POLICY NOTE

THE REGISTRATION OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS IN CARE SERVICES (SCOTLAND) AMENDMENT REGULATIONS 2024

SSI 2024/XXX

The above instrument was made in exercise of the powers conferred by section 78(2) and (3) and 104(1) of the Public Services Reform (S) Act 2010. The instrument is subject to affirmative procedure.

Summary Box

The purpose is to amend the Registration of Social Workers and Social Service Workers in Care Services (Scotland) Regulations 2013 ("the 2013 Regulations") to reduce the period of time for workers to apply for registration with the Scottish Social Services Council ("SSSC"), with the requirement now being within 3 months of starting a new role.

Policy Objectives

The objective is to encourage social workers and social service workers to apply for registration sooner after starting work, which will allow the assessment of an applicant's fitness to practise at an earlier stage, providing greater public protection. This will replace the current requirement to apply for registration 'as soon as is reasonably practicable' after starting work. In this context, for social service workers "starting work" includes starting work as a different description of social service worker.

The requirement to be registered within 6 months of starting work (or until the application is granted, whichever occurs first) that is currently provided for in the 2013 Regulations remains.

The instrument contains a savings provision with the effect that the amendments will not apply to anyone starting work before 3 June,

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

To comply with the requirements of section 78(5) of the Regulation of Care (Scotland) Act 2001, a public consultation took place from 4 October 2023 to 2 January 2024.

The vast majority of respondents were supportive of the proposals, with many highlighting that the changes would improve public protection sooner. A few respondents highlighted that this timeframe could potentially be too short, but, the majority were supportive. On balance it was decided that the proposed changes should go ahead.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website. This includes UNISON Scotland, the Care Inspectorate, the Nursing and Midwifery Council and various Health and Social Care Partnerships.

Impact Assessments
An Equality impact assessment has been undertaken for the proposed amendment and is attached. A Data Protection Impact Assessment was also undertaken but is not being published due to it being in relation to collecting data from the consultation, and no other purpose (due to SSSC being the data controller). Similarly as this measure will have limited impact on business and the reach to children is not direct, the requirement for a BRIA or CRWIA wasn't considered to have been met.

Financial Effects
The Minister for Children, Young People & Keeping the Promise confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Children and Families Directorate

March 2024