



Gofal Cymdeithasol **Cymru**  
Social Care **Wales**



# Consultation response

Transforming Care in the 21<sup>st</sup> Century: A  
consultation

## Contact details

### **Social Care Wales**

South Gate House  
Wood Street  
Cardiff  
CF10 1EW

Tel: 0300 3033 444

Minicom: 029 2078 0680

Email: [info@socialcare.wales](mailto:info@socialcare.wales)

[socialcare.wales](http://socialcare.wales)

Twitter: [@SocialCareWales](https://twitter.com/SocialCareWales)

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### **Other formats:**

This document is available in large text or other formats, if required.

Copies also available in Welsh

# 1. Introduction

## 1.1 Background to the Transforming Care in the 21<sup>st</sup> Century consultation

- 1.1.1 Our consultation about proposed changes to our registration fees, qualification requirements, code of practice for employers and fitness to practise rules has closed. The consultation, open for 12 weeks between 24 July and 16 October 2017, was called Transforming Care in the 21<sup>st</sup> Century: A consultation document.
- 1.1.2 We did all we could to make sure that those who might be affected by the proposed changes had a chance to comment. We:
- sent the consultation document to over 12,000 people
  - put the document in a prominent place on our website
  - sent frequent reminders to encourage people to take part
  - held webinars and workshops to help people understand the proposed changes
  - put information about the consultation in our newsletters
  - sent information about the consultation to registrants and employers
- 1.1.3 The document was available in English, Welsh and easy-read format and we offered other versions on request. We also accepted responses that weren't submitted through the main survey website.

## 2. Summary of responses

- 2.1.1 We received 210 responses to the consultation. This is more than we expected and more than the number of responses we received for other recent consultations.<sup>1</sup>
- 2.1.2 Of those who responded, 150 people said they were responding as individuals and 60 said they were representing the views of organisations. Just over half used Survey Monkey to submit responses, which was our preferred method. The remainder sent them to our mailbox or to members of Social Care Wales staff.
- 2.1.3 From the information available, we know that:
- the largest number of responses from individuals came from social workers and care managers
  - the largest number of responses from organisations came from employers and local authorities
  - students, domiciliary care workers and those using services had the lowest response rates for individuals
  - learning providers had the lowest response rate for organisations.
- 2.1.4 We took other opportunities to gather opinions from the sector throughout the 12-week consultation period and didn't rely on consultation responses alone. As a result, we now have a strong understanding of the issues causing the greatest concern in and the things people want us to do to help if we go ahead with the proposals.
- 2.1.5 We asked people to comment on four areas. These are summarised in the sections below:
- Section 3 – Proposed changes to fees
  - Section 4 – Proposed changes to qualification requirements
  - Section 5 – Draft Code of Practice for Employers
  - Section 6 – Proposed changes to Fitness to Practise Rules

Each section lists the questions we asked and summarises the responses received.

The final section sets out what will happen next.

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<sup>1</sup> We received only 14 responses to the consultation about Social Care Wales Rules 2017.

## 3. Proposed changes to fees

### 3.1 We asked:

<b>Q1. Do you agree that the proposed distribution of fee levels across the different groups of workers is reasonable?</b>	
Agree that the proposed fee increase is reasonable	91 (43%)
Do not agree that the proposed fee is reasonable	74 (35%)
Do not know/skipped/non-committal	45 (22%)

<b>Q2. Do you think that the proposed annual fee increase to meet the fee level in 2022 is reasonable?</b>	
Agree that the proposed annual fee increase to meet the fee level in 2022 is reasonable	76 (36%)
Do not agree that the proposed annual fee increase to meet the fee level in 2022 is reasonable	73 (35%)
Do not know/skipped/non-committal	61 (29%)

- 3.1.1 All respondents answered the first two questions about the proposed increase in our registration fees. The consultation has not highlighted major issues in relation to fee levels for existing registrant groups.
- 3.1.2 The number of people who agreed with proposals about our fees was lower than the total number of people who didn't agree or were unable to decide. We explored why a significant number of respondents did not commit to an answer, in case it was because they felt they didn't have enough information about the proposed changes. Our analysis of the comments suggests most didn't commit to an answer because they had mixed views about the proposals, rather than a lack of understanding of, or interest in, them.
- 3.1.3 We asked people to tell us how we can help the sector adapt to the changes. We received suggestions from 159 people; the comments support the view that most people understood the proposals.

