

REGULATORY APPRAISAL

The Care Council for Wales (Specification of Social Care Workers) (Registration) Order 2004

Purpose and intended effect of the Order

1. The purpose of The Care Council for Wales (Specification of Social Care Workers) (Registration) Order 2004 is to require the Care Council for Wales to maintain a register of certain descriptions of social care workers. This will extend the regulatory framework for social care in line with the policy intentions set out in the Social Services White Paper "Building for the Future" in 1999, to raise standards and improve protection for vulnerable people and reflected in the Care Standards Act 2000
2. The Care Standards Act 2000 sets out a framework for improving the protection of vulnerable people and for raising standards in the workforce. This included the establishment of the Care Council for Wales as the regulatory body for social care staff in Wales. The Council was established in October 2001 and since that time has been taking forward a programme of work to establish the regulatory framework. The Council opened the first register, for social workers, in June 2003 and is about to begin registering social work students.
3. The effect of the Care Council for Wales (Specification of Social Care Workers) (Registration) Order 2004 Order will be to require the Care Council for Wales to maintain a register of social care workers as specified in the Order. Those social care workers are those who fall within any description in section 55(2)(b) to (d) of the Care Standards Act 2000 Act who ordinarily perform some or all of their work in Wales and in respect of whom a criminal record certificate may, by virtue of that work, be issued under section 113(1) or 115(1) of the Police Act 1997.
4. This Order will mean that the Care Council for Wales has a duty to maintain a register of those people employed at or managing a children's home, care home or residential family centre or for the purposes of a domiciliary care agency, a fostering agency or a voluntary adoption agency or is supplied by a domiciliary care agency and who will have direct contact with service users as part of their work and who will ordinarily undertake that work in Wales. The Order will reduce the risk of an unsuitable individual entering social care employment and will assist in raising standards across the workforce.
5. In the first instance registration will be a voluntary act, in order to allow individuals to come forward to the new register. Once registration is established consideration will be given to recommending exercise of the powers conferred upon the Assembly by section 22 (3) and (4) of the Care Standards 2000 Act which would have the effect of enforcing

registration for certain groups of staff. Such a measure would be consulted upon.

6. The Order does not confer any new functions on the Assembly.

Risk Assessment

7. This Order will provide for the new registration framework to be extended over time to approximately 50,000 staff in Wales. These individuals have access in their daily work to vulnerable service users and are often unsupervised in that work. Regulation of this section of the workforce will reduce the risk of unsuitable individuals working in social care and improve the protection of vulnerable people.

Options

8. The Care Council for Wales has been set up to regulate social care workers. It is not an option to leave this section of the workforce unregulated and there are no other regulatory bodies. If this legislation is not passed the Care Council for Wales will not be able to regulate social care workers.
9. Although registration is initially a voluntary act, the Assembly has powers to enforce registration for certain groups of staff through the Care Standards Act. The exercise of these powers in relation to social care workers will be consulted upon once the registration process is established.

Benefits

10. The Order will benefit service users, employers and staff themselves as it reduces the risk of an unsuitable individual working in social care and having contact with vulnerable service users and places social care workers on the same professional footing as other workers such as nurses.

Costs

11. The Care Council for Wales will set up and administer the register of social care workers. This is part of their core business and is reflected in the core budget allocated to the Council by the Minister for Health and Social Services in the Remit Letter 2004-05. There are therefore no additional cost implications for the Assembly, the Care Council for Wales or local authorities arising from this Order. People will be consulted about the introduction of registration costs as part of the process of making the registration rules by the Care Council for Wales. Until such time as any Rules are made it is impossible to judge what the direct (registration) cost to social care workers will be and whether there will be any indirect costs for social care workers associated with this requirement.

Consultation

12. Extensive consultation on the broad policy for registration of social care workers took place in 1999 through the Social Services White Paper "Building for the Future" and was welcomed and supported by all key stakeholders. The White Paper outlined an inclusive approach to registration which would have the effect of increasing public safety and raising standards of training and development for social workers and social care workers. It would also put social work and social care work on a more professional footing.
13. The Care Standards Act 2000 reflected the policy intention of the White Paper and since the implementation of the Care Council for Wales in October 2001 we have been taking forward the legislative framework needed to implement the regulatory framework for social care staff.
14. Our intention to introduce registration for these groups of staff has therefore been well known for some considerable time and has been incorporated into work done to raise awareness of registration issues by the Care Council and by the Assembly. The Council were able to draw on this work to inform the advice they provided on the scope and pace of registration for these groups of staff. Therefore whilst formal consultation on the Order has not taken place except with the Council itself, there has been extensive and sustained engagement of the social care sector in developing the policy that supports the Order.

Significant Costs

15. There are no significant costs associated with this Order.

Review

16. The Order and its effect will be monitored as part of the ongoing work of the Care Council for Wales to regulate the workforce.

Summary

17. This Order will require the Care Council for Wales to maintain a register of social care workers of certain descriptions. There are no costs associated with the order and the effect will be beneficial to all stakeholders. Similar measures to reflect the particular policy imperatives of each country are to be introduced within a similar timescale in Scotland and N. Ireland and soon afterwards in England.