

SENIOR CARE WORKER

BACKGROUND INFORMATION

Senior Care Workers (SCWs) work in a variety of health and social care settings, including hospitals, hospices, residential care homes and nursing homes, and in other community settings including day-centres. Some work as Senior Domiciliary Care Workers in clients' own homes.

The roles and responsibilities of a SCW vary depending on the setting. A care home delivering Nursing Care is required to have Registered Nurses on duty 24 hours a day, 7 days a week. The SCW role will be different from a care home delivering residential care. The level of autonomy and individual responsibility of the role will determine whether it is at S/NVQ level 3 or above.

Extensive research carried out with the care sector indicates that the majority of SCW posts are unlikely to meet the work permit skills criteria, other than those in residential child care in Scotland (see below).

As a transitional measure, to ensure continuity of care provision whilst the sector adapts its recruitment practices, the work permit skills criteria will be waived for extension and change of employment applications for Senior Care Workers. All other criteria (e.g. salary) continue to apply, and any first or change of employment applications must satisfy the full skills criteria. An additional transitional measure exists for Senior Care Workers who have had work permits approved prior to 31 December 2003 (see below).

INDUSTRY REQUIREMENTS

Requirements in the social care sector are usually (and increasingly) based around qualifications rather than experience. Some SCW roles are benchmarked to S/NVQ level 3 qualifications in Health and Social Care, although there is no universal requirement for staff to hold that qualification.

England

There are currently no minimum regulated requirements to work as a SCW in England. Domiciliary Care Workers in England will shortly be required to achieve a relevant S/NVQ level 2 qualification within 12 months of commencing work and registration of all home care workers will commence in January 2008.

Scotland

In Scotland, the Scottish Social Services Council specifies that anyone applying for a supervisory post in social care must have a relevant qualification at S/NVQ level 3 or above. In residential child care, supervisors

and workers must all have a social work qualification at HND / degree level or a relevant care qualification at S/NVQ level 4 or above.

Wales

In Wales, SCWs are required to have either an S/NVQ level 3 or level 4 qualification, depending on the nature of the post. An S/NVQ level 4 qualification is required for all managers in social care. The Care and Social Services Inspectorate for Wales also requires managers of residential services for children to have three years' relevant supervisory experience, and at least five years' experience working in residential child care.

Northern Ireland

In Northern Ireland all jobs are being evaluated under Agenda for Change. Consequently, titles roles, responsibilities and posts (some merging under the new banding) are in the middle of change. NVQ level 3 is the recognised professional qualification for SCW roles.

All staff and employers in the social care sector across the UK are required to follow the Codes of Conduct set down by the respective Social Care Councils; in England, the General Social Care Council (<http://www.gsc.org.uk>), in Wales, the Care Council for Wales (<http://www.ccwales.org.uk>), in Scotland, the Scottish Social Services Council (<http://www.sssc.uk.com>) and in Northern Ireland, the Northern Ireland Social Care Council (<http://www.niscc.info>).

REGISTRATION WITH A PROFESSIONAL BODY

All UK countries are moving towards registration of the social care workforce.

England

Specified groups of workers are required to register with the GSCC. At this stage the groups required to register are qualified social workers and social work students. Government has announced the next groups to be registered and the registration of home care workers (including managers) will begin in January 2008. Registration for SCWs working in residential care and other sectors is expected to follow.

Scotland

Specified groups of social service staff are required to register with the Scottish Social Services Council. The register is qualification-based and currently includes social workers, residential child care staff, staff in the provision of day care of children services, managers of adult care homes and managers for adult day care services. Supervisors in adult residential care will be required to register from October 2007 (with registration of practitioners and support staff in adult residential care to follow in January and April 2009 respectively).

Wales

Specified groups of workers are required to register with the Care Council for Wales. At this stage the groups required to register are qualified social

workers and social work students. Registration will become compulsory for managers in residential childcare from November 2007, and for all care workers in residential childcare from March 2008. Registration for all other social care workers became voluntary in Wales from 2005. Compulsory registration for these groups is expected to follow.

