

Council, 6 December 2011

Social workers – recognition and reciprocity of training and registration in the UK

Executive summary and recommendations

### **Introduction**

In 2012, the HPC is due to become responsible for registering social workers in England. There are currently recognition arrangements in place between the GSCC and the other three UK care councils. This means, for example, that someone qualified in Scotland is eligible to register in England, and vice versa.

The Health and Social Care Bill 2011, currently before parliament, will make a number of amendments to the Health Professions Order 2001 to enable recognition of social work training undertaken elsewhere in the UK.

This paper sets out proposed arrangements for recognition and reciprocity which are in line with the provisions included within the Bill and which are suggested with the policy intent to ensure that from the opening of the Register social workers qualified or registered elsewhere in the UK are eligible to apply for registration in England without unnecessary barriers.

The Council is invited to agree to introduce arrangements for recognition and reciprocity of training and registration in Scotland, Wales and Northern Ireland at the point the HPC Register of social workers in England opens, subject to ongoing review and a formal review exercise planned to commence within five years.

This paper was considered by the Education and Training Committee at its meeting on 17 November 2011. The decisions outlined were agreed and recommended to the Council subject to minor amendments which have been reflected in the paper.

### **Decision**

The Council is invited to agree the decisions outlined in section 5 (page 11) of the attached paper.

### **Background information**

Outlined in paper

## **Resource implications**

The resource implications include further papers to the Education and Training Committee as necessary, for example, updated application forms. These implications will be incorporated within department planning for 2012/2013. The ongoing resource implication of maintaining recognition and reciprocity is minimal.

## **Financial implications**

There are no significant short or medium term financial implications as a result of the decisions the Council is invited to make at this meeting. The future costs (and resource implications) of a review exercise would need to be met within future budgeting arrangements.

## **Appendices**

Annex A: Existing powers and amendments made by the Health and Social Care Bill 2011.

## **Date of paper**

24 November 2011

## **Social workers – recognition and reciprocity of training and registration in the UK**

### **1. Introduction**

- 1.1 In 2012, subject to parliamentary approval of the Health and Social Care Bill 2011 ('the Bill'), the General Social Care Council (GSCC) will be abolished and responsibility for regulating social workers in England transferred to the HPC.
- 1.2 Social workers and social work students are separately registered by the Scottish Social Services Council (SSSC), Care Council for Wales (CCW) and the Northern Ireland Social Care Council (NISCC) in Scotland, Wales and Northern Ireland.
- 1.3 Each of the care councils is responsible for quality assuring qualifying social work education and training in their respective countries. Registration operates on the basis of reciprocity – for example, someone holding a qualification approved by the NISCC is eligible to apply for registration with the SSSC or the GSCC.
- 1.4 The Bill will amend the Health Professions Order 2001 ('the Order') which will become the 'Health and Social Work Professions Order 2001'. At that time, the HPC will also be renamed the Health and Care Professions Council (HCPC). The Bill includes a number of provisions which relate to how the HPC will in future work with the care councils in the UK, including provisions related to the recognition of qualifications delivered elsewhere in the UK.
- 1.5 The Bill will place a mandatory obligation on the HPC to 'co-operate' with the care councils. The HPC has enjoyed a positive working relationship with the care councils prior to and since the transfer was announced. The Executive is working with them with the intention to develop a memorandum of understanding which would cover various aspects of information exchange between the regulators.
- 1.6 This is the first time that the HPC will be regulating a profession on a single country basis and therefore this is the first time that issues of recognition and reciprocity within the UK have arisen. This is very separate from issues with regards to European or international recognition of qualifications. The HPC would in the future assess applications from social workers who have qualified outside of the UK, and have not been registered with another care council, in the normal way. This is therefore not the subject of this paper.

- 1.7 This paper sets out proposed arrangements for recognition and reciprocity which are in line with the provisions included within the Bill and which are suggested with the policy intent to ensure that from the opening of the HPC Register social workers qualified or registered elsewhere in the UK are eligible to apply for registration in England without unnecessary barriers.
- 1.8 This paper refers to the 'HPC' throughout, rather than the 'Health and Care Professions Council' for consistency and clarity. The Executive has sought legal advice which forms the basis of this paper.

