

# Workforce News

Voluntary Sector Social Services Workforce Unit

Issue 14 Winter 2008

Welcome to the 14th edition of Workforce News, the newsletter of the Voluntary Sector Social Services Workforce Unit.

## Focus on issues beyond Scotland

In this issue, contributors focus on developments in Europe and on migrant workers.

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*Laura Weir (on leave)*

*Linda Hamilton*

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## Employing workers from outside the UK

**M**arie Rose, Information and Communications Officer at the Workforce Unit, gives a brief overview of changes in the past four years in the rights of non-UK nationals to work in the UK.

### European Union and European Economic Area nationals

This group of workers has the most substantial rights to work in the United Kingdom. Workers from these countries have basically the same rights to employment as UK citizens.

Workers in this group come from the pre-2004 EU countries plus Norway, Iceland, Liechtenstein and Switzerland. Swiss nationals have the same rights to work here as a result of a special agreement with the UK.

### The Accession States

The Accession States are the group of ten countries that joined the EU in 2004. Although they are part of the EU/EEA, there are some differences in relation to work.

Only workers from Malta and Southern Cyprus were given full employment rights upon joining the EU.

The remaining countries, the A8, are the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. Workers from these countries do not have the automatic right to work in the UK. They must register with the Home Office within one month of starting work in the UK to obtain a Worker Registration Card, unless they are exempt.

For example, they could be exempt because they were working in the UK before accession or because they already had settled status in 2004.

After twelve months of employment with no more than 30 days' break, A8 nationals do not need to continue to register and have the same rights as the other EEA nationals.

### A2 nationals

The A2 countries are Romania and Bulgaria and workers from these two countries have additional restrictions on their rights to work in the UK. Before taking up work, A2 nationals must obtain permission from the Home Office and register as workers, unless they are also exempt as above. After twelve months of employment with no more than 30 days' break, registration is no longer required.

### Third country nationals

The final category of non-UK workers where changes have been made are those from outside the EU/EEA who are not from one of the Accession States. Recent changes to the legislation regulating so-called third country nationals have placed additional restrictions on who can come to the UK to work.

(Article continues on page 4)

# European Care Certificate

## Creating a common understanding of care

**Caroline Sturgeon**  
**Workforce Unit Development and Policy Officer**

### **What is the European Care Certificate?**

The European Care Certificate (ECC) is a newly developed basic entry certificate for those working in the care sector. It is hoped that the ECC will become recognised across Europe, providing an accessible and transferable certificate for workers and employers.

Rather like the theory test you take as part of your driving licence, the ECC tests knowledge rather than competence, so is not a qualification in itself, and is not a substitute for local qualification or training requirements. However, the certificate does provide evidence that the holder has a basic knowledge of working in the care sector, and could become a useful measure of knowledge when recruiting new staff.

### **What knowledge is included in the ECC?**

The knowledge tested within the ECC is based on the Basic European Social Care Learning Outcomes (BESCLO). BESCLO was developed as a result of European-wide mapping about the things workers need to know in order to work effectively at entry level within the sector.

The main areas of learning covered are:

- the values of social care
- promoting life quality for the individuals you support
- working with risk
- understanding your role as a care worker
- safety at work
- communicating positively
- recognising and responding to abuse and neglect
- developing as a worker

### **How will ECC courses be delivered?**

To achieve the ECC, candidates will have to pass a multiple choice test, which will be co-ordinated by the Lead Partners. The knowledge required to pass the European Care Certificate could be delivered in a variety of ways, either through adapting existing courses to cover the learning outcomes, or by developing new training. In the recent UK pilot, candidates required approximately 40 hours of training before taking the exam.

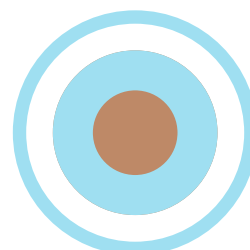
### **How is the ECC being taken forward in the UK?**

The Association for Real Change (ARC) and the Social Care Institute for Excellence (SCIE) are the two Lead Partners in the UK. Both were involved in developing and piloting the certificate. The UK will also need a number of Delivery Partners. These will typically be colleges, employers or training providers offering a course (new or existing) that covers the BESCLO learning outcomes.

If you are interested in becoming a Delivery Partner please contact ARC or SCIE directly.

ARC email: [contact.us@arcuk.org.uk](mailto:contact.us@arcuk.org.uk) or telephone: 01246 555043

SCIE email: [info@scie.org.uk](mailto:info@scie.org.uk) or telephone: 020 7089 6840



## Sharing practice - what are other people doing?

Marie Rose looks at two Local Practitioner Forums that have successfully involved the voluntary sector in their work. For more information on LPFs, go to <http://www.socialworkscotland.org.uk/forum2.php>.

LPFs provide practitioners with the chance to use their front line experience to influence change by taking part in local and national debates. They encourage participation from across the full range of social work services, including the voluntary and private sectors.

LPFs in Angus and West Dunbartonshire have successfully involved voluntary sector organisations from the beginning. The key to their success lies in the recognition that there had to be a clear focus for the group and an emphasis on practitioners running events for practitioners. Support from senior management in social work services is also important since it creates clear mechanisms for taking forward ideas and routes for feedback – a key part of the role of a LPF.