Northern Ireland

Registration of adult residential care staff is currently being rolled out by the Northern Ireland Social Care Council (NISCC). Registration is currently not mandatory but may become so in the future, either through employer requirement or legal compulsion. Priority groups of social care workers for registration currently include social workers, managers of residential care homes and day care facilities (children's and adult services). Registration for domiciliary care staff is planned for 2008-2010.

CASEWORKER TREATMENT

B&C

The majority of SCW posts are unlikely to meet the work permit skills criteria.

Applications for SCWs should be assessed as 'risk 97'. Areas of immigration abuse have been identified in the private healthcare sector and caseworkers should refer to the Caseworker Bulletin on Knowledge Base. Any existing Compliance Team reports for the employer in question must also be referred to.

Extensive research with the Department of Health, CSCI, Skills for Care and Development, and many sector employers has shown that SCW positions which meet the work permit skills criteria are extremely rare. The exception are posts in residential child care in Scotland. GSCC have been made aware that this research has taken place, and have contributed to the development of the guidance.

A variety of alternative job titles may be used, such as Team Leader. Caseworkers should be cautious of applications submitted with different job titles, where the duties appear to be those of a Senior Care Worker.

Occupations in the social care sector which meet the skills criteria are typically nurse or social worker posts. **Where the duties of the post appear to be those of a nurse / social worker, or the employer has requested previous nursing / social worker experience, applications should be considered according to the nurse / social worker occupation sheet.**

In Scotland, registration with the Scottish Social Services Council does not need to be done until employment commences. Applications for SCWs in Scotland who are not yet registered should be approved conditionally (and only where all other criteria are met), using paragraph P70H.

1. Establishing the level of the Job

Jobs must be established according to the flowchart at [Annex A](#).

Caseworkers should waive the skills criteria for extension and change of employment applications for existing Senior Care Workers only, including paragraph **P71N** in the approval letter, if all other criteria (e.g. salary) are met. The skills criteria must **not** be waived for first applications.

Under the transitional measures, a significant increase in salary does not require fresh advertising for extension or change of employment applications. Where an extension application has been submitted, and the OSN does not appear to be carrying out the job as described on the previous work permit approval, this should be input as a change of employment application and approved under the transitional measures above, provided the OSN continues to fulfil a care role and all other criteria are met.

Caseworkers should use the salary on offer as the sole indicator of skilled employment on change of employment applications, rather than considering the job description in detail, provided it is a similar care role.

For extension applications for Senior Care Workers whose previous work permits were approved prior to 31 December 2003, the salary criteria should also be waived, provided the OSN is being paid at least equal to the rate stated on their previous work permit approval and at least equal to the National Minimum Wage. Caseworkers should use paragraph **P71P** in the approval letter for such extensions, which are **limited to a maximum of 12 months**. Caseworkers should also waive the requirement to carry out the job as described on the previous work permit approval in such cases, provided the OSN continues to fulfil a care role for the same UK-based employer as their existing work permit.

Refusals for extension applications for this category of Senior Care Workers should be rare, and only in cases where there are specific exceptional reasons on the individual case. The salary criteria should **not** be waived for change of employment applications where the OSN wishes to move to fill a different vacancy for another employer, regardless of when the previous work permit was approved.

Examples of possible scenarios under these transitional measures are given in [Annex B](#).

2. Where the employer has requested an S/NVQ level 4 qualification

The S/NVQ level 4 in Health and Social Care is equivalent to HND-level; therefore posts which require this qualification meet the skills criteria. SCWs in residential child care in Scotland require this qualification. No other examples of SCW roles with this requirement have been identified by sector

organisations or employers. The S/NVQ level 4 in Health and Social Care is usually a requirement for Home Managers, not SCWs.

