



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

Code of Practice for Social Care Employers



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Other formats

This document is available in Easy Read, large text or other formats, if required.
It is also available in Welsh.

Code of Practice for Social Care Employers

This Code of Practice for Social Care Employers (the employers' Code) is published by Social Care Wales under 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 social care employers.

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

It is not intended to cover all situations or aspects of employer responsibility. Employers have to meet a range of other requirements that are set out in legislation, statutory regulations and guidance.

This employers' Code replaces the Code of Practice for Social Care Employers published in 2002. This employers' Code applies from 2 April 2018.

How the employers' Code is used in regulation

For social care employers in services regulated¹ under Part 1 of the 2016 Act, the service regulations on Requirements on Service Providers as to Staffing state the following:

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 Inspectorate Wales (CIW) can take action if providers fail to comply with these regulations.

In addition, under the following sections of the Act, Social Care Wales can give advice to employers:

- 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.

¹ 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 Act. Social care workers include care and support workers, social care managers, social workers, student social workers, responsible individuals designated by service providers, CIW inspectors, child-minders and providers of day care registered under Part 2 of the Children and Families (Wales) measure 2010.

Information about the list of social care workers can be found at:
www.legislation.gov.uk/anaw/2016/2/section/79

The list of social care workers may change over time.

Who the employers' Code applies to

The employers' Code applies to persons employing or seeking to employ social care workers as defined by the Act.

As child minders and day care providers are not employed (they are contracted by parents), the employers' Code does not formally apply. However, since the employers' Code represents good practice, the expectation is that child minders employing assistants and child care practitioners would use it to complement staffing standard 13 of the National Minimum Standards for Childcare.

Glossary

The glossary provides an explanation of other terms used in the 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. socialcare.wales/landing-page/code-of-professional-practice-and-guidance
Individual	The person accessing care or support, whether child, young person or adult.
Practice guidance	Guidance published by Social Care Wales to aid social care workers in their practice. socialcare.wales/landing-page/code-of-professional-practice-and-guidance
Post registration training and learning	Social Care Workers registered with us 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 us
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 that those seeking to enter the social care workforce are suitable and that they 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. Where relevant, make sure people hold the qualification and professional registration required for their post.
- 1.2 Check criminal records, relevant registers any gaps in employment history and legal entitlement to work in Wales. This should be done before an appointment is made.
- 1.3 Seek and provide accurate and appropriate references about 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 workplace. This includes information about support for the worker's health, safety and well-being in the workplace.
- 1.6 Make sure workers' terms and conditions are lawful and adequate to sustain a suitable workforce and 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 (such as nursing or occupational therapy), 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 robust systems in place to actively 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. Workers should be supported to meet their professional 'duty of candour'.

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 us 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. This includes new and established workers.
- 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 mandatory requirements, 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 where the worker leaves the organisation.
- 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 us.
- 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 us 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 and training materials visit www.socialcare.wales