

HEALTH AND SOCIAL CARE BILL – SECOND READING, 31/01/2011

1. The Health and Social Care Bill contains the powers to transfer the functions of the General Social Care Council (GSCC) to the Health Professions Council (HPC). The Bill provides an opportunity to bring together best regulatory practice from two organisations. This briefing outlines the GSCC's views on these provisions and some of the important matters that need to be considered.

About the General Social Care Council

2. The GSCC is the regulator of the social work profession and education in England. We protect the public by requiring high standards of education, conduct and practice of all social workers.
3. We ensure 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 required 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. Social workers who have been removed from the register are no longer able to practice because they are not legally entitled to use the title "social worker".
4. We also regulate and promote high standards in social work education by approving the quality of social work courses offered by universities.
5. We aim to be a high performing regulator protecting the public through the regulation of social workers and their training. We strive to provide users of social work services and the public with confidence in our work and in the social work profession.

Background

6. In July 2010, the Government published the *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. The Health and Social Care Bill contains the necessary legislation to effect this change.
7. The HPC currently regulates around 200,000 individuals from fifteen health professions, from hearing aid dispensers to practitioner psychologists. The transition of the GSCC's functions may add around 100,000 more to the HPC's register. HPC is to be renamed the Health and Care Professions Council (HCPC) to reflect its wider remit.
8. The decision to transfer the GSCC's functions was reached in the context of the unprecedented economic challenges facing Government and was based solely

on the grounds of the costs of registration: the Government estimated that it would be cheaper for social workers to register with a larger, generic, regulator than a smaller, specialist, one. Ministers specifically acknowledged that it was not a reflection on the performance of the GSCC.

9. The GSCC is now working to see that the change is carried through in a way that does not undermine public protection. The transfer of regulatory functions does provide an opportunity to bring together the knowledge and skills of the GSCC with the regulatory experience of the HPC.
10. This transfer is happening while the Social Work Reform Board, led by Moira Gibb, is finalising its proposals and publishing concrete recommendations for reform in the social work sector. This work has wide support and the GSCC has been involved in much of this work. It is important that the impact of these reforms is not lost in the transfer.

Key Issues

11. There are a number of aspects of the transfer that require further clarification. Some may need coverage in the Bill itself; some can be dealt with by Ministers making a clear statement of government policy in the course of debate.

Impact of the transfer on UK-wide regulation processes

12. The registration of social workers in the UK is devolved to Scotland, Northern Ireland and Wales, with registration of social workers in England, being reserved to Westminster. Consequently, each of the four countries has its own registration council. However, it has been the policy of the four administrations that the councils should, so far as possible, align their policies and practices so that there are no barriers to social workers moving within the UK and that no public protection risks arise from cross border working. To this end, the registers of the four Care Councils are currently stored on a single database. Data are shared as appropriate and necessary. As a result social workers are easily able to move, register and work between the four nations.
13. The GSCC welcomes Clause 199 of the Bill, which places a duty on the HCPC to co-operate with the other Care Councils. The Bill also permits social workers to register with other Care Councils outside of England in order to practice there. Social workers registered outside England will be permitted to work here, without registering with the HCPC on a "temporary" basis. **Greater clarity is needed on how these arrangements will work in practice – including the definition of "temporary" – and the costs to social workers of any additional registration or transfer of registration.**
14. In consideration of these clauses, it should be noted that the regulatory models of the Care Councils in Scotland, Wales and Northern Ireland differ significantly from that currently operated by the HPC and the proposed model for the HCPC. Under the HPC/HCPC model, social workers can be held to account based on an assessment of their 'fitness to practise' (including their professional competence) whereas in the rest of the UK they can only be held to account according to their conduct. As a result there is a possibility that social workers operating in

different parts of the UK would be held to account in different ways. The GSCC very firmly supports the fitness to practise approach, but recognises that consistency across the UK is also an important consideration for people who use social care services. **Ministers should be asked to give an assurance that they will in the future expect the HCPC to work with the other Care Councils to align approaches to regulation as far as possible.**

Ensure that social work is underpinned by a single set of standards

15. The Social Work Reform Board and the former Children Schools and Families Select Committee have both noted that the current standards for the social work profession, including for the education and training of social workers, are confusing¹. The Social Work Reform Board is currently developing – with the government’s support – an overarching Capabilities Framework that is intended to inform a range of standards used in social work. This will bring coherence to all the standards underpinning social work. It is intended that the Framework will be used to define what is expected of “new” social workers at the point of registration as well as to set standards for education and training.
16. Before starting to register social workers the HCPC model will need to develop its own standards for registration. This will involve the development of a set of proficiency standards using a generic set of ‘headline’ standards, which is common to all 15 professions that they currently regulate. The HCPC will have the sole responsibility of determining the registration requirements for social work; Government does not require the HPC to consider the work of the Reform Board or the Capabilities Framework in setting these standards.
17. **It is important that the Reform Board’s Framework and the HCPC’s proficiency standards for social workers are aligned. We welcome the early discussions that indicate alignment is an aim of the HPC. It is essential that the Capabilities Framework is kept at the forefront of these discussions. GSCC is pleased to be involved alongside colleagues from the SWRB in the development of HPC/HCPC’s standards of proficiency which will be consulted on later in the year.**