Where an employer has requested an S/NVQ level 4 qualification (other than in residential child care in Scotland), they should provide **independent confirmation from a relevant sector organisation** such as a regulatory body to verify that this is a justifiable and genuine requirement for the post on offer. The salary on offer must also be appropriate to an S/NVQ level 4 post. This information should be forwarded to Policy Team via SEOs for verification with sector organisations. Relevant sector organisations are listed in '[Further Information](#)'.

3. Where the employer has requested three years' previous experience at S/NVQ level 3

Many SCWs fulfil similar duties to Care Workers at S/NVQ level 2, but with additional supervisory duties. Posts where the job descriptions contain S/NVQ level 2 duties do not meet the skills criteria and should be refused.

For a post to be considered to be at S/NVQ level 3 or 4, **all** the duties should be at that level. Core S/NVQ level 3 duties (in both residential and domiciliary care) are described in the following table. Please note that this table only describes a job at S/NVQ level 3 that requires an S/NVQ level 3 qualification. **This is not a job description that meets the skills criteria.**

Competency	Core duties at S/NVQ level 3 and above
1. Communication	<p>SCWs will communicate with a wide range of people, including service users' families, other carers, social workers and other professional staff in associated organisations (such as the NHS), not just staff in their own organisation.</p> <p>The SCW will plan a full programme of support (including arranging emergency supplementary care) and ensure that care plans are followed through by all that come into contact with the person using the service. The SCW will be responsible for overseeing the practice of others and may have some responsibility for managing individuals' care budgets.</p>
2. Health and Safety	<p>SCWs are responsible for promoting health, safety and security. This goes beyond checking that procedures are in place. SCWs will be responsible for carrying out risk assessments in the context of the environment, competence of other staff and the needs of individual care plans. They will lead on changes in practice to minimise risks in future and train staff in these changes where necessary.</p>

3. Personal and Professional Development	SCWs must be able to evaluate their own and others' work, reflecting on their practice and plan for improvement. Line manager responsibilities will be a key feature. This goes beyond basic supervision on duty. The SCW will be responsible for their own development and often that of junior care staff. Such development will be ongoing and not just the mentoring/induction of new employees.
4. Principles of Care	<p>SCWs will have overall responsibility for developing and revising formal care plans (such as reviewing the care plan in response to a change in the client's condition). Simple message and day activity logs (such as updating when medication is given) are S/NVQ level 2 responsibilities.</p> <p>The SCW will use their own initiative to develop and adapt practices and care plans accordingly and will have a fully-involved, supportive relationship with service users. There will be a substantial degree of autonomy. SCWs in such circumstances will not be working under the direct supervision of a registered nurse. Where registered nurses are on duty, the SCW's responsibility for care plans will be at a lower level that may be below S/NVQ level 3.</p>

Where duties differ significantly from previous SCW job descriptions submitted for the same employer, or where employers have previously confirmed that the requirements of the post were different, caseworkers should ask employers for a detailed explanation of why and how the role has changed. Globe employer comments should be referred to thoroughly and a pre-issue check considered in such cases.

Aspects of the job description which relate to the ethos of the employer rather than specific duties (e.g. 'provide a safe and happy environment', 'support clients to maintain individual lifestyles') do not give any indication of the level of the post and cannot be considered when establishing the job.

A full breakdown of the S/NVQ competencies is listed in the National Occupational Standards Framework:

<http://www.topssengland.net/view.asp?id=504>.

Job descriptions or advertisements which include duties at S/NVQ level 3 are not necessarily an indicator that three years' previous experience at this level is required.

The industry requirements for the SCW role are qualifications-based rather than experience-based (see '[Industry Requirements](#)' above).

Posts which can be carried out by an individual with an S/NVQ level 3 qualification alone (and no experience at this level) do not meet the skills criteria.

There is no formal industry requirement for three years' experience at S/NVQ level 3. **No** examples which can justify this requirement have been identified to date by either sector organisations or employers.

Jobs which require such experience should therefore be extremely rare and must be supported by a robust business case from the employer.

Where no business case is provided to justify the length and level of experience required, caseworkers should refuse the application without seeking further information as the job does not meet the skills criteria.

