



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



Transforming Care in the 21st Century: A Consultation document

Have your say on changes to our

- fees
- qualification requirements for domiciliary care workers
- fitness to practise rules 2017
- Code of Practice for Persons Employing Social Care Workers



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How the views and information you give us will be used

Any response you send us will be seen in full by Social Care Wales staff dealing with the issues which this consultation is about. It may also be seen by other members of staff to help plan future consultations.

We will be publishing a summary of the responses to this document. We may also publish responses in full. Normally, the name and address of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including Social Care Wales. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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Other formats:

This document is available in large text or other formats, if required. Copies are also available in Welsh.

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Section 1- About the consultation

1.1 Introduction

The Social Services and Well-being (Wales) Act 2014 and the linked Regulation and Inspection of Social Care (Wales) Act 2016 will bring major changes to the way social care is provided to the people of Wales. The new emphasis on outcomes for people receiving care and support will require the development of new models of care, as well as significant changes to the way the social care workforce practises. These changes reflect the wishes of those needing care and support, but they are also necessary if we are to meet the growing demand for services and, at the same time, adapt to population changes in Wales.

We need to support the workforce to enable it to become more skilled and able to respond to complex care and support needs. In addition, we need to attract large numbers of workers of all ages to the social care sector in Wales.

Social Care Wales was established in 2017 to provide leadership and support for the social care sector as it adapts to these new demands. We have a role in providing support to the social care sector and the Welsh population in the following areas.



By using evidence of good practice to set standards for the workforce, we can attract the right people into the sector and ensure that we have a workforce that is skilled enough to meet the challenges of the next decade and beyond.

In doing this we will seek to provide the following:

For the public

- assurance that those employed to support them will have the necessary skills
- clear statements about the way care staff should work with them
- information about the workforce and care services

For employers of care staff

- a national campaign to attract people to work in the care sector
- workforce planning processes to meet future needs
- access to resources to help staff meet standards and establish good practice
- support for training staff in key national priority areas

For care staff

- a clear career structure for work in the social care sector
- access to high quality, accredited training to ensure good practise and help them develop their careers
- direct access to resources to support them in their day to day to work
- greater public understanding of the complex work they do
- higher status associated with being part of a regulated profession.

This consultation is designed to support this process of transformation to ensure that the social care workforce is ready to meet the new challenges in terms of numbers, skills and confidence in their practise.

1.2 Changes that we want to make and why we think they are necessary?

Our purpose is to protect, promote and maintain the safety and well-being of the public in Wales, as set out in section 68 of the *Regulation and Inspection of Social Care (Wales) Act 2016* (“the Act”).

We need to make some changes if we are to meet the objectives set out for us in the Act by the Welsh Government and these changes relate to our:

- fees
- qualification requirements

- fitness to practise rules
- Code of Practice for Persons Employing Social Care Workers.

1.3 Structure of the consultation and how to take part

- The changes are explained in sections 4-7.
- Each section contains a set of questions.
- You can answer all questions, or only answer the questions that are most important to you.
- You can respond online at: socialcare.wales/consultations
- The consultation will run for 12 weeks between 24 July and 16 October 2017.
- It closes at 5pm on 16 October 2017. We can't consider comments received later.
- You can share this document with interested colleagues.
- If you need a copy in a different format or have any questions, please contact us at consultations@socialcare.wales or 0300 3033 444.

Thank you for taking part.

