EXECUTIVE NOTE

THE REGULATION OF CARE (SOCIAL SERVICE WORKERS) (SCOTLAND) AMENDMENT ORDER 2009

S.S.I. 2009/350

The above Order was made in exercise of the powers conferred by section 44(1)(b) of the Regulation of Care (Scotland) Act 2001 ("the Act"). The Order is subject to negative resolution procedure.

Policy Objectives

Under section 44(1) of the Act, 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.

In July 2000 Ministers announced the groups of workers who would be included in the first and second phases of registration. Based on this information, the Council published a timetable with the commencement dates of registration for the groups of workers included in both phases. Social Workers were the first group of workers to be registered.

Following registration of Social Workers, registration has commenced for six groups of social service workers. The groups are Care Commission officers, residential child care workers, managers of adult day care services, managers of a care home service for adults, early education and child care workers and workers, other than managers, in the provision of a care home service for adults. The relevant descriptions of social service workers that fall within those groups are prescribed in the Regulation of Care (Social Service Workers) (Scotland) Order 2005 (S.S.I. 2005/318) ("the 2005 Order").

The next group of workers to be registered, who constitute the final group in the first phase of registration, are workers employed in the provision of a school care accommodation service which includes workers in school hostels and independent boarding schools. This Order amends the 2005 Order to achieve that. The Council will be under an obligation to maintain a register of this group of workers from 16 November 2009

By virtue of article 3 of the 2005 Order, persons registered with, or members of, certain bodies (for example the Nursing and Midwifery Council or the General Teaching Council for Scotland) are excluded from description as social service worker.

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 Commission; employers and providers of school care accommodation services.

Financial Effects

The financial impact of this Order is not expected to be significant. The registration fee that individual applicants will have to pay annually to register with the Council is £30. As no significant increases in administrative costs to the Council are anticipated and the registration fee will be paid by the individual worker, it was not considered necessary to carry out a Regulatory Impact Assessment.

Scottish Government
October 2009