The post would need to be exceptional. The business case would have to thoroughly justify why the experience requirements of the post on offer were higher than those of other SCW roles. This should be supported by independent evidence. It is a matter for employers to decide what evidence to submit in support of a business case.

It would not, for example, be enough to state that the client group required high dependency care. Sector organisations have confirmed that a SCW would be able to care for high dependency clients once they had achieved an S/NVQ level 3 qualification, and that previous experience at S/NVQ level 3 is not a requirement.

Where an employer has provided a business case that appears exceptional, and all the duties of the post are clearly at S/NVQ level 3 or above, caseworkers should seek further advice from Operational Policy Team (via their SEO) if required.

Employers should also provide details of how they would expect a resident worker (including career progression for staff within the organisation) to achieve this experience before being appointed to the post of SCW. This information is required to ensure that resident workers are being given opportunities to progress to the post and that the requirements are not being tailored towards the work permit criteria.

Caseworkers should note that training towards an S/NVQ level 3 qualification should not be considered as experience working at that level. Periods of time spent under direct supervision / mentoring whilst training towards S/NVQ level 3 duties also cannot be considered as experience working at that level. There would be no substantial autonomy or individual responsibility, which are key indicators of working at S/NVQ level 3.

Applications should be refused on genuine vacancy grounds if the employer has stated that care workers in the home are working at S/NVQ level 3 for three years before they are promoted to SCW and:

- there do not appear to be any substantial differences in duties between care workers at S/NVQ level 3 and the SCW role; **or**
- care workers are not required to work at S/NVQ level 3 before being promoted to SCW; **or**
- care workers stated as being at S/NVQ level 3 do not appear to be working at S/NVQ level 3 from the job description (i.e. there appears to be little autonomy or individual responsibility, and the duties do not include those in the table above).

In such cases, three years' experience at S/NVQ level 3 would not appear to be a genuine requirement and the requirements of the post would appear to have been tailored towards recruiting an overseas national.

4. Establishing a Genuine Vacancy

For care homes or similar establishments, the Business and Commercial guidance requires employers to provide a current staff list showing the position of the post on offer, all job titles and which posts are filled by work permit holders. Caseworkers must check that work permit holders named on the staff list are employed in line with the job title / position described on their work permit applications.

Caseworkers should ensure there is no duplication of high-level duties at different staff levels within the home – e.g. – leading on risk assessment or developing care plans. These duties are typically carried out by **either** a SCW **or** a registered nurse, not by both. If necessary, caseworkers may request full job descriptions of all types of care post within the home for comparison. This information should only be requested if all other aspects of the application fall for approval.

Caseworkers should pay particular attention to job descriptions of other posts where the employer has stated that career progression involves other care workers in the home working at S/NVQ level 3. Caseworkers should ensure that there is no duplication of lead responsibilities between care workers at S/NVQ level 3 and SCWs, seeking full job descriptions of other care staff roles if required.

In order to accurately establish that a genuine vacancy exists in line with all the above considerations, work permits for SCWs must only be approved to work in one specific establishment. **Work permits for SCWs must not be approved to work “at any home in the employing group” or similar.**

5. Establishing the Worker

Where an employer has requested previous experience, caseworkers should expect to see references detailing a high level of technical/clinical work experience. This experience (often gained as a nurse abroad) may involve caring for a different client group, but must show relevant transferable skills.

For example, for elderly people relevant experience may include dementia care management, physical disability management, administration of medication, catheter care and pressure area (e.g. – ‘bedsores’) care.

Copies of qualifications and previous employment references should be sent to the relevant British Diplomatic Post for verification.

6. Establishing the Employer

All care homes in England must be registered with the Commission for Social Care Inspection, in Scotland with the Scottish Commission for the Regulation of Care, in Wales with the Care and Social Services Inspectorate for Wales, and in Northern Ireland with the Regulation and Quality Improvement Authority (RQIA).

Caseworkers should ensure that the employer has provided evidence of registration (the certificate).

