

A consultation

**on the registration of domiciliary and residential
social care workers in England on the General
Social Care Council's social care register**

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Introduction

- 1 In 1998 the Government's White Paper *Modernising Social Services* announced their intention to establish a new national body, the General Social Care Council (GSCC), to regulate the social care workforce in England for the first time. The Care Standards Act 2000 established the GSCC in October 2001 to strengthen public protection by relevant and appropriate regulation of the workforce which has the interests of service users and the public at its heart.
- 2 The GSCC is responsible for:
 - publishing statutory codes of practice setting out the conduct and practice expected of social care workers and their employers;
 - setting up and maintaining a register of social care workers, including checking their character, medical fitness and training before they can join the register;
 - dealing with matters of conduct of registered social care workers;
 - approving courses and qualifications in social work training and monitoring their quality; and
 - paying student bursaries and grants to social work education and training providers.
- 3 In England 1.7 million people use social care services delivered by 30,000 providers in the private, public and voluntary sectors. Domiciliary and residential social care workers provide the majority of these services.
- 4 The Health Select Committee on Elder Abuse (2004) recommended registration of this part of the workforce, because of the risks of having unregistered care workers working on a day-to-day basis in one-to-one unsupervised contact with service users. The Government accepted this recommendation and agreed that the risks posed merit intervention to register these workers.
- 5 Government policy over a number of years has demonstrated a commitment to managing risks to the public and basing all decisions about risks, policy intervention and its enforcement on what best serves the public interest.
- 6 The GSCC believes the registration of domiciliary and residential social care workers will deliver a number of key benefits for service users, carers and the social care workforce. Registration will be an important measure to improve quality in the workforce and to drive up standards through putting in place training requirements for registration and re-registration. Registration will also improve the status of those workers and increase the confidence of the general public in the provision of social care, as all registrants will have to abide by the Code of Practice for Social Care Workers, ensuring the workers are working to nationally agreed standards and are accountable for their conduct and standards of practice. Registration will mean only suitable people will be allowed to work in social care, thereby achieving greater public confidence.
- 7 The change to the social care sector and to the status of social care workers that would flow from the introduction of registration for domiciliary and residential social care workers would be a major one.

The purpose of this consultation

- 8 The purpose of this consultation is to seek your views on the registration of domiciliary and residential social care workers in England and specifically on issues such as registration entry requirements, the level of the registration fee and the approach to registering these workers.
- 9 The results of the consultation will inform the GSCC on how we will register all domiciliary and residential social care workers and will help us achieve registration in a cost-effective and efficient way.
- 10 The **closing date** for responses is **12 May 2006**.

How to respond

- 11 Alongside this consultation document is a Partial Regulatory Impact Assessment (RIA), which provides the rationale for the registration of residential and domiciliary social care workers and an initial assessment of the impact of the policy.
- 12 At the end of each section in this consultation document are questions on which we would like your views. We also welcome any comments you have on the Partial RIA. The consultation pack can also be found on the internet at **www.gsc.org.uk**
- 13 To take part in the consultation, response forms can be completed online or downloaded from **www.gsc.org.uk**. Please ensure your response reaches us by **Friday 12 May 2006**.

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- 14 When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents, and, where applicable, how the views of members were assembled.
- 15 The information that you send to us will be published in a summary of responses to this consultation along with a final Regulatory Impact Assessment. We will assume that you are happy for us to use the comments you provide and attribute them to you unless you specifically include a request to the contrary with your submission. However, confidential responses will still be included in any statistical summary of numbers of comments received and views expressed.

The consultation process

- 16 As well as inviting responses to the consultation from all interested parties through this consultation document, the GSCC is holding a series of six consultation events across England in March and April 2006.
- 17 If you have any queries about the consultation please call: 020 7397 5800 or minicom 020 7397 5805 or email: nextgroupsconsultation@gsc.org.uk

Thank you for your contribution.

Consultation on the registration of domiciliary and residential social care workers

Introduction

- 18 Since the GSCC was established, the Government has intended that the social care workforce should be registered as part of improving standards of social care and providing greater public protection and confidence in the workforce. In July 2005, the Parliamentary Under Secretary of State for Care Services, Liam Byrne MP, announced that the Government was asking the GSCC to start work on the registration of domiciliary and residential social care workers working with both adults and children.

Background

- 19 The GSCC's powers, set out in the Care Standards Act 2000, include the power to maintain parts of the social care register for various categories of social care workers in England as designated by Government. Currently, only social workers and student social workers are eligible for registration in England. In Northern Ireland, Scotland and Wales other groups in the social care workforce are eligible for registration.

