

Getting Arrested and Being a Social Worker



SWU Trade Union Advice and Representation Officer **Lyse Hurd** shares her advice



As social workers, we like to think of ourselves as being law-abiding citizens who always do the right thing. Unfortunately, life sometimes has other ideas and we may find ourselves, for all sorts of reasons, facing the police having been accused of a crime we either did commit, or sometimes did not commit. Under certain

circumstances, you may find that you committed the crime, but there were reasons behind it - you stole a loaf of bread to feed your child for instance. Whatever the reasons, and whether or not you committed a crime of which you have been accused, there is general advice that you need to consider if you ever find yourself being arrested by the police.

You must remember that, no matter how serious the crime, it could have an impact on your registration in your home country. Even if someone tells you that it will not, you must understand that any criminal activity that you are convicted for, no matter how minor could see you facing your regulator. You also need to understand that, because you work in a profession that requires special enhanced police disclosures, any conviction, no matter how minor could end up on a Data Barring Service check.

One area of concern we have had at the Advice and Representation Service lately is social workers accepting police cautions on the advice of the police without first getting legal advice about the implications of accepting a caution. Any police caution you accept will be examined by your registering body. They will take your acceptance of the

allegation at face value, so, even if you have an 'explanation' for what happened; or you feel that the police did not capture the essence of what you were saying, you will struggle explaining that to your registering body. You also will not have any control over the report that the police send to the court or subsequently about it. This report will likely be seen by the registering body. Therefore, it is important that you take some sort of legal advice prior to accepting any cautions. You will be offered a duty solicitor; however, you are also entitled to a discount at Morrish Solicitors <https://www.morrishsolicitors.com/> as a result of your SWU membership.

If you do make a statement with the police, please make sure that you read the statement before you sign it. Do not agree to accept responsibility for something that you genuinely did not do. We have had a number of members who have accepted responsibility for something that they did not do simply because they were afraid that they would be at the police station for a long time. Once you sign the statement, make sure that you have a copy of it. Make sure that you ring your regulator and tell your employer at the first opportunity. There is no advantage to delaying disclosure.

If you find yourself facing a disciplinary at work, ring the A&R service for advice and possible representation. Even if you aren't eligible, we can give you advice on how to handle your particular set of circumstances. Just remember that the best way to get through something like this is to be open, honest, reflective and contrite. It does not mean automatic dismissal, nor does it mean automatic de-registration. We can guide you through the process of ensuring others that your fitness to practice is not impaired as a result of this incident.