A list of registered care homes in England can be found at <http://www.csci.org.uk/registered servicedirectory/rsquicksearch.asp>. If employers are not listed on the website, caseworkers must seek evidence of registration and check with the local CSCI office for confirmation of the proposed date of registration:

http://www.csci.org.uk/about_csci/contact_us/csci_offices.aspx. The CSCI website lists contact details for the nine regional offices and all local offices.

In Northern Ireland, the RQIA holds comprehensive up to date information on all registered health and social care services in Northern Ireland, including Nursing Homes, and Residential Care Homes. The RQIA is currently developing an online directory that will allow a search for these homes by name, care category, geographical area, and postcode. Copies of individual inspection reports for each home will also be available online. In the interim, caseworkers should contact RQIA to verify registration status. Contact details for the RQIA can be found at: http://www.rqia.org.uk/contact_us/index.cfm.

TWES Training

This occupation is not suitable for TWES training.

TWES Work Experience

This occupation is not suitable for TWES work experience. The SCW would need to already possess S/NVQ level 3 skills prior to entry. Communication and independent responsibility are core aspects to the S/NVQ level 3 and 4 roles. Care providers are unable to offer work experience at this level in a supernumerary capacity.

SALARY

There is no national or UK pay agreement in the social care sector. Employers set their own rates of pay. Many SCW posts are low-paid (close to National Minimum Wage). Such posts may have a significant proportion of duties at S/NVQ level 2 and should therefore be refused on job.

Higher-level posts which may meet the skills criteria should be paid an appropriately higher salary that reflects the level of skill / responsibility of the post. SCWs in the private sector who are working at a level that meets the work permit skills criteria should be paid **at least £7.02 per hour (£14,600 per annum for a 40-hour week)**. This rate applies after any non-disposable deductions for accommodation, meals, etc. The rate applies across the UK as there is little regional variation in salaries.

Where salaries are below £7.02 per hour, and the job on offer does not meet the skills criteria, caseworkers should consider refusing **on job alone** (i.e. – the post is at a low level, and the salary is appropriate for a low level post).

Caseworkers should normally only refuse on salary in the rare instances where the post meets the skills criteria, and the salary is below £7.02 per hour (i.e. – the post is at a high level, and the salary is inappropriate for a high level post).

Refusals on both job **and** salary are likely to be rare and would only occur where the post does not meet the skills criteria and the salary is below National Minimum Wage.

Salaries in the public sector will usually be considerably higher than those in the private sector, although salaries of £7.02 per hour are acceptable.

ADVERTISING

This is not a recognised shortage occupation, and therefore a full resident labour test is required.

Jobcentre Plus advertising is acceptable as it represents an adequate test of the resident labour market.

The majority of professional journals concerned with the care industry are aimed at professional subscribers, owners, managers or social workers. Such publications do not represent an appropriate method of reaching suitable resident labour. Most Care Workers in the UK will not subscribe to the 'Nursing Times', for example.

Caseworkers should examine the wording used in advertisements carefully. The qualifications and/or experience asked for must be a true reflection of the requirements of the job and be clearly explained to resident workers who may wish to apply for the vacancy.

FURTHER INFORMATION

Employer Regulatory Bodies

General Social Care Council

Goldings House, 2 Hay's Lane, London SE1 2HB
Tel: (0207) 397 5800 (Information line - open from 10am to 12pm and 2pm to 4pm Monday to Friday)
Fax: (0207) 397 5101
E-mail: info@gsccl.org.uk
Website: <http://www.gsccl.org.uk>

Commission for Social Care Inspection

33 Greycoat Street, London SW1P 2QF
Tel: (0207) 979 2000
Fax: (0207) 979 2111
E-mail: enquiries@csci.gsi.gov.uk
Website: <http://www.csci.org.uk/>

Scottish Commission for the Regulation of Care

Compass House, 11 Riverside Drive, Dundee DD1 4NY
Tel: (01382) 207100
Website: <http://www.carecommission.com/>

