

HEALTH AND SOCIAL CARE BILL

HOUSE OF LORDS SECOND READING – BRIEFING

Over the past 10 years the General Social Care Council (GSCC) has had the unique role of regulating the social work profession in England. This briefing aims to share with Parliamentarians the GSCC's unique insight into some of the challenges of regulating and raising standards within the social work profession, as well as to provide information on some of the more technical aspects of the transfer of our functions to the Health Professions Council (HPC).

Part 7 of the Health and Social Care Bill contains the powers to transfer the functions of the GSCC to the HPC, which will become the Health and Care Professions Council (HCPC). This change provides an opportunity to bring together the best regulatory practice from both organisations.

The GSCC has identified key areas where there are potential risks to the regulatory system or opportunities for public protection to be strengthened and improved:

- **UK-wide regulation** – Each UK country has its own Care Council, however they have worked together over the past decade to ensure that standards for social workers are aligned, that the fee levels are the same and that professionals are able to easily work between the four countries. The transfer will mean social work in England will be regulated through a different set of standards to the rest of the UK. It could also impact on the mobility of workers. The Bill places a duty on the HPC to co-operate with the other Care Councils and permits social workers registered with them to practise there on a temporary basis. The GSCC would encourage the HPC and other Care Councils to work together to align approaches to regulation over time.
- **The College of Social Work** – The GSCC has been fully supportive of the work to establish the College of Social Work. The HPC will enforce minimum standards of practice and conduct and the College will play a vital role in the new framework by championing the profession and promoting excellence and best practice in social work.
- **Student registration** – The GSCC currently registers 15,000 social work students (95 per cent of the student population). Though the HPC does not currently register students, clause 225 of the Health and Social Care Bill will allow the HPC to open a voluntary register for students. Student registration is supported by the sector and is important for public protection. The GSCC believes that registration of students should continue in the future and that the HPC should continue to use the funding of practice placements to require students to register.
- **Assessed and Supported Year in Employment (ASYE)** – The GSCC awards full registration once a recognised degree is completed successfully. The Social Work Reform Board recommended that social workers ought to have completed an Assessed and Supported Year in Employment (ASYE) after qualifying before becoming fully registered. The GSCC supports this proposal and the HPC is being provided with powers

to introduce this. The debates on the Health and Social Care Bill are important in order to set out how the HPC's regulatory powers can be used to introduce an ASYE.

- **Regulation of social care workers** – The Bill contains powers for the HPC to register adult social care workers in the future. Although social care workers are not currently regulated in England, the GSCC code of practice is an important part of the standards framework for social care. Following the transfer of its functions, and before the introduction of any voluntary registration of adult social care workers, the care sector should own these standards and they should be hosted by Skills for Care, the sector skills council. If necessary, they should receive statutory support in future.

About the General Social Care Council

1. The GSCC has been the regulator of the social work profession and education in England since 2003. We protect the public by requiring high standards of education, conduct and practice of all social workers. The GSCC currently registers 86,000 social workers and 15,000 social work students. The GSCC is an arm's length body. The Department of Health currently provides around £16 million operational funding to the GSCC. The GSCC employs 216 people in London and Rugby.
2. The GSCC ensures that only those who are properly trained, competent and committed to high standards practise social work. We do this by maintaining a compulsory register of social workers and issuing and enforcing a code of practice for the profession. The GSCC has the power to impose sanctions on social workers who do not meet the expected standards of conduct. Where public protection warrants it, an independent panel of the GSCC can remove them from the register or impose other sanctions following a full investigation and hearing.
3. We also regulate and promote high standards in social work education by approving the quality of social work courses offered by universities. We also regulate the post-qualifying framework for the social work profession.
4. The GSCC is a member of the Social Work Reform Board chaired by Moira Gibb and supported by the Department for Education and Department of Health. Its purpose is to improve the quality of social work. The Reform Board is currently finalising the proposals for reform in the social work sector.

Background to the transfer

5. In July 2010, the Government published *Liberating the NHS: Report of the arm's-length bodies review*. This announced the Government's intention to abolish the GSCC and transfer its functions to the HPC. Part 7 of the Health and Social Care Bill contains the necessary legislation to effect this change.
6. The HPC currently regulates around 219,000 individuals from 15 health and psychological professions. The transfer of social workers will increase the HPC's current registrant base by around 40 per cent. To reflect its wider remit, the HPC is to be renamed the Health and Care Professions Council (HCPC) and adopt a strap line: "regulating health, psychological and social work professionals".
7. The decision to transfer the GSCC's functions was reached in the context of unprecedented economic challenges facing Government and was based solely on the grounds of the costs of registration. Before the announcement of the transfer the GSCC had begun developing a plan to move towards financial independence, which would have resulted in an increase to the current fee of £30. However, we would have worked to ensure any new fee was in line with comparable regulators. The Government decided

that an increase would have been too great for social workers and instead they should register with a larger, multi-profession regulator.