3.1.4 Here is a selection of comments from those in favour of the proposals.

### Comments from people in favour of proposals

- Overall fees for SW to rise to £80 are reasonable. Social Care Manager fees are reasonable.
- I believe that as many care workers as possible should be registered to make the employment process better
- Yes. A gradual fee increase over time is a good idea.
- The phased approach will reduce the immediate impact on both existing and future registrants.

3.1.5 The impact on recruitment and retention was the biggest concern amongst respondents who disagreed with proposals, as indicated by the larger number of respondents who mentioned it and the nature of their comments. Many said current funding levels and salaries in the sector are unsustainable and questioned how the increase in fees will be paid for.

3.1.6 Here are some comments about this issue:

### Comments about concerns on recruitment and retention

- The domiciliary care sector is currently underfunded and we have grave concerns about the impact of any registration fee
- Whilst I am a strong advocate for workforce registration, it is important that the cost of individual registration does not negatively impact on the workforce itself. The cost of registration should fall upon the employer, but must also be considered within the wider costs of care and payment rates by commissioners of social care services
- The SCW workforce is already one of the most fragile workforces, how can the impact of increased costs be risk managed
- Social care workers are already under paid and under- valued. To place a fee on care workers to actually be able to work in the sector is unacceptable and will drive people out of the sector and further impact on staff recruitment and retention.

3.1.7 Some respondents didn't agree that the proposed distribution of fees across the groups was fair. Some questioned whether some groups should have to pay at all. Others said the fee increase, in general, was unfair.

- 3.1.8 Some suggested the use of incentives to get people to register early, including having a 'fee-free' period or reduced rates in the first few years.
- 3.1.9 Here is a selection of comments about this issue:

## Comments about incentives for registering early

- Welsh Government confirmed the sector as one of the five key economic priorities for Wales in Prosperity for All. In the circumstances we would expect to see a higher level of subsidy for the fees, particularly during the period of voluntary registration for social care workers.
- It is also hard to justify why care workers, and social care managers, should face the burden of fee increases as a result of a Government-led drive towards full registration. If the Government feels that this is a worthwhile goal, then they should also be willing to provide the funding to ensure that registration costs are not falling onto the shoulders of relatively low-paid members of the workforce.
- A free registration scheme would enhance the safety of citizens, and promote care work as a career and profession, but would not deter potential applicants.
- Consideration for free registration period, up to a point in time, to encourage people to register before the deadline. This could help to prevent a huge amount of staff registering at the same time and causing administrative issues, as it is likely that most people will wait until the last possible time to register
- What is the incentive to early take up of registration – organisations are unlikely to pay registration fees – how will SCW chase payments?

3.1.10 Some asked about the benefits of registration, in particular the benefits to employers and domiciliary care workers. Here are some comments on this:

## Comments about benefits of registration

- Whilst we support the agenda for professionalization of the workforce, it is not yet clear what added value registration will provide either to the individual social care worker or their employer, particularly at the early stages of the register being opened when existing staff will be required to sign up
- There is nothing to explain what individuals will get for the suggested fees. For example what benefit/added value will a social worker get for their annual £35?
- What is actual cost of registration this must be transparent – can surplus be reinvested in support for regional induction programmes to link with SCW strategy for recruitment and retention
- The benefits of registration need to be outlined to the worker and their employer. What is the incentive for registration?

3.1.11 There were 159 responses to what we can do to help the sector adapt to proposed changes. Most were about communication and engagement.

