



Joint Consultation on the Regulation of Health Care Professionals and the Regulation of Social Care Professionals in England

Response from the Association of Directors of Adult Social Services

1. Background

The Association of Directors of Adult Social Services (ADASS) represents Directors of Adult Social Services in Local Authorities in England. As well as having statutory responsibilities for the commissioning and provision of social care, ADASS members often also share a number of responsibilities for the commissioning and provision of housing, leisure, library, culture, arts, community services and increasingly, Children's Social Care within their Local Authority within their Councils

ADASS welcomes the opportunity to contribute to the joint consultation on the regulation of health care professionals and the regulation of social care professionals in England.

2. Proposals and Questions for consultation

ADASS would like to comment specifically on the questions and proposals surrounding the functions of the regulators, and registers themselves.

Question 3.1

Should the statute specify the paramount duty of regulators and the CHRE is to: (1) protect, promote and maintain the health, safety and well-being of the public by ensuring proper standards for safe and effective practice; or (2) protect, promote and maintain the health, safety and well-being of the public and maintain confidence in the profession, by ensuring proper standards for safe and effective practice?

- ADASS believes that public confidence in the profession is vitally important, and that this results from the protection of the public and maintenance of standards. ADASS would therefore suggest the statute should specify the paramount duty of regulators and the CHRE are as follows

‘The paramount duty of the regulators and the CHRE is to protect, promote and maintain the health, safety and well-being of the public by ensuring proper standards for safe and effective practice, thereby maintaining public confidence in the profession.’

Question 3.4

Should the statute include a general power for the regulators to do anything which facilitates the proper discharge of their functions?

- ADASS believes that ‘general powers for the regulators to do anything which facilitates the proper discharge of their functions’ is too vague an expression, and needs to be more precisely worded. It needs to be qualified with phrases such as ‘will have the power to require employers and other bodies to co-operate in supporting the regulator in the discharge of their functions’.

Proposal 5.1

The statute should set out a core duty on all the regulators to establish and maintain a professional register.

- ADASS agrees that there should be a core duty on all regulators to establish and maintain a professional register.

Proposal 5.4

The Government should be given a regulation-making power to introduce compulsory student registration in relation to any of the regulated professions.

- ADASS supports the proposal that Government should have the power to make regulations to introduce the compulsory registration of students in any profession. See Question 5.5.

Question 5.5

Should student registration be retained in the new legal framework, and/or how can the legal framework help to ensure that the principles and practices of professionalism are embedded in pre-registration training?

- ADASS strongly believes that social work student registration should be retained in the new legal framework, and that this ensures that

principles and practices of the profession are embedded during training. It is crucial that social work students are subject to the same national regulations as qualified social workers when undertaking placements and that they are responsible and accountable for the work they carry out. Furthermore, through registration, students are agreeing to a code of practice that is vital to instilling a sense of professionalism that is carried forward in their social work careers.

Question 5.6

Should the regulators be given powers to introduce voluntary registers?

- ADASS believes the regulators should have the power to introduce voluntary registers where appropriate. In social care, this would be a safeguard and quality assurance framework for staff, such as personal assistants, who may not be employed by regulated agencies, and can transparently demonstrate a commitment to professional standards.

Question 5.8

Should non-practising registers be retained or abolished?

- It is important that registers for non-practising social workers are maintained. This facilitates the demonstration of leadership by professionals who leave practice to become senior managers, and supports the maintenance of professional values and cultures in an organisation.

Proposal 5.12

The regulators should be given powers to establish separate criteria for the renewal of registration and for registrants proceeding from provisional to full registration.

- Regulators should be given powers to establish separate criteria for re-registration.

Proposal 5.31

All the existing protected titles and functions that are contained currently in the governing legislation should be specified in the new statute.

- ADASS agrees that all the existing protections of title and functions should be maintained in the new framework. Government should have the power to amend these as appropriate, although it must involve statutory consultation with the regulator and representative organisations of the profession.