Section 2 - About you/your organisation

2.1 Question 1

Are you responding to this consultation:

a) As an individual

or

b) On behalf of an organisation

If an individual, are you a/an

- Adult care home manager
- Adult care home worker
- Social worker
- Social work student
- Domiciliary care manager
- Domiciliary care worker
- Employed by NHS Wales
- Learning provider
- Residential child care manager
- Residential child care worker
- Social care worker (not registered)
- Individual using services
- Carer
- Member of the public
- Other – please describe below

Is the organisation:

- Central or devolved government
- A local authority
- A health sector organisation
- An employer
- A learning provider
- Other – please describe below

Organisation name/type of work carried out:

Section 3a - Changes to registration fees

3.1 About the Register of Social Care Workers (the Register)

Section 80 of the Regulation and Inspection of Social Care (Wales) Act 2016 requires Social Care Wales to keep a register of:

- social workers
- social care workers of any other description specified by the Welsh Ministers in regulations
- visiting social workers from relevant European states

We use the register to help us carry out our public protection and workforce development duties as set out in the Act – only those who are suitable to work in the regulated social care sector are permitted to register and only those who are registered are allowed to work in the sector. In this way, we give those who are fit to practise a licence to do so, help safeguard the public and improve standards for those in receipt of care services and those providing them.

3.2 The growing Register

We currently have around 11,200 registered persons, but from 2018 the register will be open to new groups of workers and we estimate that there could be another 50,000 applications for registration. Domiciliary care workers will be able to register with us from 2018 and it will be mandatory for them to register from 2020. Adult care home workers will be able to register from 2020 and it will be mandatory for them to register from 2022. This will mean that the majority of the social care workforce will be regulated - a statement of the professionalism expected of the care sector in the years to come.

3.3 Why change the registration fees?

If we are to continue to operate the register in a way that is safe and efficient and if we are to register a larger number of people, we need to increase our fees. Most regulatory bodies are funded entirely from registration fees but the Welsh Government, in recognition of pay levels in the social care sector, have subsidised the registration process since we first began regulating the workforce. They are committed to maintaining a subsidy for the workforce, but in recognition of the pressure on the public purse, we want to bring our fees into line with those of similar bodies.¹ We have not reviewed or imposed a fee increase for 10 years. We also need to change the fee structure so that it reflects the new categories of social care workers that will be required to register from 2018 onwards.

¹ Table 2 shows the fees for other UK social care regulators.

We want to help the sector to attract and retain quality staff and we want to achieve higher standards of care provision for those in receipt of care services in Wales. We also want to improve the prospects of care workers who are looking for opportunities for professional development. Keeping a register is part of this process. It provides those on the register with professional recognition and access to training and development resources. It provides assurance to those in receipt of care services; they can be sure that a registered worker is suitably qualified and has agreed to meet the professional standards that we have set for the sector. They can also be sure that we will address any concerns about a person's fitness to practise in a fair and transparent way and, if necessary prevent them from working in the care sector or require them to undertake further training.

Although it is the responsibility of the individual worker to ensure that their fees are paid if they want to remain on the register. We want the fees to be affordable and we continually review our costs to ensure that we are delivering an efficient and effective service to keep the fees reasonable and in line with those of similar bodies. Digital processing methods and other cost cutting initiatives have helped us to reduce the actual costs of registration, but income from fees is still not sufficient to cover registration costs.

Section 74 of the Act authorises us to ask for fees in relation to: registration; the provision of advice or assistance; the approval of courses; the provision of training; copies of codes of practice and copies of, or extracts from, the register. We are permitted to set our fees at whatever level we consider appropriate. However, we are required to consult the sector if we want to make changes to our rules and, indeed, we want the views of those who are likely to be affected by the changes so that we can develop a fee structure that is fair and workable.

3.4 Fee levels that we need to reach by 2022

By 2022 we will need to set our fees at the levels shown in Table 1 below. However, we have some flexibility about how we increase our fees over the four years from 2018 to 2022 and we want to use the consultation to help us decide the best way of going about this. We have set out a proposed fee structure for the four years from 2018-2022 in Table 1. Once we have reached the fee levels that we have set for 2022, we are committed to keeping them at these levels for a further three years, at which point we will review them again. We offer a range of payment methods and UK tax payers can claim tax relief on their registration fees.

This is the basis of the consultation questions in Section 4 of this document.

