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Legal regulation of training of social workers in the Czech Republic

Jana Borská *, Sylva Švejdarová

Czech University of Life Sciences, Prague, Czech Republic

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ABSTRACT

In recent times, the training of social workers in the Czech Republic has undergone extensive changes. From a content perspective, the authors have prepared a comprehensive overview of the legislation of the issue of training social workers in the Czech Republic, wherein mandatory training of employees is reflected in the activities of officials of both state administration and local authorities, whilst taking into consideration the specifics of the field of social work. This article is based on doctrinal analysis of the legal regulation in relation to defining terms such as social services, and of the authorities supporting the social and legal protection of children and their compulsory training. The subject of the doctrinal investigation is, in particular, the obligations established for employers and employees in social work regarding compulsory training in the social sphere. This article goes beyond the doctrinal analysis and evaluates qualitative interview research. The doctrinal legal analysis reveals that the newly adapted training concept builds on the extensive legislation associated with the preparation of Civil Code No. 89/2012 Coll., as amended, and its related legal regulations, which fundamentally affect all areas of social services, including an increased demand on the expertise of officials. The regulation of compulsory training has also become one of the important areas for evaluating social services standards. The application of the new legislation in specific conditions is monitored from an employer's perspective, and from the perspective of the employees, but also in terms of the professional umbrella organization – the Association of Workers in the Authorities for the Social and Legal Protection of Children (OSPOD).

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Introduction

The aim of this paper is to analyze, on the basis of a comprehensive analysis of legislation of the given issue, the impact of the obligations imposed on employees and

employers in terms of compulsory social services training, and, specifically, on authorities for the social and legal protection of children. The paper will be focused on specific forms of training, based on an analysis of the needs in the relevant area. A partial aim is to define forms of compulsory training in relation to the preparation and processing of

* **Korespondenční autor:** JUDr. Jana Borská, University of Life Sciences; Kamýcká 129, 165 21 Prague 6 – Suchbát, Czech Republic; e-mail: j.borska@volny.cz
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individual further training plans for employees, in order to ensure professional growth based on an assessment of the training needs of the employer and the employees.

The importance of both the practical and theoretical education of social workers and the necessity of formal and legal regulation of such an education has been recognized worldwide. Wayne et al. point to the importance of the education of social workers and relate education in this field to other fundamental areas of social activity such as: clergy, nursing, and in particular, law [1]. They suggest that social workers should be able to employ legal reasoning, despite coming from various professional backgrounds [1].

Typically, universities offer undergraduate theoretical courses in social work, which are followed by practical education that leads to professional accreditation [2]. It has been acknowledged by researchers in numerous countries, including Australia and the United Kingdom, that practical experience, i.e. learning by “doing” [3] is vital to the preparation of social workers, and that the quality of the student-supervisor relationship and the ability of the supervisor to be a role-model for the trainee is of extreme importance for the efficacy of the training [2, 3, 4].

Materials and methods

The authors used a method that analyzed scientific literature and valid legislation in the relevant area [5, 6, 7, 8, 9, 10]. They also assessed findings obtained from semi-structured interviews, both with a person cooperating with the association of childcare workers, and with the head employee of the childcare division of the social affairs department of the municipal office, which represents the view of the employer. This assessment of interview responses enabled the authors to evaluate the impact of compulsory training on professional growth and possible further training needs. The views of the employees are monitored using the focus group method, which involves 5 employees in the childcare division of the social department of a “municipal office with extended powers” (a municipal authority with relatively high powers in the system of Czech administrative law – “municipal office with extended powers” hereinafter). The use of qualitative methods, such as semi-structured interviews, focus groups and quasi-experimental longitudinal design is common in recent international social work research [11, 12, 13, 14].

Social services

The concept of “social services” is defined in terms of legal regulations by Act No. 108/2006 Coll., on Social Services [9], which states that a social service “shall mean an activity or a set of activities according to this Act, ensuring the assistance and the support to persons for the purposes of their social integration, or prevention of their social exclusion” (section 3a). Social exclusion “shall mean the exclusion of a person from the common life of society and the impossibility of integration into this life due to an adverse social situation” (Section 3f). Both of the aforementioned concepts are directly linked to the social

law, which is a summary term for the legal regulation of social protection systems. These include social assistance, social insurance, social maintenance, and the protection of employees under labour law. It must be emphasized that the field of social services is still rapidly developing, both in the Czech Republic and worldwide. It has been recorded and analyzed by researchers on numerous occasions that underestimating the importance of social services and a lack of admission of possible failures can lead to tragic outcomes [14, 15, 16, 17].

