

REGULATION AND INSPECTION OF SOCIAL CARE (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 – Social Care Workers: Standards of Conduct, Education Etc.

Section 112 - Codes of practice

161. The development of codes of practice is an important aspect of workforce regulation as the codes set out and describe the standards of practice expected of social care workers. The Council currently produces codes under section 62 of the 2000 Act. This function has been retained. The codes will be relevant where complaints have been made about a social care worker's fitness to practise; a failure to comply with a standard in a code may be evidence of a person being unfit to practise. Codes could set standards for social care workers generally or SCW could make specific codes relevant to particular categories of social care workers only, for example a code of practice for managers of regulated services.
162. SCW will also be able to produce codes of practice for approved mental health professionals (AMHP). AMHPs exercise functions under the Mental Health Act 1983 ("the 1983 Act"). Those functions relate to decisions made about individuals with mental disorders, including the decision to apply for compulsory admission to hospital. Social workers can train to become AMHPs and therefore SCW is able to set out the standards expected of such social workers. The Council had the function of approving courses for AMHPs under section 114A of the 1983 Act. SCW have retained this function.
163. The performance of workers is influenced by their employment environment and it will be important for SCW to be able to set out standards expected of those employing social care workers; section 112 allows for these standards to be set. Such standards might require employers to ensure that employees are required only to carry out work which is appropriate or suitable for them by having regard to their qualifications and experience. All of the codes of practice will need to be kept up to date so that they reflect the latest developments in what can be a quickly changing industry; to that end, SCW will be required to keep the codes under review and vary them where appropriate.

Section 113 - Continuing professional development

164. The purpose of the training that may be required under this section will be to ensure that social care workers maintain and up-date their knowledge and competence in an ever-developing environment. Registered persons will need to comply with any CPD requirements in order to renew their registration (see section 84). Rules made by SCW in relation to such training must take into account any training that a visiting social worker from an EEA country or Switzerland has undertaken in their home country to ensure that such workers are not discriminated against.

Section 114 - Approval of courses etc.

165. Under the 2000 Act the Council approved qualifying and post-qualifying courses in social work. Section 114 retains this function but also provides SCW with the power to approve courses suitable for other social care workers. Requiring that social care workers must have certain qualifications in order to be registered is a way of ensuring workers are qualified but it does not in itself guarantee the quality of the courses that give rise to the qualifications. The intention of giving SCW a role in approving such courses is to maintain a high standard in the quality of the education to be provided to actual and prospective social care workers.

Section 115 - Inspection in connection with certain courses

166. As part of its power to approve training courses in social care work SCW will need to be able to visit and report on the places delivering this training. It will also need to assess on an ongoing basis whether providers are continuing to meet the standards required for approval as part of its quality assurance process. Section 115 enables SCW to inspect providers of courses for social workers and other social care workers. This power could be used to visit educational institutions but could also for example be used to visit practice placements where students go to develop their practical skills.

Section 116 - Other functions of Social Care Wales in respect of education and training

167. Subsection (1) will allow SCW to make provision for the training of social care workers and prospective workers; that might be through it providing training itself, or by commissioning appropriate courses from another person. This situation could arise if SCW took the view that the number or quality of training courses available to student social care workers of a particular kind was having a detrimental effect on the quality of care and support being offered in Wales.