Key issues

UK wide regulation of the social work profession

8. The regulation of social workers in the UK is a devolved responsibility and each of the four countries has its own registration or Care Council. The GSCC has worked together with the other Care Councils over the past decade to ensure that standards for social workers are aligned across the UK, that a similar model of disciplinary hearings is used, that fee levels are the same and that there is mobility of professionals working between the four countries. As a result, the *Code of Practice for Social Care Workers* – which sets out standards for social workers – is a UK wide document.
9. The transfer of functions to HPC will affect these arrangements. After the transfer social workers registered in England will have to meet the HPC's standards; elsewhere in the UK the *Code of Practice for Social Care Workers* will continue to be the standards. Clause 212(3) places a duty on the HPC to co-operate with the other Care Councils. **It is important that over time work is undertaken to align these standards to ensure consistency of standards and practice across the UK.**
10. Clause 212(9) allows those registered by Care Councils to practise in England on a temporary basis. It is not clear how and whether this will impact on the ability of social workers to practise anywhere in the UK without additional costs and bureaucracy. **There should be no barriers for social workers who are registered in one part of the UK to work in another.**

The College of Social Work

11. While the GSCC has endeavoured to promote social work as a profession and champion best practice, this has always ultimately been restricted by our core function of protecting the public from poor practice and holding social workers to account. Under the new framework, the HPC will be responsible for assuring minimum standards of training and practice.
12. A key proposal of the Social Work Reform Board was the establishment of a College of Social Work, whose role would be to promote best practice and champion the profession. The GSCC has wholly supported this proposal. We consider that the social work profession has lacked an effective champion and national leadership.
13. The College will also play an active role promoting best practice through the endorsement of post-qualifying awards and the distribution of social work education grants (currently functions of the GSCC). The College will take on the development of the Professional Capabilities Framework and the Continuing Professional Development framework to support the development of individual social worker's skills and knowledge. **It is important that the Government and Parliamentarians continue to support this work.**

Registration of social work students

14. A key element of the Social Work Reform Board programme is to ensure that the calibre of students is raised. The GSCC currently registers social work students and we link registration to the funding that is available for practice placements. Consequently, 95 per cent of all social work students are registered. The GSCC considers that students should continue to be registered as they are at present. To move away from

registration at this time would give the wrong message to those aspiring to become social workers and to the public who requires trust and confidence in the profession.

15. Social work students on placement have direct and unsupervised contact with vulnerable service users. Registration brings to their attention their responsibility to ensure that their conduct and practice are of the required standard and this enhances public protection.
16. We understand from employers and external examiners there is concern that some university social work courses are reluctant to exclude unsuitable candidates because of the financial penalties they incur. Registration provides a basis to ensure that time and resources are spent on students who will be suitable to join the register. The GSCC has refused registration to social work students on the basis that they did not meet the GSCC's standards of good character and has registered others with conditions. Of 160 conduct hearings in 2010-2011, eight (five per cent) were students.
17. Finally, registration means that the GSCC's code of practice (or, in the future, the HPC's Standards of Conduct, Performance and Ethics) becomes binding on student social workers when they are engaging with service users.
18. Clause 225 allows the HPC to open a voluntary register for students. The GSCC does not consider that a voluntary register without some mechanism for enforcement would have the required outcomes in terms of raising standards and protecting the public as only a very small number of students might register.
19. The HPC will not administer funding for practice placements in the future as this function will transfer to the College of Social Work. **However, the administration of practice placement funding could continue to be linked to registration. It would be useful if Government could offer a view on this.**
20. **The HPC will consult on student registration for all the professions it regulates in the near future. It is important that within their deliberations, the registration of social work students is being treated as a discrete issue because of the unique risks associated with social work training practice placements.**

Assessed and Supported Year in Employment (ASYE)

21. At present the GSCC awards full registration once the degree is successfully completed. The Social Work Task Force recommended that social workers ought not to be judged fit to register until they have completed an assessment after their first year in practice. To implement this idea the Social Work Reform Board is developing a set of arrangements under the label of the Assessed and Supported Year in Employment (ASYE). It is likely to involve a formal assessment which the social worker would have to complete successfully before being confirmed in post.
22. Had the GSCC stayed in existence, it would have used its powers to introduce a form of provisional registration. The HPC is being provided with powers to introduce this form of registration. **The debates on the Health and Social Care bill could provide an opportunity to set out how the HPC's regulatory powers can be used to introduce ASYE.**

Complaints

23. As the GSCC is an arm's-length body, registrants and people who use services can complain about the GSCC to the Parliamentary and Health Service Ombudsman (PHSO).

This is separate from the appeals against our conduct and registration decisions which are heard at the First Tier Tribunal. The GSCC considers the PHSO to be an effective way for individuals to seek redress against maladministration, as well as providing the GSCC with the opportunity to improve by learning from complaints and the recommendations of the PHSO. The HPC is not subject to scrutiny by the Ombudsman as they are independent from Government. The Council for Healthcare Regulatory Excellence (CHRE) (to be renamed the Professional Standards Authority for Health and Social Care in the Bill) has powers to investigate complaints about professional regulators, including the HPC. These have not yet been enacted, although Government has signalled its intentions to provide the CHRE with these powers in the near future. **It is important that there is no reduction in the ability of individuals to seek redress against the social work regulator as a result of this Bill.**

Social care worker regulation

24. Even though social care workers – such as those who work in residential care homes or providing home care – are not currently registered in England, the GSCC's *Code of Practice for Social Care Workers* is an important part of the standards framework for those providing care in these settings. The code forms the basis of the induction and training for social care workers and are the same code for social care workers across the UK. The GSCC has issued approximately three million copies of the code since 2002.
25. Although the HPC is being given the powers to register social care workers, it is unlikely that any scheme will be running prior to the closure of the GSCC. This means that a gap could emerge whereby there are no national standards for social care workers in England. **The GSCC supports the suggestion that Skills for Care, the sector skills council partner for adult social work, should host the *Code of Practice for Social Care Workers* before a decision is taken on whether the HPC will register social care workers. If a decision is taken not to register social care workers, the code of practice should be put on a statutory footing to bring it in line with the other parts of the United Kingdom.**
26. In addition, the GSCC also issues a code of practice for employers of social care workers, which will not transfer to the HPC. **The GSCC supports the idea that Skills for Care should also host the *Code of Practice for Employers of Social Care Workers*.** The Social Work Reform Board is working to develop standards for employers of social workers that will set out best practice for employers. These will not have a statutory basis and will not apply to employers of social care workers.

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