or did not, or should or should not have any interest in or impact upon private life activity outside of office hours. Related to this belief continuum, but not necessarily co-terminus, was a continuum of beliefs about whether one is a social worker for 24 hours a day or if it is a job based on tasks boundaried by employment contracts. As an example see figure 5 below:

## Respondent 12

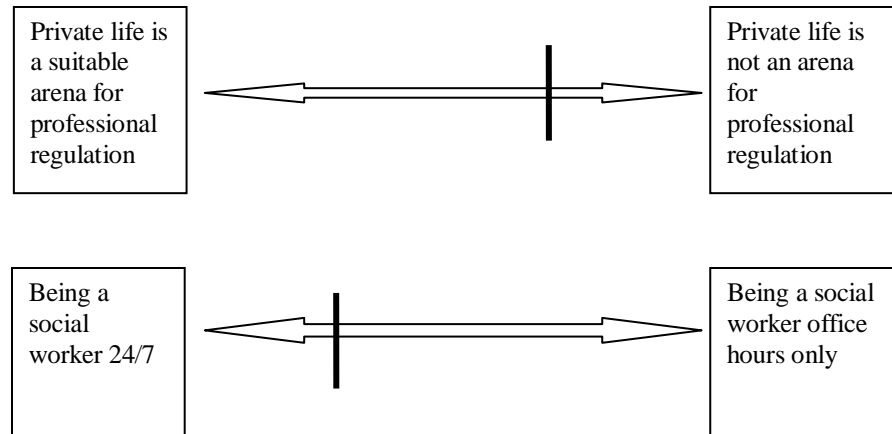


Figure 5. **Belief continuum**

This respondent felt very strongly that any aspects of ‘private life’ – that is activity not connected to paid employment – should not be subject to professional body regulation or have a relationship to registration with the exception of criminal offences. An example of child ‘smacking’ was given:

*If I want to smack my children and think it is right to do so, it is nobody’s business but my own. The fact that I am a registered social worker should not take away my parental rights.*

*Respondent 12*

This respondent believed in a right to physically punish her own children but identified that this would not necessarily be approved of professionally, nor would she professionally advise clients to physically punish children. This social worker accepted that it was part of her own job to make decisions about how parents physically punished children and whether punishment amounted to abuse. As far as her own parenting behaviour was concerned, it was felt that choices/decisions about physical

punishment lay in a parenting domain, not a professional domain and that these were distinct and outside of the remit of, for example, the respondent's social work managers, or the GSCC conduct team to make decisions about. However this respondent also believed that she was 'always a social worker' defined in terms of social work values which she felt 'born with' and that her chosen career in fact defined her, who she was and how she lived her life regardless of whether she was actually working in an office 'doing social work'.

*Social work is my vocation. I see no distinction between who fundamentally I am at work and who I am at home because that is based on my essential values. Behaviours at home might be different but they are private and no-one else's concern.*

*Respondent 12*

All respondents held strongly articulated opinions and discussed 'where they stood'. Only two respondents strongly felt that private domains should be subject to regulatory interest. Fifteen others strongly felt that private domains should not be subject to regulatory interest. Two others felt unsure and explained different factors influencing the balancing of conflicts:

*Instinctively I absolutely think no, my private life is not open to GSCC scrutiny and I feel a bit radical about this. But then I think about things that I do think are relevant and these are not just the obvious things like someone being a paedophile but things like theft or dishonesty and I think maybe they are broader concerns and we do need someone monitoring these things. It's a challenge for a liberal.*

*Respondent 1*

*I am not a bad or dodgy person but I have had a life and a youth and...experiences. Do I want these raked over? No. On the other hand, there have been a couple of people I have worked with who I*

*had doubts about and I do think it's helpful if we have some form of suitability filtering. It's just not me I want them to look at and I feel a bit 'big brother-ish' when I say it is OK for others but not for me. I have changed my opinions a lot one way and then back again since that case [Smith] was in Community Care [trade journal].*

*Respondent 17*

In relation to whether respondents identified themselves as intrinsically or vocationally a social worker 24/7, or whether they perceived the role as distinctly a job role, boundaried by the paid hours of work and location, four respondents said that social work was 'just a job' that did not impact upon how they lived their personal lives. All others referred to how their identify as a social worker influenced their lives outside work; examples mostly included reference to a value base that linked professional life to personal life. For example:

*My mum calls it 'kindness' but we call it things like anti-discriminatory practice and although I have different names for it now I guess we are talking about much the same thing. Since training it feels like more of a deliberate act now though rather than just a state of being so it's who I was but it's who I am now and tomorrow as well.*

*Respondent 13*

However, discussion of vignettes detailing the Jones, Smith and Clarke conduct cases, evidenced some uncertainty and confusion. Apparently 'fixed' and robustly described places on private/public and social work as just a job/social worker 24/7 continuums became less stable when discussing the conduct case vignettes and taking other variables into account. Variables - such as whether an activity was legal or illegal; considerations about who was perceived as being hurt, or who *could* be



hurt; how long ago an incident took place; the intentions of the wrongdoer; whether an individual had support; the influence of the gender of the wrongdoer on decision making about conduct - all appeared to destabilise and weaken the initially held positions:

*Is it illegal? Anyway..., if it isn't then it's nobody's business and that's my stance on things but on the other hand, escort work can be linked to trafficking and porn so maybe she is, in effect, in cahoots with those types... When you try to break it down it's actually a lot more complicated. I probably need to reflect on it a bit more.*

*Respondent 16*

*On the face of it the bloke who was struck off [Jones], well, [it is] absolutely right that he be removed but you do have to think, would he have been given such a hard time if he had been a woman? I tend to think maybe not.*

*Respondent 7*

*I am crystal clear that what she [Clarke] did was absolutely wrong and I am very glad she was caught but a public punishment seems like putting her in the stocks and you couldn't help but feel sorry for her. Even at the time [the case was reported in the press] I just sort've wished that someone had had a quiet word with her.*

*Respondent 4*

Several respondents were hesitant in their responses - stuttered, changed the direction of sentences mid-flow – or changed their mind about their answers, reported feeling unsure, confused and several asked me what other respondents had said or what I thought about their answers/the cases. These are typical examples in response to a question about the Smith case:

*Part of me was thinking well if I was Mary erm... its not appropriate behaviour in terms of ....well....if I thought my doctor was advertising as an escort ... what would I think.... don't know....I find it difficult actually...maybe erm...what do you think?*

*Respondent 3*

*Oh I wish you hadn't asked me about this one. I don't know ... I really don't know. I couldn't have called this one – it seems so... well it's complicated and...I think... can we come back to this in a bit?*

*Respondent 7*

And another related to the Clarke case:

*I was going to say dishonesty about criminal offences is black and white but ... [pause] well really I am not even sure I believe that. If this is really what happened [referring to vignette] then the only person she really hurt is herself and ... well I don't know what to make of this one.*

*Respondent 9*

During the course of the interviews, two respondents began responding to a question, justifying held opinions. Part way through the response each told me they had changed their minds; that actively thinking about 'where they stood' had caused them to reconsider. For one, this was making a conscious decision that they did not consider private life to be a justified focus for regulatory scrutiny whereas previously she had '*just assumed that it was anyway...*' and reported that she had never really thought through what this may actually mean. For the other, the change of mind was in an opposite direction: she told me that conscious thinking about domain issues in relation to registration raised a concern for her, that she may not have managed a private domain conduct issue of which she had become aware, as she felt she should have. This respondent reported that she had only ever previously considered professional issues in the workplace to be relevant.

The latter two interviews caused me to (re) consider the dynamic and impact of the interview process on responses to the cases being discussed. These reflections were considered in a memo which at a later point was considered in relation to proposals for strengthening the effectiveness of registration through the enabling of reflection upon cases (see Chapter 6.5).

### **C2.B Making sense of conduct issues**

A set of concepts were grouped under the heading ‘making sense of conduct issues’. This was a distinct group but related to the category ‘the public/private status of practice’ for two reasons. Firstly, because data detailed the variables respondents considered in relation to the conduct case vignettes - for example, such as whether an activity or behaviour was in the private or professional domain, or how behaviours related to social work practice in the workplace. Secondly, concept groups also contained data about the variables considered by respondents in relation to how they had, or would, handle concerns about conduct in their own workplaces.

*As I see it so long as what is done outside [working hours] doesn't harm anyone it doesn't come into questions about what acting professionally is about.*

*Respondent 2*

*I mean...what if you are the kind of person who has two or three affairs. Is that the kind of thing that the registration people would want to know about? You have to draw the line.*

*Respondent 18*

*I think personally that some behaviours are very much private and I wouldn't be keen to make them a conduct issue. It's very difficult. Say if someone is drinking. I would weigh up how much*

*their right to enjoy a drink – or even a lot of them – caused problems in their work. I might then raise it with my manager or the GSCC but I have to say, I am not sure that I would. Maybe I wouldn't. I know of people who did have a problem and I didn't raise it then...*

*Respondent 14*

*You see there is that line thing... For example, I smoke and it's not illegal but I am not allowed to smoke in front of clients and if I do I would be in bother. But some outreach and youth workers do share a fag as a bonding thing and people have raised issues about whether it is right for me to even smell [respondent emphasis] of smoke on the job. The line shifts and it would be so easy to be on the wrong side of it so I do wonder if that's just what happened to him [Jones], you know, old style touchy feely social work now seen as the other side of a line.*

*Respondent 6*

Data analysis suggested that there was significant variation in how respondents evaluated the worth and outcomes of the real conduct cases described in the vignettes. Differences appeared to relate to ideas about what social work is and how it should be practised. As can be seen from the grid below (Table 3) the majority, though not all, respondents felt that both the removal of Jones for inappropriate professional conduct, and the caution of Clarke for dishonesty, were valid cases to bring and that the outcome was fair. Respondents were less sure about the suspension of Smith for behaviour which brought the profession into disrepute and expressed uncertainty about whether it was a valid case to bring or whether the outcome was fair.

*Table 3. Fairness of outcome grid*

		<b>KJ Removed</b>	<b>MS Suspended</b>	<b>BC Cautioned</b>
<b>Case brought</b>	Agree Disagree Unsure	18 0 1	5 6 8	14 1 4
<b>Case outcome</b>	Agree Disagree Unsure	15 0 4	3 7 9	13 2 4

There was not a clear consensus about what was a conduct issue or whether they personally would report similar issues either to managers or to the GSCC though conversely, there were clear indications that respondents believed their own beliefs about conduct were likely to be shared across the profession. In these examples both respondents were talking about the Clarke case:

*Well this one is a no-brainer isn't it? We all know that failure to declare [criminal convictions] is just not OK. Some people might think it is a harsh decision but we are all crystal clear about declaring and to be honest, she walked right into it – anyone would say the same I am sure.*

*Respondent 10*

*I think it was unduly harsh. This was unnecessary and more about a PR exercise for the GSCC. She was a sacrificial lamb. I am sure most people would think the same.*

*Respondent 2*

In these examples both respondents were discussing the Jones case:

*Absolutely the right outcome. I think you will find everyone is on the same hymn sheet about this one.*

*Respondent 13*

*I think he may have been victim to his gender – and there seemed undue speed by the GSCC in bringing this case. I imagine a few of the people you talk to will think the same.*

*Respondent 19*

Variation in understanding of conduct cases will be discussed further in Chapter 5.2.

#### **4.4 The core category: Reframing conduct**

The final stage in the coding process is axial or selective coding - re-assembling and organising the preliminary categories in order to identify the axis in analysis. The axis becomes the core category to which all strands of data can be related and is the basis for emergent theory (Goulding, 1999).

Use of the conditional relationship guide (Table 2) began the process of identifying the relationships and interactions between the concepts and exploring the ‘what’ descriptors. The abstracted *consequences* descriptors of each concept group within the two initial categories become the primary focus in the next stage of analysis. Strauss and Corbin (1998; p 182) propose a ‘consequential matrix’ but the reflective coding matrix model developed by Scott (2004) (see Table 4) was used as a template for this phase of analysis in preference to the Strauss and Corbin model, as it was comparatively clearer. Using the template matching consequence descriptors were drawn together using the same relational questions – ‘what is the relationship of this consequence, to that consequence’. Consequences descriptors which did not readily fit alongside other consequence descriptors at this point were set aside and predicted to

become dimensions or sub categories of the core category (Scott, 2004).

An example of this is the consequence ‘withdrawal’ in the conditional relationship guide referred to above (Table 2) which at this stage became a part of the final consequence category ‘security’.

The purpose of the reflective coding matrix is to contextualise the central phenomenon – the core category to which all other categories relate and

*‘to build a model that details the conditions that give rise to a phenomenon’s occurrence’* (Moghaddam, 2006; p 57). In this study, five consequences categories were identified as the key descriptors of the reflective coding matrix (see abridged example matrix below, Table 4).

These were re-framing, (re)-fortification, adaptability, ritualistic practice and security. Key consequence descriptors are reframed as *processes* leading to the reframing of conduct by respondents.

Identified processes are logically considered for their relational order, both horizontally and vertically within the matrix, to each other based upon the properties of the data sets. In this matrix horizontally reframing is identified as a process, which leads to respondents taking a position, which in turn is dependent upon perceptions (particularly those relating to identity). Ritualistic practice is a product used to manage change and in the context of threat, security is achieved by respondents through the process of reframing conduct. To give an example from the vertical columns, respondents describe purposive action in order to achieve feelings of security in the context of threat.

When pulled together and ‘fit’ is achieved across and between the properties of data, processes which cogently describe, absorb and accommodate the dimensions and contexts contained within data, the core category is identified. In order to develop the core category, questions are asked of data – what is this body of data *about*? What is the key theme drawing re-framing, (re)-fortification, adaptability, ritualistic practice and security together?

Strauss & Corbin (1998; pp 146-147) provide a set of criteria for choosing a core category. It must be *central* and all other categories can be related to it; it must appear frequently in data; the explanation that evolves by relating the categories must be logical, consistent and not forced and it must be able to explain variation and the main point made by data – that when conditions vary the explanation still holds. Using these questions as a checklist to guide thinking the core category around which all other categories and sub categories were centrally related was identified as ‘reframing conduct’.

As a further checking mechanism the centrality of ‘reframing conduct’ was considered by asking questions such as ‘how does reframing conduct develop’ (what is the process), ‘what variables impact on reframing conduct’ (i.e. what contextual factors), ‘how do variables impact on reframing conduct’, what are the properties of reframing conduct? That data could address all of these questions - and that all data could be



accounted for in asking these questions suggested that ‘reframing conduct’ was the core category of this study.

*Table 4. Reflective Coding Matrix (abridged)*

<b>Core Category</b>	<b>Reframing conduct</b>				
<b>Properties</b>	Process	Position	Perception	Product	Purpose
<b>Processes</b>	Re-framing	(re)fortification	Adaptability	Ritualistic practice	Security
<b>Dimensions</b>	<ul style="list-style-type: none"> <li>• Managing uncertainty</li> <li>• Absorbing new information</li> <li>• Changed perceptions about registration</li> <li>• Re-forming personal/professional boundaries</li> </ul>	<ul style="list-style-type: none"> <li>• Choosing position on personal/professional boundaries.</li> <li>• Destabilised position.</li> <li>• Responding to new information</li> </ul>	<ul style="list-style-type: none"> <li>• Coping with a sea of change.</li> <li>• Developing self</li> <li>• Developing profession</li> <li>• Responding to challenge</li> <li>• Absorbing new information</li> <li>• Bouncing back</li> <li>• Modern</li> </ul>	<ul style="list-style-type: none"> <li>• Fear of consequences of creativity.</li> <li>• Negative attitude to creative newcomers.</li> <li>• Reliance upon explicit rules.</li> </ul>	<ul style="list-style-type: none"> <li>• Nostalgia for the old days</li> <li>• Managing anxiety</li> <li>• Boundaried self-regulation.</li> <li>• Avoidance of risk.</li> <li>• Avoidance of conflict.</li> <li>• Resentment</li> <li>• Withdrawal</li> </ul>
<b>Contexts</b>	Challenge	Challenge	Identity	Change	Threat

The reflective coding matrix (Table 4) begins to tell the story from which theory will emerge.

Chapter 5 presents a theory of ‘reframing conduct.

## ***Chapter 5***

### **TOWARDS A THEORY OF REFRAMING CONDUCT**

In this chapter, research findings are presented and illustrate a proposed theory of social workers' reframing of conduct.

#### **5.1 Theory building: Findings in relation to reframing conduct**

Based upon and illustrated with research findings, this Chapter illustrates a proposed theory. The term 'theory' has particular meaning in grounded theory: 'theory' should be understood to imply a systematically interrelated set of categories which can explain, rather than simply describe, connections and relationships between categories (Strauss & Corbin 1998; p 22). The theory presented in this chapter proposes that, in the context of the first three registration conduct case outcomes, social workers in this study reframed their understanding of conduct, and their engagement with conduct issues and registration allegiance, in both professional and personal domains.

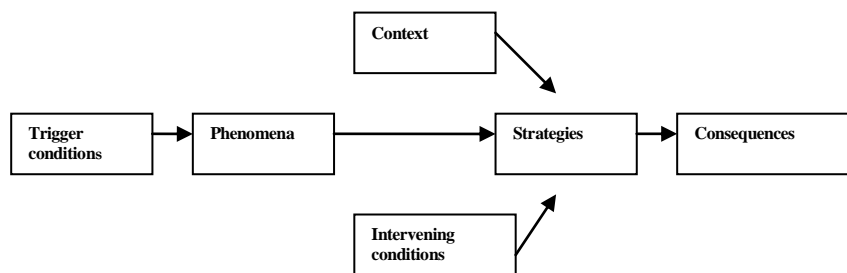
The implementation of the requirement to register and subsequent conduct cases had triggered a process of reframing information or opinions held, until respondents had re-established a position with which they felt comfortable. Reframing and (re)fortification of boundaries took place in both private and professional spheres to different degrees, though each had

a relationship to and upon the other and impacted to varying degrees on respondents' social work practice. Respondents' perception of their own responses to new information or new consideration of conduct issues was that they were able to 'change with the times' because their profession, subject to frequent change, had learned to be adaptable and responsive. Despite this perception of adaptability, respondents reported that they felt safer practising in established, familiar, rule-led ways (*'by the book'*) and avoided creativity or new ideas; in this way it was felt they would protect themselves from becoming subject to conduct scrutiny. Attitudes to registration had changed because of reframing conduct from initially welcoming it as a positive thing for the profession, to degrees of distrust in it as a potential threat to themselves and others in the profession. Media reports about the Smith case, in particular, had been significant in this process and had caused feelings of threat and uncertainty and a lack of understanding about what was expected of social workers in both professional and private spheres.

The theory offers explanation which helps to address the central research questions which provided the initial framework for this study.

The reflective coding matrix discussed in 4.3 (Table 4) provides the building blocks from which this theory is proposed and attention is now focused upon the contexts and processes detailed in the matrix. The proposed theory is illustrated by using a model represented by the diagram

below (Fig. 6). The groups of data and relationships between them were developed out of data analysis following Strauss and Corbin's guidance on the key elements to consider when giving structure to data (1998; p 192-199). Strauss and Corbin emphasised diagramming as a way of showing relationships between data. However like other researchers (Scott, 2004; Allen, 2010) I found their diagram design to illustrate theory building unclear. Morrow and Smith, building upon Strauss and Corbin's structure, designed a model framework to present their grounded theory study (1995; p 27). Their framework diagram has been used to present this theory.



