Briefing / Q&A on licensing of social care workers and healthcare support workers

Introduction

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

The White Paper makes a number of recommendations about the social care workforce which are aimed at building and supporting quality. They include the following proposals:

- A regional demonstration site (or ‘pilot’) will be established for a licensing scheme for all social care workers, whether they are working in residential care, in home care or as personal assistants. (Page 109.)

- Unregulated social care workers who can demonstrate that they meet 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 support integration across social care and health, the pilot site will also include 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. (Page 110.)

- This pilot 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.)

- With the ‘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 in England. (Page 111.)

¹ HM Government, Building the National Care Service, March 2010
Questions

1. Who currently regulates the social care workforce?

The social care workforce includes social workers, residential care workers and personal assistants.

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.

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. For example, the NISCC currently registers domiciliary care managers and the SSSC registers managers of adult day care services.

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.

2. What is the HPC’s reaction to the White Paper?

We welcome the publication of the White Paper ‘Building the National Care Service’ and the Government’s approach to piloting the licensing of social care workers and healthcare support workers.

We look forward in due course to working with other stakeholders on the licensing model of regulation. We are committed to widening regulation to maximise public protection whilst not placing disproportionate burdens on the workforce. We believe a licensing model can achieve this balance for support workers, and we look forward to the opportunity to pilot the scheme.

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2 For more information including all the groups who are currently regulated in the four countries, please see:
General Social Care Council: www.gscc.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 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 HPC press statement on the White Paper
3. What is licensing?

A licensing model for lower risk groups or roles was suggested in the report of the Department of Health Extending Professional and Occupational Regulation Working Group as a way of protecting the public.\(^5\)

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.

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.

Licensing has the potential to protect the public whilst avoiding being too costly and burdensome for the large population of social care workers.

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.

We look forward to working with the Government and with other stakeholders to develop and pilot a licensing scheme for social care workers.

4. What about regulation for healthcare support workers?

Healthcare support workers are not currently regulated or licensed in the UK. They often support or assist registered staff by providing healthcare to patients and clients. Healthcare support workers include groups such as medical laboratory assistants and healthcare assistants.

The White Paper says that the pilot of a licensing scheme for social care workers will also include licensing for healthcare support workers to ensure an integrated approach to health and social care service delivery.

The regulation of healthcare support workers has been debated for a number of years. The UK Department of Health and the Scottish Government consulted in 2004 on proposals for the regulation of this group of staff but no final decisions have been reached. The Scottish Government has also piloted and developed an employer-based approach to regulating support workers in healthcare, including induction standards for employers and an employment-based code of conduct.\(^6\)

If the Government implements the White Paper recommendations, we will want 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. **Will social care workers and healthcare support workers become statutorily regulated by the HPC?**

The White Paper outlines plans for a regional pilot of licensing for social care workers and for healthcare support workers. This pilot would be voluntary.

The White Paper outlines how licensing would be ‘optional’ at first. The outcomes of the pilot would then be evaluated by the Government to identify whether any particular groups of workers might need compulsory statutory regulation.

Any decisions about the future licensing or statutory regulation of support workers in health and social care are for the Government and for Parliament.

6. **Will the HPC change its name to the ‘Care Professions Council’?**

The White Paper says that the HPC should be renamed as the ‘Care Professions Council’ if it takes on the responsibility for licensing social care workers.

This change, if implemented, would be subject to public consultation and amendments to our legislation. We will work with Government over the coming months and years to discuss this proposal.

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\(^6\) For more information please see:

- Department of Health, Enhancing Public Protection: Proposals for the Statutory Regulation of Healthcare Support Staff in England and Wales, March 2004

- Scottish Executive, Regulation of healthcare support staff and social care support staff in Scotland, May 2004
  http://www.scotland.gov.uk/consultations/health/rohc-00.asp

  http://www.scotland.gov.uk/Publications/2009/06/01144730/0
7. What is the timetable for this work?


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).

We do not have a detailed timetable for this work at this stage but we look forward to working further with the Government on piloting a licensing approach to regulation in the future.