Table 1 – current fees and possible fee increases from 2018-2022

Fee Type	Current fee level	Proposed new fee level 2022	Proposed Incremental Annual fee level			
			18/19	19/20	20/21	21/22
Social Worker (application, renewal and annual)	£30	£80	£50	£60	£70	£80
Social Worker – Non-UK Qualified (application)	£125	£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)	£350 (plus an additional fee of £200 for an aptitude test if requested by the applicant)
Social Care Manager (application, renewal, annual)	£30	£80	£50	£60	£70	£80
Social Care Worker (application, renewal and annual)	£10	£35	£20	£25	£30	£35
Social Work Student (application and annual)	£10	£15	£15	£15	£15	£15
Return to Practise	£125	£200	£200	£200	£200	£200

Table 2 – fees for other UK social care regulators²

Fee Type	Regulatory body			
	Social Care Wales	Northern Ireland Social Care Council	Scottish Social Services Council (some fees are increasing in September 2017 – new fees are shown first)	HCPC
Social Worker – UK Qualified (application, renewal and annual)	£30	£65	£80 (was £30)	£63 (scrutiny fee) plus £180 registration fee (covering first 2 years), so £243 . Note there is a 50% discount for newly qualified social workers. Then £180 every 2 years (£90 per year)
Social Worker – Non-UK Qualified (application)	£155	£190	£320 for initial application and assessment. Additional fees could include £59 for PVG fee and £790 for aptitude test.	£495 plus £180 registration fee (so £675)
Social Worker – Non-UK Qualified (annual and renewal)	£30	£65	£80 (was £30)	£180 every 2 years
Social Care Manager (application, renewal and annual)	£30	£65	£80 (was £30)	N/A
Social Care Worker (application, renewal and annual)	£10	£30	£25 (support worker) £35 RCCWs, School Care Accommodation Officer & Supervisor/Practitioner	N/A
Social Work Student	£10	£20	£15	N/A
Return to Practise	£155	N/A	N/A	£135 plus £90 annual fee

² Information obtained in April 2017.

Section 3(b) – Your views on proposed changes to registration fees

3.5 Question 1

Do you agree that the proposed distribution of fee levels across the different groups of workers is reasonable?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please use the space for any comments and, if you answered no to this question, please provide evidence to support your answer.

3.6 Question 2

Do you think that the proposed annual fee increase to meet the fee level in 2022 is reasonable? (these are shown in Table 1)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please use the space for any comments and, if you answered no to this question, please provide evidence to support your answer.

3.7 Question 3

Do you think there is anything that Social Care Wales can do to help the sector adapt to the changes?

Please use the space for any suggestions.

Section 4(a) - Qualification requirements for domiciliary care workers

4.1 Why have qualification requirements?

The *Regulation and Inspection of Social Care (Wales) Act 2016* (“the Act”) and the *Social Services and Well-being (Wales) Act* show that the Welsh Government sees qualifications as an essential part of its efforts to professionalise the social care workforce. Section 83 of the Act requires us to make sure that social care workers are ‘appropriately qualified’. We believe that this means we need to set the training and qualification requirements for each category of social care worker and review these requirements over time to suit the needs of the sector.

4.2 What are the benefits of having qualification requirements?

The Welsh Government has identified care and support at home as a priority for improvement; having a workforce with the right skills, knowledge and values is critical to supporting individuals to live at home. This is something that is emphasised in the *Care and Support at home in Wales five-year strategic plan 2017-2022*.

We believe that the demands on the social care workforce are increasing, as is the complexity of the work they do. We need to make sure that social care professionals are given the training they need to work safely and that their employers support them in their roles.

If we allow social care workers to register with us when they are not suitably qualified, there will be a risk to the public and the reputation of the profession. There will also be a risk of unfairness in our fitness to practise processes, given that we can bring proceedings against registered persons who fail to meet our standards.

We want to support the domiciliary care workforce to ensure that the importance of the domiciliary care workforce is recognised; one way to do this is through professional recognition and quality standards.