## Comments about support needed to register

- Roadshows led by SCW to sell the benefits – local and regional sub groups set up to help support providers
- Clear handouts/information/advertisements stating what this is about. Information should be ‘in a nutshell’ information and put in a positive light selling the benefits.
- Raise the profile of the sector with National Advertising campaigns, so the general public are aware of the changes and increased professionalism of the workforce. Making workers proud to work in Social Care / Better advertising for the changes. Start letting the public know that carers are valued
- Practical support with time allotted for study and completion of the qualification. Paid time and expenses.
- Sessions for employers now around how to plan for the process the administrative work involved and how to manage things such as PRTL.
- As professionals we should like visible confirmation of professional status by way of a professional badge to include their unique registration number. This confirms the professionalism for both the worker and the public and gives the public confidence in safeguarding.

## 4. Proposed changes to qualification requirements

4.1.1 Tables 1-3 below show most people who responded to questions about changes to qualification requirements were in favour of the proposals.

### Table 1

<b>Do you agree with the proposal to use the qualifications listed in the existing Qualification Framework for domiciliary care workers for registration?</b>	
Agree with this proposal	143 (68%)
Do not agree with this proposal	19 (9%)
Do not know/non-committal/skipped	48 (23%)

### Table 2

<b>Do you agree with our proposal that, for people who do not already hold one of the qualifications listed, we will use the Level 2 Award in Social Care Induction (Wales) as an initial requirement for registration, along with completion of the full Social Care Induction Framework?</b>	
Agree with this proposal	144 (69%)
Do not agree with this proposal	27 (13%)
Do not know/non-committal/skipped	39 (18%)

### Table 3

<b>Where workers have used the award and induction framework to register, they will need to complete one of the listed qualifications within the first three-year period of registration. Do you agree with this proposal?</b>	
Agree with this proposal	140 (67%)
Do not agree with this proposal	29 (14%)
Do not know/non-committal/skipped	41 (19%)

- 4.1.2 Many respondents fully supported setting a qualification requirement for the registration of domiciliary care workers. Here are some comments:

### Comments about qualification requirements

- I strongly agree with this part of the proposal, staff will feel more valued and as a whole it promotes professionalism.
- UNISON welcomes these recommendations as a starting point. UNISON has long voiced concerns over the absence of training for homecare workers and the poor quality of training where it is available. A recent survey UNISON undertook on homecare training gave a shocking insight. Funding reductions in social care budgets since 2010 have had a devastating impact on the quality of homecare for elderly and disabled people throughout the UK.
- The introduction of qualifications is a positive and will help raise the standard for care workers both for their own development and for practice. However, adequate support should be provided to support those who might struggle with achieving the new qualifications and might be deterred but who are actually excellent caring workers. It's a balance of raising standards but not at the expense of losing excellent workers.

- 4.1.3 There was also strong feedback that having a mandatory requirement for all workers to undertake the same induction framework was a positive move:

### Comments about the induction framework

- This is important as it standardises the induction process and hopefully the assessment and quality assurance methodology. All organisations will have to deliver the induction in the same way which makes recruitment easier if we recruit staff from other social care agencies; we will know the level of induction they have undertaken and therefore not require individuals to undertake the full induction again, thus reducing duplication and costs
- I believe that this will ensure all staff will receive an in-depth induction no matter who their employer is - i.e. a real improvement on the current situation.

4.1.4 However, we identified two areas of concern to consider as we move towards the registration of domiciliary care workers. These are:

1. the additional financial burden on employers
2. the additional pressure on recruitment and retention caused by workers, especially mature workers with long service, deciding to leave the sector rather than undertake a qualification

4.1.5 Whilst there was widespread support for the use of qualifications to professionalise the sector, many urged caution on how we go about introducing them, highlighting potential problems. Some people said care work doesn't offer a career path and is not a valued and respected profession. This, they say, leads to difficulties in recruiting and retaining workers.

4.1.6 Some expressed a strong feeling that many workers would rather leave the sector than undertake a qualification.

## Concerns about qualifications

- The older population approaching retirement is not interested in undertaking qualifications.
- Many of them were failed by the formal education system and left school with little or no formal qualifications and become distressed even by the thought of having to undergo formal, even vocational learning. This does not mean that they are in any way unsuitable as care workers. Good care is based on compassion more than knowledge. Around 60% of our current workforce does not have the level 2 award and we predict that a large number, who are good, compassionate care workers, will leave the sector rather than undertake the award.