Care and Social Services Inspectorate for Wales

Charnwood Court, Heol Billingsley, Parc Nantgarw, Nantgarw, Cardiff CF15 7QZ
Tel: (01443) 848450
Website: <http://www.csiw.wales.gov.uk/>

The Regulation and Quality Improvement Authority

9th Floor Riverside Tower, 5 Lanyon Place, Belfast BT1 3BT
Tel: (028) 9051 7500
Fax: (028) 9051 7501
E-mail: info@rqia.org.uk
Website: <http://www.rqia.org.uk/>

Sector Skills Council

Skills for Care and Development is the Sector Skills Council for social care, children and young people's workforces in the UK. It is an Alliance of 5 organisations:

Skills for Care

Albion Court, 5 Albion Place, Leeds LS1 6JL
Tel: (0113) 245 1716
Fax: (0113) 243 6417

E-mail: info@skillsforcare.org.uk

Website: <http://www.topssengland.net/>

Scottish Social Services Council

Compass House, 11 Riverside Drive, Dundee DD1 4NY

Tel: (01382) 207101

E-mail: enquiries@sssc.uk.com

Website: <http://www.sssc.uk.com/>

Care Council for Wales

South Gate House, Wood Street, Cardiff, CF10 1EW

Tel: (029) 2022 6257

Fax: (029) 2038 4764

E-mail: info@ccwales.org.uk

Website: <http://www.ccwales.org.uk/>

Northern Ireland Social Care Council

7th Floor, Millennium House, 19-25 Great Victoria Street, Belfast BT2 7AQ

Tel: (028) 9041 7600

Fax: (028) 9041 7601

E-mail: info@niscc.n-i.nhs.uk

Website: <http://www.niscc.info/>

Children's Workforce Development Council

3rd Floor, Friends Provident House, 13-14 South Parade, Leeds LS1 5QS

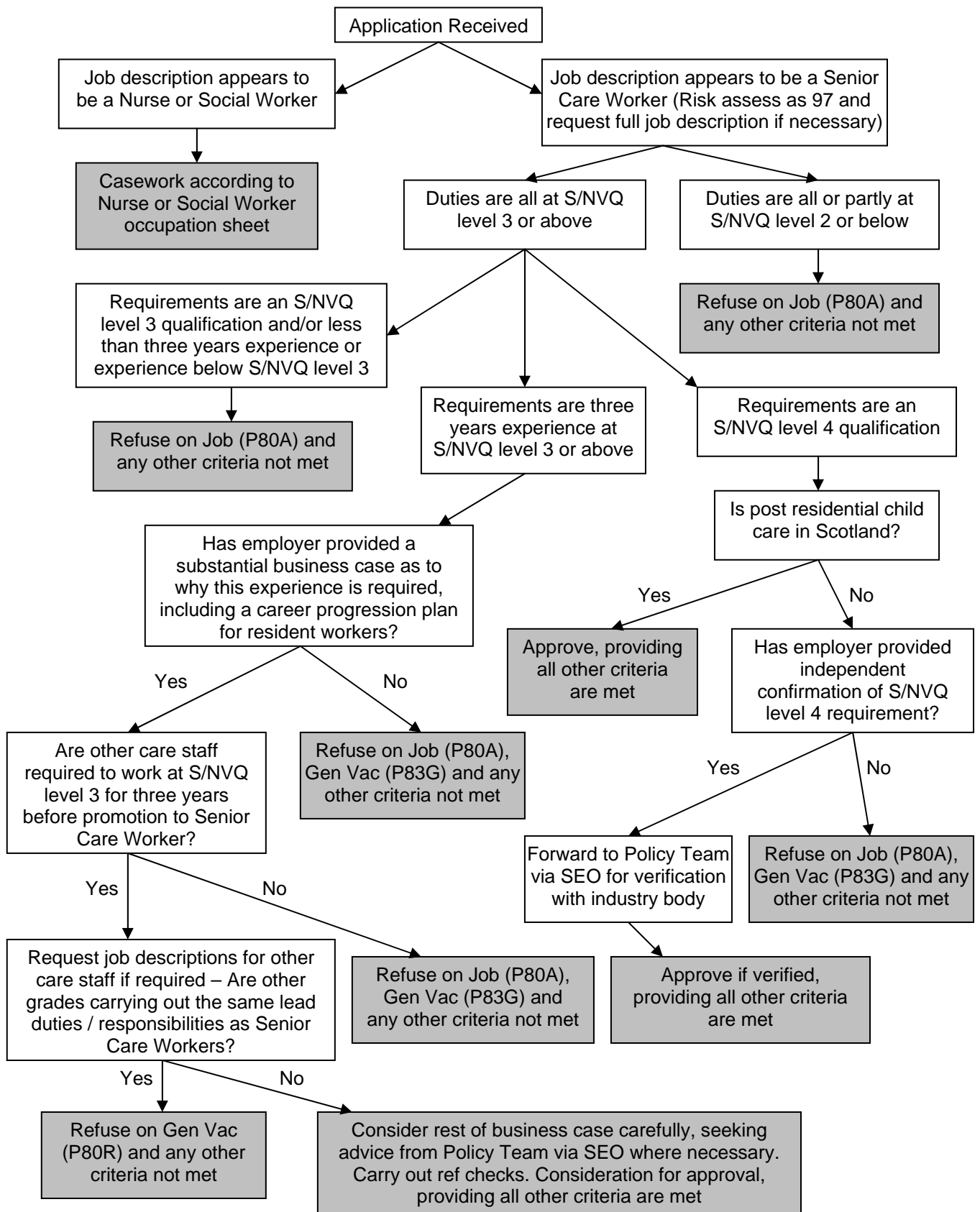
Tel: (0113) 244 6311

Fax: (0113) 390 7744

E-mail: info@cwdcouncil.org.uk

Website: <http://www.cwdcouncil.org.uk/>

Annex A: Flowchart for establishing Senior Care Worker jobs



Annex B: Example scenarios under the Transitional Measures

	Scenario	Action
Overseas national (OSN)'s work permit history / situation:		
1)	OSN does not have a previous work permit or previous work permit was not as a SCW.	Treat as work permit / first permission. Do not waive any criteria. Advertising required.
