Inquiry into regulation of care for older people

Scottish Social Services Council (SSSC)

As the workforce regulator for social services in Scotland, the Scottish Social Services Council (SSSC) welcomes the opportunity to give evidence to the Health and Sport Committee’s Inquiry into the regulation of care for older people. Workforce regulation sits alongside service regulation, and works with it to drive up standards and improve the outcomes and experiences of people using social services.

The SSSC was set up under the Regulation of Care (Scotland) Act 2001 to register and regulate the social service workforce (social workers, student social workers and key groups of social care staff). The regulated workforce includes workers providing care services for older people.

Our aims are to protect people who use services, raise standards of practice and strengthen and improve professionalism in the workforce.

The Scottish Government has set timescales by which key groups of social service workers must be registered by the SSSC or another relevant regulatory body, such as the Nursing and Midwifery Council. Managers of adult residential and day care services, managers of day care services for children and all residential child care managers and workers are already subject to required registration. By 2015 all workers in care home services for adults will have to be registered and by 2020 all care at home and housing support workers will have to be registered.

THE SSSC’S REGULATORY FRAMEWORK

Qualifications

The SSSC’s Register is qualifications-based so that workers either have to hold a specified qualification, or agree to achieve a specified qualification by a particular date.

The qualifications set for registration require workers to demonstrate they are competent in practice and that they have underpinning knowledge and an appropriate value base for their work. Qualification based registration means that whether an older person is receiving a care service in the Western Isles or inner Glasgow or whether the care provider is a Local Authority or a voluntary or private organisation all staff providing the care must be qualified to the same standard.

Although it will be 2020 before some workers working with older people must be registered, we already have good examples of how workers receiving training and gaining qualifications have improved the overall quality of the care provided.
Workers’ suitability to be on the Register

The SSSC must be satisfied about an individual’s good character, conduct and competence before the individual will be registered. Complaints that raise issues about a worker's suitability can result in a worker being removed from the Register, or having conditions imposed such as training in a particular area.

The Importance of Workers

Whilst inspection and regulation of care services play a vital part in the protection of vulnerable groups and the delivery of high quality care services, we believe that it is the quality of the workforce and how those workers are recruited, supported, trained and managed that is the main determinant in ensuring high standards of care for older people.

Relationships, the compassion and care given by staff and their professionalism are what most directly impact on the quality of a service user’s experience.

On a day-to-day basis, it is professionals working to the standards expected of them as members of a regulated workforce who will keep service users safe and cared for appropriately.

Code of Practice for Social Service Workers

The SSSC publishes a Code of Practice for Social Service Workers which sets down the standards of conduct and practice expected of them. The Code includes the following standards:

‘As a social service worker, you must uphold public trust and confidence in social services, in particular you must not:

- Abuse, neglect or harm service users, carers or colleagues

As a social service worker, you must promote the independence of service users while protecting them as far as possible from danger or harm. This includes:

- Informing your employer or an appropriate authority where the practice of colleagues may be unsafe or adversely affecting standards of care.’

We would consider that a registered worker has breached the Code if they have ignored or colluded with poor or abusive practice. It is important that employers support their workers to meet their responsibilities through appropriate policies, such as whistleblowing policies.
The Role of Employers

It is important that the working environment established by employers is appropriate. This includes ensuring that the appropriate policies and procedures are in place to support the workers. Ensuring that workers are properly trained and competent to undertake their work, that they have the right approach and values and that they take their responsibilities seriously is an extremely important element in ensuring that older people are receiving good quality and appropriate care. Employers should report concerns about a worker’s suitability to be on the Register to the SSSC.

Code of Practice for Employers of Social Service Workers

The SSSC also publishes a Code of Practice for Employers of Social Service Workers. The Code includes the following standards:

‘As a social service employer, you must have written policies and procedures in place to enable social service workers to meet the SSSC’s Code of Practice for Social Service Workers. This includes:

- Effectively managing and supervising staff to support effective practice and good conduct and supporting staff to address deficiencies in their performance
- Having systems in place to enable social service workers to report inadequate resources or operational difficulties which might impede the delivery of safe care and working with them and relevant authorities to address those issues.

As a social service employer, you must make sure people are suitable to enter the social service workforce and understand their roles and responsibilities. This includes:

- Managing the performance of staff and the organisation to ensure high quality services and care’.

Under existing legislation, the SSSC cannot enforce the Code of Practice for Employers. We rely on the service regulator (now SCWiS, formerly the Care Commission) to do that.

Promoting the Codes

It is essential that people, especially service users and carers, are aware of the Codes of Practice and are clear about what they should do if they are concerned about the care they are receiving or someone they know is receiving.

Since the Codes were first published in 2002, we have issued 770,000 copies to employers, social service workers, service users and carers. We have also issued posters about the Codes to be displayed in residential services and handy pocket size reference guides about the Codes for service users.
Surveys we have undertaken and monitoring by the Care Commission and SWIA show that both workers and employers are aware of the Codes and know they must adhere to them and service users are provided with information about them. Last year we made a series of short films with young people in residential care to raise their awareness of the Codes of Practice, and we are now looking to provide information about the Codes in a range of formats for other care groups, starting with older people.

Copies of both Codes of Practice are attached for the information of the Health and Sport Committee.

**THE SSSC AND SCSWIS: WORKING TOGETHER**

The SSSC and SCWIS have complementary functions, as respectively workforce regulator and service regulator. The SSSC is well-regarded for its expertise in workforce regulation and SCWIS, although a new body, is well-placed to deliver what is required of a service regulator.

The SSSC has no enforcement rights over employers, but to enable a proportionate approach to regulation, the Regulation of Care (Scotland) Act 2001, placed a duty on the Care Commission to take account of the SSSC Codes of Practice in its regulatory work. In the past, the SSSC worked with the Care Commission to focus on areas of the Codes in inspections, for example, safe recruitment, and we would expect that relationship to continue, indeed develop, with the successor organisation. Care Commission Officers, as was, are themselves regulated by the SSSC.

SCSWIS has an essential role in helping to promote the Codes of Practice and ensuring that the provisions of the Codes are adhered to by employers and workers. SCWIS through its inspection and regulation regime has the opportunity to assess what is actually happening at service provision level. Where an employer's practice indicates they are not adhering to the SSSC Code of Practice for Employers, SCWIS can take this into account in their inspection and improvement regime and SCWIS should also alert the SSSC where they consider the conduct of a registered worker falls short of that set down in the SSSC Code of Practice for Social Service Workers.

Likewise, where the SSSC through its investigation of a worker's practice and conduct has concerns about the quality of the service that employs the worker we will refer these to SCWIS.

We are currently in discussion with SCWIS about how it can take prompt action to deal with managers who fail to ensure that their workers are registered where this is required by law.

We also share intelligence with SCWIS about matters of concern and common interest, including workforce data.
Maintaining an effective working relationship with SCWIS is a key priority for the SSSC and work in this area is assisted by the fact that the Convener of the SSSC sits on SCWIS’s board and vice versa. There are also several individuals who sit on the boards of both bodies. Operationally, we share a building in Dundee and share corporate services.

We are committed to working effectively with SCWIS to provide a regulatory regime that is comprehensive, and robust but that at the same time is proportionate, avoids duplication of effort and expense and shares information and expertise to optimum effect.

Link to the Scottish Social Services Council Codes of Practice:

http://www.sssc.uk.com/component?option.com_docman/Itemid,486/format,raw/gid,1020/task,doc_view/tmpl.component/

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