Koldinská stated that social services are integral to the entire social protection system, “which usually supplement or alternate the function of systems” [6]. Social services are divided into social counselling, social care services and social prevention services. Social services can also be divided according to the place where they are provided, i.e. in the field; ambulatory and residential. The Act on Social Services [9] exhaustively lists the following social services facilities: “day services centres, day care centres, week care centres, homes for the disabled, homes for the elderly, special regime homes, protected housing, asylum houses, half-way houses, crisis centres, low-threshold day centres, low-threshold facilities for children, youth hostels (homeless shelters), therapeutic communities, social counselling facilities, social therapeutic workshops, social rehabilitation service centres, early care facilities, intervention services centres and after-care facilities” (section 34, paragraph 1). In relation to the previous note on the stressfulness of the profession, we would like to emphasize the particular fastidiousness of social work in child protection. This fact has been revealed by previous research carried out by Coffey et al., on the well-being and happiness of social workers, which measured areas such as job satisfaction, mental well-being, absenteeism from work and organizational constraints scales [18].

The activities that are a part of the social services provided include, for example, basic social counselling, assistance in coping with everyday personal care, assistance in running a household, social and therapeutic activities, as well as upbringing, educational and motivational activities. Tröster states that “the concretization of providing individual types of social services is contained in implementing legislation, specifically in Decree No. 505/2006 Coll., by which are implemented some provisions of the Act on Social Services, wherein social services quality standards are regulated” [8].

Training in social services

A social worker is a person who carries out social investigations and ensures social agendas. This includes addressing social-legal issues in facilities that provide social services, social-legal counselling, analytical, methodological and conceptual activities in the social sector, professional activities in facilities that provide social prevention services, screening activities, the provision of emergency assistance, social counselling, social rehabilitation, ascertaining the needs of people in the local community and the region, and coordinating the provision of social services (Section 109, Act No. 108/2006 Coll.). In order for an individual to carry out the work of a social worker, the individual must

be fully legally competent, irreproachable and physically and professionally qualified. The process of qualifying to be a social worker is a rather lengthy one; from a novice to an educated, experienced, senior and advanced practitioner. Due to the stressful nature of a social worker's job [19], the turnover of novices in the profession is high [20]. This causes significant problems, including the lack of a well-qualified workforce in the field, as well as a relatively short working life of the professionals, when compared to other professions, such as health personnel [19].

The necessary vocational competence is set out by Act No. 108/2006 Coll., in section 110, paragraph 4, where it states that "the vocational competence for performing the profession of a social worker shall be: a) higher vocational training acquired upon completion of an educational programme that is accredited according to a special legal regulation in the fields of education focused on social work and social pedagogy, social and humanitarian work, social work, social and legal activities, charity and social activities, b) a university-level education acquired in bachelor, master or doctorate degree study programmes focused on social work, social policy, social pedagogy, social care or social pathology, law or special pedagogy, accredited according to a special legal regulation, c) the completion of accredited educational courses in branches stipulated in letters (a) and (b), amounting to at least 200 h in total, and relevant work experience of 5 years for those who have completed the university degree (letter b above), d) the completion of accredited educational courses in branches stipulated in letters (a) and (b), amounting in total to at least 200 h, and relevant work experience of 10 years for those who completed secondary education specialized in social law before 31 December 1998". A social worker must also undergo continuing training of at least 24 h per calendar year, which adds to, renews and strengthens his qualifications. Healy et al. have discovered that developing efficient career pathways for newly qualified social workers can lead to lower turnover rates among novices, who are then more likely to become advanced practitioners [20].

The social worker's employer shall be obliged by law to provide further training to the social worker. Further types of training include: specialist education provided by universities and by higher vocational schools that build on existing vocational qualification allowing for the performance of the social worker profession, participation in courses with an accredited programme, professional internships, and participation in trainings and conferences (section 111, paragraph 2, Act No. 108/2006 Coll.). In addition to social workers, social services professional activities are also carried out by social service workers, medical and pedagogical workers, marriage and family counsellors, and other professionals who directly provide social services.

