

Care Homes Briefing

Number 40

Proposed registration of domiciliary and residential social care workers

The General Social Care Council (GSCC) recently released a consultation paper on its proposal that all domiciliary and residential social care workers will have to register on a central government list in the future.

Proposals

At the present time only social workers and student social workers are registered in England, but under the proposals put forward by the GSCC, all those providing residential and domiciliary based social care in a statutory, voluntary or private setting will need to be registered. The GSCC estimates that the total number of such workers is approximately 750,000 people. The proposals do not, at the present time, cover staff who work in day centres or those offering solely healthcare rather than social care services, nor those providing care services through direct employment by service users.

Accordingly, the proposals are that all individuals who work or are supplied to work in services regulated by the Commission for Social Care Inspection (CSCI) will be required to register. The GSCC has used the definition provided in Section 55 of the Care Standards Act 2000 to cover all those who they consider to be domiciliary and residential care workers. Broadly this refers to those who are social care workers employed by or for the purpose of, or who manage, the following regulated settings: children's care homes, residential family

centres, care homes for older people, care homes for adults, domiciliary care agencies providing personal care at home, fostering agencies and voluntary adoption agencies.

The GSCC has indicated that those required to register will also be required to meet certain standards in order to remain on the register. The period for consultation on the proposals closed in May 2006 and we are currently awaiting the GSCC's finalised proposals.

Fees

As a law firm that specialises in advising those who provide care, we are acutely aware of the difficulties faced by the care sector in recruiting and retaining staff. The current requirements for CRB checks and checks against the Protection of Vulnerable Adults' List are not only an expensive but also a lengthy process. The GSCC foresees that the fee range for registration under the new scheme would be between £20 and £30 per year for domiciliary and residential social care workers. When added to the other checks required, this is not an insubstantial sum, especially if the cost of it is borne by the worker's employer. At the present time the registration period proposed is 6 years so that residential and domiciliary staff will need to re-register every 6 years.

Registration Requirements

The area that will perhaps cause the greatest interest is the GSCC's proposed requirements for registration. The GSCC have indicated that they will require completion of some form of induction training relating to an individual's role as a pre-requirement to registration. The proposals at the present time are that a manager registered with CSCI would provide information to the GSCC that induction training has been satisfactorily completed. Further, they have suggested that where a member of staff has been working in a job for some time and holds a care qualification, that qualification will act as evidence with regard to registration, together with confirmation from the manager that an appropriate induction has been completed. Those who have been working in the job for some time without a qualification will need to complete an appropriate induction and their manager will need to notify this to the GSCC.

Comment

It is perhaps inevitable in a society which is becoming ever more regulated, that the GSCC Central Register has been proposed. In theory we can see the benefits of such

a register. However, there are clearly areas where the register will create more red-tape, for example, the requirement for a manager to liaise with the GSCC to confirm a new employee's completion of an induction.

Further, the cost of registration will have to be borne by someone. Whether or not the initial payment is made by an operator or the carer themselves, it will clearly put pressure on profit margins and ultimately, it will be the service users who will meet the bill for the proposed registration in many cases.

One final concern is the GSCC's indication that registration is likely to be compulsory at some point in the future. Compulsory registration will inevitably lead to employers being forced to employ only those who are registered. Although clearly a sensible proposition in theory, there is a concern that the need to register will ultimately lead to a delay in employment being taken up (as occurred when CRB checks were initially implemented) with the result that some workers chose to take up employment in other, more immediately accessible, business sectors. Clearly this does not help a care sector that already struggles to find staff. Whether this occurs here, unfortunately, only time will tell.

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New OFT Regulations

On 9th June the OFT published new regulations on providing transparent care home pricing information. Further details are available at [HTTP://www.opsi.gov.uk/si/si200614.htm](http://www.opsi.gov.uk/si/si200614.htm). If you need assistance reviewing your current contracts, please do not hesitate to contact us.

For more information on Care Home Law contact Andrew Parsons or Stephen Janisch at RadcliffesLeBrasseur on 020 7222 7040, or email: andrew.parsons@rlb-law.com.

Out of office emergency advice available 24hrs on 07802 506 306.

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