



Registration is changing 2023

# Have your say on our proposals for:

* registration requirements for social care managers
* registration renewal for social care workers
* registration requirements for special school residential workers
* registration requirements for special school residential managers.

Consultation closes 5pm on 14 July 2023



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**Other formats:** This document is available in large text, Braille, and other languages, if required. You can request these by using the contact details above. This document is also available in Welsh.

Contents

[Registration is changing 2023 1](#_Toc134526669)

[Have your say on our proposals for: 1](#_Toc134526670)

[Contact details 2](#_Toc134526671)

[Overview 4](#_Toc134526672)

[How to respond 4](#_Toc134526673)

[Registration requirements for social care managers 6](#_Toc134526674)

[What do we want to change? 6](#_Toc134526675)

[Why do we want to make this change? 6](#_Toc134526676)

[Registration renewal for social care workers 7](#_Toc134526677)

[What do we want to change? 7](#_Toc134526678)

[Why do we want to make this change? 7](#_Toc134526679)

[Registration requirements and practice guidance for special school residential workers 8](#_Toc134526680)

[What do we want to change? 8](#_Toc134526681)

[Why do we want to make this change? 8](#_Toc134526682)

[Routes to register 8](#_Toc134526683)

[Code of practice and practice guidance for special school residential workers 9](#_Toc134526684)

[Registration requirements and practice guidance for special school residential managers 11](#_Toc134526685)

[Qualifications for special school residential manager registration 11](#_Toc134526686)

[What do we want to change? 11](#_Toc134526687)

[Why do we want to make this change? 12](#_Toc134526688)

[Routes to register 12](#_Toc134526689)

[Code of Practice and practice guidance for special school residential managers 12](#_Toc134526690)

[Consultation questions: 14](#_Toc134526691)

[About you/your organisation 14](#_Toc134526692)

[About our proposals 15](#_Toc134526693)

[How we’ll use your views 19](#_Toc134526694)

## Overview

We want to hear from you about our proposals for:

* registration requirements for social care managers
* registration renewal for social care workers
* registration requirements for special school residential workers
* registration requirements for special school residential managers.

Social Care Wales was established in 2017 and we are responsible for leading improvement in social care. Part of our role is to ensure the best care and the protection of the public, as set out in the Regulation and Inspection of Social Care (Wales) Act 2016.

As the social care workforce continues to grow, we know how important it is to make our registration process simpler, to help encourage people to work in the social care sector.

We keep a Register of workers to help safeguard the public and improve standards for people receiving and providing care, who are fit to practise. The Welsh Government has decided which roles should be registered with us and there are more than 50,000 workers on our Register.

Some of the changes for special school registered workers and managers, are subject to a Welsh Government consultation and approval. If required, we will reconsider our proposals considering any changes to the Welsh Government’s proposals following their consultation.

**How to respond**

Our proposals are explained in each section. If you’d like to have your say on our changes, you can do so by:

* completing the [online survey](https://forms.office.com/e/z9iCnD7HRM)
* completing this document and emailing it to [consultations@socialcare.wales](mailto:consultations@socialcare.wales)
* requesting a meeting with us by emailing  [consultations@socialcare.wales](mailto:xxxxxx@socialcare.wales)
* registering to attend our webinar on **14 June 10-11am** by emailing [consultations@socialcare.wales](mailto:consultations@socialcare.wales)

If you need a copy of this consultation in a different format or have any questions, please contact us at [consultations@socialcare.wales](mailto:consultations@socialcare.wales)

Not all the questions in this consultation may be relevant to you, so only respond to the questions which are relevant to you.

The closing date for the consultation is **5pm, 14 July 2023**.

Thank you for taking the time to tell us what you think.

## Registration requirements for social care managers

### What do we want to change?

We propose to:

* introduce a **new way** to register, which will allow a social care worker to register as a social care manager without a level 3 qualification, but who can demonstrate sufficient managerial experience and commit to achieving the level 4 and level 5 qualifications within three years of registering.

### Why do we want to make this change?

Following our consultation in 2020, we made changes for social care workers who hold the relevant level 3 qualification or level 4 University of South Wales certificate in ‘step up to management’ to be able to register as a social care manager if they’re enrolled on the level 4 and level 5 management qualifications.

Following the success of this change we want to introduce a new route to register to enable those who have sufficient managerial experience but don’t have a level 3 qualification. This will start a new registration cycle which will include the requirement to complete the level 4 and level 5 qualifications by the renewal in three years’ time. You can find out more about qualification requirements in our [qualification framework](https://socialcare.wales/qualifications-funding/qualification-framework).