Scope

- 20 The GSCC estimates that around 750,000 people are working in residential and domiciliary-based social care services in England.
- 21 This consultation seeks your views on registering those providing residential and domiciliary-based social care in the statutory, voluntary and private sectors, for children and families, and for adults. These workers would provide services for older people, people with physical and learning disabilities, people with mental illness, people with sensory impairments, people who are dependent on drugs and alcohol, looked after children and children at risk.
- 22 The consultation does not seek views on registering:
- staff working in day centres or who offer exclusively health care rather than social and personal care services; or
 - those providing care services through direct employment by service users, whether supported by direct payment or individual budget arrangements.
- 23 The GSCC intends to consult shortly on whether arrangements should be developed for the registration on a voluntary basis of those directly employed by service users. That is, without any requirement that such workers have to be registered or that service users receiving direct payments have to employ only registered social care workers.

Consultation questions

Issue 1: Who should be registered?

- 24 The GSCC envisages that it will be given a duty by Government to register all those working, or supplied to work, in provision registered with and inspected by the Commission for Social Care Inspection (CSCI). All domiciliary and residential social care workers working in CSCI-regulated services will be required to register with the GSCC and meet certain requirements in order to remain on the register. This will include the managers registered with CSCI in each setting.
- 25 It is important the GSCC defines who residential and domiciliary care workers are for the purposes of registration and to ensure that any mechanism for compulsion for registration covers all relevant employment arrangements.
- 26 The GSCC considers, as stated in Section 55 of the Care Standards Act 2000, that domiciliary and residential care workers can initially be defined as social care workers who are employed by, or for the purposes of, or who manage, the following regulated settings:
- Children's care homes
 - Residential family centres
 - Care homes for older people
 - Care homes for adults
 - Domiciliary care agencies providing personal care in people's homes (commonly known in the children's sector as outreach services)
 - Fostering agencies
 - Voluntary adoption agencies
- 27 The GSCC notes that there may be some residential and domiciliary care workers operating outside CSCI boundaries, for example, people working for a mental health trust, children's trust, intermediate care team or NHS provision where not subject to CSCI regulation.
- 28 While the position of those directly employed in relevant settings is clear, many of those working in social care services are supplied by employment agencies or may be self-employed. The GSCC considers that these workers should also be subject to registration, and would appreciate views on this issue.
- 29 A number of those working in social care are currently registered with other professional regulatory bodies, for example nurses and occupational therapists. All these regulators require standards of conduct and will take action when they are breached. The Government's policy is not to require individuals to register with more than one regulator and the GSCC proposes that those currently registered with the following bodies should not be required separately to register with the GSCC, although it should be open to them to do so if they wish to:
- British Psychological Society
 - Care Council for Wales
 - General Chiropractic Council
 - General Dental Council
 - General Medical Council

- General Optical Council
- General Osteopathic Council
- General Teaching Council for England
- General Teaching Council for Northern Ireland
- General Teaching Council for Scotland
- General Teaching Council for Wales
- Health Professions Council
- Northern Ireland Social Care Council
- Nursing and Midwifery Council
- Royal Pharmaceutical Society of Great Britain
- Scottish Social Services Council

Consultation questions 1 to 4

Q1 Do the settings listed below cover all workers in domiciliary and residential care provision registered with and inspected by CSCI?

- Children's care homes
- Residential family centres
- Care homes for older people
- Care homes for adults
- Domiciliary care agencies providing personal care in people's homes (commonly known in the children's sector as outreach services)
- Fostering agencies
- Voluntary adoption agencies

☐ Yes

☐ No

If no, please comment below.

Q2 Are there any other groups who can be defined as residential and domiciliary social care workers who work outside CSCI regulated services? If so, please set out the generic description of the services in which they are employed.

Q3 Do you agree that workers supplied by employment agencies or who are self-employed in social care should be subject to registration?

☐ Yes

☐ No

If no, please comment below.

Q4 Do you agree that those working in social care already regulated by another professional regulatory body should not be required also to register with the GSCC, although they may choose to do so?

☐ Yes

☐ No

If no, please comment below.

Issue 2: Registration entry requirements

30 A major issue in opening the social care register in England to residential and domiciliary social care workers is deciding the criteria for registration. The Care Standards Act 2000 requires the GSCC to consider issues relating to good character and physical and mental fitness when registering individuals. The Act also gives the GSCC powers to impose pre-registration training requirements in relation to all groups coming into registration.