4.1.7 There are also problems around the perception that care workers will need to have academic ability. Fears seem to have been exacerbated by the current Welsh Government requirements for essential skills in the apprenticeship frameworks. Comments include:

## Comments about qualifications and Essential Skills

- I agree in principle – it would be more consistent and standardise that all staff hold the recommended qualification, however, there are concerns that long serving staff members may not feel confident in their digital literacy / numeracy skills to achieve the level 2 award.
- These issues have been widely reported by both learning providers and employers and are creating barriers to the achievement of the required qualifications, as well as negative and inaccurate perceptions about the knowledge and skills required by those wishing to undertake the training to work in social care support roles. This is particularly damaging to the confidence and self-esteem of those who are being forced to complete the ‘tests’

4.1.8 The qualification requirement was regarded as particularly problematic for those on zero-hour contracts and those working only a few hours each week. It was felt they might struggle to complete the qualifications within the required time.

4.1.9 Some respondents questioned why the proposed qualification is set at level 2 for working with adults, when it is level 3 for those working with children and young people. Others drew attention to the fact that some areas of service delivery have higher qualification requirements than level 2 - the minimum requirement for mental health or substance misuse workers is level 3.

4.1.10 Here are two examples of comments received about this:

## Comments about qualification levels and settings

- Adult needs are just as complex as the needs of children.
- Level 3 is more appropriate for domiciliary care workers due to the isolated nature of their work.

4.1.11 Some expressed concern about the financial burden the qualification requirements could place on providers. One respondent calculated the additional requirements associated with the revised Induction Framework and Award qualification would result in an increase from nine to 14 days in the classroom. Another suggested they would be charged £300 per person to undertake the award and training. Comments included:

## Comments about qualifications and financial burden

- My concern here is about the cost that this will put onto particularly small employers if they are having to fund this qualification as it is accredited, if funding is going to be available then I have less of a concern as I feel that what is included in the award are very much the basics that you would expect all workers to understand before they work alone, if the SCIF is then to be used to evidence competence in the workplace then this makes sense.
- Workers employed for a long time are unable to access apprenticeship funding – this would be a problem for a significant number of workers.

- 4.1.12 The high level of staff turnover in the sector was felt to be an additional factor in this respect, as it would increase the number of workers who would need to be taken through the induction and qualifications annually, resulting in additional costs to providers.
- 4.1.13 There were concerns about the lack of availability of learning providers undermining efforts to get the workforce qualified. Alongside this, there were concerns that awarding bodies will not be able to issue certificates fast enough to enable workers to register within six months.
- 4.1.14 A number of respondents asked what will happen to workers who fail to complete the required qualification and register within the specified period. They also questioned what will happen to those who change employment within the three years allowed for completion of the practice qualification. Others indicated they will need help to change employment contracts and adjust probationary policies.
- 4.1.15 There were strong views about the need for higher wages to reflect the level of responsibility and the complexity of social care roles – some respondents felt setting a qualification requirement without addressing this issue could result in more workers leaving the sector.
- 4.1.16 Some people raised concerns about how well the current and revised Induction Framework will meet the needs of additional groups of workers who fall within the definition of 'social care worker', particularly advocates and inspectors.

# 5. The Code of Practice for Persons Employing Social Care Workers

## 5.1 We asked:

Do you think the standards in the Code of Practice for Employers are reasonable and achievable for employers?	
Yes	165 (78%)
No	3 (2%)
Do not know/skipped/non-committal	42 (20%)

## 5.2 Responses

5.2.1 The response was very positive, with respondents saying the proposed Code:

### Comments about Employer Code

- reflects current good practice and is achievable for good employers
- helps to make HR departments aware of the expectations and requirements
- should be made available to employers and staff – so each is aware of their responsibilities
- requires enforcement to be meaningful

