

Council meeting, 20 May 2010

Building the National Care Service

Executive summary and recommendations

Introduction

At the end of March 2010, the Government published the White Paper 'Building the National Care Service' which included proposals for the licensing of social care workers and healthcare support workers by the HPC.

The attached paper outlines the proposals made in the White Paper together with some background to the potential licensing of these groups.

Decision

This paper is for discussion.

Background information

Please see paper.

Resource implications

There may be resource implications if the White Paper proposals are implemented in the future.

Financial implications

There may be financial implications if the white Paper proposals are implemented in the future.

Appendices

None

Date of paper

10 May 2010

Building the National Care Service

1. Introduction

- 1.1 The HM Government White Paper 'Building the National Care Service' was published in April 2010. The White Paper sets out Government plans which would, if implemented, see the establishment of a 'National Care Service' which would be responsible for meeting the care and support needs of individuals and their families.¹
- 1.2 This short paper sets out the proposals outlined in the White Paper and some of the background to the potential licensing of social care workers and healthcare support workers.

2. White Paper proposals

- 2.1 The White Paper makes a number of proposals about the social care workforce which are aimed at building and supporting quality. They include the following proposals relevant to the HPC and to regulation:
 - 'We will begin with a regional demonstration site for a licensing scheme for all social care workers, whether working in residential care, in home care or as personal assistants.' (Page 109.)
 - 'Currently unregulated social care workers who can demonstrate that they meet the training requirements and who commit themselves to a code of conduct will be given the option of being licensed by the Health Professions Council, which will be renamed the Care Professions Council to reflect its integrated role across social care and health. To support joint working with an integrated approach across social and health, the demonstration site will also encompass licensing for healthcare support workers.' (Page 109.)
 - 'Those employers who can demonstrate that all their staff, whether in social care or health care, are licensed by the Care Professions Council and who can demonstrate high standards of induction, training and supervision, will be kitemarked under the National Care Service. Commissioners will be able to require kitemarking as part of their contracting arrangements, and self-funders and those with personal budgets will be able to use the kitemark as a sign of quality.' (Page 110.)
 - 'The demonstration site will be evaluated to establish whether any particular groups of workers might need compulsory statutory regulation and it will be scaled up nationally over time.' (Page 110.)

¹ HM Government, Building the National Care Service, March 2010
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_114922

- 'With the new Care Professions Council taking responsibility for licensing homecare workers, residential care workers and personal assistants, the General Social Care Council in England will be renamed the 'General Social Work Council' and focus solely on the regulation of social workers and social work education, ensuring that the social work profession in England sets the international gold standard. It will be renamed the General Social Work Council (GSWC) and be placed within the scope of the Council for Healthcare Regulatory Excellence, which will be renamed the Council for Care Regulatory Excellence.' (Page 111.)

3. Regulation of the social care workforce

- 3.1 The social care workforce includes social workers, residential care workers and personal assistants.
- 3.2 Social workers and student social workers are currently regulated by regulators in each of the four countries: the General Social Care Council (GSCC) in England, the Northern Ireland Social Care Council (NISCC) in Northern Ireland, the Care Council in Wales (CCW) and the Scottish Social Services Council (SSSC) in Scotland.²
- 3.3 In England, the GSCC does not regulate the wider social care workforce. However, in the other parts of the UK each of the regulators has begun to regulate other social care workers.
- 3.4 In Scotland, the Scottish Social Services Council has published a timetable for phasing in the regulation of the wider social care workforce working in care home services for adults and day care of children services including managers, practitioners and support staff. The plan would see support workers in care home services for adults being regulated from 30 September 2015 and support workers in childrens' day care services from 30 June 2014.
- 3.5 In Northern Ireland, the Northern Ireland Social Services Council already regulates team leaders in residential children care; residential child care staff; heads of residential homes and day centres; domiciliary care managers; and adult residential care staff, in addition to qualified social workers. There are plans to extend regulation to social care staff in day care, social work assistants and domiciliary care workers.

² For more information including all the groups who are currently regulated in the four countries, please see:

General Social Care Council: www.gsccl.org.uk

Northern Ireland Social Care Council: www.niscc.uk.com

Care Council for Wales: www.ccwales.org.uk

Scottish Social Services Council: www.sssc.uk.com

- 3.6 In Wales, the Care Council for Wales registers social workers. Its register is also open to any social care worker to register, but this is not yet compulsory. The next groups of workers who will have to register are managers of adult care homes (by 1 July 2010); and managers of domiciliary care services (by 1 July 2012).
- 3.7 In each of the countries regulation is by a combination of protection of title (for social workers) and by employer compulsion. Registration with the relevant social care regulator is a requirement for employment and is normally enforced via the social care inspectorates in each of the four countries who enforce the employer codes published by each of the workforce regulators.
- 3.8 The cost of registration is subsidised by the taxpayer in each country. For example, in Northern Ireland the renewal fee for a social worker is £30 and for a care worker in adult residential care is £15. In its report on the GSCC the CHRE said that 'its independence would be helped by it becoming more financially independent of government'.
- 3.9 Social care services are regulated by separate bodies in each of the four countries: the Care Quality Commission (CQC) in England, the Regulation and Quality Improvement Authority (RQIA) in Northern Ireland, the Care and Social Services Inspectorate Wales in Wales, and the Scottish Commission for the regulation of Care in Scotland.³