Sufficient managerial experience is defined as having at least three years’ equivalent experience within the last ten years of managing a social care, health or similar setting, which was under regulatory oversight. This will be assessed by the Registrar.

To demonstrate your commitment to completing the level 4 and level 5 qualifications, you will either need to be enrolled on a course or have confirmation of an upcoming enrolment.

This change will continue to help the workforce retain people who have the right values to meet the needs of those who need care and support now and in the future.

## Registration renewal for social care workers

### What do we want to change?

We propose that

* social care workers who are required to complete the level 2 or level 3 qualification listed in the [qualification framework](https://socialcare.wales/qualifications-funding/qualification-framework) within the first three-year period of registration, will now have up to six years (over two three year periods of registration) to complete the qualification(s).

### 

### Why do we want to make this change?

Currently, if a social care worker used the Principles and Values Award, All Wales Induction Framework or employer assessment as a route to registration, they will need to complete the level 2 or level 3 qualifications listed in the [qualification framework](https://socialcare.wales/qualifications-funding/qualification-framework) within three years before they can renew their registration.

With ongoing pressures in the sector, we recognise that this has been a challenge for some social care workers, particularly those who work part time. To help the workforce retain people who have the right values to meet the needs of those who need care and support, we want to give social care workers more time because of different circumstances which could make it difficult for them to complete a qualification within three years. Social care workers could be domiciliary care workers, adult care home workers, residential childcare workers or residential family workers.

We believe this will be particularly helpful for those part-time workers who may not have the opportunity to complete a qualification in their first period of registration. We’ll still encourage, and anticipate, that most full-time workers will complete the qualification within the first three years.

## Registration requirements and practice guidance for special school residential workers

### What do we want to change?

We propose that for special school residential workers to register they must:

* have the qualifications listed in the [qualification framework](https://socialcare.wales/qualifications-funding/qualification-framework) for social care and regulated childcare in Wales:
  + City & Guilds Level 2 Health and Social Care: Core, or
  + City & Guilds Level 3 Health and Social Care (Children and Young People): Practice.
* use the [employer assessment](https://socialcare.wales/registration/employer-assessment) route as a route to register if they don’t already have one of the qualifications listed above
* work to the standards set in the [code of professional practice](https://socialcare.wales/dealing-with-concerns/codes-of-practice-and-guidance) for social care workers and the [practice guidance for residential child care workers](https://socialcare.wales/cms-assets/documents/Practice-guidance-residential-child-care-workers.pdf)
* pay the required [registration fees](https://socialcare.wales/registration/fees).

### Why do we want to make this change?

**Routes to register**

Welsh Government are due to consider whether registration should be a requirement for special school residential services. If approved, we expect special school residential workers to have to register with us at an agreed time, following the service registering with Care Inspectorate Wales in 2024.

We propose two ways special school residential workers can register:

* using the qualification route as set out in the [qualification framework](https://socialcare.wales/qualifications-funding/qualification-framework). The qualification framework will include the recommended qualifications for different job roles within social care and regulated childcare in Wales
* or, using the employer assessment route if the worker doesn’t have the required qualifications.

The employer assessment route to registration allows employers to endorse their workers’ application to register, after assessing them against a list of [competencies](https://socialcare.wales/registration/employer-assessment/employer-assessment-registration).

Social care workers who register using the employer assessment route will develop their understanding further by completing the [All Wales Induction Framework](https://socialcare.wales/qualifications-funding/induction-frameworks/induction-for-health-and-social-care-awif). They’ll also need to complete the qualifications listed in the [qualification framework.](https://socialcare.wales/qualifications-funding/qualification-framework)

**Code of practice and practice guidance for special school residential workers**

We have practice guidance for registered workers that describes what is expected of them in their role. This guidance is a practical tool to help workers practise to the high standards expected and contributes to good outcomes for people using care and support.

[The Code of Professional Practice for Social Care](https://socialcare.wales/cms-assets/documents/Code-of-Professional-Practice-for-Social-Care-web-version.pdf) is the main document for setting standards and expectations for practice in social care.

Practice guidance is used to help workers meet the standards in the Code. Registered workers and their employers should make sure they’re familiar with the guidance relevant to their area of work. Serious or persistent failure to follow practice guidance can put a worker's registration at risk.

We’ll update all our practice guidance soon. In the meantime, we propose that special school residential workers work to the standards set in the [practice guidance for residential childcare workers](https://socialcare.wales/cms-assets/documents/Practice-guidance-residential-child-care-workers.pdf).