(Adapted from Morrow & Smith, 1995)

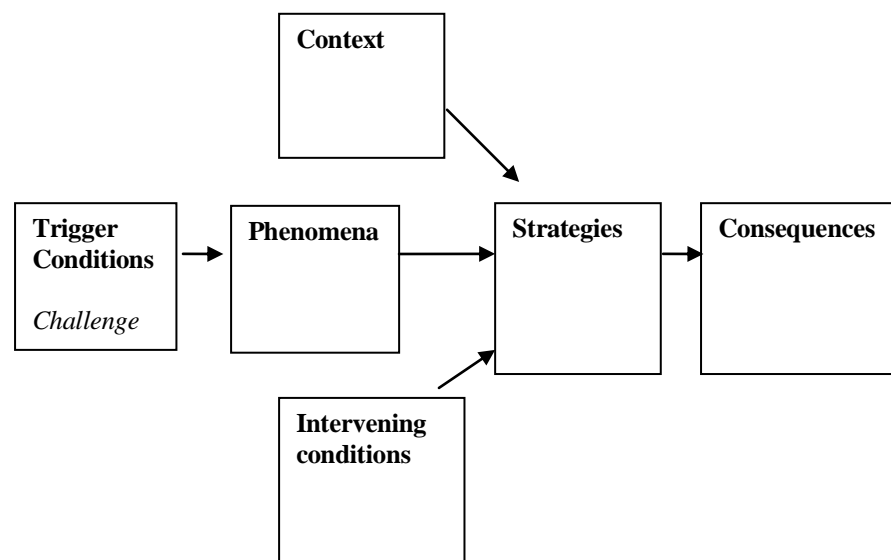
*Figure 6. Outline theoretical model diagram*

This Chapter will present data following the path of this diagram and each block represents an element of the explanatory theory as it develops. The Chapter will begin by describing the trigger conditions that underlay respondents' re-framing of conduct. It will then go on to describe phenomena that arose from those conditions. This account will then detail both the context and intervening conditions that influenced strategy development.

The management strategies employed by respondents in their efforts to absorb and re-frame conduct into their knowledge and practical working frameworks will be discussed. Presentation of the emerged theory will conclude by detailing and discussing consequences of respondents' 'journey' of engagement with registration, and consequential re-framing of conduct.

The implications of the proposed theory will be considered further in Chapter 6 in relation to suggestions made for strengthening registration as a regulatory tool (6.5).

## 5.2 Trigger conditions: *Challenge* in the context of conduct cases



*Figure 7. Theoretical model diagram: Challenge*

The first building block in the development of the theory of reframing conduct discusses trigger conditions. All respondents in this research

registered within the first year of registration. Some individuals instigated the process as soon as the register opened; others waited for employers to develop processes and then registered. Two waited until protection of title was imminent and failure to register was likely to cause problems for them with their employers. Not all respondents held employment positions which required them to join the register (for example, professional educators). However the over-arching context of the statutory registration *requirement* is not to be confused with a trigger condition in relation to the proposed theory of responses to registration and re-framing of conduct. The trigger condition proposed in this theory is *challenge*. The context for challenge began with the outcome findings of the first conduct cases brought by the GSCC which were widely reported in the sector and general press. These were the Jones, Smith and Clarke cases which concluded in June and July 2006, less than a year after protection of title and registration became operational and for some respondents, within weeks of having registered themselves.

Respondents reported that publicity surrounding the cases had caused them to re-think about the purpose of registration. Initially, registration had been framed as a good thing for the profession - specifically in terms of raising status compared to other professions and in the public eye (core category C1.A). Three respondents reported that case reporting had caused them to consider more fully the purpose of registration (core category C1.B):

*Well, I mean...you know it's about sort of getting dodgy people out of social work and the codes and that, but you don't really think, hang on, people are going to actually be, kicked out. Kicked out... I know it's a bit daft of me but I hadn't really thought this through. It was a bit of a 'virtual' idea, registration...*

*Respondent 5*

*The GSCC came out guns blazing. It was very unsettling really. Suddenly rather than having a badge of honour I had put myself in the firing line. It was unexpected. They [the GSCC] had hardly gotten off the ground. I can't explain why I was surprised by it but I was.*

*Respondent 13*

*I just thought oh here we go. The GSCC were supposed to be champions for us and next thing they are putting all these dodgy workers in the press which just actually made us all look like Cleveland all over again.*

*Respondent 14*

Several respondents reported that they had considered registration to be about recognition and celebration of the quality of social work practitioners and social work practice, but that case reporting had caused them to reconsider this view:

*I felt quite proud when I got my registration. I remember saying it to someone that I was a registered social worker, and feeling really childishly good about it but then he was reported [referring to the Jones case] and although I completely agree that it was a right case to bring I did realise that registration is not just about showing our strengths.*

*Respondent 10*

*We had this big thing for us then within weeks it just became tainted. It wasn't about our professionalism, it was about having a go at us – again. I did feel let down. I do feel let down.*

*Respondent 14*

All respondents referred theoretically to understanding that a possible outcome of registration was removal from the register but none felt that it

was personally likely to be relevant to them and they had not, until cases were publicised, considered more broadly the implications of case findings. For example, they had not considered the public nature of case findings – that cases might be reported in the press and that a public record of findings would be on the GSCC website. All respondents reported that they believed removal from the register was a justifiable reason for a public record. However, respondents raised a number of concerns about suspensions and admonishments being generally accessible and public:

*I am really not sure about the admonishment being on the [GSCC] website. All it does is embarrasses the poor girl and will affect her ability to get a job. What good does it do?*

*Respondent 18*

*Admonishments and suspensions should only be viewable by potential employers. I mean, say you were a client who saw that you wouldn't trust your social worker would you but if you have been told off, and your employer is working with that, then does the client really need to have that level of detail. It's not about being secret, it's about who needs to know and for what reason [respondent emphasis].*

*Respondent 4*

Several respondents who had initially, generally, thought registration was a good thing for the social work profession reported that in the context of conduct case outcomes they had reflected on uncomfortable contrasts between the profession and the regulatory body. The profession was perceived to be ‘enabling’, ‘assisting’, ‘helping’, ‘empowering’ to clients in difficult circumstances. The profession’s regulatory body, initially perceived as offering similar facilitation to the profession, was now



perceived to be punishing individuals (core category C1.A). Respondents reported less favourable perceptions of registration in this context.

The Smith case, in particular, appeared to raise conflicts and questions for respondents. Smith's registration was suspended for two years for bringing the social work profession into disrepute after evidence was heard that she advertised as an escort. A key area of concern related to the blurring of boundaries between private life and professional life. All respondents articulated understanding that some activities in private life could have an impact upon registration status – criminal convictions were those most cited as being clearly relevant and a justifiable focus for consideration in relation to registration. However, the case had prompted broader consideration of the concept of conduct. Respondents reported feeling uncertain and confused about what constituted a *relevant* conduct issue. Issues such as parenting behaviours, alcohol and drug use, minor motoring offences and sexuality were perceived as private domain issues and not directly relevant to professional life but following the Smith case, respondents reported feeling unsure and threatened by the possibility of scrutiny of private domain conduct:

*I feel a bit wary of enjoying a drink now. I don't want to get a letter telling me I am suspended just because I may have had one over the eight in some public place.*

*Respondent 5*

*I think when it started [registration development] you think of it in broad terms and about things like crooks and slimeballs being struck off but when you hear about real cases it does bring home to you that well, it could be me and it could be for like, things*

*outside work and when I think of it, it does just prompt little tingles of anxiety even though I don't think I have done anything wrong. I didn't used to be paranoid! [laugh].*

*Respondent 9*

*I see this as a very worrying development. On some level I could argue why advertising as an escort is at odds with our profession but as far as I know it is not illegal. What's next? Will gay people be struck off just because someone doesn't think being homosexual is acceptable?*

*Respondent 17*

Uncertainty was also reported in relation to the management of conduct concerns in the workplace (core category C2.B). Respondents reported feeling a new uncertainty, in the context of the Smith case, about expectations of them in relation to perceived 'private' issues of which they may become aware in the workplace. Alcohol use was the issue most referred to. Seven respondents reported times when they had suspected colleagues of problem alcohol use. Only one had taken concerns to a manager. Three others had not raised it with either the colleague or managers, explaining that they saw it as a private issue which, so long as it did not cause harm or danger to others, was not their concern. Two respondents reported that they had spoken privately to their colleagues. All but one of the respondents who referred to suspected problem alcohol use in the workplace reported that they believed that they would respond in 'more or less' the same way since the Smith case, but that it had highlighted other factors to consider which they thought relevant but were not yet sure of how they might impact. This was a typical response mentioning both the implications for how others might judge own conduct

and tensions about how social work as a caring profession seemed at odds with requirements of registration:

*I just don't know about what I am supposed to do now. Am I expected to report or face getting struck off myself? It feels as if support is out and report is in.*

*Respondent 9*

The one respondent who would behave differently since the Smith case made a similar reference to expectations in relation to their own registration:

*I think it has made me think that we have no private life now and there are expectations... I would report it to the GSCC or a senior manager now because I don't want to be reported for not following the Codes of Practice.*

*Respondent 12*

All respondents reported strong feelings about what they believed were appropriate arenas for regulatory scrutiny but there was a clear distinction between those who felt that private domain conduct should be subject to regulatory scrutiny and those who felt that it should not (core category C2.A). How respondents felt about the public/private domains in terms of regulation had an impact on their decisions about engagement with registration: for example, the types of conduct or behaviour, and arena of conduct or behaviour they would report to others (core category C2.B). Those who believed that private domain behaviours were a rightful focus of regulation reported that they might or would report private domain behaviours to the GSCC if they thought it was relevant to registration:

*It's not always clear cut because people may not have been cautioned or anything but if they say they go to NA [Narcotics Anonymous] then I would encourage them to report it to the GSCC*

*because we have to declare health conditions and there are good reasons for that. If they didn't I probably should. Maybe I would if I was a line manager. I am not sure.*

*Respondent 11*

Generally, data suggest that these respondents appeared to feel more positive about registration. Conversely, those who thought private domain behaviours were not an appropriate focus of regulatory scrutiny said they would not report perceived private domain behaviours and were less sure that they would report behaviour in either private or professional domains. This group appeared also to have less positive views about both registration and the GSCC.

Respondents reported that their beliefs about, and approaches to, conduct management had been stable prior to the publicised cases. Individuals reported histories of feeling clear about what was acceptable conduct, and their professional responsibilities in relation to it.

Between respondents, there was some evidence of variation in what was perceived as acceptable and unacceptable conduct as can be seen in the grid below which draws together respondents' references to specific issues raised by some of them spontaneously and unprompted during interviews:

**Table 5. Variations in perceptions of acceptable and unacceptable behaviours**

	Acceptable private domain conduct for SW registrant	Unacceptable private domain conduct for a SW registrant
Hunting	1	2
Hunt saboteur	2	
Domestic violence (perpetrator)		3
Recreational drug use	2	3
Heavy drug use		4
Heavy drinking	4	3
Extremist politics	1	1

All cases had prompted a reframing of ideas and perceptions about the purpose of registration and their own approach to conduct issues, which had caused respondents to reflect on their own behaviours. However, the Smith case in particular was reported to have caused challenge to held perceptions and opinions leaving respondents with feelings of insecurity, uncertainty and lack of clarity about expectations of others in relation to own behaviours in both private and professional domains.

### **5.3 Phenomena resulting from challenge to knowledge and understanding in the context of findings of conduct cases: *psychological discomfort, adaptation to new knowledge and re-positioning***

Building on the trigger conditions (above) this section details three phenomena identified in the context of respondents feeling challenged by findings of conduct cases.

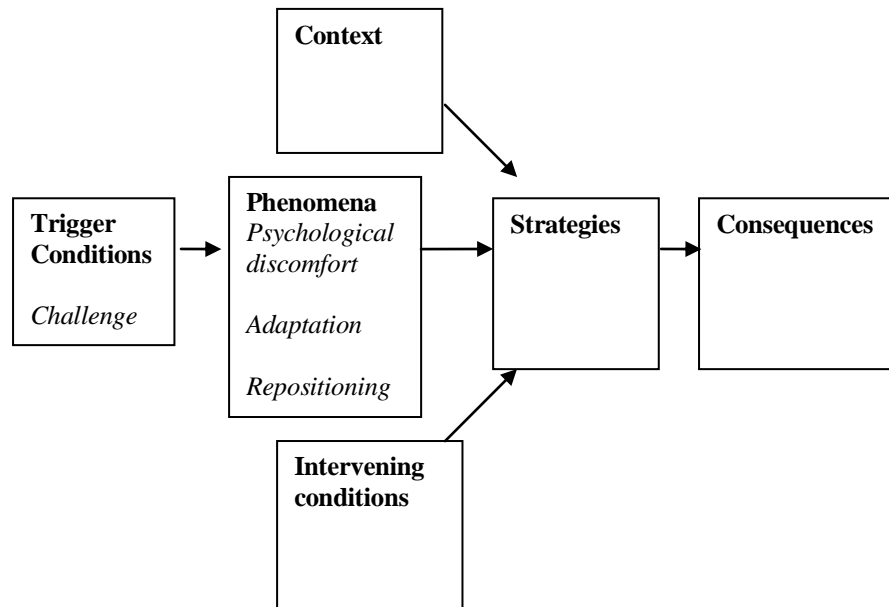


Figure 8. Theoretical model diagram: Phenomena

All respondents reported that the conduct case reports read in the press had caused them to re-consider held perceptions, opinions and understanding of both registration and conduct (core category C1.B). Knowledge had been destabilised and respondents reported this as causing psychological discomfort – ‘*I feel very up in the air about it*’; ‘*I don’t know what I am supposed to think*’. Respondents reported processes of adaptation to knowledge and articulated processes of adaptation involving both intra-personal reflection and conscious actions. This process also involved repositioning of attitudes towards registration.

### 5.3.1 Psychological discomfort

Respondents reported feelings of tension, loss of confidence, uncertainty and conflict as a consequence of reading media reports of conduct case

findings. In addition to a loss of confidence in the context of changed perceptions of registration as a positive thing for the image and status of social work, to perceptions of registration as a potential threat (particularly manifest in discussions of the Clarke case), confidence was lost in relation to changed perceptions of expectations of them in a professional context (core category C1.B & C2.B):

*Well it was the right thing, erm, you know she was a fool to try to hide convictions but they really went for her didn't they and, you know, it makes me wonder about how harshly she was treated because at the end of the day, this job is hard enough and I don't need anything making my life harder. People expect too much of us I think.*

*Respondent 15*

*Seriously, I don't know if the GSCC understand what a pressured environment many of us work in and I do feel that this [registration] adds more pressure. In a way the GSCC may be contributing to some of us making errors.*

*Respondent 16*

All respondents reported clarity about professional values and quality in social work practice – their own and other peoples (core category C1.A). They could readily and, at times, forcefully articulate their understandings of what they believed social work should 'look like'. They expressed opinions about who were the right kind of people to undertake social work but the cases – particularly the Smith case - had triggered consideration that individuals' held beliefs may not be held, or shared, by others and that this had a potential to make them professionally vulnerable (core category C2.A & C2.B):

*I think you have to make a stand on this one. Private life is sacrosanct at the end of the day. We have to be confident enough*

*to say we won't have people poking their noses into our home life because where would it end? That being said (laugh) who is going to make a stand? I think my days of making a stand are long gone but I would support others if they decided to take them [the GSCC] on. Well, in my head I would but if it came to it, I am not sure I would actually (laugh).*

*Respondent 5*

*I had always thought we were a liberal profession which valued diversity and it was a natural place for me but now I don't know if I fit. I can't accept this case finding on any level and I don't know what that means for me...*

*Respondent 2*

*Mary Smith was treated appallingly. The people who were her judges couldn't have been social workers.*

*Respondent 3*

*Well I actively support the hunt and it has simply never occurred to me that this could be a problem but I do know that hunting is probably not considered acceptable. If the conduct team at the GSCC are staffed with lefties my boat is well and truly sunk!*

*Respondent 9*

The most recently qualified respondent felt anxieties about how her opinions might be perceived by other more experienced social workers in her team:

*I've been really shocked actually. The others in my team seem up in arms about this one but I think they were trained in the seventies or something because they haven't had my training about this. She was not professional and it was right to strike her [Smith] off [sic] but I just didn't get roped into it in the office [when the Smith case had been discussed] because I know they would think I didn't know enough to make a judgement. I do though: The GSCC clearly did the right thing and she didn't.*

*Respondent 18*

### **5.3.2 Adapting to new knowledge**

Almost all respondents spoke of being in a process of adapting to new knowledge. Only one respondent reported feeling completely confident



about held positions. All others reported ongoing reflection about issues raised by publicised conduct cases (core categories C1.A & C2.B). Three reported conscious action strategies since the cases. For one respondent this was articulated as (consciously) '*sitting on the fence*' whilst another reported using the cases actively as '*benchmarks*'. The first respondent felt that her understanding of conduct expectations had been so destabilised that she did not know how to make sense of case information and so she was waiting to see what others made of it so that she was able to learn from them. The other reported actively using the case outcomes as a kind of subjective yardstick by which she would make decisions about conduct in the future though she could not describe how she would do this. Two respondents, from the same registration positive team, had actively sought out supervision with a line manager so that they could discuss conduct cases and the implications for practice. Several respondents reported that they wanted guidance from the regulatory body detailing the domains of regulatory interest (core category C2.B).

One respondent spoke of adapting to new information as '*finding a solid line*' but of particular interest was that it was a line to be behind. This was reflected in comments from other respondents:

*I will be taking a step back until things are clearer...no risks. The codes will be right there in front of me at all times (laugh). Forget creativity... and yes I do think this means a worse service for our clients but so be it.*

*Respondent 4*

*I feel glad about it [registration] and it's good that it has made things clearer. I will take the blame, not [employer] so this stuff [media reports] has been a bit of a reminder to stick to procedures more closely than maybe I have always up to now.*

*Respondent 11*

In the context of adapting to new information, other respondents also spoke about re-finding a position with which they felt comfortable (core category C2.B). For some this was an arena of cautious practice '*I am not going to stick my neck out until we know where this is going*', '*I will play things by the book now*'. For others, it involved consideration of private life activity '*I think, yes, I will be a lot more careful about what I tell them [about private life] at work*'. Four respondents did not feel that their own practice or behaviour would change in any way because of the conduct case hearing outcomes, but they did report feeling less confident about their understanding of what registration required of them as professionals:

*I don't personally have any issues with these cases but it would be helpful if the GSCC could issue some guidance on interpretations of the codes. They seemed great at first but when you try to really think about them, they are a bit vague and not much help and I wouldn't want to get into trouble just because I interpreted what they mean wrongly.*

*Respondent 16*

Like other respondents these four individuals said they would continue to process new information and perceived conduct hearing outcomes as an indicative benchmark for expected behaviour and they recognised this as having a potential to change their practice and/or behaviour.

### 5.3.3 Positioning and re-positioning: Perceptions of registration

As previously discussed, respondents had differing views about whether registration would have any particular impact upon them personally. But every respondent spoke of a hope or an expectation that it would improve the status of the profession and, as such, they generally positioned themselves as initially welcoming the development of registration (core categories C1.A & C1.B). Data suggest that conduct case outcomes held up to the time the research had taken place had concentrated positions taken with regard to registration. Six respondents reported that they felt generally *more* positive about registration. Four of these respondents also reported that they thought the outcomes of the cases were harsh but they felt that the cases had enabled them to understand expectations more fully (core categories C1.A & C2.B):

*We know where we stand now. I am clearer about what I signed up to.*

*Respondent 16*

*I am very pleased. I expected it to be more than symbolic and this has shown that it is. It gives a clear message about what is expected of us.*

*Respondent 11*

Nine respondents reported feeling *less* positive about registration since the conduct case outcomes (core category C1.B). Negative feelings ranged from '*slightly less positive*' to '*I don't want any part of this and am actually thinking about withdrawing my membership*'. Some respondents who spoke of feeling less positive about registration framed this around feelings of vulnerability (core categories C1.B & C2.B). Like the 'more

positive' respondents they spoke about having a clearer understanding about what registration was about, and the messages case outcomes gave but these were perceived as potential threats:

*I guess it really has brought it home. It tells us what is expected and that we have to toe the line or we will face the consequences. I suppose it's a bit, well...scary. [respondent's emphasis].*

*Respondent 1*

*I think I joined because it seemed like it had the potential to raise how people saw us, but now I am thinking...we see a lot of unhappy people in our job and any of them could – and probably will – make allegations against us for all sorts of things and these will all need to be investigated. I am not sure I feel quite as positive towards registration as I did before.*

*Respondent 3*

Two of this group of respondents reported feelings of anger about the case outcomes. One had not been enthusiastic to join the register and his employment post did not require registration, but he had registered because he felt that others with whom he worked expected it of him. He spoke of feeling 'betrayed' by the GSCC and thought that two of the three case outcomes were unjustified and a 'political act at the expense of a colleague'. The 'betrayal' was discussed in terms of the GSCC using the register not to promote social work but to punish social workers (core category C1.B). This respondent reported that he wished that he had never joined the register, would not be renewing his registration and was considering withdrawing from it.

