POLICY NOTE

THE REGISTRATION OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS IN CARE SERVICES (SCOTLAND) REGULATIONS 2013

SSI 2013/XXX

The above Regulations were made in exercise of the powers conferred by sections 78(2) and (3) and 104(1) of the Public Services Reform (Scotland) Act 2010. This instrument is subject to affirmative resolution procedure.

Policy Objectives

Under section 44(1) of the Regulation of Care (Scotland) Act 2001, the Scottish Social Services Council ("the Council") is required to maintain a register of (i) social workers, (ii) social service workers of such description as have been prescribed by Scottish Ministers and (iii) persons participating in a course approved by the Council or employed in a position probationary to their becoming either a social worker or social service worker of a prescribed description.

The policy intention was that registration would be a condition for employment, and continued employment in the sector. That intention remains. In 2009, Regulations were made which set dates by when all existing workers must achieve registration and introduced the requirement that workers employed, in specified groups in the sector, for the first time must achieve registration within 6 months of commencing employment. Three separate sets of Regulations were brought into force to meet these requirements.

These Regulations are a consolidation of the 2009 Regulations and are clearer, more concise and simplify the application of the Regulations.

The Regulations introduce the provision relating to workers employed in the sector for the first time to workers in care home services for adults and day care of children services, the final groups of workers in the scope of registration to be subject to this requirement. This amendment fulfils the policy intention that registration is a condition for employment, and continued employment for all workers in the scope of registration with the Council.

Registration with the Council applies to all workers within the scope of registration irrespective of their employment pattern. They must achieve registration, gain required qualifications and complete the Post Registration Training and Learning set by the Council for the role they undertake. Representations were made to the Council from the sector with regard to registration of workers employed in services that only operate on a seasonal basis e.g. summer playschemes. As a result of these representations, the Regulations introduce a new provision in relation to workers employed in day care of children services run on a 'seasonal basis' that allows the Council to take a proportionate approach to the registration of these particular workers.

Provision is also made in the Regulations in relation to persons engaged by the Social Care and Social Work Improvement Scotland on a short term basis to provide specialist advice for inspections.

Consultation

Section 44(4) of the Act requires the Scottish Ministers to consult the Council and other persons, or groups of persons, whom they consider appropriate before making an Order under section 44; The Scottish Ministers have therefore consulted the Council; the Care Inspectorate; employers and providers of social services and seasonal services.

Financial Effects

The financial impact of this instrument is not expected to be significant. No significant increases in administrative costs to the Council are anticipated and the annual registration fee will be paid by the individual worker. It was not considered necessary to carry out a Business and Regulatory Impact Assessment as the policy has been in place since 2001 and subject to assessment for the enabling Act.

Scottish Government
20 May 2013