

Memorandum of Understanding between Ofsted and the General Social Care Council

Introduction

1. This Memorandum of Understanding (MoU) is between Her Majesty's Chief Inspector of Education, Children's Services and Skills (Ofsted) and the General Social Care Council (GSCC).
2. It sets out the areas in which Ofsted and GSCC will work together and coordinate their roles and activity. Our shared aim is to protect and promote the interests and rights of children who use social care services in England.
3. This MoU sets out how the two organisations' interests and responsibilities will complement each other, and how Ofsted and GSCC will work together to share information where appropriate. This will help regulated bodies and those being inspected to be clear about their accountability. It will also clarify to our staff when and how to coordinate our work.
4. This MoU is not a statutory or contractual document and is not intended to constrain the freedom of either Ofsted or the GSCC to carry out their statutory functions.

Principles

5. In working together, our approach will be built on four core principles.

Protecting the public and improving care

6. The primary purpose of this agreement is to enable both bodies to perform more effectively in order to protect the lives and well-being of children and young people, and to support improvement in the care and welfare of children and young people.

Good regulation

7. We are committed to the principles of good regulation, set out by the Better Regulation Executive. These are that regulation should be: transparent, accountable, proportionate, consistent and targeted. Working together enables us to put these into practice more successfully than if we acted alone and helps us to be more cost-effective overall.



Understanding each organisation and its independence

8. Joint work and coordination is in the context of our two organisations' different remits and statutes. Our different systems of accountability and responsibility remain separate, but the ways in which we deliver our functions are aligned wherever this can contribute to protecting the public and improving lives.

Clarity and transparency

9. We have set out in this MoU the areas we will prioritise for working together and we will review them regularly. This MoU will be made available to the public on both the GSCC's and Ofsted's respective websites.

Areas for information sharing

10. Joint working may, in certain circumstances, require Ofsted and the GSCC to exchange information. Ofsted and the GSCC acknowledge and agree that ultimately, any decision to share information will be judged on a case by case basis and subject to compliance with any applicable data protection principles, codes of practice and guidance.

11. The GSCC may share with Ofsted any trends in the findings of misconduct in specific local authorities and/or notify Ofsted of any indications of exceptionally poor performance in a particular local authority.

12. Where the GSCC believes that a registered social worker or social work student is also an Ofsted registered manager, and that person's suitability to be a registered social worker has been called into question, the GSCC may make this information available to Ofsted.

13. Where Ofsted believes that a registered manager is also a registered social worker and Ofsted has concluded that the person is either not suitable or is no longer suitable to be a registered manager, Ofsted may make this information available to GSCC.

14. Where, through inspection, Ofsted identifies concerns about an individual, Ofsted would normally draw such concerns to the attention of the employer and will continue to do so regardless of any referrals made under this MoU. Ofsted may share this information with the GSCC at its discretion on a case by case basis. Referrals made to the GSCC under this section of the MoU can trigger an investigation into the concern or inform an ongoing investigation.

Implementation

15. This MOU commences on 3 October 2011. It will continue to remain in force until such times as it is revoked by the parties.

16. The MoU will be reviewed after 10 months and may otherwise be reviewed at any time at the request of either party.

A handwritten signature in black ink that reads "M. Rosen".

Miriam Rosen
Her Majesty's Chief Inspector of Education,
Children's Services and Skills

Date: 22 September 2011

A handwritten signature in black ink that reads "Penny Thompson".

Penny Thompson
Chief Executive, General Social Care Council

Date: 8 September 2011

Annex A. Responsibilities and functions

1. Ofsted and the GSCC acknowledge the responsibilities and functions of each other and will take account of these when working together.

Responsibilities and functions of Ofsted

2. Ofsted was established under the Education and Inspections Act 2006. It came into existence on 1 April 2007 by bringing together in a single organisation four previously separate inspectorates. It regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages.

3. Ofsted regulates and inspects childcare and children's social care. It inspects: schools; colleges; initial teacher education; work-based learning and skills training; adult and community learning; education and training in prisons and other secure establishments; and the Children and Family Court Advisory and Support Service (Cafcass). It assesses children's services in local areas and inspects services for looked after children, safeguarding and child protection.

4. Commonality with GSCC exists in relation to the inspection of services and establishments where registered social workers are most likely to be employed. This includes: children's homes; fostering services; adoption services; adoption support agencies; residential family centres; Cafcass; children's centres; and local authority children's services.

5. Ofsted's strategic priorities are:

- Better outcomes
- Better inspection and regulation
- Better public involvement
- Better ways of working.

6. Ofsted seeks to promote improvement in the services it inspects and regulates, and to ensure that they focus on the interests of the children and young people, parents and carers, adult learners and employers who use them. Ofsted also encourages services to be efficient and effective.

Responsibilities and functions of the GSCC

7. The responsibilities and functions of the GSCC are set out primarily in the Care Standards Act 2000 (the CSA).

8. The purpose of the GSCC under the CSA and subsequent statutory instruments is to promote in relation to social workers in England:

- high standards of conduct and practice
- and:

- high standards in their training.
9. More specifically, the GSCC:
- sets and promotes high standards in social work education, conduct and practice
 - maintains a register of social workers and student social workers who meet those standards
 - takes action where a social worker is alleged to have committed misconduct
 - quality assures the standard of social work education.