The second respondent who reported feelings of anger about the case outcomes reported that he would continue to engage with registration 'as

*a paper exercise* – he would continue to be registered but would not engage with it in any other way. He gave an example:

*Say I saw something really out of order, even then I wouldn't report it to the GSCC. I would do something about it because I do take my job seriously but I wouldn't report them because after that case [Smith] it is obvious people wouldn't get a fair trial. I will pay my fees for as long as my job needs it but I won't take any more notice of it than that.*

*Respondent 14*

#### 5.4 Contexts in which re-framing of conduct took place

Phenomena, discussed above, occurred in particular contexts. Several factors were reported as clear contextual markers for reframing conduct.

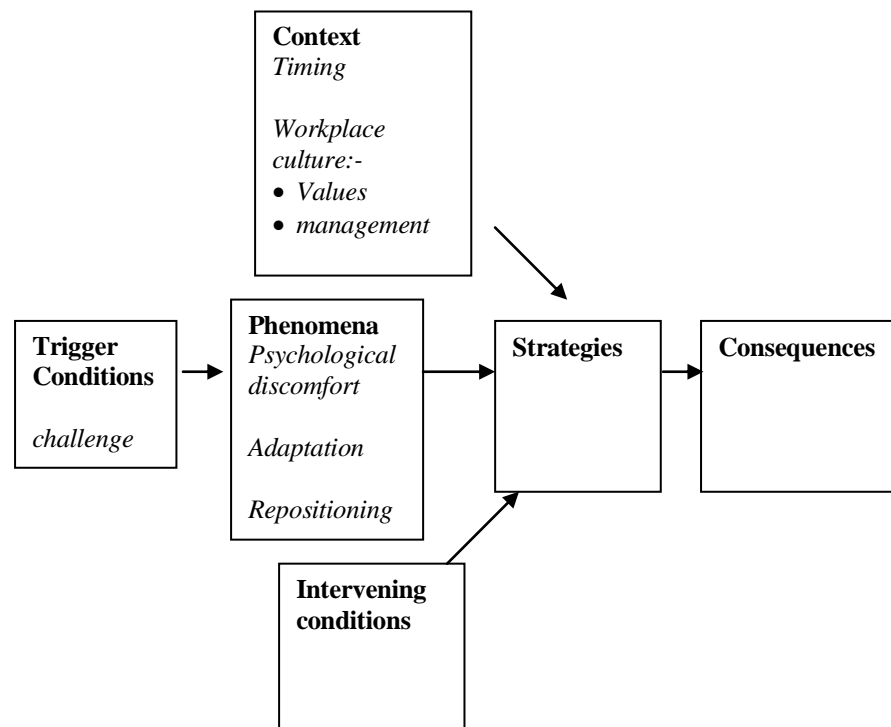


Figure 9. Theoretical model diagram: Contexts

### 5.4.1 Timing

Ten respondents spoke of how quickly after the requirement to register came into force the first conduct cases were heard. Two respondents - both of whom registered as soon as it became possible – positively celebrated what they perceived of as quick action by the GSCC and both spoke of it as '*showing the world they [the GSCC] mean business*'.

These respondents reported that they felt that the cases gave a message to people working within the profession, other professional groups and members of the public that social workers had processes in place for the management of bad practice (core categories C1.A & C1.B):

*See, I think people know about nurses and doctors can be struck off and that there is someone watching over how they do their jobs and now the public know that we can be as well and this might make people realise that we are a similar profession.*

*Respondent 16*

One respondent reported that he thought it was predictable that cases would be heard quickly and he said he '*knew*' that the GSCC would be seeking a '*PR coup at the expense of some poor social worker*'. This respondent reported feeling a degree of cynicism about whether two of the first three cases were valid to bring or were brought out of a need for publicity:

*There was an almost unhealthy speed to the first cases that had little to do with social work but a lot to do with the GSCC being seen to exercise its muscle and earn its keep.*

*Respondent 17*

The majority of respondents expressed a range of feelings of discomfort about the speed with which cases had been heard. Words and phrases such as ‘*feeling a bit unsettled*’, ‘*I was a little alarmed*’, ‘*I was quite surprised*’ were used by respondents. By the time interviews for this research were undertaken, respondents reported that ‘alarm’ and ‘surprise’ had since subsided but feelings of being ‘unsettled’ had remained to a small degree (core category C1.B):

*It seemed like it was talked about for years and then bang! It’s happening. It was great to see it finally come to fruition but it was a bit... well, hurried and that bloke was struck off. It wasn’t there and then it was and from this great idea came all the pressure of the forms and even when I was getting mine signed I was no longer sure I wanted to. Even now I wish I had thought it through a bit more before I did join up.*

*Respondent 7*

Two respondents contextualised their feelings as being related to the ‘newness’ of registration:

*In a way, talking about it like this makes more of it than it is because it’s more in my mind because it is so new and when it has settled down a bit and when I have gotten used to it maybe it will feel more normal and less daunting.*

*Respondent 18*

*I think we will all just accommodate things after a bit and there won’t be the interest there is now.*

*Respondent 11*

The speed of the first conduct hearings following the requirement to register had ‘made real’ what had previously been known in the abstract and this was a contextual factor in how individuals responded to registration. The implications of the timing of this research in relation to the findings presented here are considered further in Chapter 6.2.

### 5.4.2 Workplace culture: Registration

There was a second key contextual marker for re-framing conduct was workplace culture. Respondents reported being influenced by attitudes to both registration and conduct within their workplace. Two workplaces, each statutory social work environments, had actively facilitated and encouraged registration. Documentation had been provided centrally and endorsement processes had been quickly put in place. Discussion between Human Resource personnel or managers and social work employees about implications for job descriptions had taken place early in the first registration cycle within some employing organisations. For example, two respondents had received compulsory in-house training on registration and the implications of the Codes of Practice. However the majority of respondents had registered independently of any workplace directive to do so. Respondents' reports of workplace context suggested clear distinction between pro-registration workplaces, and indifferent-to-registration workplaces:

*We were all contacted by training, told who the endorser was and we could go and see [...] for advice and guidance anytime. We had those posters up and we talked about it in the team. We all thought it was a really important thing and we joked with each other about whether we had done it [the forms] yet. When the first one of us got our certificate the team had a little celebration over a cuppa. There was a positive feeling in the team about registration.*

*Respondent 7*

*There was a definite positive vibe about getting it done and it didn't feel at all forced on us. It made me feel quite good about it all and proud.*

*Respondent 6*



*At that point it hadn't been decided whether we would need to be registered but I don't think our senior managers even know what it is or what it means. They don't care one way or the other. There is no support and to be honest, it feels as if it was a waste of time.*

*Respondent 18*

Data clearly indicate that respondents working within an actively supportive and pro-registration workplace felt a strengthened personal commitment to registration (core categories C1.A & C1.B). Data suggest that a registration positive workplace culture may have had an impact upon how personally challenged individuals felt because of the first conduct case hearings. Respondents in registration positive workplaces reported feeling confident of having expertise, resources and commitment to facilitate their own positive engagement with registration available to them should they need it:

*We understand how vulnerable we are to complaints and we take that in our stride because it can be the nature of [mental health] work and we have talked about how confidentiality will be handled at work and it's all covered in a way that protects everyone's rights. I think maybe there will be more support because we all have to be seen to be managing things clearly above board.*

*Respondent 16*

The most referred to as registration positive workplaces were statutory social work settings. Respondents in indifferent to registration workplaces reported feeling a lack of support from employers and more vulnerable should they become subject to registration conduct scrutiny. One reported feeling *more likely* to become subject to registration conduct scrutiny because her workplace did not facilitate support for registrants as a

consequence of failure to appreciate the requirements of registration. The example given was failure to provide sufficient opportunity for registration required continuing professional development training. However, such links were not a primary focus of interviews and this is an area needing further exploration.

There did not appear to be any noticeable differences between responses related to demographic differences such as professional role, qualifications held, or workplaces – for example, managers did not add a breadth of consideration related to their managerial responsibilities.

#### **5.4.3 Workplace culture: Personal conduct and team values**

As discussed earlier in Chapter 4.3, individuals in this study could be grouped along two continua. One continuum related to beliefs about whether private life should be subject to professional regulation; the other related to whether they felt they were a social worker during office hours only, or 24 hours a day, every day. Data suggest that beliefs were stable – often forcefully articulated and strongly held - and that they were reported as being ‘personal opinions’ held independently of and unaffected by external drivers. However, discussion of workplace culture in relation to conduct suggested perceptions of similar continua (core categories C2.A & C2.B).

A clear finding was that almost all respondents in direct practice or managing direct practice articulated a perception that their workplace

culture was one that expected them to be a social worker 24/7 – that being a social worker was not an office job boundaried by contracted hours but a vocation. This was articulated in terms of *values*. It was perceived that employers had expectations not just about what social workers did, and how they did it (effective, efficient etc), but fundamentally *the sorts of people they were*:

*At the end of the day, work might be flexible about how good, or not, we actually are at doing our job but that we are social workers, that we live as social workers, have the value base of social workers, well...that is a clear expectation above all else.  
[respondent emphasis]*

*Respondent 3*

*To be honest, it can be a bit of a relief to be around friends who are not right on and have a laugh about the kind of things that you would never hear in my office ... I think my colleagues would think I let the side down a bit if they heard some of the things I say to friends.*

*Respondent 18*

Several respondents working outside direct practice with clients (for example social work educators) did not perceive the same expectation from their employers. In fact, two respondents outside direct social work practice with clients spoke of their effort to ensure that employers understood the relevance of the value base of social work in the context of their employment:

*It is a struggle sometimes to get them to see that we might be educators but we are also social workers. It is not just a part of the job that they can usefully use. It is who we are. Here I am, a tutor, but beyond that I am a social worker: I do social work and live social work but they either don't understand this or they are not interested so long as our students are doing OK.*

*Respondent 15*

In some cases workplace culture reflected respondents' own attitudes, in others it was in conflict with own beliefs. For example, two respondents from the same registration positive team perceived that within their own workplace there was a clear and shared understanding that their behaviours outside their working hours were subject to scrutiny and could have an impact upon both their registration and their employment status. These respondents both articulated that they felt this was acceptable, understandable and appropriate in that it reflected their own feelings that one was a social worker '24/7'. Another respondent perceived that within his own workplace there was a shared understanding about behaviour outside work but it was a belief he did not share:

*I think there is some feeling that we all know each other because we are social workers. We are all PC, we are all anti-discriminatory and care [respondent emphasis]. Well I don't. I really don't, it's not a passion, not a vocation, not a calling, it's just a job and I don't take it home with me.*

*Respondent 2*

This respondent reported that within work he did not challenge the perceived shared understanding and, indeed, was careful to appear to fit in with it. He reported being cautious about sharing details of his outside work behaviours. He did not feel that personal life should be subject to regulation, or that he was a social worker outside of work hours, but he believed that this put him at odds with team values as he perceived them.

#### 5.4.4 Workplace culture: Managing conduct

All but one respondent reported that they had observed or managed misconduct by another within the workplace. Individual respondents had different roles in the management or potential management of such conduct – for example, direct responsibility as a line manager or indirect responsibility as a part of a team. *How* people (in whichever role) responded appeared to be influenced by workplace attitudes to conduct and misconduct (core categories C2.A & C2.B).

Several respondents reported a lack of clarity about expectations upon them in relation to registration requirements and the Codes of Practice. Although individually many articulated their own perceptions of examples of misconduct, these were not necessarily shared across the sample. As discussed earlier, one example of this (referred to by seven respondents) was problem alcohol use by colleagues. Some respondents felt they had a direct responsibility to intervene based either on the need to protect clients from harm or from individuals' own sense of a need to help and assist in another person's distress *'it would be a pretty poor show if we only offered support to clients and not to our colleagues'*. Others felt that it was not their problem to address or resolve:

*If a person has a drink problem they usually know it and the last thing they need is to be 'social worked' by colleagues. That's private business and it would be mortifying for all concerned if a colleague interfered.*

*Respondent 8*

Eight respondents reported that how they personally managed conduct issues in the workplace was influenced by perceptions of reluctance to address misconduct:

*When I went to my line manager he said I was quite right to bring it up but he just wanted to advise that if I decided to take it further it would get personal and that the union would probably get involved and if I was prepared to see it through then he would support me. It became [an issue] about me so I just left it and he said he would keep an eye on it whatever that means.*

*Respondent 9*

*I can't say they tell us not to raise it but we've all sussed the drink issue yet no-one, including the manager, ever says anything so I guess we implicitly get the message not to say anything.*

*Respondent 18*

Three respondents reported being in a workplace which actively encouraged and supported individual accountability in the management of conduct issues:

*I had to take action before consulting with managers because the person was actually caught in the act [stealing] but my manager was completely supportive and our rules about processes are in the book [process manual] so I knew what I had to do. I would do it again without question.*

*Respondent 10*

All respondents reported a generalised understanding that they had some responsibility for the maintenance of good conduct within the profession and within their own workplace (core categories C1.A & C1.B). Data from this sample evidence that for direct practitioners, specifically those working within client contact arenas - there was no consistency between respondents about what kinds of conduct issues they should take responsibility for managing or how they should manage such issues. Data

suggest that those in workplaces which had transparent conduct management procedures, had a workplace culture of support and a positive non-blame approach to accountability, felt more confident about their role in relation to conduct management and were more likely to bring a conduct issue to the attention of managers. Only two practitioner respondents reported that they would consider going directly to the GSCC with concerns about the conduct of another social worker. Two reported that they would not, under any circumstances. One of these reported that she could not be involved in action which may result in a person losing their job *'I just couldn't do that. I couldn't live with myself if I got someone sacked'*. The second reported that he would not because he did not trust either his work place or the GSCC to deal with issues fairly and transparently:

*Once you start a ball rolling they [employers and/or the GSCC] will take it wherever they want it to go and I wouldn't be able to stop it, so best not to start it.*

*Respondent 2*

One respondent raised the issue of a union strong workplace as being significant in his consideration of conduct management issues. He reported a perceived tension between his duty as a registrant and his duty as a union member, and did not feel that he could take action which had the potential to lose another union member their job. This was perceived as a conflict of values but also a threat, as he believed that a report to the

GSCC about another person might potentially prompt expulsion from the union for the person raising the concern.

Respondents working within education settings, who are required by role and by the GSCC, to assess student suitability to join the profession and endorse applications to the professional register, reported confident clarity about what was considered to be a conduct issue – although there were differences among them. For example, two respondents shared the opinion that some criminal convictions – such as juvenile offences such as theft of vehicles or minor drug offences should not, and, in the education settings in which they worked, would not, exclude a person from joining a social work course. It was believed that some life experiences were likely to enhance a person's engagement with social work education and future career within social work. In contrast, another respondent reported little flexibility in admissions for people with any kind of conviction due to the zero tolerance approach of the higher education institution. It is also interesting to note that the 'zero tolerance' approach was not formal public policy but 'understood' within the HEI. This was reported as being based upon feedback from local employers who would not provide placements for students with criminal convictions or cautions. The view was expressed that this was likely to be a growing issue across all qualifying social work education providers in the UK and that the requirement to register may have narrowed the cumulative experience and knowledge that a range of life experience brought to social work education. The



range of life experiences and their impact upon the learning experiences of all students, were equated to a type of quality of the profession in the longer term.

One respondent reported that prior to the Smith case she would not have excluded a potential student on the grounds of any '*vice type*' criminal convictions or cautions, but following the publicity surrounding the case her employing HEI had now specifically included such offences as an exclusion category in her HEI's admissions process.

Data clearly evidence that individuals' responses to conduct issues in the workplace were influenced by the workplace culture in relation to the management of conduct. For some respondents, this led to clarity of expectation upon them as individuals and a confidence in their ability to manage conduct within the workplace. For others, conduct management was something to be avoided and ignored and led to a lack of confidence about their own role in managing conduct (core categories C2.A & C2.B).

Every respondent reported a desire for increased guidance to be issued by the GSCC on how they should, and could, manage conduct issues within the workplace.

## **5.5 Intervening conditions: Identity**

In addition to contextual conditions, there were other intervening conditions which influenced respondents' reframing of conduct.

The first, 'gender', was not self ascribed as part of identity by any respondent during the course of interviews and was ascribed based upon observation. Findings from data were understood in relation to the gender identity as ascribed. However, values were self ascribed as part of identity. All respondents spoke of values as being a part of their essential selves.

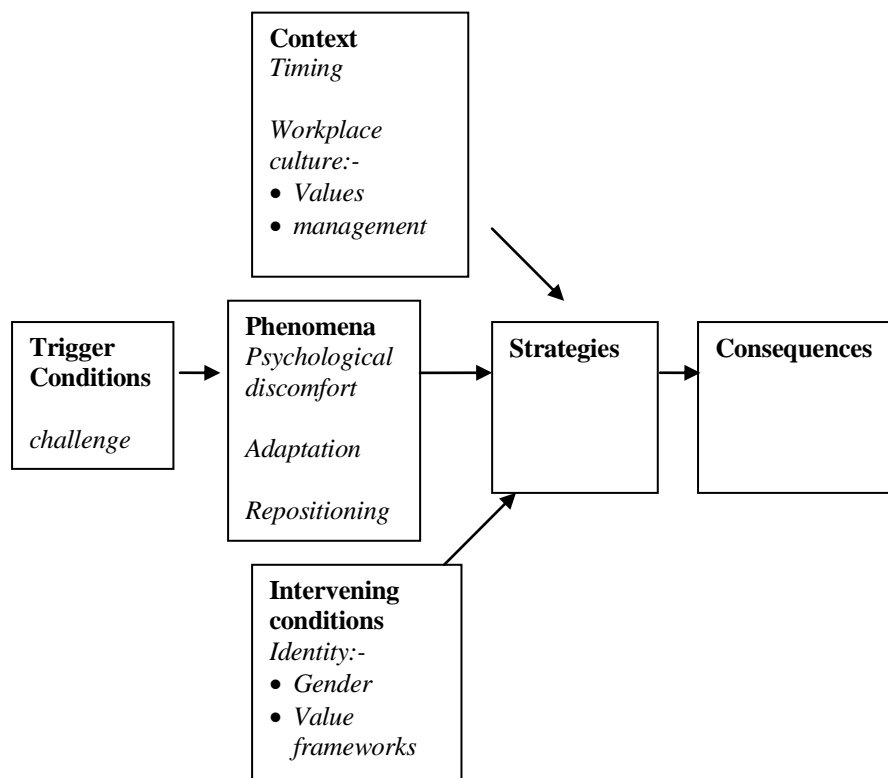


Figure 10. Theoretical model diagram: Intervening variables

### 5.5.1 Gender

Seven men and 12 women made up this sample (see respondent profile, Appendix 5). There were notable gender differences in how the cases were discussed (core category C2.B). Four male respondents discussed

the cases with reference to perceived damage done to the status and reputation of the profession. Three male respondents discussed impact upon the individuals involved which was framed in terms of future employability and earning capacity:

*I was surprised to see that she was older than I expected. I had assumed she was young because it was such a naïve thing to do. Her career is effectively finished even if she did only get a caution [sic].*

*Respondent 6*

Concerns raised by male respondents appeared to focus on the practical implications of the cases for Smith and Clarke and for the profession. Damage to the profession and future employability was also mentioned by four female respondents but these points were expressed as concern for the individuals involved. Emotional concern for the two women who had been subject to conduct proceedings was expressed by 11 of the 12 female respondents. Female respondents referred to 'feeling', 'sympathy' and 'empathy' for the two women subject to conduct hearings:

*I think she was foolish and should have known better but I have thought about her. It must be so hard on her. I feel really sorry for her actually [Clarke case].*

*Respondent 4*

*I don't know about her family situation but as a woman I do feel for her [Clarke case].*

*Respondent 9*

*As a woman I do feel quite cross with her, What was she thinking of? She must have realised that if this got out the press would have a field day with social work. On the other hand, we don't know what her situation was, it could have been anything...she may have really needed the money, kids, single parent... we don't*

*know. I cannot support her choices and on the whole I think the case was right to bring but I feel sympathy for her.*

*Respondent 11*

Only one (male) respondent expressed concern or sympathy for Kevin Jones (removed from the register following proven findings of inappropriate behaviour with a client in care). This respondent observed that, in other cultures, reflected in those cultures' professional social work pedagogies, physical contact and affection between a professional carer and their client would not necessarily be considered inappropriate conduct. He also felt that there was a gendered element to the case and that it would not have been brought against a woman. In this context, he was unsure about whether the case was right to bring. All other respondents felt that the case was appropriate to bring.

