

Health Professions Council
Council away day 4th October 2006
The Scottish pilot for the regulation of healthcare support workers

Executive Summary and Recommendations

Introduction

The review of non-medical regulation refers directly to the Scottish pilot for the regulation of healthcare support workers. The report concludes that it ‘seems sensible to first study the regulators of the Scottish pilot as there is an urgent need for factual information about the advantages and disadvantages of an actual scheme of regulation as opposed to consideration in the abstract’. The report concludes that the Scottish pilot ‘could lead to the adoption of a UK-wide employer-led approach to the regulation of this group of workers’.

This paper provides information about work being undertaken to support and set-up an employer-led pilot for the regulation of healthcare support workers in Scotland.

Decision

This paper is for information only. No decision is required.

Background information

None

Resource implications

None

Financial implications

None

Background papers

None

Appendices

- Appendix 1: Membership of National (Scotland) Group for the Regulation of Healthcare Support Workers
- Appendix 2: Regulation of Healthcare Support Workers membership of 4 country steering group
- Appendix 3: Regulation of Healthcare Support Workers membership working group

Date of paper

22nd September 2006

The Scottish pilot for the regulation of healthcare support workers

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Scottish Executive

Following their previous consultation on regulation, the Scottish Executive established a National Group for the regulation of healthcare support workers.

The group preferred ‘a model of service-led regulation with the addition of a centralised, mandatory, occupational register’. The group recognised that this was the best option given that UK-wide statutory regulation was not achievable within a realistic timescale.

Since then a four country steering group has been established to develop a Scottish pilot for employer-led regulation of healthcare support workers. A member of the Executive has been part of this group.

As part of this work, the Scottish Executive recently consulted on draft codes of practice for healthcare support workers and for employers (within the NHS), and national induction standards. The code of practice for support staff is very much consistent with the emphasis on scope of practice, responsibility and accountability articulated in the Council’s standards of conduct, performance and ethics.¹

The steering group is undertaking further work around establishing a central register of assistants who have met the standards.

Review of non-medical regulation

The report of the review into non-medical regulation recommended that a decision is taken regarding the regulation of healthcare support workers in 2007, following the outcomes of the pilot in Scotland.

The report concludes that it ‘seems sensible to first study the regulators of the Scottish pilot as there is an urgent need for factual information about the advantages and disadvantages of an actual scheme of regulation as opposed to consideration in the abstract’. The report concludes that the Scottish pilot ‘could lead to the adoption of a UK-wide employer-led approach to the regulation of this group of workers’².

The report identifies 10 areas which the Scottish pilot could help clarify, including whether different approaches for different groups are appropriate.

The outcomes of the Scottish pilot will make clearer the advantages and disadvantages of an employer-led system of regulation. In particular, helpful work has already been taken place in establishing clear, generic standards for all healthcare support workers working within the NHS in Scotland.

¹ Scottish Executive, *National standards relating to health care support workers in Scotland – consultation document*, June 2006, <http://www.scotland.gov.uk/Publications/2006/05/30142444/0>.

² Department of Health, p. 33.

You can find the 2001 competencies for healthcare support workers on the NHS Education for Scotland website:

<http://www.nes.scot.nhs.uk/docs/publications/HCSWfinalreport.doc>

The pilot project

The project was approved by the 4-country steering group in October 2005.

However, since October 2005 the objectives of the project were amended to accommodate a pilot phase which is planned to commence in three NHS Board areas in January 2007. The objectives were to:

- Develop a model of service-led regulation with the addition of a centralised, non-statutory, ‘occupational’ register, on behalf of, and with input from, the four UK countries. **Achieved.**
- Introduce, under existing Staff Governance arrangements, a formal system (i.e. under cover of a Scottish Executive Health Department Letter) of registration for support workers employed within the health sector in Scotland (to include NHSS; independent and voluntary sectors as appropriate) through an ‘occupational register’ held by an independent Scottish body. **The pilot phase of the project will test out a 'list' of healthcare support workers in NHS Scotland only.**
- Set up a national records function for the generation and maintenance of a register. **A decision on this will be delayed until the pilot phase is complete.**
- Negotiate nationally agreed frameworks for competence; conduct; scope of practice and induction / educational preparation. **Standards relating to Healthcare Support Workers in the areas of safe recruitment, induction and code of practice / conduct were consulted on (31 May - 31 August 2006).**
- Develop systems for monitoring compliance with standards in line with existing governance arrangements (such as Staff and Clinical Governance frameworks). **It is planned that this will be tested during the pilot phase in 2007.**
- Ensure articulation with any career frameworks in existence.³

The national pilot will begin in January 2007 and will test out an employer-led approach to regulation, in which the achievement of nationally agreed standards is recorded in a

³ Pilot project objectives taken from:

http://www.workinginhealth.com/workforce/wih_dt_disp_temp.jsp?pContentID=973&p_applic=CCC&p_service=Content.show&

centrally held list. A successful pilot will inform the way forward across the UK and will support any future decision regarding the need for a statutory framework for the regulation of Healthcare Support Workers.

(The following is an extract from a letter by Paul Martin, Chief Nursing Officer & Interim Director for Workforce to the NHS Board Chief Executives)

“The pilot is designed to test a number of key elements including:

- The practicalities of implementing national standards⁴, relating to Healthcare Support Workers, and the subsequent entry of names on to a central list for the purpose of public protection. The standards focus on a code of practice for employers relating to safe recruitment practice; a code of conduct and practice for healthcare support workers; and induction for healthcare support workers.
- The benefits of using clear performance criteria as a means of assessing achievement of the standards by Healthcare Support Workers.
- The balance between individual and employer responsibilities in relation to the regulatory standards.
- What compliance monitoring activities are effective?
- The legal, ethical and practical implications of keeping a centrally held list.
- Whether voluntary arrangements for listing add value to national standards implementation and public protection.
- How the requirements of the pilot interact with routine human resource processes and existing governance arrangements and to identify any gaps”.

Working Groups

There are 3 working groups:

- National (Scotland) Group for the Regulation of Healthcare Support Workers;
- 4 country steering group; and
- The working group.

Lists of the members of these 3 groups are included as appendix 1, 2 and 3.

⁴ Standards were consulted upon – consultation ended 31 August 2006

Host sites

The invitation to bid to host a national pilot site closed on 31 August 2006. 3 successful 3 Bids have been accepted, one is NHS Lothian which is the second biggest NHS board in Scotland.

Pilot list

The list cannot be mandatory unless it is a statutory requirement. Pursuing a legislative slot will cause delays and it was therefore decided that the pilot will be voluntary.

The proposed pilot size was 20% of approximately 6000 people. Due to the large host sites being accepted it is estimated that there will be approximately 3000 people.

Independent sector

The independent sector will be running their self-funded pilot in parallel with the pilot funded by NHS Scotland. Cross pilot information sharing is currently being reviewed by NHS Scotland.

Fees and costs

There will be no fees charged during the pilot. The Scottish Executive will support the pilot sites in the following ways:

- Participating NHS Boards will receive a financial contribution towards Disclosure Scotland checks (based on a pro rata approach depending on the number of Healthcare Support Workers recruited by employers in to the pilot). This will assist the *retrospective* checking of those Healthcare Support Workers involved in the pilot who are existing employees.
- Local pilot site coordinator posts (one per participating NHS Board) will be funded for the duration of the pilot, taking up post on 1st December 2006.
- Access to a national pilot coordinator, based in NHS QIS, who will oversee the national pilot and who will provide briefing, guidance and support to the local pilot coordinators and NHS Boards as necessary. It is anticipated that the National Pilot Coordinator will be in post by 1st October 2006, recruiting to the local pilot coordinator posts following appointment.