The system of educating social workers is undergoing rapid changes in numerous countries around the world. These developments can be attributed to changes in the political climate. Morley and Dunstan link the ongoing modifications of the system of training for social workers to the growing popularity of neoliberal thinking [21]. Zuchowski further elaborates on this point and relates the changes to "new public management processes, a culture

of audits, risk aversion and austerity", and claims that these have become "the driver of change that has reshaped human services" [4].

A popular trend in the education of social workers in the United Kingdom and Australia is an increasing number of off-site supervisors for the students who are undergoing the essential practical part of their training [3, 4]. However, as researchers generally agree that the quality of the student-supervisor relationship is essential for the outcomes of the training programme, the model that includes external supervision is currently highly contested [4, 22, 23].

Authorities for the social and legal protection of children (OSPOD)

The Authority for the Social and Legal Protection of Children (OSPOD) is an institution providing the implementation of state administration in the field of care for minors. It is included in the system of designated authorities for the above-mentioned municipalities with extended powers. From an organizational perspective, it is included in the child care division of the social welfare department of the municipal office for the given area of state administration implementation. The activities of this body are regulated by Czech legislation, and in particular by Act No. 359/1999 Coll., on the social and legal protection of children, as amended, implementing Decree No. 473/2012 Coll., on the implementation of certain provisions of the law on the social and legal protection of children. "Modern social – legal protection of children can be characterized as centrally guaranteed but locally operated. This means that since the early 20th century, the protection of children in all modern systems has been guaranteed by the state through the state administration, but directly implemented by specific social workers at a local level (delegated powers of state administration and local government)" [7]. This particular area of social work is particularly problematic and prone to possible failures with severe results [18]. Additionally, social work including child protective services can be highly contentious due to the "sensational" coverage of the issue by popular media [15].

Training of OSPOD employees

This is a specific state administration body whose employees rank as officials of territorial local governments whose training is regulated by Act No. 312/2002 Coll., on officials of territorial self-governing units. The development of an efficient system for training child protection social workers is essential, because the efficiency of the related educational system is closely connected with workers' satisfaction in the field, the subjective well-being of social workers, the lower rate of turnover and, consequently, greater efficiency of the system of child protection as a whole [13].

A social worker is a public official and is therefore obliged to fulfil the expectations (including training) pursuant to both the legal regulations regarding social workers and the legal regulations regarding public officials. Their employment starts based on a written employment contract, and based on appointment (according to the

Labour Code) for employees in higher and supervisory positions. A social worker should be professional in all respects [13]. “Only someone who has achieved the formally prescribed training, and works purposefully and systematically with his professional experience, complies with the standards of good practice and follows the rules of ethics and values of social work is a professional social worker” [7]. The basic duty of an official is to “enhance his qualifications to the extent set out by Act No. 312/2002 Coll.” (section 16, paragraph 1e).

The basic obligations of an official include enhancing his qualifications by participating in initial training, ongoing training and the passing of a professional examination. This model of social worker training can be found in many other modern systems worldwide [24]. The initial training focuses on demonstrating knowledge of public administration, information technology and basic skills or language skills. This type of training must be completed within three months of the employment commencing. Ongoing training should then aim to deepen and update the training of the official through various courses, conferences and training. The field of state administration requires workers to prove their professional competence and knowledge in a professional competence examination. After completing it the official shall receive a certificate of successful completion.

This is a knowledge-based professional exam, which the official is required to pass within 18 months of their employment. During such an examination, both general and specialized knowledge is verified. According to valid legislation (specifically the provisions of section 21, paragraph 3, Act No 312/2002 Coll.), this examination includes a “basic knowledge of public administration, in particular the general principles of the organization and activities of public administration, knowledge of the Act on Municipalities and Regions and, from a procedural perspective, knowledge of the Administrative Procedure Act [...]. The special part of the professional competence test assumes knowledge of the powers of local government bodies and administrative authorities in the given area of the expertise of the official”.