31 A proportion of existing staff in the residential and domiciliary care sector do not hold a recognised qualification, and new staff entering employment may not hold such qualifications. Therefore requiring qualifications before registration would not achieve the goal of full registration of the workforce, since at any time a proportion of the workforce will be working towards a relevant qualification.

32 For these reasons, the GSCC proposes to require successful completion of induction training related to the individual's role as a pre-requirement to registration. A manager registered with the CSCI would provide information to the GSCC that induction training had been satisfactorily completed. Induction training involves a process of ensuring someone is competent to the minimum standard to do the job they are employed to do. We believe this proposal would introduce a clear and achievable requirement for entry to the social care register in England.

- 33 For those who have been working in a job for some time and hold a care qualification, recognised by Skills for Care or the Children's Workforce Development Council or their predecessor bodies, it is proposed to take achievement of that qualification as evidence, with information from the manager that induction has been satisfactorily completed.
- 34 For those who have been working in a job for some time and do not hold a recognised care qualification, it is proposed that the manager will provide information that induction has been satisfactorily completed.
- 35 The GSCC supports strongly the use of the national common induction standards for the adult social care workforce, developed by Skills for Care, and the common induction standards for children's services, currently out for consultation from the Children's Workforce Development Council. However, at this stage it does not seem practical to introduce these standards, as some of those working in the sector will have been inducted into their duties before such standards existed. We would be interested in views on the concept of moving to the nationally agreed common induction standards over time.

Consultation questions 5 to 7

- Q5 Do you agree with the GSCC's proposal to require successful completion of induction into the role as a pre-requirement to registration?

☐ Yes

☐ No

If no, please state your reasons and describe your preferred alternative requirement.

- Q6 Where someone holds a recognised care qualification, for example NVQ2 in care, it is proposed the GSCC take this as evidence with information from the manager that induction has been satisfactorily completed. Do you consider this a reasonable proposal?

☐ Yes

☐ No

If no, please comment below.

Q7 Would you want to see the nationally agreed common induction standards phased in over time as a requirement for entry to the register?

☐ Yes

☐ No

If no, please comment below.

Issue 3: Registration period

36 For registered social workers renewal of registration is every three years. Registration for domiciliary and residential social care workers would need to be renewed periodically to enable the GSCC to check on continued suitability to remain on the social care register. Given the high level of turnover of staff in the residential and domiciliary care sector, the GSCC is proposing to introduce, during the period of first registering these workers, a six-year registration period. This would be designed to ensure that renewal of registration only becomes relevant to those workers who wish to pursue a career in social care and would make post-registration training requirements, if introduced (see issue 4 below), more achievable for registrants.

37 The main impact of introducing this proposal will be in terms of time and cost. A longer period of registration for residential and domiciliary social care workers would reduce the burden on workers and employers in terms of the renewal process compared with social worker's three-year registration period.

Consultation question 8

Q8 Do you agree with the proposal for an initial six-year period of registration for domiciliary and residential social care workers?

☐ Yes

☐ No

If no, please comment below.

Issue 4: Post-registration training requirement

- 38 The GSCC has introduced a post-registration training and learning requirement for registered social workers. It needs to be agreed whether to introduce a similar requirement for residential and domiciliary social care workers and to make renewal of registration conditional on workers achieving the training requirement.
- 39 Introducing a formal post-registration training requirement for residential and domiciliary care workers would raise the level of training and qualification in the social care workforce and meet the national minimum standard for training. However, it would also have cost implications for employers. Therefore we would like to seek your views on this issue and the potential impact for employers and social care workers.
- 40 Such a training requirement could be different for different workers, depending on whether they already hold a recognised qualification in care. For those who do hold such a qualification, it is proposed that the GSCC should define an amount of training and learning activity to be undertaken during each period of registration or each year. Your views are sought on what such a requirement might be.
- 41 For those without a qualification on entry to the register, the GSCC considers that the focus of the training requirement should be gaining relevant qualifications at least at NVQ2, and possibly higher depending on the type of worker to be registered. Your views are therefore sought on whether renewal of registration should be conditional on a worker achieving a relevant qualification during the initial period of registration, with continuing training and learning thereafter.
- 42 As stated in issue 3 above, the GSCC recognises that the period of registration for these groups may need to be six years. The combination of this period with a condition related to gaining a qualification recognises the time commitment required of workers and employers in working towards qualifications; and the need to ensure that, in particular, those who stay in care services are increasingly qualified for their roles.