Paying fees

Under the legislation we have the power to [charge a fee](https://socialcare.wales/registration/fees) to register with us. This includes:

* paying an application fee when applying for registration; and
* an annual fee; and
* every three years you will need to pay a renewal fee when you [renew your registration](https://socialcare.wales/registration/renewal).

The fees paid to Social Care Wales, provide a vital contribution to the resources needed for us to maintain the Register and carry out activities associated with public protection, like fitness to practise investigations and hearings.

You can find out more about the [fees](https://socialcare.wales/registration/fees) on our website.

## Registration requirements and practice guidance for special school residential managers

### Qualifications for special school residential manager registration

### What do we want to change?

We propose these routes for special school residential managers to register:

* they must have the Level 5 Leadership and Management of Health and Social Care: Practice
* qualification listed in the [qualification framework](https://socialcare.wales/qualifications-funding/qualification-framework) for social care and regulated childcare in Wales or social care workers (including residential special school workers) who hold the relevant level 3 qualification or level 4 University of South Wales Certificate in Step up to Management, can register as a social care manager if they’re enrolled on the level 4 or level 5 management qualification. They’ll need to complete the level 5 by their registration renewal in 3 years’ time
* or social workers, nurses and occupational therapists can register as a social care manager with a requirement to complete a management qualification within the first 3 years of registration. The management qualification must be a minimum of 37 credits, assessed in the workplace and at level 3 or above
* or (subject to the outcome of this consultation) a social care worker can register as a social care manager without a level 3 qualification, if they can demonstrate sufficient managerial experience and commit to achieving the level 4 and level 5 qualification within three years or registering

Special school residential managers will work to the standards set in the [code of professional practice](https://socialcare.wales/dealing-with-concerns/codes-of-practice-and-guidance) for social care workers and practice guidance for social care managers and pay the required [registration fees](https://socialcare.wales/registration/fees).

### Why do we want to make this change?

**Routes to register**

Welsh Government are due to consider whether registration should be a requirement for special school residential services. If approved, we expect special school residential managers to have to register with us at an agreed time, following the service registering with Care Inspectorate Wales in 2024.

We propose a number of ways social care managers can register with us, including:

* using the qualification route as set out by the [qualification framework](https://socialcare.wales/qualifications-funding/qualification-framework). The qualification framework includes the recommended qualifications for different job roles within social care and regulated childcare in Wales
* or if a social care worker doesn’t currently have the appropriate qualification, they’ll have the opportunity to complete the qualification by their registration renewal.

**Code of Practice and practice guidance for special school residential managers**

We have [practice guidance](https://socialcare.wales/cms-assets/documents/The-social-care-manager-April-2017.pdf) for registered workers that describes what is expected of them in their role. This guidance is a practical tool to help workers practise to the high standards expected and contributes to good outcomes for people using care and support.

[The Code of Professional Practice for Social Care](https://socialcare.wales/cms-assets/documents/Code-of-Professional-Practice-for-Social-Care-web-version.pdf) is the main document for setting standards and expectations for practice in social care.

Practice guidance is used to help workers meet the standards in the Code. Registered workers and their employers should make sure they’re familiar with the guidance relevant to their area of work. Serious or persistent failure to follow practice guidance can put a worker's registration at risk.

We’ll update all our practice guidance soon. In the meantime, we propose that residential special school managers work to the standards set in the [practice guidance for managers](https://socialcare.wales/cms-assets/documents/The-social-care-manager-April-2017.pdf).

**Paying fees**

Under the legislation we have the power to [[charge a fee](https://socialcare.wales/registration/fees)](https://socialcare.wales/registration/fees) to register with us. This includes:

* paying an application fee when applying for registration; and
* an annual fee; and
* every three years you will need to pay a renewal fee when you [[renew your registration](https://socialcare.wales/registration/renewal)](https://socialcare.wales/registration/renewal).

The fees paid to Social Care Wales provide a vital contribution to the resources needed for us to maintain the Register and carry out activities associated with public protection, like fitness to practise investigations and hearings.

You can find out more about thefees on our [website](https://socialcare.wales/registration/fees).

## Consultation questions:

Please complete the questionnaire below or [online](https://forms.office.com/e/z9iCnD7HRM)

### About you/your organisation

Are you responding to this consultation:

1. as an individual

If you’re responding as an individual, are you a/an:

☐ person who uses care and support

☐ early years worker

☐ social care manager

☐ social care worker

☐ social worker

☐ social work student

☐ owner of a setting providing care

☐ responsible individual

☐ employer of social care workers

☐ educational professional

☐ member of the public

☐ special school residential worker

☐ special school residential manager

☐ other – please describe below:

1. on behalf of an organisation

If you’re responding as an organisation, is the organisation:

☐ central or devolved government

☐ a local authority

☐ a social care employer

☐ a learning provider

☐ a special school residential service

**X** other – please describe below:

Trade union

Organisation name/type of work carried out:

UNISON Cymru Wales represents around 90,000 public service workers in Wales, including thousands of social care workers and school support staff. This response is shaped by their experience.

