

## **FREEDOM OF INFORMATION ACT 2000**

Your request for information has now been considered and the Council's response to your questions is shown below.

**You asked:**

**“How many Social Workers (SW) employed or contracted to the LA are not properly registered with the GSCC as working in the LA's own area?**

**IE they are registered but in a different area.”**

All staff currently working in posts that require GSCC (the General Social Care Council) registration are registered with the GSCC.

We do not hold information regarding the number of social workers we employ whose personal details as lodged with the GSCC do not show them to be employed by Leicester City Council, or do not show them as having a location of “Leicester” when a person searches the GSCC register via the GSCC website. To this extent, this is a Refusal Notice under Section 17.1 of the Freedom of Information Act 2000, because in accordance with Section 1.1 of the Act this information is not held.

Managers are expected to ensure that they know that their staff are registered, and to encourage staff to undertake post-registration training and maintain their registration. Our policy on GSCC registration is focussed on the need to ensure that a person is registered and that their registration does not lapse. Registration documents are checked by managers and this process should ensure that the correct employing authority is shown. However, when a social worker is recruited from outside the authority, the validity of their registration is checked during the recruitment process, but we do not subsequently specifically ascertain whether they have submitted information to the GSCC regarding their change of employer until their registration document is checked following their next re-registration.

We recognise that:

- the Personal Declaration section of the application form which social workers complete when applying to join the social care register includes a declaration of the applicant's agreement to notify the General Social Care Council as soon as is reasonably practicable about any changes in my employment details (e.g. change of status from employed to unemployed; change of employer, etc.);
- the Post-Registration section of the GSCC website requires that social workers inform them as quickly as possible about any change of circumstance, including name of employer, employer's address and work address; and
- that when applying to renew their GSCC registration, applicants declare that they “will inform the GSCC immediately about changes to my address or other personal information.”

However, the GSCC website states only that failure to notify the GSCC of such changes may be considered as misconduct. It is our understanding therefore that a delay in informing the GSCC of a change of employer does not itself render a person's registration invalid.

**“What is the LA policy for addressing the issue of SWs not being properly registered as above as the[y] are required to given that:**

- 1. All SW Registrations are public on the GSCC Website**
- 2. It is a requirement to be registered in the Area they work**
- 4[sic]. It is not proper within the rules to be working as a SW without being properly registered**
- 5. Whilst SW registration is the responsibility of the SW and not the LA, the LA is responsible for ensuring that i[t]s employes [sic.] SW that are able to lawfully do the work as their agent.**
- 6. There can be two or more people with the same name**
- 7. Any person contacted by a SW is able to check registrations online**
- 8. It is a fact that police, Gov & LA advice is that if the identity of the person you are dealing with cannot be confirmed then do not have dealings with them and especially do not let them into your home or give them personal information.**
- 9. Any person checking a SW who is not properly registered should have cause for concern in regard to any of the above.”**

Where employees will be undertaking work that requires professional registration, a standard clause is included in the employee's contract. This clause states:

“Employees undertaking work that requires professional registration are responsible for ensuring that they are registered and that they comply with any Codes of Conduct applicable to that profession. Proof of registration must be produced on appointment and, if renewable, proof of renewal must also be produced to your line manager and a copy provided to the Human Resources Section. Failure to maintain registration, or loss of registration, will be treated as a breach of your terms and conditions of employment and may result in your dismissal or transfer to other employment not requiring professional registration.”

Under Leicester City Council's “Policy on the General Social Care Council (GSCC) Registration”, whilst fundamentally it is the worker's responsibility to maintain their own registration, it is the responsibility of managers to enforce the council's policy on GSCC registration for agency workers, prospective, new and existing employees, and managers are supported in this by Human Resources who produce reports which are used to send alerts to managers in respect of employees whose registration is coming up for renewal. Relevant extracts of this policy are shown below.

## 10 Lapsed Registration and De-Registration

- 10.1 Failure to maintain GSCC registration through renewal (lapsed registration) or loss of registration (de-registration) will be treated as a breach of terms and conditions of employment and may result in the City Council's Disciplinary Procedure being instigated. This could be regarded as gross misconduct.
- 10.3 Relevant employees are required to apply for the renewal of their registration prior to the date their registration is due to expire. Failure to do so may result in disciplinary action being taken against them. Disciplinary action could result in the dismissal, permanent demotion or transfer of an employee to an alternative post that does not require registration.
- 10.4 **Any employee whose registration has lapsed or has been de-registered would be immediately demoted to a post that is not subject to GSCC registration pending the outcome of a disciplinary investigation.** Demotion will involve changing one or more terms of the employee's employment contract including pay.

### 12.1 Responsibilities of Managers (Employer)

It is the responsibility of managers to enforce this policy on behalf of the City Council for agency workers and prospective, new and existing employees.

12.1.7 Managers must ensure that relevant employees are aware of this policy and, where necessary, discuss it in the course of supervision. Managers must ensure that relevant employees are given adequate time to read it, answer any questions and record that this has been done in the employee's file.

12.1.8 Managers should endeavour to remind employees, at team meetings and supervision meetings, to complete post-registration training and maintain their GSCC registration.

12.1.9 Managers will be sent reports from HR about employees whose registration is due for renewal and they are responsible for following this matter up with their staff immediately.

### 12.2 Responsibilities of Employees

12.2.1 The Code of Practice for Social Care Workers places duties on employees who are social care professionals to maintain their registration while they are in a post that is subject to GSCC registration. Individual social care workers are therefore required to take personal responsibility for ensuring they adhere to the Code.

12.2.3 Employees are required to provide proof of their initial, or where applicable, renewal registration to their managers who will provide a copy to Human Resources.

12.2.7 Registered social workers have a duty to inform the GSCC of any changes to their personal details, for example change of name, address, immigration status, etc.

### 12.3 Responsibilities of Human Resources (HR)

12.3.1 The Recruitment Team must confirm the registration status of any person who has been offered posts that are subject to GSCC registration.

12.3.2 The HR Administration Team will provide regular trigger reports to support the timely renewal of employees' GSCC registration and send alerts to managers in respect of employees whose registration is coming up for renewal.

12.3.3 HR is responsible for up-dating ResourceLink with revised expiry dates of registration.

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If you are dissatisfied with the handling of your request please write to:

**Head of Information Governance**  
**Information and Support**  
**Leicester City Council**  
**FREEPOST (LE985/33)**  
**New Walk Centre**  
**LEICESTER LE1 6ZG**  
e-mail: [foia@leicester.gov.uk](mailto:foia@leicester.gov.uk)

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

**Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

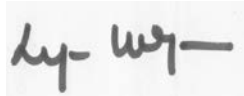
**Wilmslow SK9 5AF**

**Telephone: 01625 545 700**

[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to Head of Information Governance before contacting the Commissioner.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Lynn Wyeth', is positioned above the printed name.

**Lynn Wyeth**

**Head of Information Governance**