5.2.2 Respondents also made suggestions about how we can improve the Code:

### Suggestions on improving the Code

- the need for clarity on the respective roles and responsibilities of employers, CSSIW and Social Care Wales in the registration and fitness to practise processes i.e. who does what
- concerns about the costs and practical challenges of meeting the PRTL requirements. Whilst 90 hours may be achievable for some workers, for others, such as those working less than 10 hrs per week, it is excessive, disproportionate and costly
- the need for clear guidance on what can be included in the PRTL record
- potential duplication between the Code and other regulations and therefore unclear where it fits. A suggestion that more needs to be done to 'bring together' the range of requirements on employers

5.2.3 The question about gaps in the Code generated helpful responses, but most people didn't feel there were gaps or didn't comment.

<b>Do you think there are any gaps in the content of the employer's Code?</b>	
Yes	20 (10%)
No	106 (50%)
Do not know/skipped/non-committal	84 (40%)

5.2.4 Respondents made specific suggestions about changes they would like us to make. They are:

### **Suggestions about changes to the Employer Code**

- re-consider the title of the Code – Employers’ Code is plainer
  - consider a stronger link with the Social Services and Well-being (Wales) Act and the guidance on duty of candour
  - consider content on incident reporting and recognition of unions
  - consider including/strengthening content on human rights and advocacy
- review the definition of social care worker to make the full range of social care workers clear

5.2.5 Other issues we have identified:

- practical concerns about access to a worker’s training/PRTL records by the manager/employer and avoiding duplication
- practical concerns about reminder systems for managers about registration

5.2.6 Examples of comments about proposed changes

### **Comments about proposed changes to the Employer Code**

- These are the standards we currently aim to achieve as a responsible employer.
- It supports what is/should already be everyday practice in the care sector.
- This is a new system and has not been tried and tested before and therefore there needs to be clear guidelines for all involved.
- The many high ideals in the Code are not achievable given the current commissioning models and payment levels used by many local authorities.

5.2.7 We will consider ways of bringing together the range of requirements for employers and consider how to support employers in relation to specific concerns such as Post Registration Training and Learning (PRTL).

# 6. Changes to our Fitness to Practise Rules

6.1.1 As we expected, most respondents didn't comment on proposed changes to our Fitness to Practise rules, set out in section 6 of the consultation. A summary of responses to the two proposed changes is set out below.

## 6.2 Changes to the Fitness to Practise Investigation Rules 2017

6.2.1 The proposed change to our Fitness to Practise Rules 2017 is an administrative change that reflects the intentions set out in the Regulation and Inspection of Social Care (Wales) Act 2016. The Act was the subject of lengthy consultation. We are confident most people understand our need to make sure our rules reflect the Act and there are no gaps.

6.2.2 We want to make a change because we identified a gap that could compromise public safety. This, in our view, accounts for the relatively low number of comments on the proposed change to our Fitness to Practise Investigation Rules 2017.

<p><b>We are changing the Fitness to Practise Investigation Rules 2017 to allow us to make direct referrals to fitness to practise panels where the matter under investigation relates to:</b></p> <ol style="list-style-type: none"> <li>1. a registered person's conviction or caution in respect of a relevant criminal offence</li> <li>2. the inclusion of a registered person in a barred list</li> <li>3. a determination by a relevant body to the effect that a registered person's fitness to practise is impaired.</li> </ol> <p><b>Do you have any comments about the proposed change?</b></p>	
Yes	33 (16%)
No/Do not know/skipped/non-committal	177 (84%)

6.2.3 Of the 16% that commented, most were positive about the changes. Some referred to unrelated matters and some asked questions that suggested a lack of knowledge of our fitness to practise processes. Our Fitness to Practise and Hearings teams are already taking steps to help the sector understand the fitness to practise processes and will take note of these comments as they continue with this work.

### 6.3 Proposed changes to the witness summons process

6.3.1 The proposed change to our rules relating to witness summonses reflects an amendment to Welsh Government legislation that had been in place and in the public domain for several months before we opened the consultation. Instead of applying to the Care Standards Tribunal for witness summonses, we will use the High Court or County Court.