This legislation also sets out the right of an official who failed the professional competence exam to submit an objection against the method of the examination committee within 15 days from the date they received notification of this fact. If such an objection is not successful and the official does not pass a re-sit examination, his employer may terminate the employment of the official due to the failure to fulfil qualification expectations for performing the role. Act No. 108/2006 Coll., on Social Services, supplements the obligation of further training of workers and officials in an extensive manner. OSPOD is obliged to have written rules for training new employees (compare Decree No. 473/2012 Coll., Annex No. 1, parts 4 and 5). Adhering to standards includes the obligation of head employees to regularly evaluate other employees, with a focus on their determination and fulfilment of personal professional goals. The leading employees also set out further development needs for the subordinate employees, which is achieved by a written outline of their individual plans of further training.

Additionally, there is an obligation on the side of the employer. This involves the duty to provide social workers with further training of at least 24 h per calendar year. This set time limit should mainly contribute to the consolidation and improvement of professional qualifications. This time range can be shortened in line with the ratio of time not worked. If the employee changes his or her employer in the course of a calendar year, they can request the recognition of the training they completed with their previous employer by the new one. The obligations associated with providing further training do not apply to an employee during a probationary period. This method can be used to improve the value of the time spent on training in favour of the employee.

The Act on Social Services sets out detailed rules for the training of public officials. Rule No. 10, entitled “Professional Development of Employees”, imposes an obligation on social services providers to have standard written rules of procedure, including a periodical evaluation of employees. This periodical evaluation includes, in particular, the determination, development and fulfilment of personal professional goals and the needs of further professional qualification. Moreover, Act No. 359/1999 Coll., on the social and legal protection of children, as amended, and implementing Decree No. 473/2012 Coll., on the implementation of certain provisions of the law on the social and legal protection of children, as amended lays out further rules. Annex 1 of the Decree sets out the “quality standards of social and legal protection in the provision of social and legal protection by social and legal protection bodies”. In other sections of this annex, the employer is required to provide personnel with proper training and to create an adequate number of job positions that consider the work demands in the field of OSPOD activities. One worker is assigned 800 children who have permanent residence in the geographical area. In fact, one worker should be assigned 80 real cases. Each job in this field should be announced and include a description of the particular area of specialization: foster care, social guardianship and protection of neglected and abused children. A fundamental part of these regulations is the requirement of written rules for hiring new employees.

The obligation of each employee to undergo training is not limited to education before undertaking the job of a social worker. In order to fulfil the qualification expectations for the position, employees have to attend continuous training of at least 6 working days per calendar year. These courses have to be accredited by the Ministry of Labour and Social Affairs (compare Decree No. 473/2012 Coll., Annex No. 1, part 6). Continuous monitoring of the fulfilment of standards is a part of the performance checks of state administration in the OSPOD section. “In order for a social worker to be able to fulfil his mission, he must sufficiently understand the object of his activities and have the necessary skills and tools. Therefore, it is very important to prepare future social workers. Preparation is made more difficult by continual changes in society. There are growing social problems, and their resolution requires more and more knowledge and skills. Within the state social policy, instruments to deal with these social

situations are being strengthened, i.e. tools that are to be primarily used by social workers” [5].

Practical aspects

In connection with the newly introduced requirements to ensure training of employees for the purpose of fulfilling particular sub-goals, two semi-structured interviews were conducted with a head employee of the department of child care of the social welfare section of a “municipal office with extended powers”, i.e. a municipal authority with relatively high powers in the system of Czech administrative law (as an employer), and with a co-worker of the Association of Social Service Workers. These interviews provide a comprehensive view of the issue from the perspective of the co-creator of legislation in this area. In order to assess the legal regulation from the viewpoint of employees, their opinion on the issue was ascertained via a qualitative method utilizing the “focus group” tool.

A semi-structured interview was carried out with an employer, i.e. a middle-aged man with university training in the field of law, who, after completing his studies, was employed in a public administration body with a focus on minors. The interview was conducted in December 2014, and focused on finding out how the Department of Social Affairs ensures its fulfilment of obligations in relation to training officials in this area. The respondent was asked 5 questions in total, with a focus on ascertaining his existing professional profile, a conversation about the issue of providing initial and ongoing training of employees, the method of preparing an individual training plan for employees in the department he runs, and the identification of shortcomings and problems that he faces as an employer in relation to the relevant issues. The respondent stated that he has worked for his current employer for 10 years; he uses his experience from his prior employment, where he worked as a social curator and then as an official in the field of social work. He now works as the head of the childcare department.