The need for student social workers to be continue to be registered

18. A key element of the reform programme is to ensure that the calibre of students is raised. The GSCC current registers students on a voluntary basis. However, by linking registration to the funding that is available for practice placements, and developing strong links with HEIs, we have managed to ensure that student registration is at very high levels – around 95%. The GSCC argues that students should continue to be registered as they are at present: to move away from registration at this time would give the wrong messages to those aspiring to become social workers and to the public whose trust and confidence in social work requires development.
19. The GSCC believes that student registration is important for the following reasons. First, student social workers on placement have direct and

¹ House of Commons Children, Schools and Families Select Committee, 2009, HC527-I, “Training of Children and Families Social Workers”, Paragraphs 72-79

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. Second, the systems that universities have in place to exclude unsuitable students are not considered to be universally effective and consistent. We understand from employers and external examiners that there is some concern that university social work courses are reluctant to exclude unsuitable candidates because of the financial penalties they incur for "shedding" students. Since registration opened for students in 2005 the GSCC has refused registration to 9 social worker students on the basis that they did not meet the GSCC's standards of good character and registered another 7 with conditions. 10 students have been through the Conduct process in the last year.

20. Finally, registration means that the GSCC's code of practice (or the HCPC's standards of ethics and conduct) becomes binding on student social workers when they are engaging with service users.
21. The universities that train social workers are keen to support registration. They report that it helps them to instil the sense of professional identity that the role requires. Some employers refuse to accept students onto practice placements unless they are registered. Many universities use the GSCC code to initiate debate about the ethical basis of social work practice and some use it as the basis of a contract between the student and the institution. This promotes the professionalisation of social work.
22. **Though HPC does not currently register students, clause 212 will allow the HCPC to open a voluntary registers for students. The GSCC believes that, as a minimum, voluntary registration should continue, moving to a requirement for all students before they begin practice placements with service users. This is particularly important as the HCPC will not have grants to encourage registration as the GSCC has (see below).**

Assessed and Supported Year in Employment (ASYE)

23. 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 be awarded full professional registration until they have completed an assessment after their first year in practice. To implement this idea the Reform Board is developing a set of arrangements under the label of the Assessed and Supported Year in Employment (ASYE). This is based on learning from the NQSW (newly qualified social worker) pilots that have been running for the last two years and is similar to the arrangement for newly qualified teachers. It is likely to involve a formal assessment which the social worker would have to complete successfully before being confirmed in post.
24. The HCPC is being provided with powers to allow it to develop requirements for registration, which could include a structure to support the ASYE arrangements, once agreed. **The GSCC believes that the Reform Board's recommendations for ASYE should be accepted and addressed.**

Parliamentarians may want to be assured that HPC/HCPC will work with colleagues on the Reform Board to develop feasible proposals that build on evidence of best practice.

Distribution of Education Support Grant following the abolition of the GSCC

25. The GSCC currently distributes over £27million each year in Education Support Grants to Higher Education Institutions to support practice placements for students. It has been suggested that a new College of Social Work – which has been given seed funding from the Department of Health – could be asked to take on the role of distributing these grants. However, the College is unlikely to become a full legal entity until the middle of 2011 and may not be in a position to make “business” decisions, including decisions about whether it is capable of administering this grant until late in 2011. Funding contracts to HEIs are for one year based on their predicted number of students in practice placements for the new academic year.
26. **If the funding arrangements are not transferred in time, HEIs may not be able to provide practice placements. It is important that government provides clarity on the administration of the Education Support Grant as soon as possible to allow for a smooth transfer of this function to another organisation and the continued availability of suitable practice placements.**

The regulation of social care workers and the GSCC codes of practice for social care workers and employers

27. The GSCC welcomes the powers for the HCPC to register social care workers and other health care workers. It is important to stress that care workers are currently registered in Scotland, Wales and Northern Ireland and so this will help to produce a common approach to regulation of the more than 1 million social care workers in the UK.
28. Even though social care workers are not currently regulated in England, the GSCC code of practice for social care workers is an important part of the standards framework for social care, and applies to all social care workers, not just those on the register. It provides service users with an understanding of what can be expected from the workers who provide services to them. The code is built into the sector’s induction standards for social care workers (issued by Skills for Care) and the GSCC has issued over 1 million copies of these codes over the past decade.
29. **The Government will need to clarify the future ownership and role of the code of practice for social care workers after the abolition of the GSCC. In particular, what will happen to the code should the HCPC introduce a voluntary register for these workers in future.**
30. The Care Councils also issue a code of practice for the employers of social workers. The Social Work Reform Board has proposed a voluntary standard for employers that will provide guidance on the support and supervision that

employers should provide to social workers. **The GSCC welcomes this work by the Reform Board and the current consultation on it. The link with regulatory procedures in Wales, Scotland and Northern Ireland will also need clarification.**

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