

Background note in relation to the Children and Social Work Bill

1 Introduction

- 1.1 This background note provides information relevant to provisions relating to the regulation of social workers in England contained within Part 2 of the Children and Social Work Bill.
- 1.2 The Bill would introduce framework legislation which would allow government to bring forward subsequent regulations to establish a new regulator for social workers in England.

2 Our observations on the Bill

- 2.1 The scope of the Bill – covering establishment of a register, protection of title, setting of standards, education and training and fitness to practise – is broadly consistent with that contained in more detail in our legislation, the Health and Social Work Professions Order 2001. Without further detail it is difficult to see how the proposed new system of regulation will differ in any significant way from that operated by the HCPC. Our existing legislation already provides us with the ability to meet many if not all of the Government’s policy aims in creating a new regulator.
- 2.2 The Bill makes provision for post-registration accreditation. We already approve a small number of post-registration qualifications, for example in prescribing. In these areas we set standards for programmes; approve those programmes; and then annotate or mark the Register when someone has successfully completed a programme. This model could be used to manage the assessment and accreditation system for children’s social workers, according to the needs of the profession.
- 2.3 There is no reference in the Bill to the public protection purpose of statutory regulation. The Health and Social Care (Safety and Quality) Act 2015 introduces a consistent public protection objective across the nine independent regulators of health and care professionals overseen by the Professional Standards Authority (PSA).
- 2.4 We understand government plans to consult in the autumn on its approach to reforming the legislation of the professional regulators, in light of the review by the UK Law Commissions of the existing legislative framework. It is unclear how this Bill and subsequent regulations brought forward will take account of this work, particularly in the context of a workforce which increasingly works in multi-professional teams.

- 2.5 There is well-established principle in statutory professional regulation that regulation should be independent of government but with direct accountability to Parliament. The Bill proposes a potentially different model, giving broad powers which would allow the Secretary of State or another person to exercise regulatory powers, or a new regulator to be established.
- 2.6 There is no reference in the Bill to oversight of any new regulator by the Professional Standards Authority (PSA). The HCPC is currently overseen by the PSA. The PSA fulfils its role by, for example, scrutinising the fitness to practise decisions of the regulators and referring cases to the High Court where they consider that a decision may have failed to protect the public.
- 2.7 The HCPC is a multi-professional regulator with over 340,000 registrants. This has a number of benefits including economies of scale. Our annual fee of £90 is the lowest of all the regulators overseen by the PSA. Multi-professional regulation is consistent with the Government's desire for integration of health and social care.
- 2.8 The costs of establishing a new regulator have yet to be established. The previous regulator of social workers, the General Social Care Council (GSCC), needed approximately £25m in Government funding to deliver its functions. There will also be a capital cost of setting up a regulatory body. The transfer from the GSCC to the HCPC cost around £17.9m.¹ At the time of its abolition, the Government estimated an increase in fees paid by social workers to at least £235 if the GSCC were to become self-financing.²

3 Background information

- 3.1 Further information on the work of the HCPC can be found in annex A.

4 References

- 1 www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-03-10/30718/
- 2 www.parliament.uk/documents/impact-assessments/IA11-038.pdf - section E73-E89

Annex A – Background information on the work of the HCPC

We are a multi-profession regulator with modern, flexible processes and legislation and were set up to protect the public. Our relevant legislation is the Health and Social Work Professions Order 2001 (as amended). Our oversight body, the PSA undertakes a performance review every year. In its most recent review (2014) the PSA found that we had met all of its standards for good regulation.

In 2012, the HCPC took on the regulatory functions of the General Social Care Council (GSCC) when it was closed. The GSCC was an arms-length body established in 2000 to regulate social workers in England.

We register professionals who meet our standards. To do this, we set four sets of standards and operate associated processes.

- **Standards of education and training**: Across all professions, the HCPC approves just over 1,000 education and training programmes in the UK, including 234 social work programmes (as at 1 April 2016), which lead to eligibility to apply to join the HCPC Register. Our standards are designed to accommodate various models of programme delivery by a range of different providers, but all must demonstrate that they meet our standards of education and training.
- **Standards of proficiency for social workers in England**: Following a range of external engagement activities, we are currently conducting a public consultation on proposed amendments to the standards of proficiency for social workers in England. Feedback from early engagement with the sector suggests that the standards continue to be fit for purpose. We are proposing a number of minor changes and the draft revised standards will be considered by the Council in September 2016.
- **Standards of conduct, performance and ethics**: All registrants must also meet our standards of conduct, performance and ethics. These were recently revised, with input from the social work profession, and the new standards have an effective date of Tuesday 26 January 2016.
- **Standards of continuing professional development**: Professionals must demonstrate they are keeping their knowledge and skills up-to-date. We audit each profession by sampling at random 2.5% of those invited to renew their registration every two years. Social workers in England were last audited in 2014.

Quality of social work education

In January 2016, we published a review of social work education following the transfer of regulatory responsibilities from the GSCC. This showed that 96% of social work programmes required changes before being approved. Of the 250 programmes that transferred from the GSCC, 66 have subsequently closed. The first students completing HCPC-approved programmes entered the workforce in summer 2015, so it is too early to fully assess the impact the new arrangements have had. However, from our experience to date, we have seen no evidence that newly qualified social workers are not fit to practise.

As a regulator, we have powers to deal with concerns raised about any HCPC-approved programme. Our powers allow us to undertake further visits and require changes, or, where necessary, remove a programme's ongoing approval. To date, this process has not been triggered.

We plan to consult on changes to our standards of education and training from September 2016.