Contact: Alastair Gittins, information development officer (policy) [a.gittins@unison.co.uk](mailto:a.gittins@unison.co.uk), 07816 53 83 97

**Summary of UNISON position**

The registration of social care staff was sold as the way to drive up standards across the sector and improve the quality of care for services users. UNISON is concerned some of the changes proposed are a retrograde step that would undermine standards when we should all want a professionalised workforce.

We do not believe pressure for the changes outlined has come from care workers themselves, but from private and non-profit care providers, who want more flexibility from their workforce at a time when there is a huge number of vacancies and demand for care expected to grow substantially.

Rather than diluting registration regulations, the best way to make the profession more attractive and fill vacancies is to improve the very low pay and poor conditions of service, training and career development.

The prompt employer assessment of social care managers and specialist school residential managers is important and we and reject the proposals for social care workers.

Our comments around the registration of specialist school residential workers and managers are guided by the experience of school support staff, whose registration with the Education Workforce Council has not resulted in improvements in training, career opportunities or enhanced pay for those workers.

Crucially, training for qualifications should be paid for by the employer and undertaken in work time.

### About our proposals

We welcome your views about our new proposals and would be grateful if you could take the time to answer these questions:

Registration changes for social care managers

1. Do you agree with our proposal that social care workers who don’t hold the recognised qualifications but do have sufficient managerial experience and are enrolled to complete the level 4 and level 5 qualification within 3 years of registering, can register to be a social care manager?

|  |  |  |  |
| --- | --- | --- | --- |
| X | Yes |  | No |

1. Do you have any other comments:

We agree with the general principle that those who have proven social care experience can be care mangers of the future even if they lack the formal the qualifications and recommend the prompt employer assessment of social care managers is vital.

We want social care managers to be well-trained and to lead by example to the rest of the profession in how they go about their work.

There is real concern care workers could end up being managed by people who don’t have more qualifications than them.

If there is a prolonged period when managers lack the qualifications required, care workers may wonder how committed their manager is to developing and supporting their staff through training.

There will be other unintended negative consequences or complications too. If a care manager or care worker enters the disciplinary process and they do not have the qualifications, will a different level of performance be expected?

We fully expect disreputable employers will discard managers who are approaching 3 years of employment to avoid paying the higher rate of pay that would come with full qualification once the work of the Social Care and Fair Work Forum is completed.

Employers must make a commitment to supporting managers to achieve the qualifications as soon as possible and pay for the training and arrange for it to be undertaken in work time.

Registration renewal for social care workers

1. Do you agree with our proposal that social care workers who were required to complete the level 2 or 3 qualification listed in the [qualification framework](https://socialcare.wales/qualifications-funding/qualification-framework) within the first three-year period of registration, will now have up to six years (over two three-year periods of registration), to complete the qualification?

|  |  |  |  |
| --- | --- | --- | --- |
|  | Yes | X | No |

1. Do you have any other comments:

Granting care workers a period of 6 years to achieve the necessary qualifications is too long, and a step back from professionalisation of the sector. UNISON opposes this proposal.

Pressure for this change has not come from care workers but from employers, who have already succeeded in diluting training with prior changes for more on the job learning and less ‘chalk and talk’ tuition.

The sector would benefit from a more highly qualified workforce if staff didn’t have to undertake training in their own time or pay for it themselves. UNISON is against the proposed change for care workers and instead, we underline that it would be better for SCW to ensure employers grant care workers paid time off for training to be able to achieve the qualifications within 3 years and for employers to pay for all forms of training.

It is worrying to think of the damage that might be done by an individual over 6 years, if their practices are not as good as they should be because they haven’t received the training and qualifications that should have been undertaken and gained promptly, early in their career.

Extending the period for care workers to be fully qualified gives employers even more of an unfair hold over staff and UNISON’s experience means we expect the extensions to be cynically exploited by some private care providers.

Following the work of the Social Care Fair Work Forum, at some point in the future rates of pay for social care managers and care workers will be available. If the period of qualification for care workers is to be six years, disreputable employers will tell their staff the full rate of pay have doesn’t have to be paid until six years have passed.