2)	OSN's previous work permit expired more than six months ago (including where OSN's employment ended before the expiry date).	Treat as work permit / first permission. Do not waive any criteria. Advertising required.
3)	OSN's previous work permit expired less than six months ago, OSN is in-country.	Treat as in-country extension / change of employment. Waive criteria as per "salaries" section below. Advertising not required.
4)	OSN's previous work permit expired less than six months ago but more than 28 days ago, OSN is out of the country.	Treat as work permit. Do not waive any criteria. Advertising required.
5)	OSN's previous work permit expired less than 28 days ago, OSN is out of the country, same employer as previous approval.	Treat as work permit extension. Waive criteria as per "salaries" section below. Advertising not required.
6)	OSN's previous work permit expired less than 28 days ago, OSN is out of the country, different employer from previous approval.	Treat as work permit. Do not waive any criteria. Advertising required.
Salaries:		
7)	Salary below £7.02 per hour, OSN's first work permit approved on or before 31/12/2003, same employer as previous approval.	Waive salary and skills criteria in relation to job. Approve if other criteria (worker and genuine vacancy) are met. Limit approval to maximum 12 months. Include paragraph P71P in approval letter.
8)	Salary below £7.02 per hour, OSN's first work permit approved on or before 31/12/2003, different employer from previous approval (COE).	Do not waive salary or skills criteria.
9)	Salary below £7.02 per hour, OSN's first work permit approved after 31/12/2003.	Do not waive salary or skills criteria.
10)	Salary above £7.02 per hour.	Waive skills criteria in relation to job. Approve if other criteria (worker and genuine vacancy) are met. Approve up to 60 months as requested, regardless of when OSN's first work permit was approved. Include paragraph P71N in approval letter.