The obligation to provide continuous and initial training was transferred from the original legislation, including the obligation to pass a professional competence examination. Now, however, the scope of required training is affected by an amendment to Act No. 359/1999 Coll., on the social and legal protection of children, as amended, and subsequently by implementing Decree No. 473/2012 Coll., in particular in the area of the obligation of employers to adhere to the newly determined standards and their subsequent evaluation. In addition to the precisely-determined quotas of employees and the determination of the number of children that the employee should have under his care in the area of social and legal protection, the amendment to the Act on the social and legal protection of children brought another novelty. The procedure of the performance of individual OSPOD activities has been revised and an emphasis has been placed on the specialization of individual workers. The respondent positively evaluated the regulation of the required extent of training with respect to all employees of his department. However, the selection of training courses was left to individual employees; the only requirement

imposed on them by their employers was compliance with training specialization in the relevant area.

The respondent mentioned his discontent with the inability of social work institutions to meet the standards in the area of increasing the number of employees of his departments due to a lack of funds for wages. Thus far, an analysis of training needs of employees is being conducted. It was necessary to focus in particular on the timeframe of completing individual training plans and the specific methods of implementation (specific training programmes, dates, venues, and providers). The respondent expressed content with the funding of training activities and the time off work provided to employees. An analysis of needs is continuously being carried out.

The analysis revealed that employees (social workers) typically request to cooperate with a psychologist. Additionally, they seek internal discussions about the problems in the relevant area in the presence of law and psychology experts. Meanwhile, individual training plans for employees are being prepared and efforts are being made to identify specific training requirements. However, problems occur with the financing of the relevant activities. Efforts to ensure the most effective mass training and participation in conferences organized by the Association of Social Service Workers are taking place.

Moreover, the above-specified analysis shows that the respondent is very well oriented in the existing legal regulation and in the duties embodied therein. He clearly shows engagement and an interest to cooperate as closely as possible with employees in order to address their developmental and educational needs.

The position of employees was ascertained via a qualitative method using the “focus group” tool. This method was chosen because it allowed the involvement of a larger number of employees in ascertaining attitudes to this issue. The focus group discussion that lasted 2 h was conducted in January 2015. The group consisted of 5 employees aged between 28 and 56. All of the respondents were women, all were employed at the youth care department, and all were officials of OSPOD. All of them had completed secondary education, passed the professional competence examination and had worked in this area for at least 7 years.

The first part of the questioning took the form of questions and a free discussion on the individual questions. All of the employees feel overloaded with work and inadequately remunerated. They are often sick and feel exhausted. They all agree that there has been an approximately 50% increase in activities – not in the number of clients, but rather in the scope of new activities that OSPOD previously did not do. Three of them often prepare themselves for court hearings concerning matters of minors at home. There is not enough time at work to do this. In their opinion, it is a demanding job in which one often has to deal with demanding clients who are not easy to communicate with. There was a unanimous opinion that they do not have the time or energy for training beyond the specified number of hours. They usually discuss issues with each other, thus increasing their professional level in specific cases. Half of the training is provided centrally; a

methodologically superior authority trains them. Each of them has undergone only 2 special individual trainings. Of the respondents, four would also like training in combating and preventing burnout syndrome, i.e. training related to their personal growth.

Specifically, they would welcome training that has a higher content of case studies, i.e. training aimed at improving their professional qualifications. They typically request training activities within their individual educational plans, which are never carried out. It was also considered whether they might pay more attention to new activities at the expense of routine work without it interfering with the quality of work. An individual evaluation of qualities, abilities and skills of individuals was carried out, and on the basis of this, the specialization of individual employees is being prepared. Finally, 2 of the respondents said they are considering changing jobs because of the demands of their current work.

Apart from the interview with an employer and apart from the focus group discussion, another semi-structured interview was conducted. This time with a woman almost at retirement age who is a co-worker of the Association of Social Service Workers. Throughout her professional career she has worked with the social and legal protection of children as an employee, and later as a head employee at the Ministry of Labour and Social Affairs. The interview was conducted in January 2015, and focused on discovering how the Association of Social Service Workers assists social workers with their professional preparation and ongoing education.

The respondent was asked a total of 5 questions that focused on ascertaining her existing professional profile and her current position. The next part of the discussion was spontaneous; it focused on assistance in providing training to social workers and her opinion of the individual training plan for employees.

