Written evidence submitted by the Professional Standards Authority for Health and Social Care (CSWB 05)

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 is available at: www.professionalstandards.org.uk.

As part of our work we:

- Oversee nine health and care professional regulators\(^1\)
- Accredit registers of health and care practitioners held by non-statutory bodies\(^2\)
- Conduct research and advise the four UK governments on regulatory improvements
- Promote right-touch regulation and publish papers on regulatory policy and practice
- Carry out international commissions and reviews.

1. **Our interest in the Children and Social Work Bill**

1.1 The Bill, as amended, gives the Professional Standards Authority continuing oversight of the regulation of social workers in England.

1.2 Our functions in relation to the nine statutory regulators, including the Health and Care Professions Council, which currently regulates social workers in England, are:

- To assess the performance of the regulators against our Standards of Good Regulation and report annually to Parliament on which of the standards they have met
- To scrutinise the decisions made by the regulator’s fitness to practise committees and appeal them to the High Court if they are insufficient to protect the public
- To advise the Privy Council about the quality of the processes regulators use to appoint their chairs and members of their councils.\(^3\)

1.3 The Authority expressed concerns at Second Reading in the House of Lords about the original drafting of Part 2 of the Children and Social Work Bill. Our concerns in relation to the proposed new regulatory body for social work were:

- Lack of independence, as the body was originally proposed as an Executive Agency of Government
- The risk of a competing and confused remit by seeking to give the new body responsibility for representative, improvement and regulatory activities

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\(^1\) The regulators that we oversee are: The General Medical Council, the General Dental Council, the General Chiropractic Council, the General Optical Council, the General Osteopathic Council, the General Pharmaceutical Council, the Health and Care Professions Council, the Nursing and Midwifery Council and the Pharmaceutical Society of Northern Ireland (PSNI)


\(^3\) We do not carry out this role for the Pharmaceutical Society of Northern Ireland.
The removal of the independent scrutiny of the regulation of social workers by excluding the new body from our statutory oversight.

The Government subsequently brought forward amendments at Report stage in the Lords which have addressed all of our above concerns.

2. **Key comments – Part 2 of the Children and Social Work Bill**

2.1 We welcome the amendments made in the Lords to Part 2 of the Children and Social Work Bill to make the proposed new social work regulator, Social Work England, more independent and more clearly focussed on regulation.

2.2 We have previously highlighted the importance of separation between regulatory and improvement activities:

- **Regulatory discipline and standards** - Regulators are responsible for protecting the public by setting and upholding standards of conduct and competence, controlling entry to the profession and taking action in response to concerns about conduct or competence.

- **Professional development and improvement** – Professional bodies, such as Colleges, are generally responsible for improvements to education, training, professional practice and continuing professional development.

Regulatory standards, registration and discipline are properly the role of regulators. Professional identity, development and improvement are properly the role of the profession itself and its representative and professional bodies.

2.3 We are satisfied that the above issues have now been addressed by Government to ensure that the new body has a clear regulatory remit and greater independence.

2.4 We also welcome the move to ensure that the new body will come under our statutory oversight. This will allow the Authority to monitor the body’s performance, scrutinise its fitness to practise decisions and appeal to the high court those which we consider are insufficient to protect the public. We believe this will allow for more robust, transparent regulation and encourage public and registrant confidence. If Social Work England is set up as a non-departmental public body, we will not however have a role in scrutinising appointments to its Board, as these would not be made by the Privy Council.

2.5 It is positive that the Government has amended the Bill to include provision for an independent review of the operation of the new regulator five years after it becomes operational. This will involve consultation with representatives of social workers to ensure that the new system is operating effectively. This should help to ensure that the regulatory system is effective in protecting the public and can be responsive to any issues that may arise when the new body is created.

2.6 We are encouraged that the Government has indicated that regulation of social workers will be brought within the scope of its proposed wider reforms of health and care professional regulation. It is important for the regulation of the health and care professions to remain aligned at a time when the need for a close relationship between health and social care services is becoming ever more apparent.

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