Data suggest that in this sample there was a broader framework of issues considered by women compared to men in their efforts to make sense of the conduct cases. Male respondents focussed attention upon practical consequences of the cases for the people involved and for the profession, whereas female respondents considered practical, intra-personal and family impact consequences. This difference may begin to explain why seven of the eight people who reported being unsure about the Smith case being brought and three of the four people who reported being unsure about the Clarke case being brought, were women. (see Table 3). However, gender influence upon decision-making in relation to conduct

issues, in the context of professional registration, was not a primary focus of this research. Data suggest that this is an area of potentially interesting and useful further research.

### **5.5.2 Personal value frameworks: “*The kind of person I am*”**

Whilst all interview transcripts evidenced that respondents explicitly referred to a perceived professional value framework in their efforts to understand conduct case hearing outcomes (few referred to the published Codes of Practice and referred instead to professional values as those learned in training), it was also evident that there were differences in emphasis and interpretation between respondents based upon a broader value system (core category C1.A). Seven respondents used the phrase ‘*it’s the kind of person I am*’. In all seven cases this was followed up by descriptions of how personal history influenced respondents’ world view and the lens through which they made judgements. Though not all respondents used this particular phrase, all transcripts evidenced that respondents’ professional values fit, not always comfortably, within a broader personal value system. One of this group reported how she was influenced by ‘*Christian values*’.

*It doesn’t matter what the registration department require of me. I am guided by my faith and whatever decisions I make about conduct will be judged by a higher power than them. My decisions will be based on right and wrong, good and evil and I will be guided by prayer. It is simple for me.*

*Respondent 12*

This respondent spoke of a belief that character defined an individual and that ‘good people’ would always behave in good ways. If they did not behave in good ways, then they were not good people, and should not therefore be in the profession. The profession was implied to be an arena within which ‘good’ was done and a personal belief that such work could only be done by people who had a particular moral character.

One respondent discussed concern and feelings of unease about two of the three conduct case outcomes. One, (Clarke) he felt had been ‘*a harsh punishment*’. The Smith case outcome, in particular, had challenged his beliefs about both the value of registration and the nature of the profession. This respondent felt that social work was a profession that ‘*makes judgements but doesn’t judge people on the basis of society imposed ideas of right and wrong*’ and that he had joined the profession because he felt a ‘fit’ with this perceived value framework. These two conduct case outcomes had challenged his perception of an underpinning value framework and thus his place within the profession. For this respondent, trying to calculate what could or would be achieved through the case outcomes was key to how he was trying to understand them:

*I struggle with these cases. I don’t think they are right but if I could be really confident that a longer term outcome from them would be that the profession was better quality and that clients were more protected I could be convinced. Have they [the case outcomes] actually done any good? For me that is the clincher and I still need to be convinced.*

*Respondent 16*

Other respondents reported less concern with case outcome but more that certain principles had been upheld through them. One noted:

*The thing I see in all these cases, what they had in common is that they all lied. These conduct cases just reiterated what we must all surely believe. It is not acceptable to lie.*

*Respondent 13*

Another respondent reported that she had been raised in a household where lies of any kind were not tolerated, and that this value continued to impact upon how she considered the cases. For her, truthfulness was valued over other considerations:

*On many levels I feel sympathy for this woman. I believe society judges her based on sexist and moral ideas and I am uncomfortable being a part of that but on the other hand, she wasn't honest, if not to others, to herself and I have to have a problem with that.*

*Respondent 10*

In discussing the broader value frameworks by which they made sense of the three conduct cases respondents in this sample fell into distinct groups. The majority (nine) were guided by consideration of consequences of the cases – for the profession, for themselves and/or for the subjects of case hearings. Six respondents appeared to be guided by valued principles for example, honesty and truthfulness. Two were guided by concepts of good moral character and a set of standards perceived to be a part of such character which thus defined appropriate behaviour. Whilst in many cases professional values fit within personal value frameworks and were complementary, in some cases they were not and caused respondents to feel degrees of confusion or uncertainty about ‘what to think’. Data

suggest that when value conflicts arose, respondents were guided predominantly by their broader personal value base in trying to make sense of conduct case findings. Personal values were described as being a fundamental part of personal being and identity and were a precursor to and more important than learned professional values or written Codes of Practice:

*It doesn't matter what they [codes] tell us to think, I knew what was right and wrong way before my training and that was just plain wrong. I was quite shocked that she was only suspended - she should have been removed from the register completely.*

*Respondent 11*

## **5.6 Strategies for managing uncertainty in the context of reframing conduct**

Having discussed triggers, phenomena and contextual and intervening and contextual variables which lead to reframing conduct this section details management strategies used by respondents. Respondents described the various ways the conduct case outcomes had destabilised held beliefs and all described processes for managing feelings of uncertainty. For some this involved conscious action strategies. Others did not report conscious strategies but all transcripts evidenced that risk avoidance strategies had been a consequence of reframing conduct.

### **5.6.1 Risk avoidance: “Stepping back” and “playing by the book”**

In the context of perceiving registration as a threat and in the process of reframing conduct, respondents discussed two approaches to managing perceived risks.



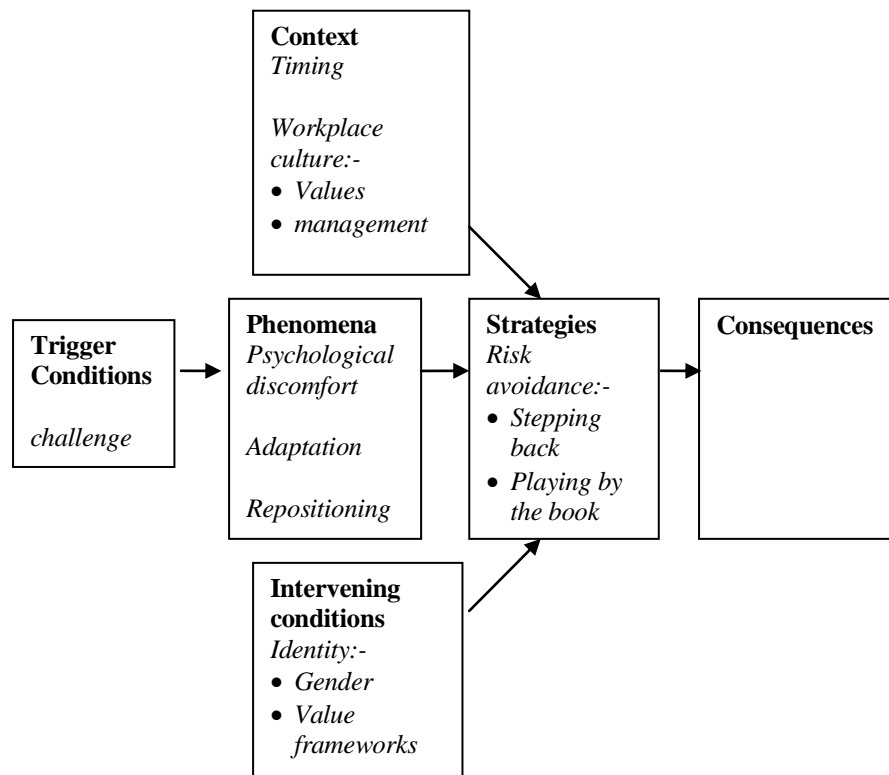


Figure 11. Theoretical model diagram: Strategies

All respondents were asked if the case outcomes would have any implications for them personally (core categories C1.A, C2.A & C2.B).

Only two directly responded that they would:

*Yes, I think I will be a lot more cautious about what I say to colleagues about my private life now.*

*Respondent 9*

*When it [registration] was coming up I told clients about it. I won't do that directly now. I won't exactly hide it of course, but I suppose not shouting about being registered gives me some protection, or I feel that it does.*

*Respondent 5*

However, in subsequent discussion, all respondents spoke of some degree of risk avoidance – in either or both private and public lives. Risk

avoidance in private domains included taking care not to be seen to be involved in behaviours which, it was perceived, might call into question suitability to remain on the register. The example most often given was alcohol use in a public place. Another example related to publicly being in the company of close friends who were recreational drug users. Two respondents referred to friends' drug use and expressed considerable concern about the impact of risk avoidance strategies on close friendships. Two respondents spoke of involvement in political/campaigning activity - specifically hunt saboteur activity - whilst another spoke of supporting a hunt. Each of these individuals expressed concern that activity could make them vulnerable to conduct scrutiny. Three respondents raised concern that parenting behaviours could be scrutinised (see earlier 'smacking' example and the domain of parenting discussion).

All respondents who referred to these domains of behaviour expressed feelings of vulnerability in relation to their own behaviours in these domains but did not express that they intended to change the actual behaviours but in how they would manage potential scrutiny. Risk avoidance was discussed in terms of being cautious about openly identifying themselves as social workers in private social domains, or ceasing to disclose personal information about private domain behaviours in work arenas.

In professional arenas, respondents reported a number of risk avoidance strategies. For practitioners working with clients, these included cautious practice, increased use of supervision and avoidance of conduct issues within the workplace (core category C2.B). Respondents working as educators reported a more cautious approach to student recruitment to social work courses.

Eleven respondents reported that they were less prepared to take risks in their work:

*This [social work practice] isn't an exact science you know, it's a call. If I got it wrong in the past it would be him [client] that paid, now it is potentially both of us and that puts a different slant on things and I was cautious. I could pretend that this shows what a good thing registration is but honestly, it doesn't, it shows that I am less confident about what I do so I am being more careful.*

*Respondent 16*

*We never have enough resources, it's the same for everyone but the difference now is that I won't cover for that. I won't try to manage it. I can be blamed now and it is me that would be struck off the register, not [local authority employer].*

*Respondent 11*

*I write everything down now. My case records are an example of perfection! I am clear where the cause is as well; if it is a resource issue I say it, if it is lack of advice I say it in my notes. I have never had anyone say my notes are not good enough but I am taking a bit more thought now because I might have to use them to justify my own decisions to the GSCC and show I am not to blame.*

*Respondent 18*

Interestingly, respondents quoted above all reported changes to working practices in the negative – that is as cautious practice and none identified these examples as improved or better practice though it might be argued

that each evidences these. One respondent in an education setting, with direct managerial responsibility for policy, directly reported an increased risk averse approach to recruitment to social work courses. This respondent said that who she would be prepared to accept onto a social work course had changed since registration, because she now had to consider not just whether local placement providers would take students, but also whether the student would be able to become registered. This respondent anticipated different and more stringent thresholds to her own. The respondent also reported that her recruitment decisions had been further narrowed since the outcomes from conduct cases in relation specifically to issues raised by the Smith case. The higher education institution (HEI) in which she worked had changed policy and lowered the bar of student convictions and cautions she had the leeway to make decisions about at recruitment stage directly because of the Smith case. Two others in education settings reported that their risk assessments in student recruitment had not changed, but they perceived increased vulnerability for their HEI in that their decisions about risk may not be accepted by the GSCC registration committee. It was felt that this could lead to conflict between HEI and the GSCC. These respondents reported a degree of defensive ‘readiness to engage’ on behalf of their HEI with the GSCC in such an anticipated conflict situation:

*With respect, I would have to say we [respondent's emphasis] are the experts at assessing suitability – we have been doing it for a long time and I will take the GSCC on if I need to.*

*Respondent 15*

Three respondents used the phrase *'playing by the book'* when describing changed approaches to work, and two used the expression *'stepping back'*. Asked to explain what they meant, two directly referred to the Code of Practice but could not identify any particular section or specific directive of the Codes in their response. Respondents appeared to be discussing a notional 'book' and a notional place of safety – a set of self-defined guidelines for safe practice which involved cautious practice and the avoidance of risk.

Four respondents reported that they had instigated increased supervision for themselves since the conduct case outcomes. Two reported that they felt an increased need for guidance to enable them to make safe decisions. Two others reported that they did not actually feel the need for increased guidance but that supervision records afforded them some protection should their own conduct be questioned – that records could evidence that they had practised according to expectations of their employers. One manager reported increased scrutiny of workplace guidance relating to grievance and disciplinary action, but he also reported concern that it was difficult to understand and that he held concerns that he would *'get it wrong when the time comes'*.

As previously discussed, respondents identified a number of situations in which they had not, or would not, intervene in conduct issues in the

workplace (for example in relation to problem alcohol use by colleagues, or when in conflict with union values or directives). Three respondents reported that they would be less likely to raise concerns about the conduct of a colleague in the workplace since the case outcomes. One respondent (a manager) reported that his perception of the Smith case as unfair and unjust had made him less confident that any person would be treated fairly and in this context, he would not formally raise concerns if he thought they would be referred to the GSCC.

Another voiced a concern that raising questions about the conduct of another colleague was likely to lead to her own conduct, both within public and private domains, becoming a focus for scrutiny and she reported that as she did not feel that she was *'squeaky clean'* she was not prepared to risk being scrutinised:

*I've seen barristers going for the throat and trying to discredit people who give evidence and if that was me, well, I have had an 'interesting' [emphasis respondent's] life and I don't think I would be that hard to discredit and I am not going to put my neck on the line frankly. So, I would let it [conduct issue] pass me by.*  
Respondent 4

The third articulated a belief that registration had caused a more rigid framework for scrutiny of conduct which eroded the possibility of informal or less formal means to address conduct issues. This respondent considered that previously she would have raised a concern if she thought a manager might *'have a quiet word'* but that conduct case publicity suggested to her that this avenue had been replaced by something akin to a

‘court’ in which she might have to give evidence. She was not prepared to engage with this level of formality so had decided that:

*Except in the most serious cases such as abuse which obviously I would report I probably wouldn't report conduct stuff for things like incompetence or shoddy work.*

*Respondent 15*

### 5.7 Consequences of reframing conduct in the context of registration conduct case outcomes

This section pulls together all the building block of the proposed theory and explains the consequences of the multi-faceted process of reframing conduct. How respondents reframed conduct had both beneficial and cost consequences for the individual and their social work practice.

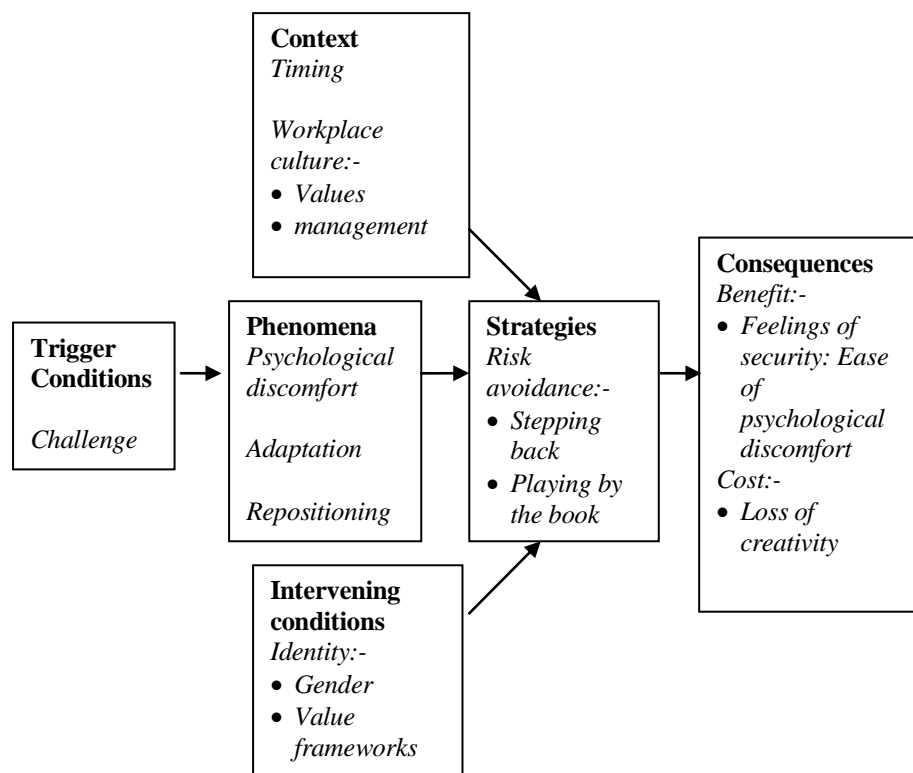


Figure 12. Theoretical model diagram: Consequences

### 5.7.1 Benefit: Easing of psychological discomfort

The process of reframing conduct took place in the context of destabilised knowledge which caused feelings of cognitive dissonance or psychological discomfort, to varying degrees for all respondents. Revised perceptions of the *purpose* of registration, and the potential *impact* upon themselves as registrants, had prompted all to reconsider held perceptions about the value of registration and their engagement with it (core categories C1.B & C2.B). This was more than simply reflection on and absorption of new information, as is evidenced by terms used indicating degrees of discomfort – *‘freaked out’*, *‘blew me away’*, *‘cat among the pigeons’*, *‘I felt quite cross’*. Only one respondent reported that her perceptions of the purpose and value of registration had not changed in either a positive or negative direction since the conduct case outcomes. All other respondents reported revised perceptions about registration as a consequence of the case outcomes. Analysis of data suggest that revised perceptions were a driver to, and a process by which, respondents could ease psychological discomfort:

*I think the thing is, all your ideas are thrown in the air by something like this and you either get all freaked out by it or you think it through and deal with it...*

*Respondent 5*



*I really did need to think about these cases. I felt all kinds of conflicts.... but you sort out in your head what it means and you can move on and make the right decisions.*

*Respondent 14*

*I felt very disappointed and let down. At first I was outraged but you can't carry on like that can you (laugh). So after I calmed down a bit I just decided what I needed to do to make it OK for me.*

*Respondent 2*

A component part of easing psychological discomfort involved taking active steps to promote feelings of personal safety and security in relation to conduct scrutiny. This involved risk-avoidance in professional work and moderations to presentations of the private self in professional environments.

