EXECUTIVE NOTE

THE SCOTTISH SOCIAL SERVICES COUNCIL (APPOINTMENTS, PROCEDURE AND ACCESS TO THE REGISTER) AMENDMENT REGULATIONS 2010 SSI 2010/224

The above order was made in exercise of the "powers" conferred by section 56(1) (b) of the Regulation of Care (Scotland) Act 2001(**a**) and all other powers enabling them to do so.

Policy Objectives

The Scottish Social Services Council (SSSC) was established under the Regulation of Care (Scotland) Act 2001 (the Act). The policy intention in setting up the SSSC was to regulate the social service workforce, to strengthen and support the professionalism of the workforce, raise service standards and practice and protect the users of social services.

One of the SSSC's main objectives was to set up and maintain registers of social workers and other social service workers, as prescribed by Scottish Ministers. The groups have been prescribed based on the role they are employed for, in each particular 'care service' as defined in Regulation 2 of the Act.

The registers are available for inspection by any person at either the SSSC's office or on their website. The registers include information such as name, place of employment, qualifications held, and details of suspension or removal from the register. The level and detail of information that is disclosed is dependant on whether it is a relevant employer seeking the information or any other person. However, in all cases the name, registration number and place of employment are provided.

Concerns have been raised that the level of detail that the SSSC is obliged to provide on the public facing extract of the register could put registered social service workers at risk. This amendment will give the SSSC discretion, where an application has been made to withhold information, to remove information if it exposes the social service worker to risk or places them in danger. An application will have to be made by an individual registered worker, and such a request will be considered on its merit, with the SSSC reviewing the decision periodically.

Consultation

Section 56(2) of the Act requires the Scottish Ministers to consult such persons, or groups of persons, whom they consider appropriate before making an Order under section 56 The Scottish Ministers, have therefore consulted the Council; the Care Commission; Social Work Inspection Agency, employers, employees and their representatives.

Financial Effects

There is no financial impact. Access to the register is free unless the SSSC determines that the request is the same as a previous request from the same person or is vexatious or for business purposes other than relevant employment. In these cases the SSSC may charge a fee not exceeding £30 as stated in the original Regulations.

Scottish Government
June 2010