4.3 Proposed qualifications for the registration of domiciliary care workers.

We propose that registered domiciliary care workers must achieve the qualifications identified in the current sector qualification framework. This qualification framework sets out the required qualifications

to meet National Minimum Standards for domiciliary care agencies. The framework was developed in partnership with the sector and over 50% of the workforce already hold these qualifications. These qualifications are:

For those employed to work with adults in domiciliary care services:

- the Level 2 Diploma in Health and Social Care (Adults) Wales and Northern Ireland
or
- the Level 3 Diploma in Health and Social Care (Adults) Wales and Northern Ireland
or
- a predecessor qualification as specified in the Qualification Framework for the Social Care Sector in Wales.³

For those employed to work with children in domiciliary care settings:

- the Level 3 Diploma in Health and Social Care (Children and Young People) Wales
or
- a predecessor qualification as specified in the Qualification Framework for the Social Care Sector in Wales.

4.4 What happens if a domiciliary care worker does not hold a proposed qualification?

For domiciliary care workers who do not already have one of the qualifications listed above, we propose using the Level 2 Award for Social Care as the initial required qualification.⁴ This is based on the knowledge and understanding required by workers in their first 12 weeks of employment, as set out in the Social Care Induction Framework (SCIF). Workers who are new to the sector, an organisation or a role are required to complete the SCIF and employers are expected to confirm individuals' competence in all the functions. This is already widely established and used in the sector and it was developed in partnership. The SCIF has been available since 2001 and engagement with the sector consistently demonstrates that it is widely used.

We propose that, to register, individuals need to gain the Level 2 Award and complete the SCIF within 6 months of starting work as a domiciliary care worker.

³ Details of the qualifications for domiciliary care workers can be found on page 34 of the Qualification Framework for the Social Care Sector in Wales <https://socialcare.wales/resources/qualification-framework-for-the-social-care-sector-in-wales>

⁴ Information about the Level 2 Award for Social Care Induction (Wales) can be found here: http://www.ccwales.org.uk/qualifications-and-nos-finder/qualification.php?id=32&qualification_type=1&cat_suite=8&level=0

Where workers use the award and the induction framework to register, there will be a need for them to complete one of the listed qualifications in 4.3 within the first (three-year) period of registration.

4.5 What can Social Care Wales do to support this process?

We recognise that the registration of the domiciliary care workforce offers many positive opportunities, including recognition for those carrying out critical roles in supporting individuals who need care and support at home. We believe that this will benefit social care workers and people who use care services. It will also help employers, who are required through regulations to ensure their workers are appropriately qualified and have a suitable induction to the profession.

Professional registration is ultimately the responsibility of an individual, but the employer's support is critical. We wish to strengthen this relationship, as set out in the employer code.

We recognise that the domiciliary care sector is facing several pressures and Social Care Wales wants to play a supportive role in the registration of the workforce. We will:

- Seek to influence public funding for qualifications, so that the requirement for domiciliary care qualifications is recognised. We will also consider what resources we can provide regionally to support qualification requirements, for example through the Social Care Workforce Development Programme
- Improve the quality of social care qualifications. We have been given the ability to regulate social care training. We are working with Qualifications Wales to strengthen social care qualifications.⁵
- We are reviewing the SCIF to improve current content and with a view to it becoming a shared induction framework across health and social care. This has been the subject of a separate consultation. Our intention is to have the revised induction framework available for the care sector from November 2017, with implementation from April 2018, and to make workbooks available to support individuals with the framework.
- Provide proactive advice and guidance on how to register both for employers and workers

The questions in section 4(b) are about the proposed changes to the qualification requirements.

⁵ Qualifications Wales is an independent organisation that is responsible for the regulation of non-degree qualifications and the qualifications system in Wales.

Section 4(b) – Your views on proposed qualification requirements

4.6 Question 4

Do you agree with the proposal to use the qualifications listed in the existing Qualification Framework for domiciliary care workers (as summarised above) for registration?⁶

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please use the space below for any comments, evidence of any concerns or alternative suggestions.