## 2. Legislative context

- 2.1 This section outlines the legislative context and discusses potential actions as a result.
- 2.2 Part III of the Order addresses matters related to registration including 'approved qualifications'.
- 2.3 Part IV addresses matters related to education and training, including the setting of standards of education and training and the approval of programmes.
- 2.4 Amendments are made to the Order by the Health and Social Care Bill 2011 in light of the registration of social workers in England. The legislation will become the Health and Social Work Professions Order 2001. Annex A includes a more detailed description of those amendments.
- 2.5 In respect of social workers who are qualified and/or registered in one of the other UK countries, the newly revised Order (subject to parliamentary approval of the Bill) would in summary allow the HPC to do the following.
  - The HPC could directly approve programmes delivered in Scotland, Wales and Northern Ireland, if it wished to do so. Part IV of the Order applies on a UK basis and will continue to do so, even though the HPC will only be registering social workers in England.
  - The HPC would be able to recognise training in social work elsewhere in the UK for admission to the Register. This would allow social workers who have trained elsewhere in the UK to seek reciprocal entry to the HPC register; programmes would not be directly approved by the HPC. For example, in this scenario, someone qualified in Scotland having completed a programme approved by the SSSC would be eligible to apply for registration in England. The HPC could also recognise registration in one of the other countries as conferring eligibility to apply for registration. This is the arrangement proposed in section four of this paper.
  - If the HPC was to consider that training elsewhere in the UK did not meet the standards of proficiency, it could still register an applicant if they had undertaken additional training or professional experience which met the identified shortfall. This is similar to the international registration process where registration assessors consider whether an applicant's education, training and experience meet the standards of proficiency. This would mean that if the HPC considered that there were significant differences between training in the other countries and that required in England, some kind of adaptation requirement could be imposed to make-up the shortfall.

- 2.6 The remainder of this section provides more information about the process for recognising social workers who have undertaken qualifications in one of the other UK countries and/or who are registered by one of the three care councils.
- 2.7 Any arrangements put in place would need to be applicable to two broad groups.
- Social workers qualified in Scotland, Wales and Northern Ireland having successfully completed a programme approved by the relevant care council.
  - Social workers who have not successfully completed a programme approved by one of the care councils but who have become registered with one of the care councils – for example, through an international assessment process.
- 2.8 The above would need to ensure that any arrangements provided access to the Register for a number of different ‘types’ of applicant including the following.
- Someone who qualifies as a social worker in one of the three countries and becomes registered with one of the care councils.
  - Someone who qualifies as a social worker in one of the three countries but does not become registered with one of care councils.
  - Someone who qualifies as a social worker in one of the three countries and becomes registered with one of the care councils but who is no longer registered when they apply for registration in England.
  - Someone who is registered as a social worker in one of the three countries following an international assessment process.
  - Someone who was previously registered as a social worker in one of the three countries following an international assessment process but who is no longer registered when they apply for registration in England.
- 2.9 The recognition process outlined in the amendments to the Order is based on ‘training’ and ‘experience’. There is no requirement that the applicant must be registered in one of the three countries, just that they have undergone training there. However, registration is likely to be one factor which may be taken into account in determining recognition applications.

- 2.10 As the reference is to recognition of 'training' and 'experience', any assessment process would need to be applied at a broad professional level rather than more detailed academic level. Therefore the approach would need to be a pragmatic one of recognising that the outcomes from the standards of proficiency are substantially met. Any shortfalls would need to be significant; an exact match would not be required. However, if substantial differences were identified, the HPC would need to impose additional training or professional experience requirements.
- 2.11 The standards of education and training would not apply to programmes in the other countries that the HPC did not directly approve.
- 2.12 The Executive has particularly sought legal advice on the proposition that it would be appropriate to implement recognition and reciprocity across the UK at the opening of the Register, on the basis that this currently exists and that the standards set by the regulators in each of the countries are broadly comparable and therefore existing social work training is broadly comparable. This would in effect maintain the existing arrangements across the UK. Advice received by the Executive is that such a decision would be consistent with the legislation.
- 2.13 As the HPC will become responsible for regulating social workers in England from next year, this will to some extent mark a deviation from the current arrangements. Although the HPC will continue to work closely with the care councils on matters of common interest, it will regulate social workers in England through its own legislative framework and set separate standards and therefore, there is the potential, at least in the medium to long term, for some deviation over time in the standards and potentially in social work training across the UK. In addition, the Social Work Reform Board initiatives which include measures to improve education and training apply to England only.
- 2.14 The legal advice sought by the Executive has suggested that some form of joint working between the HPC and the care councils might be appropriate. This would enable the HPC to reach an informed decision about whether the care council's requirements for registration meant that training in social work in these jurisdictions met the standards of proficiency, and enable the care councils to make such a judgement about social work training in England.