A further element of easing psychological discomfort appeared to involve, for all but one respondent, a reformulating of opinion about the GSCC on a downward trajectory from mildly positive/positive to less positive:

*I would have described myself as generally hopeful about what the GSCC intended to do for our profession but more recently, I see it as more of a foe than a friend.*

*Respondent 1*

*I think they got off to a strong running start but I wonder if the focus on conduct issues rather than getting social work higher on the agenda has made me feel a bit jaded already.*

*Respondent 19*

*I really wasn't especially interested in it before it even started but the conduct cases have confirmed what I anticipated: The GSCC are not about making social work better.*

*Respondent 2*

Consequences of the downward trajectory of positive opinion about the GSCC were reported to be a lessening of trust in the intentions of the

organisation, choices to lessen engagement with the GSCC and cynicism about positive publicity distributed by it.

Despite such feelings, three respondents all reported that they were hopeful that the GSCC would 're-earn' trust:

*I hope the GSCC can go back towards what it said it was going to do and really give us a strong base to take the profession forward.*  
Respondent 19

*If perhaps we could see more positive impact and less 'having a go' I would be pleased. I would like to feel like an active 'supporter' of the GSCC in the future.*  
Respondent 1

### **5.7.2 Cost: Loss of creativity in practice**

Nine respondents discussed a loss of creativity associated with safe practice (core category C1.A). Many discussed their positive perceptions of the profession as being adaptable and creative in the context of limited resources and a desire to provide a good service. They spoke of feelings of loss, regret and disappointment in relation to a perceived loss of freedom to be creative in the context of risk avoidance:

*I don't think registration has given us the incentive to be creative. It seems to be guiding us to becoming technicians rather than thinkers and I feel disappointed that this is where we seem to be going.*

*Respondent 19*

A social worker who was also a team manager spoke of his observations within his team:

*In the past I think it probably fair to say, we encouraged creativity. I don't think anyone ever actually said 'be creative', it was more an understanding. We talked things through in case meetings and in the team and ideas grew from that a lot of the time. I feel more of a responsibility now and I do ask people to explain themselves more. I feel that there has been a shift somehow. Some loss of ... something... .It's hard to explain. It's as if ...if people can't fully explain why they do what they do, then they do things in a way that can be explained. It doesn't feel quite the right way round.*

*Respondent 6*

Two professional educators spoke of a loss of different perspectives

brought by students with experience of challenging life circumstances.

One of them said:

*We have taken risks and sometimes you get it wrong but students with slightly dodgy pasts can actually bring such a lot to the whole student experience. They make social work real to students and make it challenging, for all of us sometimes... but some energy is going to be lost because we just can't take the kinds of risks we used to with who we take on. It will be easier for us in some ways but it will make classroom interactions more bland I think. It's funny, but we never used to really see it as a risk ... it was a part of giving people a chance...*

*Respondent 15*

One respondent spoke of the perceived loss of safety to be creative as both a cost and a benefit:

*I am generally positive about registration but it does put added boundaries on us that were probably there before – but I didn't feel them. Perhaps it is just a short term thing and we are all focussed on registration because it is new and things will settle back into how they were before when I just got on with it. For now though I don't see thinking outside the box as an option. It's a shame.*

*Respondent 3*

This individual felt under workplace pressure to be creative as a method of managing resource problems. She reported a small but growing sense of

relief that her registration had given her the freedom to refuse to be creative if she felt that her adherence to the Codes of Practice might be compromised by doing so. Conversely, she also regretted a perceived loss of freedom to use her *'ingenuity and talents'* and interpreted the Codes as restrictive.

### **5.8 Theoretical model: Reframing conduct in the context of registration conduct case outcomes**

The completed model presented in Figure 12 presents, in diagrammatic form, a framework for a theory, introduced in Chapter 5.1 supported with examples of data throughout the Chapter. The theory - grounded in data from this research study - proposes that all respondents in this sample, in the context of recently heard and publicised conduct cases, reframed the concept of conduct and re-positioned themselves in relation to allegiance to registration and to their own engagement with conduct matters in the workplace.

The model presented in Figure 12 is a simplistic tool which attempts to map what is, in fact, is a series of multi-dimensional decision prompting variables, many sub-consciously held and hidden to external view.

Chapter 6.1 considers regulatory literature in an attempt to make sense of the dynamic of the process of 'reframing conduct' following implementation of registration. In locating the arenas and impacts of decision making variables, opportunities are presented for designing

interventions to address some of the issues highlighted in this research.

This will be discussed further in Chapter 6.5.

## *Chapter 6*

### **THE PROBLEMS OF REGULATING – CONTROL, COUNTER CONTROL AND THE LAW OF UNINTENDED CONSEQUENCES: WHAT HAS BEEN LEARNED?**

This Chapter locates research findings presented in Chapters 4 and 5 in relation to theories from regulatory literature. It goes on to detail relevant contemporary policy developments and consider the relevance of this research in relation to changes in the regulatory landscape of social work. The methodology, methods and design, and the questions underpinning the research are critiqued and the strengths and limitations of the work are discussed. Suggestions for strengthening registration as a regulatory tool are offered. The Chapter concludes with personal reflections on my own journey of learning.

#### **6.1 The problem of regulating – control, counter control and the law of unintended consequences**

In a scathing article in *Caring Times* it was suggested that as a mechanism to improve quality and raise standards the register is a ‘farcical aspiration’ likened to trying to collect raindrops in a colander (Smith, 2005). Does this statement have any merit and if so why?

Because registration is a tool of regulation, regulatory literature was reviewed to see if it might provide ways to consider how findings from this research might be understood.

Whilst empirical research literature on registration was scant, reviews of literature from the arena of regulatory theory evidenced a wealth of literature about strategies used in regulation (Douglas, 1986; Horwitz, 1989; Douglas, 1994; Ashworth *et al.*, 2002; Alexander, 2003; Mythen, 2004; Hood *et al.*, 2004; Haines & Gurney, *ibid*). However, little of the material found on regulatory theory/strategy related to social care or social work, and most found were in relation to the Blair/Brown Government's modernisation agenda and (primarily) the regulation of health professions in which social care was contextually mentioned (Gladstone *et al.*, 2000; Dewer & Dixon, 2002; Dewer & Finlayson, 2002; Walshe, 2002, 2003). Only one report specifically addressed regulation of social care (Walshe & Boyd, 2007), but discussion was limited to evaluating the regulation of environments such as residential care. The GSCC and registration of individuals was not mentioned.

Whilst much of the regulatory literature did not specifically address social work and social care, it did have unifying themes. Regulatory literatures acknowledge that assessing impact of regulation is difficult and most regulators had 'limited evidence at best for the effectiveness of regulatory regimes or for their impact on performance' (Walshe & Boyd; p 122). Additionally, regulatory literature had as a starting point that whilst regulation is a process through which the state via prescriptions and incentives seeks to modify behaviours acting in the public interest to serve wider societal goals, all forms of regulation are subject to failure.

(Selznick, 1985; Baldwin & Cave, 1999; BRTF, 2002; Walshe, 2002; BRTF 2003a; Walshe & Boyd, 2007). Discussion in regulatory literature centred upon finding effective and efficient methods to reduce failure and increase compliance.

The law of unintended consequences is a bedrock concept within economic and regulatory theory. The concept, first mooted by Adam Smith and later built upon by John Locke suggests that actions of people and governments will always have effects that are unanticipated or unintended (Norton, 2002). Both Smith and Locke noted that drivers towards compliance with regulatory rules were as likely to be about self-interest as any notion of ‘greater good’ and that any amount of rules could be put in place but should they not meet the needs of those who used them, individuals and groups would find methods and mechanisms to circumvent the rule. Locke noted that the costs of circumvention could be significant in that the corrupted responses became hidden, unmanaged and unaccounted for in subsequent analysis of effectiveness (Norton, 2002). Merton (1936) differentiated between ‘conduct’ which involves purposive choice between alternatives as opposed to ‘behaviour’. Choices will be influenced by a range of factors such as lack of knowledge or understanding of rules; short term interest over longer term interest; and values held. Merton therefore proposed that ‘blanket rules’ cannot be put in place which can account for all choices that might be made (*ibid.*: p 895-896). Baldwin and Cave (1999) caution that just



as markets may behave ‘imperfectly’, so may regulatory mechanisms. Regulatory requirements are fundamentally rules which must be followed, but rule-following depends upon whether an individual feels that the rule applies to them and whether they feel that the rule is legitimate and justified (Lui, 2003). Rule following behaviours will depend on how the rule is understood and that understanding is closely tied to contextual factors influencing both the origin of the rule itself and how it might be understood by those it impacts upon (Kripke, 1982). Rule-following is on a continuum in which some people, for a range of reasons, will abide by rules absolutely whilst others will not abide by them at all (Burgess, 1999; Better Regulation Executive, 2009).

The Better Regulation Task Force (2003b) note that regulatory intervention can make situations worse - so-called perverse results. Haines (1999) notes also that rules may be accurately followed but if the rule is not the *right* rule to achieve the required outcomes, perverse outcomes and failure of regulation will occur. Some respondents to the research presented here reported that since registration was implemented they were less likely to report concerns about the conduct of others. This might reasonably be described as a perverse outcome.

Regulatory theory incorporates the notion of regulatory resistance particularly noted in strong professional groups and suggests that individuals may seek to undermine the process in order to maintain their

autonomy (Ashworth *et al.*, 2002). Regulatory resistance can develop into cultures of resistance which undermine and oppose the regulator directly and indirectly in ways that can be perceived to be acceptable and even desirable (Walshe & Boyd, 2007; p 31). Those subject to regulation may ‘creatively comply’ (Baldwin & Cave, 1999) that is, circumvent the scope of a rule whilst breaching the spirit of it. Irvine (2003) gives an example of this in relation to doctors. He reports that in the 1990s a number of regulatory mechanisms were in place to manage the performance of doctors (a complaints management process). Although the mechanisms were agreed by the doctors’ registration body, the GMC, doctors refused to engage with them and they failed (Irvine, 2003; p 199). In social work practice, rules developed for the ‘measure of control’ of children (in relation to restraint methods ‘allowed’) at the Birches Children’s Home in Staffordshire, funded and quality assured through the Local Authority, became the justification of social workers and their managers for the physical abuses of children highlighted in the ‘Pindown’ Inquiry (Butler & Drakeford, 2003).

Downs (1967) posits a ‘law of counter control’ which states that:

The greater effort made....to control the behavior of subordinates, the greater efforts made by those subordinates to evade or counteract such control. (Cited in Ashworth, 2002; p 262)

Examples of regulatory resistance can be identified throughout the research findings presented here beginning with degrees of passive resistance – initial lack of engagement with registration, through to

active choices and decision making about the relevance, legitimacy and justification of the rules of registration and the application of those rules in relation to both self and others (particularly in relation to real conduct case hearings). An early intervention to manage resistance was the implementation of the statutory requirement to register. This study presents evidence of the beginning of a cycle of regulatory intervention, corrupted response and some gaps into which creative compliers ‘side-stepped’ (Baldwin & Cave, 1999). Examples of this are respondent 12 who would not share private opinions on corporal punishment with work colleagues because they were perceived to be at odds with expected professional opinions, and respondent 9 who would be cautious about what aspects of private life she would discuss at work, as she felt this gave her some protection against becoming subject to conduct scrutiny herself. Johnstone (2003) cautions that such compliance gaps are likely to widen over time because the environment of regulation is not static and because regulatory strategies and tools are developed reactively. It is suggested that compliance gaps and ‘side-stepping’ by the regulated are likely to have a significant impact upon the achievement of intended regulatory outcomes.

In addition to ‘side-stepping’ behaviors by the regulated, regulatory theory highlights the concept of ritualistic compliance. It is suggested that the more rigid the rules and regulations are or are perceived to be, the more compliance to the rules becomes an end in itself. Concern

becomes primarily about demonstrating compliance whilst the goals or aims of regulation take second place (Walshe, 2007). Taylor (1993) has postulated that this becomes more about looking good than doing good. Such behavior is evident in responses by respondents 16, 18 and 11 who reported more ‘careful’ or ‘rule following’ practice, to protect themselves rather than clients.

Haines and Gurney (2004) describe the concept of juridification which, it is suggested, is a process by which individuals feel overwhelmed by the real or perceived requirements of rules, standards and/or instructions which become practically or psychologically unwieldy to read/learn and adhere to. Adherence in one area may mean the neglect of another. Several respondents spoke of difficulties in interpreting the broad statements to be found in the Codes of Practice and translating those into conduct expectations in practice and in private life. In the context of these difficulties, they relied upon their own value frameworks to guide understanding (findings also supported by Doel *et al.*, 2009).

Conversely another problem associated with juridification is that, in the context of competing guidance and rules, anxiety caused some individuals to come to rely on the detailed rules to guide practice and rely instead, *less* upon informal knowledge, own value frameworks or experience. In this scenario, the easiest guidance or rules to be followed will be followed whilst others will be neglected. Thus it is suggested that regulation can undermine the likelihood that individuals will comply

with rules and that the quality of desired outcome can therefore be compromised. Moreover, it is argued that the ‘compliance cost’ involved in attending to bureaucracy is a disincentive to entrepreneurial behaviors and innovation (Better Regulation Task Force 2003a, 2004).

Respondent 6, in comments also echoed by respondents 16 and 9, referred to concern that practice was being done ‘*by the book*’ because in the context of challenge it was easier to describe than ‘*creativity*’ which had no formal rules and could potentially lead to vulnerability.

Ashworth *et al.* (2002) suggest that ‘going through the motions’ behaviors of the regulated void the intentions of the regulator and that the process becomes instead about goals for each being about other issues than the original intent. For the regulated goals related to ‘being seen to be staying on the right side’ of the regulatory requirements, whereas for the regulator, goals become about visible effectiveness in applying rules or in generating data, without necessarily asking questions about the quality of impact upon the regulated environment.

Research data and the theoretical model built support a proposition that the implementation of a registration scheme for social workers has resulted in a range of unintended consequences impacting upon the goals of the scheme. Suggestions for managing unintended consequences are made in Chapter 6.4.

## **6.2 The transfer of GSCC functions to the Health Professions Council, the development of a college of social work and the implications for registration: The relevance of this research**

The regulatory landscape in which registration sits is subject to significant change and it is reasonable to consider the relevance of this research in the context of policy changes. As discussed in Chapter 2.6 the GSCC is to be abolished and the registration function of the GSCC is to transfer to the Health Professions Council in 2012. The HPC will become responsible for setting the standards English social work professionals are expected to meet and against which fitness to practise will be assessed (the other UK Care Councils are not being abolished and will not come under the remit of the HPC). HPC processes for managing fitness to practise/conduct issues are very similar to those documented in Chapter 2 but the remit of scrutiny is broadened from the GSCC focus upon conduct/misconduct to a remit which encompasses decision making about ‘*character, skills and knowledge to practise [their profession] safely and effectively*’ (HPC, 2010; p 8) with behavior, skills and knowledge required at, at least a minimum standard of proficiency. The HPC have a broader range of sanctions than the GSCC which in addition to removal, suspension and admonishment add a ‘caution order’ and the possibility of conditions on registration such as a requirement to undertake additional training (HPC, 2010; p 38).

An additional development, of relevance to the research presented in this thesis, is progression of a recommendation of the Social Work Task

Force, the development of a college of social work. The development was also supported in the Munro review of child protection social work which published its interim report, *The Child's Journey*, in February 2011. The Munro report (pp 74-75) supports the aims of the newly established college of social work: which is to become a centre of excellence informed by people who use services, and provide a 'strong' voice and leadership for the social work profession (The College of Social Work, 2011, p 3). The College intends to provide best practice guidance, information, knowledge, and evidence of 'what works' and to support social workers to enable practice to the highest standards (The College of Social Work, 2011, p 7).

The development of the College, initially somewhat rocky as two distinct groups sought to lead strategic development (*Community Care*, 2011), is to become a single body 'The College of Social Work' in January 2012 (The College of Social Work, 2011b). The college could have a significant role to play in addressing some of the issues raised by respondents to this research such as developing the status of the profession, the issuing of guidance and providing strong leadership.

### **6.3 Quality, validity, and reliability of this work**

Considerations of the validity, reliability and generalisability of research are key if the value of the work is to be judged. Pawson suggests that research must be open to scrutiny, well grounded, be fit for purpose and

be ethical and accessible (Pawson *et al.*, 2003, p3). In the following sections (6.3.1 – 6.3.4) I offer a critique of the thesis against these standards to support the transparency and fitness of purpose I tried to achieve in the body of the text.

### **6.3.1 The limitations and strengths of this work**

This work could not draw upon a broad range of literature to inform its development. One impact of this was vague and ‘novice-naïve’ questions at the beginning of the work. I have tried to address this limitation by closely documenting the rationale for the approach to this study and the questions asked; to the lens through which I interpreted work, and to the data analysis process. By including a broad selection of data, I have tried to illustrate the work in the hope that preconceptions and/or distortions might be illuminated to external scrutiny and through which the trustworthiness of analysis can be judged. I hope that I have adequately and responsibly used respondents’ words to illuminate the accuracy of concepts and constructs created through the data analysis process.

Resources available prevented methodological triangulation of data but literature found in the second updating literature review (2.8.1) supports and gives strengthened validity to findings presented in this thesis. McGivern’s work (2009a, 2009b), sponsored by the Economic and Social Research Council and carried out by a number of research



professionals during the same time span as my own fieldwork, was exciting to discover in that findings relating to professions other than social work so closely reflected my own and in that we both arrived at similar conclusions about the impact of registration on professions (see Chapters 4 and 5).

The research conducted by Roberts (2006) on behalf of the GSCC was focused primarily on registrants' satisfaction with the process of becoming registered with the GSCC and so most of the findings were not directly relevant to my research. However, some findings did support findings from my research, specifically, the broad ranges of understanding of the primary purpose of registration which included 'giving status' alongside 'raising standards' (*ibid.*: pp 13-14).

Wiles' (2009) and McLaughlin's (2010) studies examined Tribunal outcomes. Utilising different methodological approaches to my own they identified variations in how the boundary between social workers' public/private behaviors were perceived and how this impacted upon Tribunal decisions. These findings reflect similar concerns about lack of clarity of the boundary between private/public behaviours and the role of the regulator in relation to them, expressed by respondents to my research. These works add weight to concerns raised by respondents to my study about lack of clarity about boundaries between private/public behaviours in relation to registration.

The research aims and objectives underpinning work by Doel *et al.* (2009) were different to those underpinning my research and different professional groups were included in the research but it was interesting to find many commonalities between concerns and comments raised by Doel's respondents and findings from my research. Doel suggests that more research is needed about why individuals breach professional boundaries (*ibid.*: p 98) and research presented in this thesis (Chapter 4) may have a useful contribution to make to those debates and more broadly than those relating to social work. Recommendations in the Doel study, specifically those relating to guidance, give weight to suggestions made in this thesis for improving social workers' engagement with the register and its aims (Chapter 6.5).

Orme and Rennie (2009) caution against assumptions about the relationship between ethical codes and their impact upon behaviours and their conclusions support and are supported by both Doel's research and by findings in this thesis.

Efforts were made to seek the views of a range of registrants considering variables of race, gender, age, type of qualification, date of qualification and practice setting in the hope of increasing the credibility and validity of outcomes (see Appendix 4). At the time of interview, I did not ask respondents to self-identify ethnicity/gender, so labels I ascribed at the point of data analysis and from memory may be incorrect and in any

case, do not compare with (ethnicity) categories listed in GSCC data. It is difficult to assess the impact of this upon the analysis but data have been included in this work (Appendix 4) to allow research reviewers to consider the impact of sample make up upon the validity of the research and the generalisability, if any exists, of research findings presented in this work to other samples of registered social workers.