4.7 Question 5

a) Do you agree with our proposal that, for people who do not already hold one of the qualifications listed, we 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?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please use the space below for any comments, evidence of any concerns or alternative suggestions.

⁶ Details can be found on page 34 of the Qualification Framework for the Social Care Sector in Wales. There may be some circumstances where a qualification can be deemed equivalent to one of those specified in the Qualification Framework. Social Care Wales has developed an assessment process for people who wish to register with a qualification that may be equivalent.

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?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please use the space below for any comments, evidence of any concerns or alternative suggestions.

4.8 Question 6

We want to support the registration of domiciliary care workers. What support do you think employers and workers will need to help them prepare for registration – for example, briefing sessions or practice exchange sessions?

Section 5(a) - Proposed changes to the Code of Practice for Employers

5.1 About the Code of Practice for Employers

Section 112 of the *Regulation and Inspection of Social Care (Wales) Act 2016* (the Act) requires Social Care Wales to prepare and, from time to time, publish codes of practice. These codes set out the standards of conduct and practice expected of social care workers and those employing or seeking to employ them. The codes are regulatory tools we use, along with a package of legislation and rules, to support best practice.

The *Code of Practice for Employers of Social Care Workers* (the employers Code) is designed to make sure employers help their staff to meet the requirements of the *Code of Professional Practice for Social Care* (the Code). It is complementary to existing employers' practices and shows employers' responsibilities in terms of the regulation of the social care workforce.

5.2 Why are we changing the Code?

The *Code of Professional Practice for Social Care Workers* was updated in 2015 and we have no plans to change this. However, the employers' code has been in place since 2002 and we need to update it to reflect the Regulation and Inspection of Social Care (Wales) Act 2016, the *Social Services and Well-being (Wales) Act 2014* and changes within the sector.

The standards in the code will be enforceable by the Care and Social Services Inspectorate Wales (CSSIW) through regulations and statutory guidance. We want these standards to be relevant and achievable and this is why we are consulting the sector about the proposed changes. The Code can be found in Appendix 2.

This is the basis of the questions in section 5(b).

Section 5(b) – Your views on the Code of Practice for Persons Employing Social Care Workers

5.3 Question 7

The draft Code of Practice for Employers can be found in [Appendix 2](#).

Do you think the standards in the Code are reasonable and achievable for employers?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please provide your comments in the space below.

5.4 Question 8

a) Do you think there are any gaps in the content of the employers' Code?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please use the space below to tell us about any gaps.

A large, empty rectangular box with a thin black border, intended for the user to provide feedback or report any gaps.

Section 6(a) - Proposed changes to the Fitness to Practise Rules 2017

6.1 What are the changes to the rules?

We have identified two areas of the fitness to practise rules that we would like to make minor changes to.

- The first change relates to direct referrals to fitness to practise panels.
- The second concerns the process for applying for a witness summons.

6.2 Why change the rules?

Section 121 of the *Regulation and Inspection of Social Care (Wales) Act 2016* (the Act) permits us to make rules about the circumstances under which we must refer a fitness to practise matter directly to a fitness to practise panel. To bring us into line with the Act and the way other UK social care regulators work, we want to use section 121 to authorise direct referrals to panels where there are:

- relevant criminal convictions
- relevant cautions
- inclusion in barred lists, or
- relevant decisions by other regulatory bodies.

We are currently able to refer these cases to fitness to practise panels under another section of our *Fitness to Practise Investigation Rules 2017*. However, this process is longer and less efficient than a direct referral. This affects our ability to respond to public protection issues quickly and, given the seriousness of some of the matters we deal with and our need to protect the public, it is our view that we need to change the rules. This is the basis of the first question in section 6(b).

The *Social Care Wales (Proceedings before Panels) (Amendment) Regulations 2017* have changed the process for issuing witness summonses: requests for witness summonses will be made to the County Court or the High Court rather than the Care Standards Tribunal. We want to amend our rules to reflect this administrative change. This is the basis of the second question in section 6(b).