The Angus LPF focussed from the start on holding events in a venue independent of social work offices. There was a considerable amount of work put in at the outset by three practitioners to ensure that other staff and organisations were made aware of the LPF. This involved telephone calls, emails and personal visits. Average attendances have been around 30 to 40 since the LPF was launched in June 2007. Angus has also found that funding for events is crucial, and it has secured funding from the local authority to ensure the LPF can continue in 2008/09.

In West Dunbartonshire, there was recognition that the broad aims and objectives of two groups that had found it difficult to get going were similar.

As a result, a local learning network and a LPF were merged to form the Local Practitioners Learning Network. This allowed a more focussed approach, and took into account more clearly the workloads and time commitment of staff. Some teams rotate attendance and feedback to other team members and projects, which helps spread the responsibility for participation. There is now a core membership of around 25.

In both Angus and West Dunbartonshire, the benefits of involving a range of practitioners has meant positive opportunities for networking, the sharing of knowledge, peer support and to share and discuss common themes impacting on all sectors.

## Advocacy - the voluntary sector voice

Judith Midgley reports from the November meeting of the Changing Lives Workforce Group.

Firstly, the meeting received updates on work being overseen by the group.

The Continuous Learning Framework was launched by the Minister on 3 December. The first meeting of the steering group was held on 26 November. Work is underway to produce materials to take the work forward and Government funding for implementation has been agreed.

The Strategic Framework for Workforce Planning vision has been honed and the project should be up and running by early December. Resources to analyse the Care Commission workforce data should be agreed before then.

The Leading to Deliver programme will have to be re-procured before a further cohort can run.

ADSW will be running three seminars linked to Changing Lives. One of these will be linked to the workforce and will be hosted jointly with SSSC.

VSSSWU has been invited to run a workshop at this seminar in March 2009, where we will present the results of our research on the impact of retendering on the voluntary sector workforce.

The Workforce Group agreed that the work of its Recruitment and Retention sub-group was now complete and its valuable contribution was recognised.

The second part of the meeting focused on the future. The need for a new group was confirmed. This group would be a mix of people whose expertise would bring particular perspectives, an appropriate contribution and knowledge of the wider landscape. The voluntary sector employer perspective will be included.

Unfortunately your voluntary sector voice's contribution that one remit of the group should be to tackle the various strategic workforce issues highlighted during the final dates for registration consultation events run by VSSSWU was not welcomed. The group will have no decision making powers but will debate particular themes with invited participants. These themed discussions are viewed as mechanisms for building networks and knowledge.



# Employing workers from outside the UK (continued)

## Third country nationals (cont'd)

Based on the Australian system, a new points-based system has been introduced in stages, beginning in February 2008. Under the new arrangements, potential third country workers will need to pass a points-based assessment before they can enter or remain in the UK.

This new system has five tiers with different points requirements for each tier. Points will be awarded to reflect ability, experience, age and, in some cases, the existence of skills shortages in a specific sector. Tier 1 (highly skilled workers) went live in June. Tier 2 (skilled workers) went live on 27 November.

Only Tier 1 will have sufficient points to come to the UK and seek work and this is the only tier that will not require a sponsor. For social service organisations, the main impact is likely to be from the opening of Tier 2 at the end of November (skilled workers with a job offer requiring an SVQ 3 or equivalent) and the current suspension of Tier 3 (low skilled workers filling specific temporary labour shortages).

If an employer wishes to employ someone in Tier 2, the employer will need a sponsor licence before any third country workers in this category can be employed. In addition, the potential worker will need to meet the points required in this category and apply for entry clearance to the UK. The employer will have to demonstrate that the vacancy was advertised in the UK and could not be filled by a UK or EU/EEA worker and will then need to issue a Certificate of Sponsorship.

There is currently no date for the opening of applications relating to potential third country workers in Tier 3. Workers who would, in the past, have applied under this category are therefore unable to do so at the moment.

Employing third country workers who do not meet the requirements of the tier that applies to them can leave employers facing severe financial penalties – even if the rules were not knowingly broken. This could be up to £10,000 for each illegal worker. Harsher penalties will apply to employers who do knowingly break the rules.

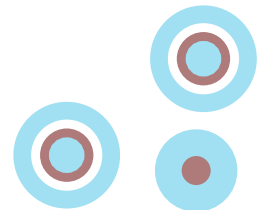
Employers will be required to check and keep copies of documentation showing workers are working legally; this will form an 'excuse' if a worker is later found to be illegal. In order to avoid discrimination, documentation for all workers should be checked. Sponsoring employers will be required to track attendance of third country workers and report to the Home Office any worker who does not take up the post or who leaves prematurely.

The Border and Immigration Agency is operating a helpline for employers who may be considering employing third country nationals. The number is 0845 010 6677.

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More information on employing all categories of non-UK workers can be found on the Agency website at: [www.bia.homeoffice.gov.uk/employers](http://www.bia.homeoffice.gov.uk/employers)

The SSSC has just published a report on research into migrant workers: <http://www.sssc.uk.com/News+and+Events/News/Migrant+Workers+report.htm>



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