Although the sample population was small, nevertheless data were ‘saturated’ in grounded theory terms in that no new themes emerged from them and so the size of the sample is not especially of concern. The sample was initially a theoretical sample of social workers I thought might reasonably have opinions about social work registration. Later, a small purposeful sample was added to fill in gaps I perceived in the sample in order to ‘test’ whether there might be gaps in findings.

Whilst no claim to generalisability are made for this work, I did make efforts to consider whether the sample was in any meaningful way representative of the total population of registered social workers, so that I was able to consider what this might mean for findings. Some attempts have been made to compare the demographic of the sample to the demographic on the social work register but my access to the latter was limited. Several potentially important variables - such as registrant’s professional qualification (and framework for initial training), post

qualifying and higher educational achievement, and managerial roles held - cannot be compared as the GSCC were unable to provide comparative data.

A key limitation of this work might be argued to be that findings are related to a very specific moment in time – that is, very close to the first, much publicised conduct cases in social work, and that the particular moment in time (2006) was some considerable time before research findings have been published (2011). Has the timing of the research and the presentation of it made this research void now?

The development of a completely new professional register is an unusual event. Existing professions and new professions may apply to join existing registers such as that managed by the HPC which in 2002 took over management of the registration schemes under the remit of the Council for Professions Supplementary to Medicine (CPSM) itself established in 1960. Prior to the development of CPSM, the next-nearest development of an entirely new register in the arena of health and social care was the development of the nursing register which opened in 1923. It is proposed that the timing of the research may have presented a rare opportunity to collect uniquely concentrated and intense views. Over time these views may have become less intense and more diluted as registrants have become used to both registration and conduct hearings which have ceased to have the shock power they initially did. Concentrated views perhaps presented an opportunity for the gathering

of acutely sensitized, nuanced data that may not be so readily accessed in periods of less intense focus and interest on conduct case outcomes.

Regulatory literature suggests that some findings presented here were predictable: regulatory interventions can and do lead to unintended consequences. This body of literature (discussed in 6.1 above) adds weight to the proposition that the findings have validity.

I have evidenced reflexivity in this account. I have made transparent in this text occasions when I became aware that preconceptions had influenced analysis – for example, during coding when I coded a response as a ‘social work’ response when, upon reflection I decided that the lens of my personal ‘insider’ experience had added a slant unsupported by data

Registration was set up based on the assumption that the series of admonishments available through the GSCC registration and conduct processes of themselves would improve quality. That assumption continues to drive the 2010 decision to transfer the GSCC registration function – the other three countries of the UK will continue to manage their own registers and will not transfer to the Health Professions Council. Whilst this assumption may be transparently true as a consequence of the removal of small numbers of people who are proven to have done harm to others, it is much less obvious how the quality of social work in anything other than perhaps arguably, reputation of the

profession is improved through other admonishments. Research findings presented in this thesis indicate that the cost of conduct process admonishments may be broader and have more of a negative influence than the positive outcome achieved by the admonishment of an individual. The assumption and hypothesis that registration has a positive impact upon outcomes in social work practice, by which it is also implied, means outcomes for people who use services, is still to be tested. However, this research may have a small contribution to make to that broader work. The evidence that some people would not now report conduct they may have reported in the past suggests a corrupted response which is of concern and an important area for more exploration. Making such impacts visible and transparent may assist in improving registration as a *positively* behaviour modifying tool. This work has suggested loci of decision making and the variables that impact upon decision making. It is proposed that both the regulatory body and the new college of social work have important roles to play in developing strategies to address areas of potential weakness and corrupted response indicated by this research.

### **6.3.2 The research questions underpinning this work**

My initial interest in beginning a professional doctorate was prompted by wanting to understand the impact of registration upon the quality of practice. Through doing this research I have come to understand what

an unrealistic endeavor that would have been even for an experienced and well-resourced researcher. 'Practice' is too broad a target area to research unless one had specific areas of practice in mind and I did not at the beginning of this work. Moreover, the notions of 'impact' and 'quality' are problematic – what do they mean? I did not define these terms and did not ask respondents to. Can we be clear that there was any shared meaning at all between respondents? This research has shown that a small number of people responded to an element of registration, specifically conduct case outcomes in particular ways, some of which were reported to have had a direct impact upon practice in the workplace, specifically in relation to conduct issues and management. Despite the failure to properly define terms at the beginning of this work, I believe the findings are useful and make a contribution to knowledge about registrants' engagement with registration and in that respect the central research questions underpinning this research were adequate.

What this research has not been able to address is whether registration improves the quality of social work and outcomes for people who use services. This was not the question explicitly considered in this work but what with hindsight I was trying to naively grapple my way towards. Exploration of the relationship between social work registration and outcomes for people who use social work services continues to be an important area for future research if an evidence base for registration is to be identified. However, through conducting this research I have come

to understand how challenging it is to define research questions which could address this task.

### **6.3.3 The research methodology and design**

This research study utilised a grounded theory approach, a bedrock concept of which is the use and development of inductive knowledge free of preconceptions of what the researcher might believe there is to be found and un-led by existing theory. Critics suggest that what is produced is not theory but description, that the notion of findings being ‘grounded’ is problematic (Thomas & James, 2006; p 767) and that the notion of theory-neutral observation is unfeasible (Bulmer, 1979 in Bryman, 2001; p 395). Other critics have noted that different theorists present grounded theory differently and that this can mean terms are vague (Bryman, 2001), and that the tools of grounded theory can be unclear (Allen, 2010; Scott, 2004). This work was informed predominantly by the Strauss and Corbin approach because, of the key texts and manifestations of grounded theory, I found this to be the clearest. Charmaz’s (2006) view that concepts do not simply emerge from data but are informed by the researcher’s interaction with data was influential and caused me to reflect on this regularly through the analysis and write up of this thesis.

I am not sure how one is supposed to achieve theoretical neutrality when analyzing data and so agree with this criticism of the approach. I am



both a novice researcher and an ‘insider’ in the sense that I am professionally closely involved with the development of regulation. This issue caused me the most stress – I spent an inordinate amount of time memo writing and reflecting on concepts and categories in efforts to feel confident that I was not imposing meaning and that inductiveness was not compromised. I have given examples throughout this thesis of such efforts but am still concerned about how skilled I have been in managing this tension. Have I made my work obvious and transparent enough? If another researcher had my interview transcripts and used the same analytical methods I used, I believe that broadly the same theory would be the outcome but I also believe that the same questions delivered and responses interrogated by another person may have produced different transcripts and in that sense I cannot say this study is replicable.

One of the frustrations of doing this work as a novice researcher is that very few grounded theory research studies showed the tools (diagrams, schematics, grids) used to analyse data. Two did: Scott (2005) and Morrow and Smith (1995) and I have borrowed tools from both. I am confident that the use of tools developed by other grounded theorists did not shape my own study but in making their contribution to my work transparent it opens this research to critique.

I spent incredibly long hours on intense, almost obsessive microscopic line by line analysis and seemingly huge amounts of original data were

produced. It was very exciting! With some amusement, I recall that at the time I believed that my work would surely lead to discovery of findings of huge significance. I am therefore a little disappointed by what I now see as a very small contribution to knowledge. This too has been a humbling and valuable learning experience. I am not research experienced enough to know if other approaches would have been more efficient but I would seek to weigh up the potential ratio of labour-intensiveness to reward/result in future research design and include discussion here to allow for others to consider whether the outcomes justify the approach. These experiences have been useful learning which have enabled me to be clearer about research design.

#### **6.3.4 Reflections on research methods**

##### **Interview and vignettes**

I chose to conduct interviews for this study based on a combination of consideration of epistemological and ontological underpinnings, experience of interviewing and inexperience of other methods. Perhaps more the latter than I allowed myself to believe at the time of starting the interviews. Data from interviews was rich and the process of transcription allowed me to become immersed in the stories within them (Strauss & Corbin, 1998; Charmaz, 2006). It has been argued that interviews are unreliable and potentially exploitative (Cohen *et al.*, 2003). I was mindful of these criticisms when I began the work and took

care to be transparent about my aims and role with respondents and in the presentation of the work (Rubin & Rubin, 2005). Nevertheless, despite early planning, the first interviews did not go well. The three pilot interviews quickly highlighted that my confidence in my experience of interviewing was misplaced. Data analysis highlighted that I had asked too many of the wrong questions. Subsequent interviews were based upon three basic questions with prompts and vignettes of real conduct case outcomes. I experienced few difficulties in subsequent interviews and they provided rich data as documented in this thesis. I now have more awareness of the need for focus when interviewing and would always choose to pilot interview schedules.

I wish I had not used real conduct cases for the vignettes. All three individuals mentioned in the vignettes had been through adjudicated conduct cases. The details were in the public domain and received significant press attention and I did not perceive any invasion of privacy for those individuals at the time. Several years later, the admonishments for two of them have expired and they no doubt wish to move on from this part of their history. In that context this work keeps those cases 'current' and I regret using them. I would not choose to use real cases for vignettes again. However, in this thesis the real names used in the study have been replaced by pseudonyms to avoid further publicity.

### **Computer aided analysis**

I used computer software when analysing data but it is not without its critics. Morrison and Moir (1998 cited in Hesse-Biber, 2007; p 328) and Creswell (1998) have cautioned that the use of software can dehumanise data – both the stories within data and the researcher's (required) involvement with them as part of the research process which can result in superficial analyses. Bryman (2001) and others (Weitsman, 2000; Richards, 2005) remind the reader that software for data analysis is just a tool and that good data analysis will always depend upon the creativity and interpretive expertise of the researcher. It cannot make decisions, build theory or provide answers.

Data presented in this thesis is rich in human stories and pays close attention to the process of data analysis through which the reader can hopefully consider the impact of using software to analyse data upon the quality of this work.

My own experience of detailed, intense and, at times, consuming reflection on initial codes led me to reject criticisms of computer aided analysis. NUDI\*ST was certainly a speedy tool to store and move data around, but I could see no way in which it could be used to bypass the considerable and consuming process of *thinking* about data.

#### **6.4 Suggestions for strengthening registration as a regulatory tool**

Whilst it is clear that any breach of trust is a breach too many, and satisfactory mechanisms need to be in place to deal effectively with such breaches, it is difficult to ascertain whether the presence of a register acts as a deterrent to bad practice or if it can be instrumental in ensuring good practice. The relationship between social worker registration and impact upon direct work with people who use services has not been explained but rather, assumed to be more positive than is supported by research evidence. Research presented in this thesis proposes that there is a lack of understanding amongst some registrants about the relationship. If the regulator seeks to regulate efficiently, registrants, who to remain on the register will soon pay significantly higher fees than they have paid to the GSCC so far, must be enabled to understand the achievements of registration if they are to be persuaded of its value. Regulators have a duty and responsibility to regulate efficiently and this research has indicated - albeit from a very small sample - that vulnerabilities leading to regulatory failures identified in other regulatory arenas can be found in the social work regulatory strategy of registration. It is incumbent upon the regulator to assess the extent and impact of regulatory failure in this context if it is to justify its own worth to fee paying registrants. Recommendations 1 and 2 are made to the Health Professions Council which will be developing and implementing the England social work registration system and processes up to its implementation under its

stewardship from 2012. As the process is in development stage that organisation, alongside the GSCC, is ideally placed to consider suggestions made here.

One of the refreshing aspects of this research was how very keen all contributors were to learn, develop and improve their own practice and how thirsty they were for guidance. In the context of complex boundary and values based issues, respondents were confused about how complexities were best managed. Workplace culture had an important role to play in enabling and facilitating positive engagement with registration which of itself enabled more transparent discussion and debate of the issues. Suggestions 3 and 4 are made to the new social work College which will no doubt be keen to take forward work which is both meaningful to its constituent members and makes a difference to the quality of practice

### **Suggestion 1: Research and explain the impact of conduct decisions**

Both the GSCC and the HPC, in common with other regulators of professions publish conduct/fitness to practise case outcomes. Nine respondents in this study were less positive about, and less engaged with registration as a consequence of the outcomes of three publicised cases. The root of this appeared to lay in a change in perception of registration from being positive for the profession to outcomes of cases being a 'punishment'. Registration is not described or referred to as a

punishment by the GSCC or the HPC which both suggest it as a mechanism for ensuring practitioners meet required standards. The perception of registrants in this study and the impact of perceptions upon engagement with registration suggest a potential 'compliance gap' which the regulator could and should fill. Currently both the GSCC and the HPC produce annual reports which present conduct/fitness to practise hearing outcome data. Neither organisation offers commentary to explain the differences outcomes make to the quality of the delivery of social work and it is acknowledged that evaluating the impact of regulatory strategies upon the outcomes of regulation is very difficult (Walshe & Boyd, 2009). It is suggested that the regulator should seek to identify changes brought about through registration. However, making such connections can only currently be those relating to the 'obvious' cases such as the removal from the register of people who have harmed others. Improvements in quality relating to admonishments of registrants, for example, need explanation, if they are to be viewed as something other than punishment. It is suggested that both the college and regulator work together to develop evaluative and commentary materials to help to erode notions of registration as a tool of punishment and facilitate positive perceptions of registration as a quality supporting mechanism. Regulation which is perceived as 'bad' (or punishing) has more influence than the often invisible positive outcomes of regulation. Helping people to understand regulation and its impacts is key in

attracting approval for regulators and regulatory strategies such as registration (Better Regulation Executive, 2009).

**Suggestion 2: Assess the impact of respondents' risk management strategies in relation to registration requirements.**

Parker (1990) suggests that enforcement agencies need to understand the complexities of compliance and non-compliance before they can design appropriate enforcement strategies. All respondents in this study spoke of some degree of risk avoidance in relation to engagement with registration requirements. Strategies used did not involve changing behaviour but efforts to hide or disguise behaviours so registrants did not feel professionally vulnerable. In professional domains, risk avoidance included cautious practice and 'ignoring' conduct issues in the workplace. Regulatory literature refers to such behaviours as 'failures' of regulation, 'compliance gaps' and 'creative compliance' (Baldwin *et al.*, 1998; Baldwin & Cave, 1999; Ashworth *et al.*, 2002). It is suggested that the social work regulator seeks to identify the extent and strategies of registrants' risk avoidance and assess the impact of such strategies upon the engagement with registration in order that corrupted response and regulatory failure can be minimized.

**Suggestion 3: Develop and issue guidance on the relationship between public and private behaviours and registration status.**

All respondents in this study reported, to varying degrees, feelings of uncertainty and confusion about which private domain behaviours might



make them vulnerable to conduct scrutiny. There was no evidence of uniformly shared understandings and concern expressed about a breadth of ‘hidden’ rules. GSCC guidance has been surprisingly limited in quantity so far: a single page on the GSCC website refers to lessons learned from conduct hearings and acknowledges the difficulties registrants may face in making decisions about appropriate conduct. A further GSCC commissioned research study (Doel *et al.*, 2009) considering appropriate boundaries between social workers and people who use services was issued on the GSCC website and, finally, guidance on plagiarism as a potential conduct issue distributed to social work students (2010b). HPC guidance (2008) suggests only that registrants ‘*must keep high standards of personal conduct*’ (p 9), not explained further, and arguably assumes a consensus on what that means. Research findings detailed in this thesis add support to the recommendations made in Doel *et al.* (2009), that expanded guidance materials giving more ‘real life’ scenarios relating to private domain and professional domains would be helpful in enabling registrants to reflect upon issues of standards, ethics and conduct. Guidance building upon the Doel *et al.* (2009) study is in development by the GSCC but disappointingly still not published at the time of writing (June 2011). Research findings presented in this thesis highlight that those who believed that private domain conduct was a rightful domain for scrutiny also felt more positive towards registration and so guidance on private

domain conduct issues may have an important role to play in generating positive engagement with registration. Guidance may also have an important role in developing the profession, leading as it could to reflection and debate on complex issues and shared ownership of expectations and benchmarks in relation to private/public boundaries.

**Suggestion 4: Facilitate registration-positive social work workplaces.**

This study found that registration positive workplaces had a positive impact upon engagement with registration. Registrants in such workplaces reported increased communication about conduct issues within their own teams, actively seeking out opportunities for supervision in relation to conduct case outcomes and welcomed the increased opportunities provided for training. Respondents had strengthened personal commitment to registration and were less challenged by it in registration positive workplaces. Conversely, in indifferent to registration workplaces respondents reported feelings of apathy, indifference and vulnerability which in turn had a negative impact upon how they engaged with conduct issues in the workplace. A particular focus of the new College should be on working with employers to facilitate and enable registration positive workplaces.

Several respondents raised a concern that they did not know how to make a referral either in their own workplace or directly to the GSCC. A particular element of engendering a registration positive workplace

should include transparent guidance on the route and process for referral and identified personnel to whom individuals might go for advice.

## **6.5 Areas for future research**

In Chapter 5.5.1, it was noted that gender appeared to have an impact upon how conduct case outcomes were understood and evaluated. As understanding of conduct case outcomes also appeared to be related to engagement with conduct management in the workplace, it is important that gendered influence is understood more fully.

One respondent suggested that two of the vignette conduct case outcomes had ‘gendered outcomes’. The respondent shared a view that Jones would not have been removed if he had been a woman, and that Smith had been subject to a sexist view about what ‘suitable’ behaviour for a woman might be. Some analysis of GSCC conduct case discourse has been done (Wiles, 2009; McLaughlin, 2010), but neither author specifically considered gender. Further research on gender as an outcome variable would be interesting and potentially useful in working towards ensuring that registration is transparently equitable for all registrants.

People who use services and their carers have not featured in this research other than in reference as a group who may or may not benefit from registration. It would be useful to begin to find out what their perceptions and experiences are of the usefulness of registration given

that their protection was one of the key drivers for its development. Whether people who use services feel or perceive any benefit from registration is a question that still needs to be answered.

## **6.6 Dissemination of research findings**

Findings from this research were presented to GSCC Regulatory Inspectors in May 2011. A further seminar is to be offered to the Senior Management Team and Registration and Conduct Departments of the GSCC. It is hoped that the seminar can also be delivered to the Liaison Group made up of senior GSCC and HPC representatives taking the transfer of GSCC functions forward. The CHRE are, at the time of writing (July 2011), taking forward a commission of a piece of research assessing the impact of regulation upon health care professionals. They are considering expanding the remit of the study to also include social workers and have, via colleagues in the policy department, expressed interest in receiving a copy of my thesis.

## **6.7 Concluding remarks**

This thesis began with a naïve appreciation of what research might achieve. Looking back I am clear that I should have re-framed the entire study and methodology to find ways to consider how quality in practice might have been measured for this was actually the question that was not always as transparent to me as it should have been. However, I

find it difficult to feel regret for the errors I now see that I made because the best learning happened through the difficulties rather than the relatively straightforward parts of this work. Learning from this study has had a significantly positive impact upon my work in my employment role. For example, rather than simply ‘reading a lot of all sorts’ I now conduct systematic literature reviews using a transparent and focused methodology. I plan more effectively and am clearer about what I am trying to achieve; I have an improved appreciation of methodological choices and how they should be made; and I understand more humbly my own research limitations.

My own opinions about registration are clearer and I now understand my initial confusion about the development and implementation of the register. I am an evidenced based practitioner with a leaning toward behavioural schools of thought. Looking back, the lack of an obvious evidence base was an issue for me – it was the niggling ‘yes but...?’ I could not let go. After completing this research, it remains an issue and I believe that if the regulatory body requires registration as a licence to practise and requires registrants to pay for the register it has a duty to explain more clearly the worth of that investment in terms of both the value to the profession and the impact upon protection agendas. At the very least, the regulatory body should be more aware of the *effects* of regulatory strategies upon the achievement of protection agendas. However, I now understand that how to research ‘impact’ and frame

researchable questions relating to impact measurement is much more challenging than I previously appreciated.