Extension will have the effect of tying care workers to a bad employer for six years if the employer has been subsidising training costs even if they wish to leave for a better paid job. Low paid care workers will know if they were to leave before full qualification is achieved in the six years, employers will claim back money which the individual cannot afford to lose.

We know that some care workers are part-time and are studying for other care-related qualifications. Some exemptions should be made for those studying in other healthcare fields so that it is accepted as prior or comparable learning.

Special school residential workers

1. Do you agree with the proposal for special school residential workers to register using the qualifications listed?

|  |  |  |  |
| --- | --- | --- | --- |
| X | Yes |  | No |

1. Do you agree with our proposal for special school residential workers who don’t hold one of the recognised qualifications to register using the employer assessment route?

|  |  |  |  |
| --- | --- | --- | --- |
| X | Yes |  | No |

1. Do you think the standards and expectations for workers set out in the residential childcare practice guidance are reasonable and achievable?

|  |  |  |  |
| --- | --- | --- | --- |
| X | Yes |  | No |

1. Do you have any other comments:

Our response to the questions around registration of special school residential workers and residential managers is informed by our experience of Welsh government’s/Educations Workforce Council’s (EWC), registration of school support staff, seven years ago.

At that time, registration was sold to those workers as a first step towards professionalisation of the sector. Many school support staff believe this promise has not been realised and registration has not opened-up training for qualifications, career development opportunities or improved abysmal rates of pay.

Registration must mean something wider than simply giving the public assurance that the individual is qualified and will adhere to a code of conduct. If you need to be registered, there’s an expectation placed on you, but there is also an expectation on what it will deliver for you. We argue registration should at least mean an annual appraisal and continuing professional development.

Raising standards depends on a variety of interventions and UNISON believes that more investment in the workforce and its professional development, should run alongside registration. We hope registration means school staff will be less taken advantage of by senior school leaders.

As we have said with care workers, access to training, paid and in work time and paid for by the employer, is the key to a better qualified schools’ workforce. We already know that there is an issue with release for training for school support staff and this is something to be very clear about when setting qualifications staff must achieve.

We suggest prompt employer assessment of specialist school residential managers.

The cost of registration for very low paid, casual, term time workers in schools remains onerous and we can imagine resentment building from special school residential workers and managers having to pay for the privilege of doing their job, which they may already have been undertaking for years.

Employers should pay the application fee on behalf of specialist school staff and managers. In the first years of EWC school staff registration, after UNISON’s intervention, local authorities paid the EWC fees for each member of staff. Today, the Welsh government subsidies fees of school staff, so staff pay a reduced rate.

We believe the SCW annual rate should not be a burden on low paid staff and should be met by the employer, as should the renewal fee.

Getting the right communication to specialist school staff right is critical. There is likely to be a great deal of uncertainty and fear from employees about the qualifications they may need to get, as well as concern about what they are getting in return.

We cannot see that registration will be a particular attraction for people to enter the profession whilst there remains little opportunity for professional development at a time when it is already difficult to recruit to the sector.

Special school residential managers

1. Do you agree with the proposal for special school residential managers to register using the qualifications listed?

|  |  |  |  |
| --- | --- | --- | --- |
| X | Yes |  | No |

1. Do you agree with our proposal for special school residential workers who don’t hold one of the recognised qualifications to register using the other registration routes?

|  |  |  |  |
| --- | --- | --- | --- |
| X | Yes |  | No |

1. Do you think the standards and expectations for managers set out in the practice guidance are reasonable and achievable?

|  |  |  |  |
| --- | --- | --- | --- |
| X | Yes |  | No |

1. Do you have any other comments:

Please see our comments to question 8.

Effects of our changes

1. What effects will our proposals have on the Welsh language, specifically on:

i) opportunities for people to use Welsh

ii) treating the Welsh language no less favourably than the English language.

How could we increase the positive effects or reduce the negative ones?

-

1. What effects will our proposals have on people with protected characteristics, specifically on:

* age
* disability
* gender reassignment
* marriage and civil partnership
* pregnancy and maternity
* race
* religion or belief
* sex
* sexual orientation.

How could we increase the positive effects or reduce the negative ones?

-

### How we’ll use your views

Any response you send us will be seen in full by our staff dealing with the issues this consultation covers. It may also be seen by other members of staff to help us plan future consultations.

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

Names or addresses we blank out might still get published later, but we don’t 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 that has not been published.

But 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. If someone has asked for their name and address not to be published, that is an important fact we would take into account. There may sometimes be important reasons why we would have to reveal someone’s name and address, even though they’ve asked for them not to be published. We would get in touch with the person and ask their views before we decided to reveal the information.