

Education Committee – Social Work Reform inquiry – response to call for evidence

March 2016

1. Introduction

1.1 The Professional Standards Authority for Health and Social Care promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and voluntary registration of people working in health and care. We are an independent body, accountable to the UK Parliament. More information about our work and the approach we take is available at www.professionalstandards.org.uk

1.2 As part of our work we:

- Oversee nine health and care professional regulators and report annually to Parliament on their performance. This includes the Health and Care Professions Council, which regulates social workers in England
- Conduct research and advise the four UK governments on improvements in regulation
- Promote right-touch regulation and publish papers on regulatory policy and practice.

2. Committee inquiry

2.1 We welcome the opportunity to provide evidence to the Education Select Committee in response to the call for evidence as part of the Social Work Inquiry on the Government's approach to social work reform.

2.2 We note the Government's intention to drive up standards as highlighted in the memorandum published by the Department for Education¹ and to also establish a new regulatory body for social work, highlighted in the recent written statement by the Secretary of State for Education.² However, we believe that the Government's policy intention to improve standards in social work may not be best served by the creation of a new regulator.

¹ Department for Education Memorandum to Education Select Committee: Social Work Reform <http://www.parliament.uk/documents/commons-committees/Education/Department-for-Education-memorandum-on-social-work-reform.pdf>

² Children's Social Care Reform: Written statement - HCWS469, Nicky Morgan (Secretary of State for Education) <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-01-14/HCWS469/>

Right-touch regulation

- 2.3 In determining the solution needed to tackle a problem, we advocate using our principles of *Right-touch regulation* which puts forward a method to define problems, evaluate risks, focus on outcomes and ensure that any action taken is proportionate. It employs the minimum regulatory force to achieve a desired effect.
- 2.4 In relation to regulation of health and care this is defined as follows: '*Right-touch regulation* is based on a proper evaluation of risk, is proportionate and outcome focused; it creates a framework in which professionalism can flourish and organisations can be excellent'.³ This means ensuring that the interests of patients and service users are at the heart of decisions around regulation.
- 2.5 The Authority defines the principles of *Right-touch regulation* as: proportionate, consistent, targeted, transparent, accountable and agile.
- 2.6 It is important to clarify the role of the regulator as distinct from other functions in quality improvement commonly carried out by others, including a professional body whose primary functions are: improving education, training and continuing professional development.
- 2.7 We outline in *Right-touch regulation*, the role of a regulator: 'setting and maintaining standards, controlling entry to the profession, and taking action in response to concerns.'⁴

3. Role of the Health and Care Professions Council (HCPC)

- 3.1 The HCPC has regulated social workers in England since the closure of the General Social Care Council (GSCC) in 2012. As of May 2015 the HCPC had cleared all but 13 of the 483 fitness to practice cases that it inherited from the GSCC in 2012.
- 3.2 Our performance review 2014/15 found that the HCPC met all 24 of the Standards of Good Regulation in 2014/2015 and has worked to encourage public confidence in the body as a regulator. This includes detailed analysis of the data from its quality assurance work to identify risks and trends across the various professions that it regulates, in keeping with the principles of *Right-touch regulation*,⁵ and an ongoing programme of research to develop an evidence base for its approach.
- 3.3 Ahead of the closure of the GSCC and the transferral of its regulatory function to the HCPC the Government commented that it saw "potentially significant benefits from putting the regulation of social workers on a similar footing to the regulation of health professionals". At a time when the need for a closer

⁴ Right-touch regulation, Revised October 2015, Professional Standards Authority, p.9
http://www.professionalstandards.org.uk/docs/default-source/psa-library/151020_rtr-ii_final_website.pdf?sfvrsn=0

⁵ Performance Review Report 2014/15, Professional Standards Authority
<https://www.professionalstandards.org.uk/docs/default-source/scrutiny-quality/performance-review-report-2014-2015.pdf?sfvrsn=0>

relationship between health and social care service remains a live issue it is worth questioning whether removing the regulation of social work from the HCPC would support this need.

4. Rethinking Regulation

- 4.1 Alongside our *Right-touch regulation* principles we have also recently published *Rethinking regulation*. This highlights the cost and complexity of the arrangements that currently exist and puts forward the view that radical changes, including simplification are needed to better protect the public and ensure that regulation supports rather than impedes changes being made to the health and care service.⁶
- 4.2 Government has expressed support for these ideas and is currently initiating a programme of reform⁷ and therefore, it would be useful to consider how recent proposals on social work regulatory reform align with this wider reform programme.

5. Focus of new body

- 5.1 The recommendations from reports by Sir Martin Narey and David Croisdale-Appleby were primarily focussed on the need for improvements in education and standards for social workers rather than specific changes needed to the regulatory framework.
- 5.2 As highlighted, we do not believe that improving education and standards across the board should be confused with the primary role of regulation, which is to protect the public by ensuring that standards are being met.
- 5.3 We would therefore encourage the Government to consider applying *Right-touch regulation* principles to develop a targeted solution to the issues highlighted.

⁶ Rethinking Regulation, Professional Standards Authority, August 2015
<http://www.professionalstandards.org.uk/docs/default-source/psa-library/rethinking-regulation.pdf?sfvrsn=2>

⁷ Regulation of Health and Social Care Professionals: Written statement - HLWS421, Ben Gummer (Parliamentary Under-Secretary of State) <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-12-17/HCWS417/>