### **3. Existing standards**

- 3.1 The following standards are used in Scotland, Wales and Northern Ireland to approve qualifications which lead to registration as a social worker.
- 3.2 The documents listed below are those which include standards or outcome statements which are most closely matched to the purpose, function and form of the standards of proficiency. Other standards and guidance may also be used as part of approval and monitoring processes but it is not intended to describe these in this section.
- The framework for social work education in Scotland (2003).
  - Raising standards: The qualification framework for the Degree in Social Work in Wales (2003).
  - Northern Ireland Framework Specification for the Degree in Social Work (2003).
- 3.3 The Code of Practice for Social Care Workers and the Code of Practice for Social Care Employers are currently published on a four country basis. The Code for Social Care Workers is similar in content and purpose to the HPC's standards of conduct, performance and ethics. Both codes will continue to be published by the remaining care councils after the GSCC is abolished.



## 4. Proposals

4.1 The Executive proposes that the Council should agree, from the point the Register of social workers in England opens, to:

- recognise programmes approved by the SSSC, NISCC and CCW as conferring eligibility to apply for registration with the HPC; and
- recognise registration with the SSSC, NISCC and CCW as conferring eligibility to apply for registration with the HPC.

4.2 The Executive proposes maintaining recognition and reciprocity at the opening of the Register (subject to future review) for the following reasons.

- The CCW, SSSC and NISCC are all statutory regulators. They approve education and training programmes delivered in the respective countries within their legislative frameworks. It would therefore seem unnecessary for the HPC to seek to directly approve programmes which are delivered and already approved by statutory regulators in the other jurisdictions.
- Recognition and reciprocity currently exists between the four care councils, underpinned by close working relationships and a common code of practice across the UK. Maintaining this at the point of entry to the Register would continue to ensure that individuals seeking to move within the UK are not unnecessarily disadvantaged.
- Maintaining the existing arrangements at the point the Register opens, subject to future review (see paragraph 4.3), would be analogous to approving all GSCC approved programmes when the Register opens, subject to confirmation of re-approval via a visit.
- The contemporary level of qualification required for entry to the Register is consistent across the UK – an honours degree in social work or above. This is consistent with the HPC’s consultation proposal for the threshold level of qualification for entry to the Register (part of the HPC’s standards of education and training). (Please note, however, the standards of education and training do not apply in matters of recognition and comparability – see paragraph 2.11.)

- Although the care councils do not produce the direct equivalent of standards of proficiency, they do produce similar standards as part of their frameworks for the social work degree. The Executive's assessment is that these are broadly in keeping with the draft standards of proficiency produced for social workers in England and currently subject to consultation. Therefore it is reasonable to expect that there will not, at least initially, be any significant deviation in the ongoing standards expected by each of the countries.
- 4.3 The Executive proposes that recognition should be agreed subject to ongoing ('day-to-day') review and a planned formal or 'periodic' review. Ongoing review would mean that should any significant issues with the proposed arrangements be identified these could be brought to the attention of the Education and Training Committee and a more formal review brought forward.
- 4.4 The Executive proposes that the formal review should (subject to 4.3 above) commence within five years of the opening of the Register. A period of five years would be consistent with the Council's policy on periodic review of standards. This might take the form of a joint exercise between the four country regulators to map the regulators respective standards against each other. These standards were one reference point during the recent exercise to develop standards of proficiency for social workers in England.
- 4.5 This paper has addressed the principle and mechanisms for recognition and reciprocity. The Executive is seeking agreement at this stage as this will facilitate early discussion with the care councils about joint working on these arrangements.
- 4.6 The preliminary indication from the care councils is that the proposals outlined in this paper are considered sensible and pragmatic and that reciprocity and recognition will continue to be maintained across the UK. However, should there be any changes in the policy of the other care councils which would affect the arrangements outlined in this paper, the Education and Training Committee would be kept informed.
- 4.7 This paper does not address the changes to operational arrangements that would need to be made as a result of the decisions outlined. For example, the Education Department will need to take account of any decisions in this area when they seek the Education and Training Committee's historic and ongoing approval of social work programmes prior to the Register opening. The Registration Department will also need to make changes to the UK application form and internal processes as appropriate.

## 5. Decisions

- 5.1 The Council is invited to ratify the decisions of the Education and Training Committee and agree the following from the point the Register of social workers in England opens.
- To agree that it is unnecessary to seek to directly approve programmes delivered in Scotland, Wales and Northern Ireland.
  - To recognise programmes approved by the SSSC, CCW and NISCC as conferring eligibility to apply for registration with the HPC.
  - To recognise registration with the SSSC, CCW and NISCC as conferring eligibility to apply for registration with the HPC.
  - To agree the points above subject to ongoing review and a formal review planned to commence within five years of the opening of the Register of social workers in England. A periodic review may be brought forward if ongoing review indicates that this is necessary.