The respondent is educated in the field of law, and throughout her professional life she has been working at the Ministry of Labour and Social Affairs in the area of care for minors. She now works with OSPOD Association of Workers as an instructor in the relevant area. She evaluates the organization of educational activities by saying that the new legislation has brought a completely different perspective to professional growth. In her opinion, the current legal regulation makes the educational activities of social workers and, in particular, OSPOD employees, more accessible and efficient.

According to the respondent, the amendment to the Act on the social and legal protection of children has brought an extreme increase in the scope of the tasks carried out in this area. The new private-legal regulation in the adoption of the new Civil Code brought other new requirements on the extent of knowledge of the new legislation, both under the Civil Code, and in accordance with the Act on Special Court Proceedings. Compared to previous legislative arrangements, far greater demands are now placed on professional qualifications of OSPOD employees, particularly on those who represent the interests of juveniles during court proceedings. Employee training in the field of social work has also been affected by newly set standards for educational activities and the

lecturers/trainers of such activities. An example of such a change in standards is the increased focus on the education of employees in terms of knowledge of law. Additionally, social workers are now more intensively trained in working with uncooperative clients.

The respondent sees the need to promote an increase in the number of employees in the given area and provide adequate remuneration for their work as a fundamental task. This is a very challenging area of state administration activities, and emphasis must be placed on the professional aspects of ensuring activities in this area. The Association is mainly involved in helping improve the professional level of employees, by organizing conferences with child psychologists, judges, legislators, but also in the acquisition of expertise while ascertaining the needs of employees. She is concerned that professionally skilled employees will leave the social services. This trend ought to be stopped by adopting the appropriate measures, in particular, personnel changes and securing financial backing. The interviewee was critical of the recent extension of mandatory activities of state administration workers, which was introduced without adopting adequate accompanying measures to assist municipal budgets.

Results and discussion

Social work is a “stressful occupation” [25]. Because organizations and official authorities often focus on “efficiency rather than effectiveness” [25], social workers typically have little support and high caseloads, which then leads to high pressure on them as employers [25]. Therefore, the new legal regulations and requirements can only be implemented with care and with consideration of the fact that most social workers have to deal with problems that the wider public prefers to ignore on a daily basis [25].

The new legislation on the training of employees in state administration (especially social workers) has certainly brought a number of positive changes. In particular this legislation has led to an increased professionalism in the field and to more expertise on the side of employees. However, it cannot be agreed that the responsibility for compliance with the requirements on legal education can be imposed on “municipalities with extended powers”. The new legislation on the obligation to provide training in this area is based on the considerable growth of newly determined activities in this area. The fulfilment of the standards is strictly evaluated and will also be the subject of discussion for setting a standard with their subsequent evaluation measures for non-compliance. Training in childcare even includes three items of evaluation of activities in this area. However, it is also necessary to deal with the overloading of social workers with new agendas, which may lead to the departure of professionally skilled officials.

Conclusion

This article characterized the legislation regulating the training social workers. Particular focus was placed on

social work related to the protection of minor children. State administration is a sub-statutory activity. It can only be regulated by adopting new legislation. The increase in the activities of social workers is logically reflected in increased financial and personnel demands on this area. However, it is the obligation of higher authorities to create conditions for the fulfilment of these difficult challenges.

Additionally, the context in which this study has been undertaken must be taken into account [3]. Due to the ageing of the population, it is probable that the demand for welfare services and, subsequently, the particularities of the education of social workers, will evolve. So far however, social work institutions are struggling to increase the number of employees and to ensure their statutory requirements in an effort to meet the set standards for social work activities. Thus far, this area lacks a final step that could help to ensure the fulfilment of the obligations in providing training to employees in order to increase their professional level.

Such a final step ought to entail financial requirements that municipal authorities must release to perform these tasks. It is clear that services “experience budgetary pressure” [26], which can even “threaten the integrity of social work education” [26]. At the same time, social work is a particularly vulnerable field, and, according to Bellinger, this profession should seek “constant improvement in the capacity of social workers to promote the sustained well-being of individuals, groups and communities” [27]. Social work should rely on constant assessments of possible risks for vulnerable people [27], constantly work to minimize these risks, and as result, take into account the changes of social and global conditions affecting the lives of those in need.

Conflict of interest

The authors have no conflict of interest to disclose.

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