

## **Support Workers and Voluntary Registration- *The Health and Social Care Act 2012***

“It is important to recognise that regulation has a vital role in healthcare. But its focus is on minimum standards while employers and staff strive for much more. We need to be honest enough to say regulation isn't the solution to every workplace issue”. Dean Royles, Director, NHS Employers

### **Context**

1. Whilst there are a range of existing voluntary registers for unregulated occupational groups, currently there is no system for the public, employers or professionals to gauge whether such registers are operating effectively or to high standards. Section 229 of the Health and Social Care Act 2012 introduces a system of assured voluntary registration, which will help drive up the quality of the workforce and better inform the public.
2. Concerns have been raised that for healthcare support workers and adult social care workers in England, assured voluntary registration is not enough to protect the public and that statutory regulation is required.

### **The workforce**

3. Support workers and adult social care workers are increasingly employed across a wide range of employment settings, and geographical locations. They are a large, diverse part of workforce; although they are often subject to low pay, they are a vital part of the healthcare service.
4. The vast majority of these workers provide the very highest quality of care. However, a minority let patients down. This is a cause for concern and we are focused on ensuring

### **Existing regulation & employers**

5. There are existing tiers of regulation that protect patients and service users, such as the Vetting and Barring Scheme. Professionals struck off by their regulator or sacked by an employer that pose a risk to vulnerable groups, including children, should be referred to the Independent Safeguarding Authority (ISA).
6. Providers and employers also play a key role in ensuring safe, high quality care that patients and service users can be confident in, as they are both responsible and accountable for the staff they employ. Under CQC registration requirements, providers must take steps to ensure that, at all times, there are sufficient numbers of suitably qualified, skilled and experienced persons employed to safeguard the health, safety and welfare of patients and service users.
7. Equally, appropriate delegation and supervision is a necessity within multi-disciplinary teams made up of both regulated and unregulated professionals and workers. Guidance by the Nursing and Midwifery Council is being updated so that nursing staff know how to delegate safely.

## Key legislative changes

8. The Government's view is that high standards for these occupational groups and others can be assured without imposing statutory regulation, with a key role to be played by employers. That is why, in the wider context of supporting providers, we are creating, through the Health and Social Care Act, a system of external quality assurance for voluntary registers.
9. We accept the need to drive up standards in a way that is proportionate and effective. As announced by the Secretary of State on 15 November 2011, and welcomed by the Nursing and Midwifery Council, we are commissioning Skills for Health and Skills for Care to accelerate production of a code of conduct and recommended induction/minimum training standards for healthcare support workers and adult social care support workers.
10. We expect work to begin by April 2012, with the aim of delivering outputs ahead of the establishment of a voluntary register(s) for healthcare support workers and adult social care workers, which could be operational from 2013 onwards.
11. This will allow unregulated workers to demonstrate they meet a set of minimum standards for training and are signed up to a code of conduct. And it will provide health and social care providers with tools to enable them to identify appropriately skilled and qualified workers.

**Factsheet B7** provides details regarding the introduction of a process for assured voluntary registration within the Health and Social Care Act 2012. It is part of a wide range of fact sheets on the Act, all available at: [www.dh.gov.uk/healthandsocialcarebill](http://www.dh.gov.uk/healthandsocialcarebill)