I now feel an increased support for registration because, although the perverse impact 'reframing conduct' raised concerns, some of the small but important elements that make up the bigger picture of research findings presented in this thesis were positive and highlighted the potential of registration. Registration allows for unsuitable people to effectively have their license to practise removed or curtailed and most respondents in this study generally supported the transparency of the outcomes of conduct processes and felt that this made a positive contribution to protection agendas. Their support for this was influential in my own thinking. Also influential was that most respondents believed that, over time, registration would give an improved status to the profession which, alongside increased focus upon the requirement to professionally update via PQ award and CPD achievements, suggested more focused opportunities for the profession to grow, mature and flourish. I was encouraged to hear about the new spaces taken to consider and reflect upon the impact of registration such as the formal spaces of supervision or training and the informal spaces between colleagues. A number of respondents reported increased discussions with colleagues about the boundaries of practice and I believe that anything which encourages and supports such learning and development opportunities has significant positive potential. Registration, as with almost all new developments,

may need some focused attention upon areas for improvement. I also think it is important that registration is not to be understood as a ‘stand alone’ method of improving protection but rather that it makes a contribution to protection agendas. I hope this research can in some small way help to improve registration so that the contribution it makes to protection agendas is enhanced.

Now this study is concluded, I am progressing two pieces of new work. A central tool of grounded theory approaches is the memo and this technique proved to be an invaluable part of my own learning. Dissecting words and phrases became an absorbing and compulsive act. Using a document analysis methodology to analyse my memo journal I intend to write a paper about how I used memo-ing and the contribution it made to learning. I am also planning to revisit my findings. In keeping with a grounded theory approach, this thesis presents a theory grounded in data with only limited efforts to explain findings from other perspectives. Findings are briefly discussed in relation to regulatory theory and word count allowance does not allow for fuller discussion. Findings presented here will be considered from other perspectives, such as psychology and ethics, with a view to writing another paper.

Completing this research was not without its challenges. It was completed at a time of significant change for the regulation of social work and of significant personal challenge for me. I hope I have

adequately documented the voices of some of those who need to be heard in current social work development debates – the social workers who contributed to this study. I hope also that this thesis will make a useful contribution to future developments impacting upon my profession.



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## **Appendix 1 Contributory assessed work for the Professional Doctorate programme of which this thesis is part**

### **Phase 1: Common taught component**

**Assessment 1.** 5000 word essay. (weighting 6%)  
Review and critique published piece of research.

Chosen text: Mitchell C (2001), Partnership for continuing professional development: the impact of the Post Qualifying Award for Social Workers (PQSW) on social work practice”. *Social Work Education*. 20/4 2001 pp433-445

**Assessment 2.** 5000 word essay. (weighting 6%)  
Designing and using a research instrument.

**Assessment 3.** 8000 research-based study. (weighting 8%)  
An evaluation of attitudes towards the ‘Reg’ advertising campaign amongst professionally qualified social workers

### **Phase 2: Specialist component**

**Assessment 4.** Critical Analytical Study 20000 words. (weighting 20%)  
*Improving quality and protecting the public from harm? A critical analysis of the registration of professional social work practitioners as a regulatory strategy.*

### **Phase 3: Research component**

**Assessment 5.** Thesis 35-45000 words (weighting 60%).  
*Reframing conduct in the context of the statutory requirement for registration of the professional social work workforce: A grounded theory study.*



## Appendix 2

### Literature review search terms and strategy

**Key word search terms** (simple Boolean operators used when combining terms)

Social work	Malpractice
Regulation	Codes of practice
Registration	Professional codes
Fitness to practise	Nursing
Professional suitability	Doctors
Strike-off	Medical
Conduct	Ruling
Misconduct	Ethics

### Search strategies

Google  
 University of Sussex 'quicksearch' electronic facility  
 EJS (Electronic Journal Service)  
 ASSIA (Applied Social Sciences Index and Abstracts)  
 IBSS (International Bibliography of the Social Sciences)  
 Informaworld  
 Social Care Online  
 SWAP (Social Policy and Social Work)  
 Biomed Central  
 Medline  
 Pubmed  
 Community Care  
 ZETOC  
 JSTOR

### Websites

Department of Health <http://www.dh.gov.uk/Home/>  
 GSCC <http://www.gsc.org.uk/Home/>  
 Nursing and Midwifery Council <http://www.nmc-uk.org/>  
 General Medical Council <http://www.gmc-uk.org/>  
 Care Standards Tribunal <http://www.carestandardtribunal.gov.uk/>  
 Better Regulation Task Force <http://www.brc.gov.uk/>  
 General Teaching Council <http://www.gtce.org.uk/>

### **Appendix 3 A ‘raw data’ example of codes and categories from NUD\*IST (abridged)**

QSR N6 Full version, revision 6.0.

Licensee: Lel Meleyal.

PROJECT: project final, User Lel, 12:50 pm, Mar 28.

REPORT ON NODES FROM Tree Nodes '~/'

Depth: ALL

Restriction on coding data: NONE

- (1) /professional identity .1
- (1 1) /professional identity .1/being seen by others
- (1 2) /professional identity .1/recognition of comparable status with other professionals
- (1 3) /professional identity .1/belonging to a group with an identity
- (1 4) /professional identity .1/comparing to health recognition 1
- (1 7) /professional identity .1/being seen to be at an acceptable standard
- (1 33) /professional identity .1/unconcerned about status
- (1 47) /professional identity .1/beign whiter than white
- (1 50) /professional identity .1/having credibility
- (1 51) /professional identity .1/media influence
- (1 79) /professional identity .1/impact of others perception
- (1 80) /professional identity .1/image of profession and damage
- (1 82) /professional identity .1/media and clients views
- (1 102) /professional identity .1/comparing status with other professions
- (1 103) /professional identity .1/views of others enhanced since reg
- (1 104) /professional identity .1/governing body gives status
- (1 123) /professional identity .1/damage cause to individual and profession by boundary crossing
- (1 131) /professional identity .1/how professional values can be grown
- (1 503) /professional identity .1/feeling sw is misunderstood
- (1 504) /professional identity .1/external influences to image
- (7) /private vs public.2
- (7 27) /private vs public.2/struggling with private versus public boundaries
- (7 58) /private vs public.2/how personal values impact on prof values
- (7 78) /private vs public.2/private life not having direct impact on work role
- (7 81) /private vs public.2/influence of private behaviour on practice
- (7 84) /private vs public.2/conflict between private life and professional values

- (7 85) /private vs public.2/being unsure about own responses in similar situation
- (7 89) /private vs public.2/tension between personal belief and role expectations
- (7 93) /private vs public.2/origin of personal attitude to dishonesty
- (7 94) /private vs public.2/explaining personal judgement frameworks
- (7 96) /private vs public.2/Owning up
- (7 115) /private vs public.2/personal accountability versus work needs
- (7 119) /private vs public.2/contrasting passion with work requirements
- (7 120) /private vs public.2/personal values impact on conduct
- (7 127) /private vs public.2/private life clash with professional life
- (7 128) /private vs public.2/balancing private and professional views
- (7 130) /private vs public.2/describing origins of personal values
- (7 133) /private vs public.2/expressing view of private conduct in relation to prof conduct
- (7 134) /private vs public.2/defining private standards for sws
- (7 139) /private vs public.2/we all have a past
- (7 141) /private vs public.2/professional 24 hours a day
- (7 162) /private vs public.2/reflecting on private life impacts on reg
- (7 163) /private vs public.2/questioning rightful boundaries of reg
- (7 176) /private vs public.2/being unsure about Smith case
- (7 177) /private vs public.2/appropriate versus legal
- (7 180) /private vs public.2/contextual. frame for understanding
- (7 182) /private vs public.2/feeling anger
- (7 183) /private vs public.2/questioning rights to privacy
- (7 184) /private vs public.2/drawing the line
- (7 185) /private vs public.2/self autonomy versus regulatory boundaries
- (7 221) /private vs public.2/gender reasons for fear of raising concern
- (7 225) /private vs public.2/balance between private life and public life
- (7 226) /private vs public.2/separating private life and public life.
- (7 231) /private vs public.2/overlap of private life and public
- (7 232) /private vs public.2/setting boundaries on others rights to be concerned
- (7 239) /private vs public.2/being worried about no entitlement to private life
- (7 240) /private vs public.2/feeling lack of privacy as a danger
- (7 241) /private vs public.2/lack of clarity about where the professional/private 'line' is
- (7 285) /private vs public.2/factors in line drawing
- (7 286) /private vs public.2/grey areas
- (7 295) /private vs public.2/weighing up the dole case
- (7 296) /private vs public.2/moral judgement informing outcome of Smith
- (7 303) /private vs public.2/conflict between private role but sw response

- (7 307) /private vs public.2/flaws as a positive in modeling
- (7 311) /private vs public.2/personal history as haunting
- (7 312) /private vs public.2/being exposed
- (7 316) /private vs public.2/avoiding private exposure
- (7 346) /private vs public.2/showing self with role
- (7 367) /private vs public.2/assigning value to different behaviour
- (7 392) /private vs public.2/being surprised at anothers boundaries
- (7 397) /private vs public.2/belief in intrinsic sw qualities
- (7 398) /private vs public.2/job signposts qualities of worker
- (7 399) /private vs public.2/responsibility to act according to role in private life
- (7 400) /private vs public.2/being a model to succs
- (7 402) /private vs public.2/not understanding behaviour of others
- (7 405) /private vs public.2/changing behavior to fit environment
- (7 480) /private vs public.2/defining boundaries of private and public
- (7 484) /private vs public.2/duty of self regulation
- (7 493) /private vs public.2/characterisitcs of a professional
- (7 494) /private vs public.2/uncertainty about GSCC role in private life
- (7 523) /private vs public.2/considering private/public balance
- (7 525) /private vs public.2/being allowed to have personal life
- (7 571) /private vs public.2/remit to deal with practice but not personal politics
- (7 631) /private vs public.2/sw not 9-5 role
- (7 632) /private vs public.2/his way is the way
- (7 633) /private vs public.2/behaviors expected of sws
- (7 636) /private vs public.2/informing others that sw 24/7 job
- (7 639) /private vs public.2/protection means more than sw rights
- (8) /freedom vs policing.2
- (8 17) /freedom vs policing.2/their analysis of why referrals not made
- (8 41) /freedom vs policing.2/juggling conflicting values
- (8 46) /freedom vs policing.2/policing the profession
- (8 56) /freedom vs policing.2/why people will or wont use reg
- (8 83) /freedom vs policing.2/values conflicts
- (8 85) /freedom vs policing.2/being unsure about own responses in similar situation
- (8 86) /freedom vs policing.2/hiding from difficult decisions
- (8 88) /freedom vs policing.2/thining about impact of behaviour on others
- (8 135) /freedom vs policing.2/tension between freedom and policing
- (8 160) /freedom vs policing.2/context defining actions
- (8 161) /freedom vs policing.2/pendulum gone the other way
- (8 314) /freedom vs policing.2/conduct cases as giving a lesson
- (8 375) /freedom vs policing.2/feelign fear of implications of Jones case

- (8 381) /freedom vs policing.2/concern of implications of Jones case on others
- (8 390) /freedom vs policing.2/feeling like a 'moral police'
- (8 392) /freedom vs policing.2/being surprised at anothers boundaries
- (8 393) /freedom vs policing.2/agreeing with decision Smith
- (8 394) /freedom vs policing.2/conduct cases clarifying role boundaries
- (8 396) /freedom vs policing.2/working out what is being achieved in Smith case
- (8 411) /freedom vs policing.2/wanting sw to make a stand for another agenda
- (8 420) /freedom vs policing.2/cases as punishment
- (8 450) /freedom vs policing.2/choosing options depending upon relationship with other
- (8 471) /freedom vs policing.2/expressing uncertainty (Smith)
- (8 472) /freedom vs policing.2/balancing conflict
- (8 474) /freedom vs policing.2/defining relevance of other action on sw practice
- (8 475) /freedom vs policing.2/being influenced by factors (Smith)
- (8 479) /freedom vs policing.2/impact on self (Smith)
- (8 483) /freedom vs policing.2/wanting to know boundaries of regulation
- (8 490) /freedom vs policing.2/defining outcome as punishment
- (8 524) /freedom vs policing.2/private defined by public
- (8 529) /freedom vs policing.2/not wanting definitive rules
- (8 531) /freedom vs policing.2/squeaky clean
- (8 535) /freedom vs policing.2/being concerned about abuse of reg
- (8 541) /freedom vs policing.2/others access to info on sws
- (8 559) /freedom vs policing.2/being controlled - negative aspect
- (8 560) /freedom vs policing.2/only partially accepting
- (8 580) /freedom vs policing.2/feeling Jones outcome as harsh punishment
- (8 584) /freedom vs policing.2/feeling profession not viewed positively
- (8 585) /freedom vs policing.2/seeing Jones case as punishment
- (8 586) /freedom vs policing.2/contradiction in training and practice
- (8 590) /freedom vs policing.2/making sense of Smith - boundaries
- (8 591) /freedom vs policing.2/feels Smith case harsh
- (8 623) /freedom vs policing.2/no flexibility to rule breaking
- (8 638) /freedom vs policing.2/professional reqs vs human rights

### Appendix 4 Respondents' profile

ID	Gender	ethnicity	Qualification	PQ	Higher academic	Manager	Sector	Client group
1	F	WB	CQSW	Y	Y	Y	Stat	C/F
2	M	WB	DipSW	Y	Y	N	Stat	C/F
3	F	WB	DipSw	Y	N	N	Stat	MH
4	F	WO	CQSW	Y	N	N	Stat	C/F
5	F	WB	CSS	Y	N	N	Stat	C/F
6	M	BC	CQSW	Y	Y	Y	Stat	MH
7	F	WB	CQSW	Y	Y	N	Regul	n/a
8	M	WB	CQSW	Y	Y	Y	Regul	n/a
9	F	WB	CQSW	Y	Y	N	VS	Adult
10	F	WB	CQSW	Y	Y	N	Stat	C/f
11	F	BC	DipSW	Y	N	N	stat	C/F
12	F	BA	DipSW	Y	Y	N	Ed	n/a
13	F	WB	CQSW	Y	Y	N	Ed	+ C/F
14	M	WB	CQSW	N	Y	Y	VS	C/F
15	F	WB	DipSW	Y	Y	N	Ed	n/a
16	M	WB	CQSW	Y	N	Y	Stat	MH
17	M	WB	CQSW	N	Y	Y	Ed	n/a
18	F	WB	Degree	N	N	N	VS	adult
19	M	WB	CQSW	Y	Y	N	Ed	n/a

*Note: Identifier code does not imply order of interviews.*

WB = white British  
 WO – white other  
 BC – black Caribbean  
 BA – black African

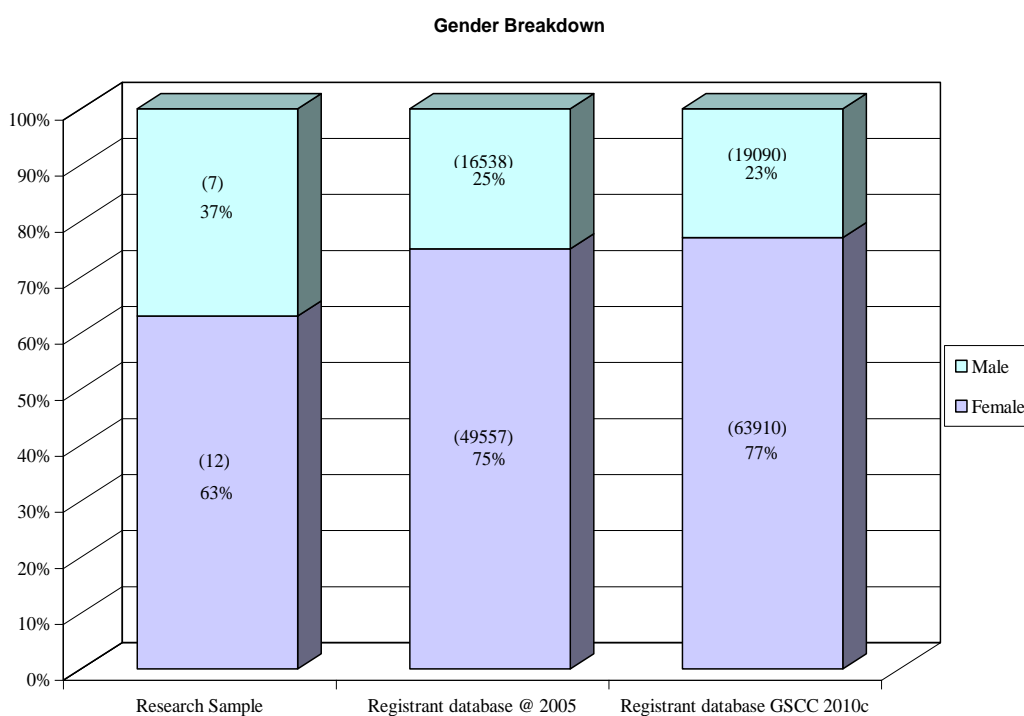
*Note: all respondents UK qualified.*

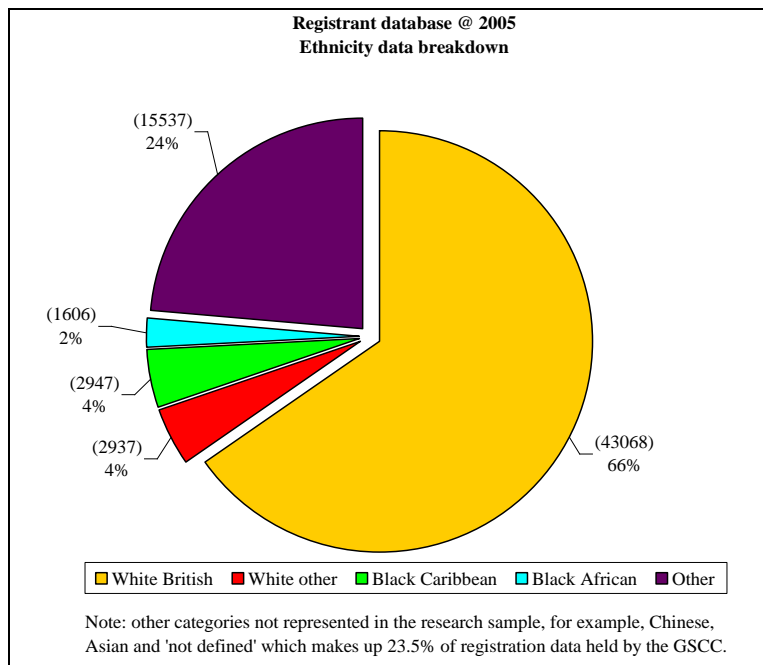
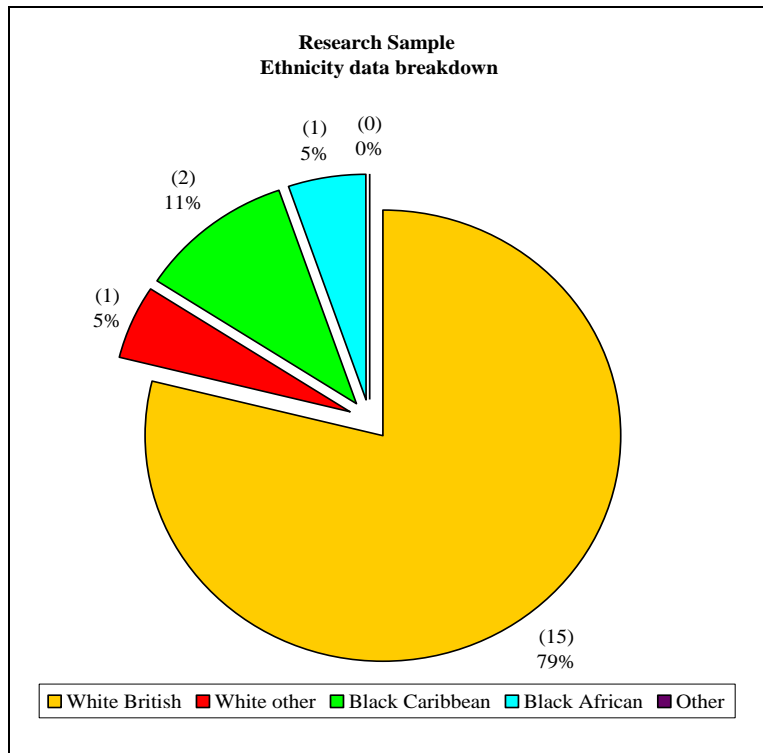
### Analysis and comparison of data