Evaluation of the Pilot

During the pilot, there will be an ongoing independent evaluation study, funded by the Scottish Executive. A call to tender has been released inviting research organisations to participate. The evaluation team will be in place before the pilot starts. The study will be designed to answer the key research question; “Does the model of standards and listing enhance public protection?”

Public perception

The pilot is currently looking to get research ethics clearance. The plan is to interview healthcare support workers throughout the pilot. Interviewing the users of these services may be more difficult because of the vulnerable nature of some of the users (e.g. mental health service users).

Misconduct

The working groups are currently looking to finalise guidance in this area. It is expected that any cases of misconduct will proceed as they do at present. One of the aims of the pilot is to find any gaps in the current processes which will then lead to possible central guidance.

Appendix 1)

Membership of National (Scotland) Group for the Regulation of Healthcare Support Workers

NAME	DESIGNATION	INTERESTS REPRESENTED / AREA OF EXPERTISE
Frances Dow	Lay Chair	Interest in regulation and lay member of the Council for Healthcare Regulatory Excellence
Robert Anderson	CDNA (Community and District Nurses Association)	Human Resources Forum (staff side)
Jane Arroll	Director of Allied Health Professions, Greater Glasgow Primary Care Division	AHP groups and employers of AHP support workers
Michelle Bremner	Director (Scotland) Skills for Health	National Occupational Standards
Gerry Cavanagh	Learning Coordinator, Scottish Executive	SEHD – Learning & Careers
Audrey Cowie	National Programme Manager, Scottish Executive	Occupational, Professional & Regulatory Standards
Donna Dawson	Speech and Language Therapy Assistant	Support Workers to Allied Health Professionals
Carol Dobson	Programme Director, NES	NHS Education for Scotland
Geraldine Doherty	Registrar, Scottish Social Services Council	Social Services
Dr Zoe Dunhill	Clinical Director, Children's Services, Edinburgh Sick Children's Hospital	Sick Children's Services
John Findlay	Chief Executive, OnePlus	Voluntary Sector and employers interests
Michael Fuller	AMICUS	Human Resources Forum (staff side)
Uriel Jamieson	Branch Head, Nursing & AHP Directorate, SEHD	Regulation and Education for nursing, midwifery, Allied Health Professionals and support workers
David Killean	Assistant Principal, Borders College	Further Education Institutions
Gillian Lenaghan	RCM (Royal College of	Human Resources Forum (staff

	Midwives)	side)
Jean Maclellan	Head of Branch, Vulnerable Adults Unit, Scottish Executive	Vulnerable Adults' interests
Angela MacNamara	Student Nurse and former HCSW	Healthcare Support Workers pursuing professional registration
Christine McCole	COSLA	Local Authorities
Ewan McLean	Clinical Services Manager	Independent Healthcare Forum and employers interests
Louise McGurk	Joint Future HR Group, SEHD	Joint Future HR Group
Patricia McNally	CSP (Chartered Society of Physiotherapists)	Human Resources Forum (staff side)
Andrew Morrall	Compliance Manager	Disclosure Scotland
Helen Ostrycharz / Linda Tindall	Director of HR / Senior HR and OD Manager	Interface between statutory and employer regulation (vis a vis Bichard Inquiry)
Alan Penman	Regional Workforce Director - East	Regional Workforce Directors Group
Professor Jack Rae	Dean of School, School of Health, Nursing and Midwifery, University of Paisley	Higher Education Institutions
Dr Michael Ross	'Start Well' project	Medical Profession's interest in healthcare support workers
Elinor Smith	Director of Nursing – Grampian Primary Care	Directors of Nursing Group and employers interests
Pat Tonner	External Moderator, Health and Social Care	Scottish Qualifications Authority
Sheila Tunstall- James	Lay member	The public interest

Appendix 2)

