

## Comments for the NIPSO Adhoc Committee on the draft Northern Ireland Public Services Ombudsperson Bill

28 May 2015

### NISCC Background

Northern Ireland Social Care Council (NISCC) is the regulatory body for the 35,000 social care workers and social workers practising in NI. NISCC was established as an NDPB by the NI Assembly in 2001 to improve safeguards for service users and strengthen the professionalism of the workforce through workforce development, registration and regulation.

Social workers and social care workers make up the largest workforce in the Health and Social Care system. They work in every community across the region and make a significant (often unseen) contribution to health and social care. They work with vulnerable people, many of whom have complex care and social needs. This workforce is made up of:

- 5,700 professionally qualified social workers;
- 720 social work students; and
- 28,600 social care workers (including 660 social care managers).

The main areas of responsibility for NISCC in relation to this workforce are:

1. **Workforce Registration** - Maintaining a register of social care workers, social workers and social work students who are committed to the NISCC Standards for their conduct and practice. Compulsory registration is being implemented in phases according to job role. Already almost 23,000 people are registered. NISCC is working on a timeline with DHSSPS to register the remaining 10-15,000 people employed predominantly in supported living, domiciliary and day care services.
2. **Workforce Regulation** - Strengthening public protection by taking action in cases where a registrant does not meet the required standards for their conduct and practice as laid out in the NISCC code of conduct and practice for social work and social care workers.
3. **Workforce Development** - Working in partnership with stakeholders to ensure that people can be assured of effective services from a safe and skilled workforce. NISCC has a statutory responsibility for the standards of social work education and training provided in NI.

**The Northern Ireland Social Care Council (NISCC) is broadly supportive of the draft Ombudsperson Bill.** The NISCC holds statutory powers to investigate and take appropriate action in alleged cases of poor conduct/practice by an individual social worker or social care worker. Members of the public often contact the NISCC by mistake because they are unclear about how to complain about standards of services or administration provided by a social work/care organisation. The new Office proposed in this Bill will strengthen public confidence in public services by providing a comprehensive, supportive and robust system of complaints investigation.

**With reference to points 15(2)c and 17(2)c of the draft Bill which states that “The Ombudsperson may investigate:.... the merits of a decision to the extent that it was taken in consequence of the exercise of professional judgement exercisable in connection with the provision of health or social care under that arrangement.”** The NISCC shares the concerns expressed by the DHSSPS in relation to the fact that social care workers are not ‘professionally qualified’ and could not be considered to have ‘exercised professional judgement’ in relation to social care.

**It is important that the final Bill retains the clarification made in Point 59 of the Committee comments from 20 April 2015 i.e. “the exercise of professional judgement would be understood to apply to the exercise of professional by staff required to hold a particular professional qualification as a condition of their particular post.”** Social care workers and managers are not required to have a professional qualification to be registered with NISCC. DHSSPS minimum standards do require social care managers to be qualified to QCF level 5; approximately 50% of social care workers hold a minimum QCF Diploma level 2 in Health and Social Care (or equivalent) and all social care workers have mandatory training requirements such as First Aid, Health & Safety etc. appropriate to their job role.