## Annex A: Existing powers and amendments provided by the Health and Social Care Bill 2011

1. This annex sets out in more detail the provisions of the Health Professions Order 2001 relevant to this paper and the amendments that would be made to Part III of the newly named 'Health and Social Work Professions Order 2001' by the Health and Social Care Bill 2011.

### Article 12(1)

2. The HPC's powers for registration are outlined in Part III of the Order. Article 12 of the Order sets out the arrangements for approved qualifications for registration. An 'approved qualification' is necessary in order to gain registration.
3. Article 12(1) provides that a person is to be regarded as holding such a qualification if they:
  - hold a UK approved qualification, which for this purpose is simply described as one which the Council regards as meeting the requisite Standards of Proficiency ('**UK approved course**' route to registration);
  - have a right to practise conferred by mutual recognition under the EC Professional Qualifications Directive. (EC mutual recognition is primarily concerned with the comparison of professions rather than academic qualifications) ('**International**' route to registration);
  - hold a qualification awarded outside of the UK which is comparable to the Standards of Proficiency provided by a UK approved qualification, or hold a non-UK qualification which, when considered with the applicant's other education, training and experience (which may have been obtained in the UK) is comparable to those Standards ('**International**' route to registration).
4. The first bullet point above relates to the HPC's role in approving UK pre-registration education and training programmes. An approved qualification is one which the HPC has approved as meeting the standards of proficiency. The standards of education and training (Article 15 (1)) are the standards necessary to deliver the standards of proficiency.
5. The second and third bullet points relate to the International route to registration. The second bullet relates to applicants applying for registration from the European Economic Area (EEA) who have the right to practise in an EEA country. The third relates to applicants who do not qualify for mutual recognition and who have qualified outside of the UK.

6. The Bill would amend Article 12(1) to enable a person to be registered as a social worker if he or she has, in Wales, Scotland or Northern Ireland, undergone training in social work which:
  - is recognised by the Council as meeting the standard of proficiency for admission; or
  - is not so recognised, but where the applicant has undergone such additional training or professional experience as satisfies the Council that he or she has the requisite standard of proficiency for admission.
7. The first bullet point enables the HPC to ‘recognise’ training in social work which it considers meets the standards of proficiency and this could be used, for example, to give recognition to social workers who have trained in the other UK countries, allowing them to seek reciprocal entry to the register in England.
8. The second bullet point would enable some form of adaptation requirement to be imposed on social workers from the other three jurisdictions if it was found that there was a significant difference between their training and that required in England.

#### **Article 12(2)**

9. Article 12(2) of the Order also requires the ETC to determine procedures to:
  - assess the comparability of non-UK qualifications and, where it sees fit, keep to publish a list of comparable qualifications; and
  - assess the comparability of any other training or professional experience acquired outside the United Kingdom.
10. This bullet points above are in effect the international registration process.
11. The Bill would amend Article 12(2) of the Order, requiring the ETC to determine procedures for:
  - assessing training or professional experience acquired in Wales, Scotland or Northern Ireland in social work and to compare it, together with qualifications mentioned in sub-paragraph (a) [i.e. qualifications awarded outside of the UK] where appropriate, with the standard of proficiency required for admission to the part of the register relating to the social work profession in England.

12. This new provision is drafted in very similar terms to the existing provisions of Article 12(2) but appears to be intended to cover two distinct types of application:
  - those where the totality of the applicant's training and experience (including any underlying qualification) in social work have been gained in Wales, Scotland or Northern Ireland; and
  - those where the applicant has undertaken some training or experience in social work in Wales, Scotland or Northern Ireland but has an underlying qualification which was obtained outside of the UK.
13. The first of these bullet points refers to the ability to make an assessment of the comparability of a qualification (and training and experience) gained in the other countries with the standards of proficiency necessary for registration in England.
14. The second of these bullet points would mean that the individual would need to apply via the international route to registration in the normal way.

#### **Part IV – education and training**

15. Part IV of the Order contains the HPC's powers for approving UK programmes which lead to registration and will apply to social workers in England once the transfer takes place. The Bill would permit the HPC to directly approve social work programmes in Wales, Scotland and Northern Ireland if it chose to do so, even if it would not be the regulator of social workers in those jurisdictions.