Comparison was made, as much as possible with two sources of data. Data were initially compared with data provided under a Freedom of Information Act request at 23rd September 2005 (Skidmore 2005) (when 66,132 social workers had been registered). That was the only data available to me at the point of data analysis. The qualifications and registration databases are distinct for security reasons and accessible to relatively few personnel in the GSCC. Accessing the full range of potential data to allow full comparison against my sample data would have

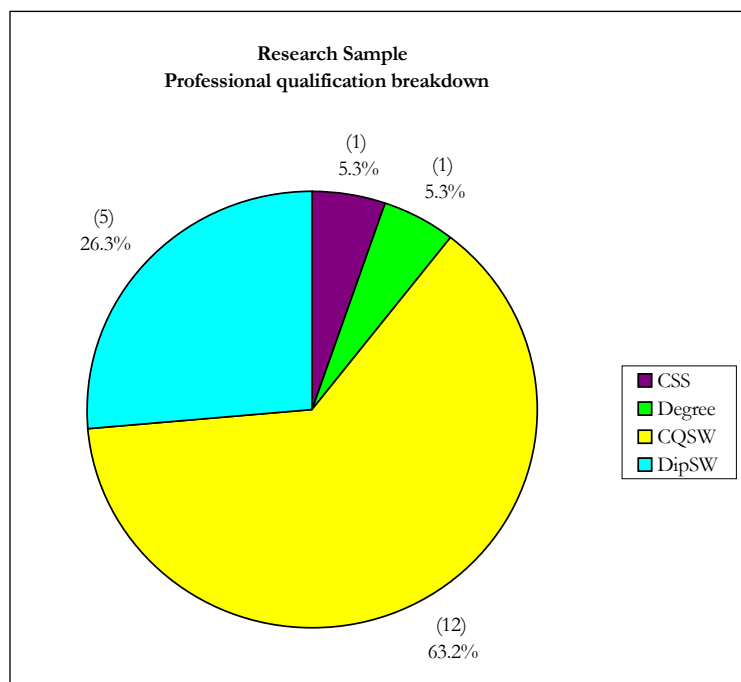
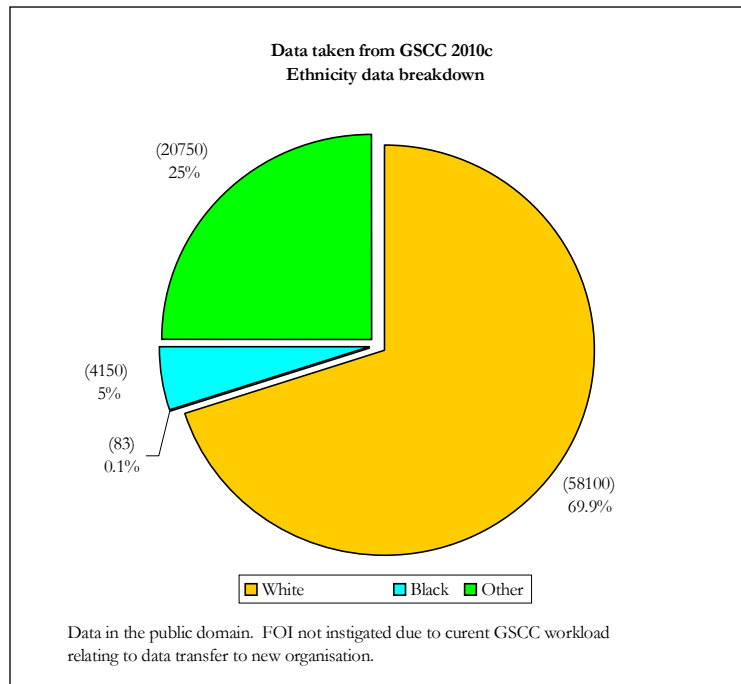
been a considerable workload for GSCC colleagues and so the FOI request was deliberately restricted to relatively easy to access data.

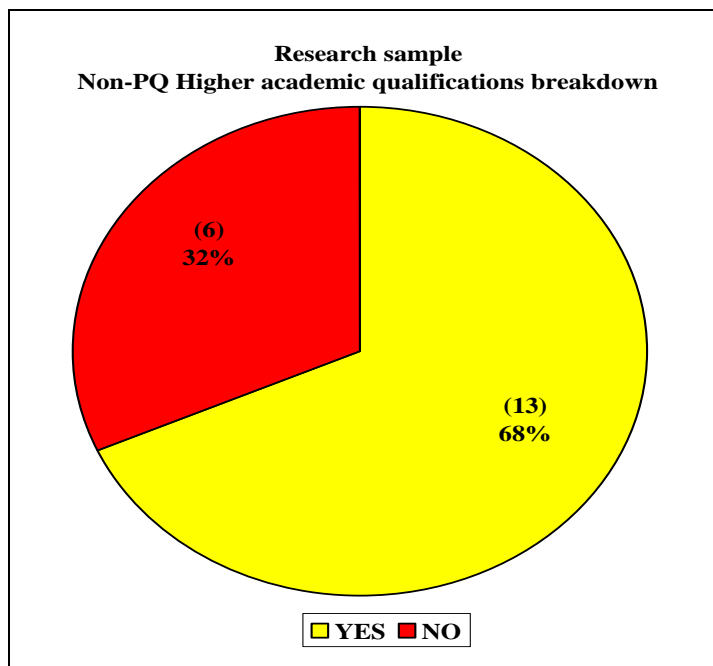
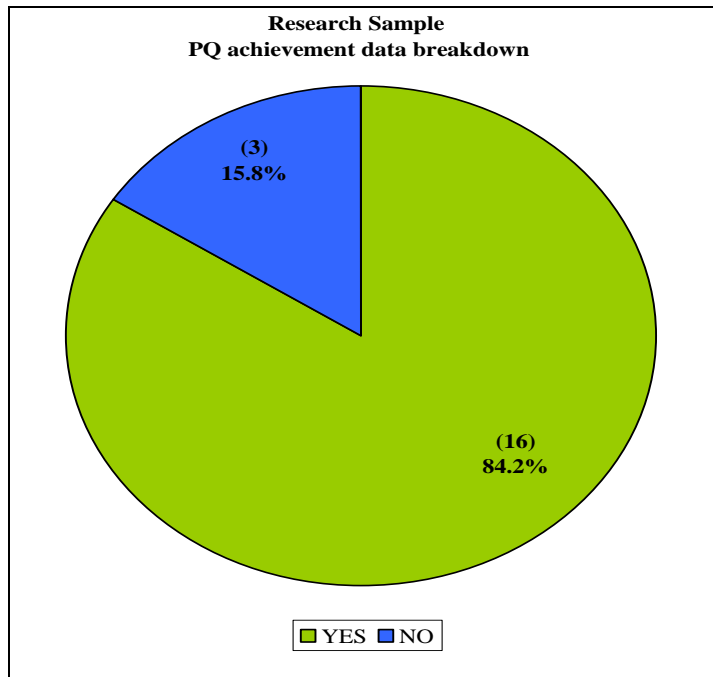
2010 data were taken from the most recent GSCC publication in the public domain (GSCC 2010c) and is relatively limited. I am a member of staff at the GSCC and so am aware of the significant workplace energy and effort being put into readiness to transfer data to a successor organisation. It is also a registration renewal peak at the time of writing (February 2011). In that context I chose not to add to burden by making any further requests for registration data.

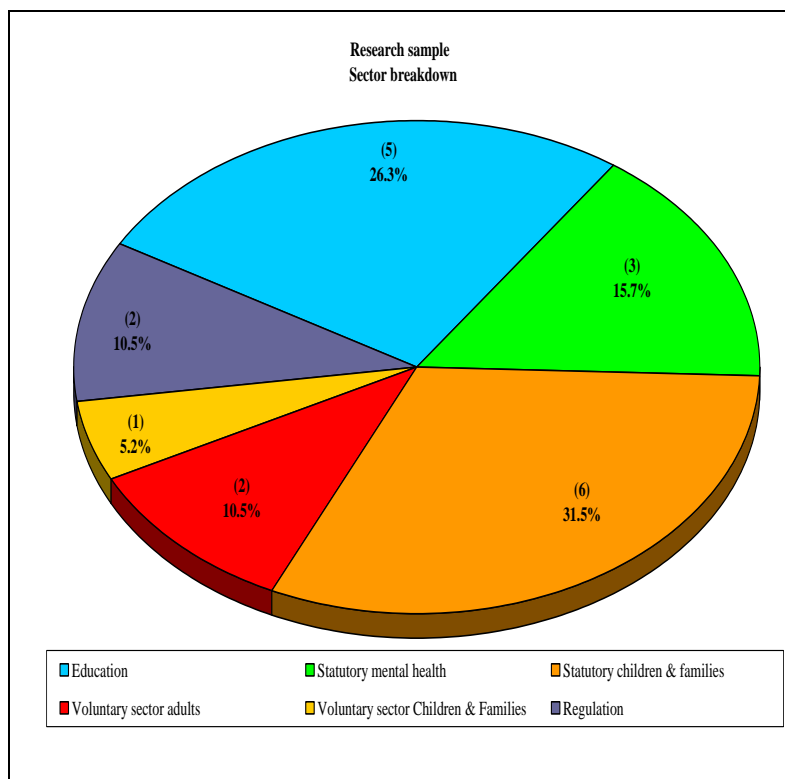
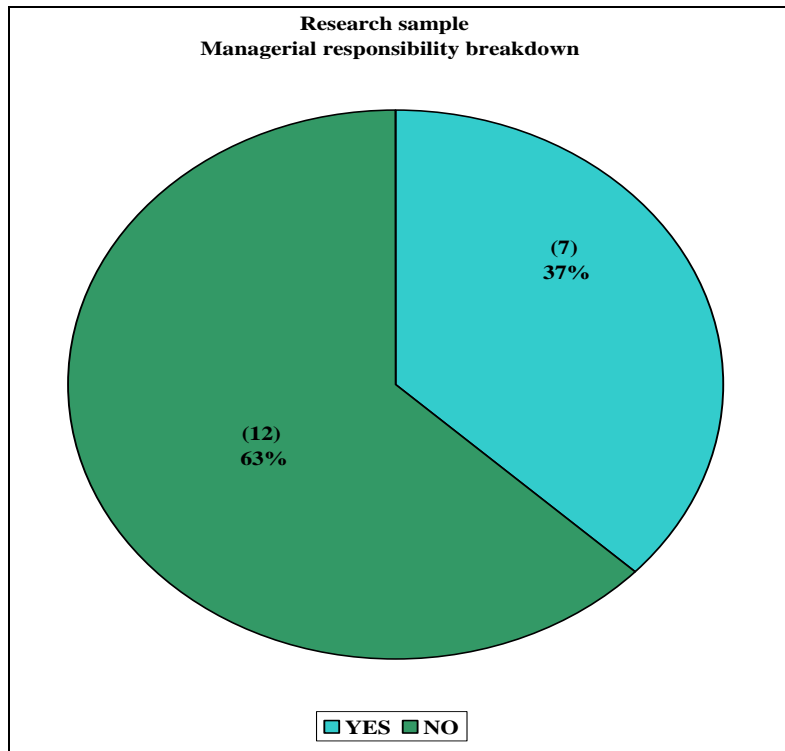


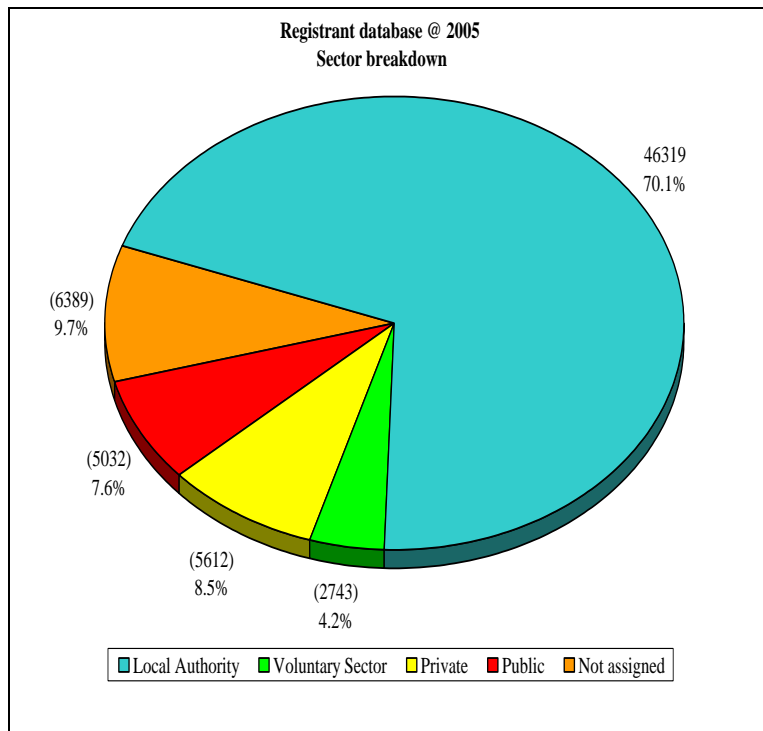












## **Appendix 5 Consent form**

**Thank you** for agreeing to participate in my research study. This information sheet will give you information about the research and your rights in relation to the data you provide. I will ask you to sign two copies of this form: one of the sheets will be retained by you, the other I will keep. I will also sign the form and in doing so, agree to be bound by the conditions it specifies.

### **The research, your rights and my responsibilities**

I am a part time doctoral student at the University of Sussex. I am also a registered social worker. I am exploring, via taped semi structured interviews, registered social workers perceptions of the legislative requirement to register with the General Social Care Council and how, if at all, this requirement impacts upon practice.

It is also important to note that I am a member of staff at the GSCC. This research has not been commissioned by the GSCC and the organisation has no 'ownership' of any aspects of the work. The GSCC will not be given access to any of the raw data, or information on any research contributors. Indeed, 'raw data' – for example; your name, contact details, personal communication and interview transcript will not be shared with any other person nor will any other person have access to this information. Information will be stored in locked cabinets and on IT hardware protected with the highest quality security software. At the time of disposal all tapes will be erased and destroyed and documents shredded. Your rights, and my responsibilities are enshrined in the Data Protection Act 1998.

The final thesis will be a published document and therefore accessible to any reader. Confidentiality is of the highest priority and the greatest care will be taken to ensure that no respondent is identified or identifiable in this work.

You may withdraw from this research at any point prior to publication of research results.

You will be offered the opportunity to verify interview transcripts and make corrections should you wish. You will not be asked to give additional time to this research beyond the interview which will be approximately 1 hour long, at a place, time and location of your choosing. No expenses can be paid for contributions to the research.

If you feel that I have acted unethically during the course of this research, you may contact the University of Sussex Ethics Committee and raise a concern following which, my conduct as researcher will be investigated. Contact: Professor Sebba, Arts E411, University of Sussex, Falmer, Brighton, BN1 9RH j.c.sebba@sussex.ac.uk.

### **My contact details**

Lel Meleyal

Phone: [ included in form]

Email: [included in form]

### **Permission**

I understand my rights in relation to my participation in this research and agree to participate. I understand that I may withdraw from the research at any time prior to the publication of the research findings.

Signature.....

Name.....

Date.....

I agree to protect the rights and confidentiality of contributors to my research.

Lel Meleyal

Signature.....

Date.....

## **Appendix 6 case vignettes**

### **Kevin Jones – removed from register (June 2006)**

Kevin Jones, who had worked at H\*\*\*\* S\*\*\*\*\* psychiatric hospital in the West Midlands, was found guilty of misconduct over his relationship with a service user.

At a hearing in Manchester, the GSCC's conduct committee found that his relationship with a 14-year-old girl, who was in the care of the local authority, was inappropriate and breached its code of practice.

Witnesses told the committee that between January and October 2004 he had stroked the girl's hair, held her hand and referred to himself repeatedly as her uncle.

He had also talked about applying for a contact order when the teenager was moved to a residential care home and continued to call her after he was removed from the case and admonished by his managers, without the knowledge of the home's staff.

### **Mary Smith – suspended from the register for two years (June 2006)**

D\*\*\*\*\* social worker Mary Smith was suspended from the General Social Care Council's register for two years, for advertising herself as an escort with an internet agency with links to websites associated with prostitution.

Smith brought the profession of social work into disrepute and damaged public confidence in social care services, a GSCC conduct committee found.

However, she was not struck off because her activities were neither harmful nor illegal. The decision followed a three-day hearing in April, which was heard in private at Smith's request, on health grounds.

### **Betty Clarke – cautioned – (July 2006)**

A social worker who admitted breaching the General Social Care Council's code of practice by failing to disclose full details of her criminal past was given a caution.

Betty Mary Clarke, 50, a palliative care social worker employed by T\*\*\*\*\* Council, was admonished by the conduct committee, which said that details should remain on her record for two years.

The committee decided not to suspend or remove Clarke from the register because her convictions were up to 30 years ago when she was experiencing "exceptional difficulty and turbulence" in her life.

Clarke has worked as a social worker for 13 years and had "glowing" character testimonials.

The committee said Clarke application for registration would probably have been granted if she had declared details of the convictions, given they were so old.

Clarke was convicted of eight offences, including theft and criminal damage, from 1976-86, but only included three of them on her registration form in February 2005.

She told the conduct committee there had not been enough space on the form to include details of all her convictions. She said she had a "difficult start in life" but "social work gave me the chance to be useful in the world".

Clarke qualified as a social worker in 1993 and joined Tower Hamlets. But she said she had not disclosed any details of past convictions on her application because she feared she would not be interviewed.

Her convictions were discovered when she had an enhanced Criminal Records Bureau check but the council decided not to take any action.

However, a human resources manager later noticed a discrepancy between the details Clarke had included on her GSCC application and those on the CRB check.

The council said this week it was "satisfied she recognises the seriousness of her actions."

A record of Betty Clarke' admonishment will be placed on her entry in the register of social workers for the next two years. This is a public record and will be available to employers and the general public to view.



## Appendix 7

### Example of a journal memo

16/7/06 Interview with [respondent name]

In vivo code

[] said that “social work is a Cinderella profession”. What did he mean?

Cinderella =

1. heroine maltreated by another but achieves happiness through benevolence of fairy godmother.
2. person or thing of merit forced into wretched or obscure existence.
3. person who achieves unexpected or sudden success or recognition especially after obscurity, neglect or misery.

Text - suggests that [] does see social work profession as neglected and misunderstood. Clear also sees it as a positive (heroic?? ) profession. Not clear who it is neglected and misunderstood by?? Also not clear that registration is perceived as ‘fairy godmother’ – negative attitude towards registration. Who might be ‘fairly godmother’?

Needs to consider further and code for ‘maltreatment’ (by whom?), benevolence (who is ‘fairy godmother’), social work in ‘obscurity’, social work as ‘neglected profession’. What does ‘fairy godmother’ bring?

Code

Neglected profession (sub code – by whom?)

Misunderstood profession (sub code?? by whom?)

Heroic profession (sub code – examples?)

Benefit to profession (sub codes?)

Negative attitude to reg (sub codes?)

Attitudes to the GSCC