Section 6(b) - Your views on changes to the Fitness to Practise Rules 2017

6.3 Question 9

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:

- 1. a registered person’s conviction or caution in respect of a relevant criminal offence
- 2. the inclusion of a registered person in a barred list
- 3. a determination by a relevant body to the effect that a registered person’s fitness to practise is impaired.

Do you have any comments about the proposed changes?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please use the space below for any comments.

6.4 Question 10

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.

Do you have any comments about this change?

Yes

No

Don't know

Please use the space below for comments

Appendix 1

Circulation list for Consultation

All Social Care Wales registrants
Association for Fostering and Adoption Cymru
Welsh Government
Welsh Local Government Association
British Association for Adoption and Fostering
Association of Directors of Social Services
Care and Social Services Inspectorate for Wales
Care Forum Wales
Carers and Parents' Forum
National Association of Care & Support Workers Ltd
Children in Wales
Social care and health regulatory councils in England, Northern Ireland and Wales
Older People's Commissioner for Wales – Sarah Rochira
Children's Commissioner for Wales – Sally Holland
Directors of Social Services
The Fostering Network
Heads of children's services
Heads of adult services
Head of Social Services Directorate
UNISON
GMB
Unite
British Association of Social Work Cymru
United Kingdom Homecare Association
Barnardos
Looked after children network
Diverse Cymru
Action for Children Cymru
NSPCC Cymru
The Campaign for a Children and Young People's Assembly for Wales (CYPAW)
SNAP Cymru
ABCD Cymru
QSSC
Voices from Care
Training Managers
Social Care Workforce Development Partnership
Welsh Council for Voluntary Action
Workforce, Education and Development Services
National Youth Advocacy Service

Appendix 2

The Code of Practice for Persons Employing Social Care Workers (Consultation draft)

This Code of Practice for Persons Employing Social Care Workers (the employers' Code) is published by Social Care Wales in accordance with Section 112 of the *Regulation and Inspection of Social Care (Wales) Act 2016* (the Act).

It is a list of statements describing the standards expected of persons employing or seeking to employ social care workers.

The focus of the employers' Code is the standards required of employers ensuring a safe, skilled and appropriately supported social care workforce.

It is not intended to cover all situations or aspects of employer responsibility. Employers adhere to a range of requirements on them set out in legislation, statutory regulations and guidance.

The Code of Practice for Persons Employing Social Care Workers

For persons employing social care workers in services regulated⁷ under Part 1 of the Act, (draft) service regulations on Requirements on Service Providers as to Staffing state that ‘The service provider must adhere to the code of practice on the standards of conduct and practice expected of persons employing or seeking to employ social care workers, which is required to be published by Social Care Wales under section 112(1)(b) of the Act’.

Care and Social Services Inspectorate Wales (CSSIW) can take action if providers fail to comply with these regulations.

In addition to the provision in the Code, under the following sections of the Act, Social Care Wales can give advice to persons, including employers, which could include advice as to suggested improvements, as follows:

Sections 69 – Social Care Wales may give advice to any person providing a care and support service or other assistance (including grants) for the purpose of encouraging improvement in the provision of that service;

Section 126 – following a fitness to practise investigation relating to a registered person, which is not referred for hearing by a fitness to practise panel, Social Care Wales may give advice to any person involved in the investigation in respect of any matter related to the investigation;

Section 137 – where a fitness to practise panel determines that a registered person’s fitness to practise is not impaired, the panel may give advice to any person involved in the proceedings on any matter related to the allegation against the registered person, or the information that gave rise to the proceedings.

This Code requires that employers adhere to the standards set out in their Code, support the social care workforce in meeting their Code (the *Code of Professional Practice for Social Care*) and take appropriate action when staff do not meet expected standards of conduct.

The employers Code supersedes the *Code of Practice for Social Care Employers* published in 2002. The Code applies from xxxxxx.