6.3.2 We asked:

<b>We are changing our Fitness to Practise Rules 2017 so that requests for witness summonses will be made to the High Court or County Court, rather than the Care Standards Tribunal.</b>	
<b>Do you have any comments about the proposed change?</b>	
Yes	13 (6%)
No/Do not know/skipped/non-committal	197 (94%)

6.3.3 Most of the 6% that commented supported the changes. There were some comments about unrelated matters and it appears that two respondents misunderstood the proposal. However, there were no objections to the proposed change. We believe this is because most recognised it was an administrative change that will be of no consequence to most people.

## 7. Summary of next steps

7.1.1 We have considered all feedback from the consultation. This section shows how we have modified our proposals in the light of this feedback and sets out what will happen next.

### 7.2 Fees

7.2.1 After careful consideration of the responses, we will increase our registration fees from April 2018. These are in line with the proposals set out in the consultation, except for the fees for social care workers - these are lower than originally proposed.

7.2.2 The new fees are set out in the table below.

<b>Registration fees from 2018</b>				
<b>Fees for each role</b>	<b>Annual fees by year</b>			
	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
Social Worker (application, renewal and annual)	£50	£60	£70	£80
Social Worker – Non-UK Qualified (application)	£350 (plus an additional fee of £200 for an aptitude test if requested by the applicant)	£350 (plus an additional fee of £200 for an aptitude test if requested by the applicant)	£350 (plus an additional fee of £200 for an aptitude test if requested by the applicant)	£350 (plus an additional fee of £200 for an aptitude test if requested by the applicant)
Social Care Manager (application, renewal, annual)	£50	£60	£70	£80
Social Care Worker (application, renewal and annual)	£15	£20	£25	£30
Social Work Student (application and annual)	£15	£15	£15	£15
Return to Practise	£200	£200	£200	£200

## 7.3 Qualifications

- 7.3.1 We will go ahead with the changes to our qualification requirements as set out in the consultation. However, having considered the strength of feeling about some of these changes, we will modify our approach in the following ways:
- 7.3.1.1 Up until the end of March 2020, after which registration will be mandatory for domiciliary care workers, we will accept the following qualifications for registration:
- a) Either a full qualification listed on the Qualification Framework for the Social Care Sector; or
  - b) Level 2 Award for Social Care Induction in Wales and a statement of competence signed by a registered manager; or
  - c) A statement of competence signed by the registered manager supported by evidence of relevant knowledge and skills for workers with 3 or more years' experience.
- 7.3.1.2 We are going to add health qualifications to the list of required qualifications where there is common content. A scoping exercise would need to take place to identify all of these but they would include:
- a) The level 2 and 3 Clinical Healthcare Support Worker Diploma
  - b) The level 3 Occupational Therapy Support Worker Diploma
  - c) The level 3 Physiotherapy Support Worker Diploma
- 7.3.1.3 We are going to add other relevant qualifications, to go along with completion of the Induction Framework
- a) Nursing Degree
  - b) Social Work Degree
- 7.3.1.4 We have decided that, for those who register by the end of March 2020 using one of the routes above, there will be no further qualification requirement. Post Registration Training and Learning requirements will apply for ongoing learning.
- 7.3.1.5 After 2020 new workers will need to register within 6 months of their start date. To register, they will need to have completed the Level 2 Core Qualification (part of the new suite of qualifications that covers induction) **and** the All Wales Induction Framework. They will be required to complete a qualification within the first three-year registration period, before they renew their registration.
- 7.3.1.6 We are going to prioritise funding for the Award for Social Care Induction.

## **7.4 Code of Practice for Employers**

- 7.4.1 We will revise the Code of Practice for Employers to reflect some of the helpful suggestions we received from respondents. The revised version will be available in 2018.

## **7.5 Social Care Wales Rules**

- 7.5.1 We are going to amend our Fitness to Practise Investigation Rules 2017 to reflect the changes to the witness summons process described in the consultation. We are also going to change our Registration Rules 2017 to reflect the changes to our fees and qualification requirements.