Consultation questions 9 to 11

- Q9 What should be the post-registration training requirements for domiciliary and residential social care workers?

Please tick each statement you agree with.

- ☐ A certain number of hours of training and learning, for those with a recognised qualification in care, as with social workers
- ☐ A relevant care qualification, for those without a qualification on entry to the register
- ☐ No post-registration training requirement for any domiciliary or residential social care workers
- ☐ Other, please state

Q10 If you feel the post-registration requirement should be a relevant care qualification, what do you think the qualification level should be?

Q11 What would the advantages and disadvantages be of introducing a formal post-registration training requirement for residential and domiciliary social care workers as a condition on renewal of registration?

Issue 5: Compulsion to register

- 43 Through the GSCC's experience of registering social workers it is clear that, without compulsion, registration will not happen or will happen slowly.
- 44 The Government has indicated that it is considering compulsion to register for residential and domiciliary social care workers through regulations made under Section 22 of the Care Standards Act 2000, using the provisions of Sections 22(3) and 22(4). Once in force, such regulations would be likely to prohibit people from managing or working in defined social care services unless they are registered, with exceptions for those working through induction or already registered with another professional regulatory body. It is envisaged that there will be a defined period of time before registration is required to allow for completion of induction.
- 45 The GSCC will advise Government on the potential timing for the introduction of such regulations. Due to the scale of the task the GSCC will need to establish the order in which it phases in registration for domiciliary and residential social care workers. This could be by geographical area, by service type or by employer. The way the GSCC phases in registration may not be the same as the way in which the regulations enforcing registration are phased in.
- 46 The GSCC's intention would be to announce an implementation timescale to allow time for registration of the existing residential and domiciliary social care workforce before registration became compulsory.
- 47 Within care services, each setting has a registered manager. Given their responsibility for participating in the registration of their staff, there is a case for registering these managers first.
- 48 Therefore the GSCC would like to seek your views on the proposal of enforcing registration and how we phase the registration for residential and domiciliary social care workers; and on whether there is merit in registering managers in advance of other workers.

Consultation questions 12 to 14

Q12 Do you agree with the proposal to enforce the registration of residential and domiciliary social care workers?

☐ Yes

☐ No

If no, please comment below.

Q13 How should we determine the order in which we register residential and domiciliary social care workers?

☐ By geographical area

☐ By employer

☐ By service type, for example, domiciliary care workers

If you feel the order of registration should be by service type, please tick the setting you think should have the highest priority.

☐ Children's care homes

☐ Residential family centres

☐ Care homes for older people

☐ Care homes for adults

☐ Domiciliary care agencies providing personal care in people's homes (commonly known in the children's sector as outreach services)

☐ Fostering agencies

☐ Voluntary adoption agencies

☐ By other category, please state

Q14 Is there merit in registering managers of services and introducing compulsion for this group in advance of other workers?

☐ Yes

☐ No

If no, please comment below.

Issue 6: Registration fees

- 49 The GSCC is expected by Government to charge fees for an element of the costs of registration and we therefore envisage that there will be registration fees. The fee will in part compensate for the costs of registration and for investigating complaints of alleged misconduct by registered workers. The current fee for social workers is £30 a year.
- 50 In previous consultations, respondents have urged the GSCC to give particular consideration to current low levels of pay within the sector when setting the fee level for the registration of new categories of the workforce.
- 51 The level of fee that is charged needs to balance the likely costs the GSCC will face against the funds the Government makes available to the GSCC.
- 52 The GSCC has developed a financial model for registering domiciliary and residential social care workers. The model is based on registering social workers and on the experience of other regulators in relation to conduct costs. To cover an element of the costs of the registration process the GSCC considers that it will need to charge a fee in the range of £20 to £30 per year for all domiciliary and residential social care workers.
- 53 The GSCC would like to consult on three issues regarding registration fees:
- What the fee level should be;
 - Whether to have a differential fee rate for different types of workers in residential and domiciliary care based on an ability to pay, for example, managers might pay a higher fee; and
 - Whether there should be an option for employers to pay the fee

Consultation questions 15 to 17

Q15 The GSCC is considering a fee in the range of £20 to £30 a year for all domiciliary and residential social care workers.

Would you support an annual fee at this level for these workers?

☐ Yes

☐ No

If no, please comment below.

Q16 Do you consider managers, or other staff, who are paid more, should pay a higher fee than others?

☐ Yes

☐ No

If not, please comment below.