⁷ Regulated services include: a care home service; a secure accommodation service; a residential family centre service; an adoption service; a fostering service; an adult placement scheme; an advocacy service or a domiciliary support service.

Who is a ‘social care worker’?

‘Social care workers manage, or provide care and support in connection with services regulated under the 2016 Act.’⁸ Social care workers include care and support workers, social care managers, social workers, student social workers, responsible individuals designated by service providers, CSSIW inspectors, child-minders and providers of day care registered under Part 2 of the Children and Families (Wales) measure 2010.

For the full list of social care workers, see section 79 of the Act and the Social Care Wales (Extension of Meaning of “Social Care Worker”) Regulations 2016.

<http://www.legislation.gov.uk/anaw/2016/2/section/79>

Who this Code extends to

The employers’ Code provides guidance for all persons employing social care workers. It extends to persons employing anyone falling within the meaning of a ‘social care worker’ with the exception of persons employed by a registered child minder or provider of day care for children. However, the Code ensures a level of good practice that is transferable for all employers. The expectation is that child minders employing assistants and child care practitioners would use the Code to complement staffing standard 13 of the National Minimum Standards for Childcare⁹.

⁸ See section 79 of the Regulation and Inspection of Social Care (Wales) Act 2016

⁹ <http://cssiw.org.uk/docs/cssiw/publications/160411regchildcareen.pdf> see standard 13 - staffing

Glossary

An explanation of other terms used in this Code.

Term	Meaning
Carer	A carer provides unpaid care and / or support and could include family members, partners, neighbours or friends
Code of Professional Practice for Social Care	The standards of professional conduct and practice expected of social care workers in Wales
Individual	The person accessing care and support, whether child, young person or adult
Practice guidance	Guidance published by Social Care Wales to aid social care workers in their practice
Post registration training and learning (PRTL)	Social Care Workers registered with Social Care Wales are required to undertake 15 days or 90 hours of learning during each 3 year period of registration to maintain their registration
Registered manager	In regulated services, the manager of a social care service required to register with Social Care Wales
Responsible individual	In regulated services, where the registered provider is a body corporate, a Responsible Individual (RI) must be designated. RIs have to meet a 'fit and proper person test' and fulfil statutory duties placed on them under regulations.

The Code

The employers Code is set out in five sections.

To meet all the standards, in regulated services, where required, a suitable Responsible Individual and Registered Manager must be appointed and supported by the employer to carry out their responsibilities.

Section 1

Make sure people are suitable to enter the social care workforce and understand their roles and responsibilities

Employers will

- 1.1 Use rigorous recruitment policies and processes to make sure that only suitable people with appropriate knowledge, skills, values and potential enter the workforce. This includes making sure people hold the qualifications and professional registration required for their post.
- 1.2 Check criminal records and relevant registers, any gaps in employment history and ensure that the person is legally entitled to work in Wales. This will be done before an appointment is made.
- 1.3 Seek and provide accurate and appropriate references to share information on a person's suitability to work in social care and in a specific role.
- 1.4 Give workers clear information about their roles, responsibilities, accountabilities, relevant legislation and the policies and procedures they must adhere to in their work.
- 1.5 Give workers clear information about lines of management, communication and support in the work place. This includes information about support for the worker's health, safety and well-being in the work place.
- 1.6 Make sure that a worker's terms and conditions are lawful and adequate to sustain a suitable workforce and also review terms and conditions regularly to ensure they remain lawful and adequate.