Regulation of Healthcare Support Workers membership of 4 country steering group

NAME	DESIGNATION	REPRESENTING
Paul Atkinson	Member	Department of Health, England
Susan Brimelow	Member	Director of Care Services, Scottish Council for the Regulation of Care
Joyce Cairns	Member	Department of Health and Social and Personal Services of Northern Ireland
Catherine Clark	Member	Head of Regulatory Unit, SEHD
Jim Clark (up to April 2006) Mick McGahey (from April 2006)	Member	NHSS frontline staff
Audrey Cowie	Professional Secretary and member	
Geraldine Doherty	Member	Scottish Social Services Council
Dr Frances Dow	Lay Chair and member	
Kathryn Fodey	Member	Department of Health and Social and Personal Services of Northern Ireland
Michael Fuller	Member	Human Resources Forum (tbc)
Kathy George	Member	Nursing and Midwifery Council
Mary Gilbert	Member	Department of Health, Wales
Linda Gregson	Member	Sponsorship Branch – Scottish Commission for the Regulation of Care (the care Commission)
Bruce High	Member	Independent Healthcare Forum
Caroline Hutchinson	Member	Statistical Workforce Information Service Scotland
Uriel Jamieson	Member	Nursing and AHP

		Directorate, SEHD
Lynn Leitch	Member	Pharmacy Technicians
Margaret Johnstone	Member	The public
Karen Lockhart	Member	Nursing Officer, Education and Regulation, SEHD
Rosemary Macalister-Smith	Member	Council for Healthcare Regulatory Excellence
John McLean / Ian Todd	Member	Scottish Criminal Records Office
Dave McLeod	Member	'Protection of Vulnerable Adults' Bill Team, SE
Maureen Morgan	Member	Department of Health, England
Patricia Purton	Member	Royal College of Midwives (formerly Scottish Partnership Forum)
Catherine Rainey	Member	Post-Bichard policy team, SE
Denise Richards	Member	Department of Health, Wales
Greg Ross-Sampson	Member	Health Professions Council
Elinor Smith	Member	Employers' Reference Form (Management Steering Group)
Diane White	Member	Sponsorship Branch – Social Service Workforce Regulation, SE

Appendix 3)

Regulation of Healthcare Support Workers membership working group

NAME	DESIGNATION	REPRESENTING
Gerry Cavanagh	Learning Projects Manager, Scottish Executive Health Department	Learning, Development and Careers
Jim Clark	Porter	UNISON and frontline portering staff
Noni Cobban	Project Leader, University of Stirling	Homecare Practice Licence Project
Audrey Cowie	National Programme Manager, Scottish Executive Health Department	Regulation and Workforce Standards
Carol Dobson	Programme Directors, NHS Education for Scotland	NHS Education for Scotland and National Group member
Ann Green	Support Services Manager, NHS Borders	Support Services Staff Management
Maggie Havergal	Manager – Scotland, Skills for Health	Sector Skills Council for Health
Margaret Johnstone	Lay Member	The patient and public interests
Lynn Leitch	Lecturer, Telford College, Edinburgh	Pharmacy Technicians
Linda Lynch	Head of Learning and Development, NHS 24	Learning & Development
Eddie McLaughlan		Property and Environment Forum
Andrew Morall / Sandy Henderson	Manager/s, Disclosure Scotland	Disclosure Scotland, Scottish Criminal Records Office
Ed Moreton	Trainer, NHS Grampian	Training & Development of ancillary staff
Ian Stephenson	Manager, BUPA	Independent sector
Linda Tindall	Human Resource Manager, Yorkhill Hospital, Glasgow	Human Resources Management and National (Scotland) Group
Jack Rae	Head of Nursing and Midwifery Education, Paisley university	Higher Education and National (Scotland) Group
Raymond Taylor	Head of Training	Scottish Social Services Council
Morag Thomson (until March 2006)	KSF Development Manager	KSF Development, Pay Modernisation Unit
Susan Watt / Ros Derham	Officer/s	Royal College of Nursing

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