Q17 If you represent employers in social care, would you envisage paying fees for your staff?

☐ Yes

☐ No

If no, please comment below.

Issue 7: Registration process design

- 54 The GSCC wants to avoid an over-complicated registration process. The initial registration process for social workers has been examined to look at lessons learned and to achieve a more cost effective system. Therefore the GSCC is proposing to streamline the way in which we gather essential data for the registration of residential and domiciliary social care workers. In particular, we are not proposing that each individual worker will need to complete an individual application form in all cases, relying instead on close co-operation with employers.
- 55 In the social care sector and in line with the requirements of the national minimum standards, employers regularly carry out checks on workers in advance of employment, for example, Criminal Records Bureau checks. The GSCC wishes to ensure that we duplicate such checks as little as possible and therefore proposals are set out below on how to approach registration of residential and domiciliary social care workers, in relation to:
- a) The information the GSCC would require in order to register residential and domiciliary social care workers; and
 - b) How the GSCC would collect it, together with the assistance required from employers to complete registration.

a) Pre-registration information

- 56 This proposal sets out what information the GSCC requires from employers and how the GSCC proposes to collect it.
- 57 The GSCC would require the following base data on each applicant:
- Name
 - Title
 - Date of birth
 - Address
 - National Insurance number
 - Gender
 - Job title
- 58 The GSCC would also be interested in collecting data about relevant qualifications held by workers.
- 59 This proposal would also require employers to provide additional information on the following matters:
- Whether induction training has been carried out or a relevant qualification is held;
 - Whether identity checks have been made on the individual;
 - Whether following the compulsory criminal record checks, already carried by employers, the individual has a criminal record which the GSCC should consider in relation to suitability to register;
 - Whether there are any questions about suitability to register in terms of recent disciplinary record, for example, unspent disciplinary matters;
 - Whether there are any issues relating to the physical and mental fitness of the worker to undertake their duties.

- 60 The GSCC will need the above information in order to satisfy ourselves that all workers are suitable to register. Where an individual is self-employed or does not otherwise have an employer an application for registration will still be required.
- 61 The GSCC would still require the individual worker to confirm their commitment to abide by the code of practice for social care workers and to undertake whatever conditions are set for post-registration training and learning. This confirmation may need to be received in advance of the data transfer from employers, or after the GSCC have completed an assessment of suitability based on the information received from employers.

b) Method of data collection

- 62 For the base data the GSCC would envisage gathering this information as far as possible through direct data transfer to the GSCC database from employers, using the internet or other methods such as disc-based technology. For the additional information, the GSCC would envisage a simple statement of relevant information which the GSCC would follow up in an assessment of suitability to enter the social care register.

The following questions are FOR EMPLOYERS ONLY:

Consultation questions 18 to 22 for employers only

- Q18 Do you hold the base data about your employees, at paragraph 57 above, electronically in human resources or other systems?

- Q19 Do you hold data about qualifications held by workers electronically?

- Q20 In order to operate this system what guidance/support for the additional information would employers need, for example around criminal convictions or health issues which need to be recorded?

Q21 The GSCC need to know the following to be able to transfer data from employers to the GSCC's database (please tick those that apply)

- ☐ Do you have internet access to allow transfer of base data?
- ☐ Do you have PC access to allow disc-based transfer of base data?
- ☐ Are you able to produce data in an excel spreadsheet or access database?

Q22 Under data protection you will need the individual to agree to release this data. Would this raise any issues?

- ☐ Yes
- ☐ No

If yes, please comment below.

Other comments:

Respondent information

Full name

Organisation

Contact address

Telephone number

Email

Are you responding as an individual or representing the views of an organisation?

☐

Individual

☐

Organisation

If responding on behalf of an organisation could you state who the organisation represents, and where applicable, how the views of members were assembled.

Which of the following most closely fits your job title:

☐

Social worker

☐

Director or other senior manager

☐

Residential care manager

☐

Human Resources

☐

Domiciliary care manager

☐

Other – please specify

☐

Residential care worker

☐

Domiciliary care worker

Which of the following areas do you work in or have management responsibility for?

☐

Children's care homes

☐

Fostering agencies

☐

Residential family centres

☐

Voluntary adoption agencies

☐

Care homes for older people

☐

Care homes for adults

☐

Domiciliary care agencies providing personal care in people's homes
(commonly known in the children's sector as outreach services)

Which sector do you work in?

☐

Public

☐

Private

☐

Voluntary

Thank you for taking the time to respond to this consultation.

General Social Care Council

16 February 2006