Section 2

Have policies, systems and practices in place to enable social care workers to meet their Code of Professional Practice for Social Care

Employers will

- 2.1 Support social care workers to meet the standards in the *Code of Professional Practice* and associated Practice guidance.
- 2.2 If employing workers from other professions, support them to meet their professional codes and report workers whose fitness to practise may be impaired to the relevant authority.
- 2.3 Put in place and monitor policies and procedures to respond to allegations of harm, neglect or abuse. This includes ensuring that workers have knowledge about signs of harm, neglect or abuse and know the action they should take.
- 2.4 Put in place and monitor written policies on confidentiality and record keeping.
- 2.5 Have effective arrangements for the management and supervision of workers to promote best practice and good conduct and support workers to improve their performance. This includes making sure workers are fit to practise.
- 2.6 Have systems in place to listen to and respond to feedback from individuals and carers to shape and improve services and staff performance.
- 2.7 Have policies and systems in place for workers to raise concerns about any matter which might have a negative effect on the delivery of safe and dignified care and support and take adequate action to respond to concerns.
- 2.8 Have a culture and systems in place to support all workers to be open and honest if things go wrong, to report adverse incidents and to learn from mistakes. This includes making efforts to resolve difficulties at an early stage, to reduce the chances of a problem escalating.

Section 3

Provide and support learning and development opportunities to enable social care workers to develop their knowledge and skills

Employers will

- 3.1 Provide robust and accessible induction, learning and development opportunities to help workers do their jobs effectively and prepare for new and changing roles and responsibilities. This includes giving workers access to their personal learning and development record.
- 3.2 Contribute to providing social care and social work education and learning, including effective workplace assessment and practice learning.
- 3.3 Support workers who need to be registered with Social Care Wales to meet and maintain the conditions for professional registration and the requirements for post registration training and learning.
- 3.4 Respond appropriately to workers who need support because they do not feel able, or adequately prepared, to carry out their work.
- 3.5 Provide effective, regular supervision to workers to support them to develop and improve through reflective practice.

Section 4

Have policies and systems to protect people from damaging or dangerous situations, behaviour and practice

Employers will

- 4.1 Put in place policies and procedures that promote the health, well-being and equality of workers and respect diversity.
- 4.2 Put in place policies and procedures to ensure compliance with relevant health, safety and security requirements. This includes making sure workers are aware of these including any changes or updates, monitoring compliance and taking appropriate action where policies and procedures are not adhered to.
- 4.3 Put in place policies and procedures to investigate and deal adequately with disciplinary matters, including when the worker leaves the organisation before the matter is concluded.
- 4.4 Make it clear to workers that bullying, harassment or any form of discrimination is not acceptable and take action to deal with such behaviour.
- 4.5 Have procedures for workers to report dangerous, discriminatory, or abusive behaviour and practice and deal promptly, effectively and openly with reports.
- 4.6 Make it clear to workers, individuals and carers that violence, threats or abuse are not acceptable. This includes having clear policies and procedures for reducing the risk of violence and managing violent incidents.
- 4.7 Support workers who experience trauma or violence in their work.
- 4.8 Provide support to workers whose fitness to practise may be impaired and give clear guidance about any limits on their work while they are receiving support. While doing this, make sure that the care and safety of individuals using services is the priority.

Section 5

Promote the *Code of Professional Practice for Social Care* and co-operate with Social Care Wales' proceedings

Employers will

- 5.1 Inform social care workers about this Code for employers and the responsibility to adhere to it.
- 5.2 Inform social care workers about their *Code of Professional Practice for Social Care* and their professional responsibility to adhere to it.
- 5.3 Support social care managers to meet their additional responsibilities in Section 7 of the *Code of Professional Practice for Social Care*.
- 5.4 Make individuals and carers aware of the Codes of Practice for employers and social care workers and inform them how to raise issues relating to the Codes, including how to contact Social Care Wales.
- 5.5 Take account of the *Code of Professional Practice for Social Care* when making any decision that relates to a worker's fitness to practise.
- 5.6 Follow guidance on how to make a referral to Social Care Wales about a worker whose fitness to practise may be impaired and, if appropriate, tell the worker a referral has been made.
- 5.7 Co-operate with Social Care Wales' investigations and hearings including providing documents and attending hearings.
- 5.8 Respond appropriately to the findings and decisions of Social Care Wales about a worker's fitness to practise.

For more information about this Code, the Code of Professional Practice for Social Care, practice guidance, explanatory guidance and training materials visit socialcare.wales.