

Health and Personal Social Services (Amendment) Bill

NHSCT Response to Clauses 1 - 5

The overall aim of the amendments within, the Bill is for NISCC, as the professional regulator, to move from a model based on *conduct* to a *“fitness to practice”* model as well as streamlining the process under which the NISCC deals with such cases. This is a major shift in how NISCC deals with its registration procedures and will helpfully impact on all present and future registrants of NISCC subject to a NISCC investigation and formal hearing.

Clause 1 - Additional Powers in respect of Registered Persons

Currently a NISCC investigation operates under a process of “misconduct” which is the NISCC’s Codes of Practice and potential breaches of this. The only current sanctions available presently are suspension or removal from the register. A move to “fitness to practice” approach will provide NHSCT wider options to deal with capability issues via learning and development measures to be taken forward via the Trust’s own performance management processes.

The existing conduct model is based on determination of misconduct with the only available sanctions being admonishments, suspension or removal from the NISCC register. The amendments to the Bill will enable NISCC to come into line with other health and social care regulators who have a broader range of sanctions available ie. placing conditions on registrants such as additional training aimed at dealing with concerns about specific area of competence.

The NHSCT welcomes this move and is in agreement to the proposals in Clause 1 that both warnings and advice within the future model may be given in respect of the registered person. This will also support the Trust in its commitment to ensuring registrants must maintain and keep their knowledge and skills up-to-date in order to be accountable for the quality and safety of their work with vulnerable people.

Clause 2 – Powers to Obtain and Disclose Information

The NHSCT mission statement CORE – compassion, openness, respect and excellence sets the Trust’s vision for the importance of openness, transparency and candour in the Trusts dealings with service users and carers as well as its workforce. The principle behind this Clause is in keeping with the Trust’s mission statement and therefore proposed NISCC powers to obtain and disclose information with regards to misconduct or fitness to practice is supported by NHSCT. Within present performance management arrangements and communications with NISCC, the Trust already applies this principle to investigations in respect of social work or social care staff who have been referred to NISCC. It is already practice within the NHSCT that should there be areas of concern regarding a Trust employee referred to NISCC that other employees (ie. managers, colleagues etc) are required to provide witness statement and evidence at hearings if so deemed necessary. The enforcement of this latter point as set out within Clause 2 will support the Trust’s current practice and is therefore welcomed. As an employer advice and guidance is offered to potential

witnesses within this process. It is recommended, however, that NISCC review its current guidance and support to such witnesses and the Trust is willing to work collaboratively with NISCC on this issue.

Clause 3 - Social Workers etc. to be registered in Northern Ireland Register

The important component of this Clause is that the professional regulator for England, Wales, Scotland and Northern Ireland as well as CORU in the Republic of Ireland have consistency in Codes of Conduct and Standards as applied to a registered workforce. This, as well as regulators across the jurisdictions being able to share information regarding misconduct and fitness to practice, is an important principle given the workforce mobility that occurs across the nations. In particular the NHSCT welcomes the Ministers and NISCC's commitment to extending registration to the social care workforce and, more recently, particularly the domiciliary care workforce. Registration and regulation of this latter workforce and the systems currently being implemented between the Trust and NISCC to support a single NISCC database of all registrants within Northern Ireland is welcomed by the NHSCT.

Clause 4 – Recognition of Attainment of Standards by Social Workers

This Clause is important in terms of both setting the standards of conduct and practice expected by social workers but very specifically to enable NISCC to recognise the attainment of those standards by social workers. Clause 4 therefore extends NISCC powers to make awards under its professional in practice awarding scheme. Within the context of continuing professional development this is fully supported by the Trust and is viewed as supporting the Trust's commitment to evidence informed practice and excellence within the workforce. NHSCT, in conjunction with other agencies, including DHSSPS, HSCB and education institutions already working in partnership to ensure that learning and development and professional awards are fit for purpose for the workforce. Additionally under the Minister's Personal Social Services Training Strategy and commissioning arrangements, the NHSCT as with other Trusts, is supported by funding to enable social workers and social care workers to attain appropriate awards. This Clause is therefore supported by NHSCT.

Clause 5 – Appeals to the Care Tribunal

The Trust is in agreement to the appeals process as set out in respect of the Care Tribunal in that decisions by the Tribunal can reflect the fitness to practice model ie. issue warnings or advice should that have been the recommendation of NISCC as regulator.

Dr Tony Stevens
Chief Executive