4. Regulation of healthcare support workers

- 4.1 Support workers working in healthcare are not currently regulated. Their regulation has been the subject of ongoing debate for some years now. In 2004 the Department of Health consulted on broad proposals for the regulation of support workers. This was followed by a subsequent consultation on the same topic by the Scottish Government.
- 4.2 The majority of respondents to the Scottish Government consultation agreed that regulatory arrangements should be extended to cover health and social care support staff. 90% of responses favoured statutory regulation but there was no clear consensus about which regulatory bodies should undertake this role.⁴ The responses to the Department of

³ For more information, please see:

Care Quality Commission: www.cqc.org.uk

Regulation and Quality Improvement Authority: www.rqia.org.uk

Care and Social Services Inspectorate Wales: www.csiw.wales.gov.uk

Scottish Commission for the Regulation of Care: www.carecommission.com

⁴ Scottish Executive, Summary report of consultation on regulation of health care and social care support staff in Scotland, 2004, (May 2006)

<http://www.scotland.gov.uk/publications/2006/05/HCSW>.

Health consultation indicated a 70%/30% split in favour of regulation by the HPC.⁵

- 4.3 From 2006 the Scottish Government undertook an initiative within NHS Scotland to pilot the idea of 'employer-led regulation' of 'healthcare support workers'. The definition of healthcare support workers was broad and covered occupational roles closely related to existing regulated professions such as assistant physiotherapists; generic healthcare support worker roles such as healthcare assistants; and staff such as mortuary attendants and porters without direct 'clinical' contact with patients.
- 4.4 The pilot involved putting in place employer-based standards and procedures, including induction standards and a code of conduct to ensure better governance of the employment and practice of support workers.
- 4.5 An evaluation of the pilot was undertaken by the Scottish Centre for Social Research. The pilot was voluntary and the participation rate was low – 17% of eligible workers decided to participate. The induction and conduct standards were generally well received but with some discussion about applicability across different types of support worker including those working in clinical and non-clinical environments. The evaluation report suggests that the standards might in future be made mandatory.⁶
- 4.6 If the Government implements the White Paper proposals, the HPC would need to work with stakeholders and build on existing work in this area to pilot licensing for healthcare support workers alongside licensing for social care workers.

5. Licensing

- 5.1 The Department of Health Extending Professional and Occupational Regulation working group was established after the 2007 White Paper 'Trust, Assurance and Safety – The Regulation of Health Professionals in the 21st Century' to consider the recommendations in relation to extending the scope of professional and occupational regulation. The group's report was published in July 2009 and is an important influence on the policy context in this area.⁷

⁵ Department of Health, Enhancing Public Protection: Proposals for the Statutory Regulation of Healthcare Support Staff in England and Wales, March 2004
http://www.dh.gov.uk/en/Consultations/Closedconsultations/DH_4085171

⁶ Scottish Government Health Directorate, Healthcare Support Workers in Scotland: Evaluation of a National Pilot of Standards and Listing in Three NHS Boards (June 2009)
www.scotland.gov.uk/Publications/2009/06/01144730/0

⁷ Department of Health, Extending professional and occupational regulation: the report of the Working Group on Extending Professional Regulation (July 2009)
www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_102824

- 5.2 The report identifies licensing as a possible regulatory option which merits further exploration and consideration by the administrations. This was not included as an option in the previous consultations on this topic.
- 5.3 A licensing approach would make sure that social care workers have the training or qualifications they need for their role, that they meet a code of conduct about how they treat their patients and clients, and would make sure that those whose conduct might damage public safety would be prevented from carrying out those roles in the future.
- 5.4 There are many different approaches to licensing outlined in the report. One approach might be to set conduct standards which might be met by training or by an aptitude test focusing on the core standards of conduct required in roles in social care. The licensing body would hold a list of workers who had signed up to a code of conduct and could consider complaints and remove licences to protect the public where the standards had not been met.
- 5.5 Licensing has the potential to protect the public whilst avoiding being too costly and burdensome for the large population of social care workers.
- 5.6 The White Paper suggests that a licensing scheme for social care workers might be voluntary at first, with employers and commissioners, over time, requiring staff to be licensed.

6. Timetable and next steps

- 6.1 The White Paper sets out three phases for delivering the new National Care Service. The White Paper envisages delivery of a comprehensive National Care Service (phase 3) from 2015.
- 6.2 The licensing proposals form part of phase two. The White Paper says that phase two would be completed during the next parliament (2010 to 2015).
- 6.3 A general election was held on 6 May 2010 the result of which may influence the extent to which the White Paper is implemented. The general election is also likely to influence the overall timetable for the completion of this work.
- 6.4 Some of the proposals, including the proposal that the HPC should be renamed, are likely to involve changes to secondary legislation, and any such changes would require stakeholder engagement, public consultation and parliamentary approval.
- 6.5 Whether social care workers and healthcare support workers become licensed by the HPC is ultimately a matter for the Government and for parliament.