

Briefing on the Health and Social Care Bill House of Lords, Second Reading, Tuesday 11 October 2011

Introduction

Part 7 Health and Social Care Bill – Regulation of health and social care workers

Part 7 of the Bill makes various changes to the regulation of health and social care workers. Most prominently, it provides for the abolition of the General Social Care Council (GSCC) and the transfer of its regulatory functions to the Health Professions Council (HPC). This briefing provides further information about the HPC's work as a multi-professional regulator and an update on issues around the transfer of the regulatory functions.

Background

The HPC is an independent, self-funded, UK-wide statutory regulator for 15 professions working in the health, education and social care sector as well as in independent practice. The HPC currently regulates over 219,000 registrants. Its focus is on the protection of the public and it does this by maintaining a Register of professionals who meet established standards for training, professional skills, behaviour and health. The HPC approves and upholds standards of education and training whilst investigating complaints about registrants and taking appropriate action.

Transfer of Regulatory functions

The working timetable set by the Department of Health is to complete the transfer no later than July 2012, subject to Parliamentary approval. It is expected that the HPC will be renamed the Health and Care Professions Council (HCPC), to reflect its wider remit across health and social care. The HPC is working closely with the GSCC to deliver a smooth transition which ensures the protection of the public and provides clarity for registrants.

Other professions

The HPC has an established track record in working with professional and regulatory bodies in preparation for professions entering into regulation by the HPC. In 2004 the HPC assumed responsibility for the regulation of operating department practitioners, after working closely with the Association of Operating Department Practitioners. In 2009 it commenced regulation of practitioner psychologists, transferring voluntary Registers held by the British Psychological Society and Association of Educational Psychologists to the HPC Register. Most recently in 2010 the HPC assumed responsibility for the regulation of hearing aid dispensers after the abolition of the Hearing Aid Council. Establishing good working relationships was essential to ensuring a smooth transition in all cases.

Issues

Social worker involvement in HPC decision making: Every time the HPC opens a new part of its Register for a new profession, it recruits members of that profession to assist in carrying out its regulatory functions. The HPC is currently recruiting for 100 social work partners in advance of the transfer of the Register to ensure that the necessary expertise is in place. All appointments are subject to the passage of the Bill.

The recruitment exercise to appoint a social worker to the Education and Training Committee will commence in time for the appointment to be taken up on transfer of the Register. In addition, the annual recruitment process for Council members will begin in February 2012 and it is anticipated that eligibility for registrant member vacancies will be extended to social workers with the usual caveats placed on the legislative passage.

In addition to taking steps to recruit social work expertise, the HPC has been working closely with key organisations and initiatives. The HPC is a member of the Social Work Reform Board and it meets regularly with professional body representatives, unions, user groups and education experts from within the field of social work and will continue to do so in the future.

Setting standards for the social work profession: As part of the preparations for the transfer, the HPC set up a Professional Liaison Group (PLG) to help to prepare draft standards of proficiency for social workers in England. This Group had representation from the key stakeholders in social work as well as the GSCC. Public consultation on the proposed standards is on-going and will be completed in November 2011.

Standards of education and training: In addition to standards of proficiency, the HPC is also consulting on the threshold level of qualification for social work. This consultation is currently taking place and will be completed in November 2011.

Registration costs: The registration fee for the GSCC currently stands at £30 per annum, with the organisation receiving significant financial support from the government. This fee would be significantly higher if the GSCC were to operate on a full-cost recovery basis as an independent regulatory body. The HPC charges an annual fee of £76. The HPC currently has the joint lowest registration fees of any UK health and care regulator. There are no plans to increase the annual fee this year and this amount has been frozen for the past three years.

Student registration: Unlike the GSCC, the HPC does not currently hold a voluntary Register for students. However, the HPC provides guidance on conduct and ethics for students and requires all Higher Education Institutions delivering relevant courses to operate a fitness to practise system for students. Statutory powers already in place include the requirements for criminal conviction checks, health declarations and standards of practice placements.

The HPC is currently reviewing its approach to student registration across all of the professions it regulates and for student social workers in England. A preliminary impact assessment has been undertaken and there will be consultation with stakeholders at the end of 2011. The outcome of the consultation will inform a final impact assessment. It is anticipated that final conclusions will be reached in spring 2012.

New name for the Health Professions Council: The Health and Social Care Bill proposes that the HPC be renamed the Health and Care Professions Council (HCPC) to reflect the expanded remit that is proposed. A new strap line will be used to clearly communicate the range of professions that will be regulated: *'Regulating health, psychological and social work professionals'*.

UK-wide registration: The registration of social workers in the UK is devolved, with each of the four countries having its own regulatory body. The current HPC professions are regulated on a UK-wide basis, however the HCPC will only regulate social workers in England.

The HPC is experienced in working with registrants and stakeholders in the devolved administrations. Clause 212 of the Health and Social Care Bill places a duty on HPC to co-operate with other Care Councils and the HPC has already begun working with the social work regulators in Northern Ireland, Scotland and Wales. The HPC will continue to develop good communications to ensure consistency in decision making and to ensure public protection is provided across the UK.

The HPC will enable social workers registered with Care Councils outside of England to practice in England on a temporary basis.

Fitness to practise: Unlike the HPC, the GSCC cannot investigate concerns about a social worker's competence, only their conduct. The GSCC recommended moving to a regulatory regime which gives greater powers in this area. Under the HPC, concerns about competence, as well as conduct, will be dealt with using a wider range of sanctions.

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