

EXECUTIVE NOTE

REGULATION OF CARE (SOCIAL SERVICE WORKERS) (SCOTLAND) ORDER 2005 S.S.I. 2005/611

The above Order is made in exercise of the powers conferred by section 44(1) (b) of the Regulation of Care Act (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) such social service workers 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 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 phase of registration. Based on this information, the Council published a timetable with the commencement dates of registration for the groups of workers included in the first phase. Social Workers were the first group of workers to be registered (“the first category”).

The next group of workers to be registered were Care Commission Officers under the category of “social service worker” (“the second category”). These are employees of the Scottish Commission for the Regulation of Care (“the Care Commission”), who have been authorised by the Care Commission under sections 25 and 27 of the Act to carry out inspections of care services unless they are also registered with one of the bodies listed in article 3(1) of the Order prescribing the third category. The second category were prescribed in the Regulation of Care (Social Service Workers) (Scotland) Order 2004 (S.S.I. 2004/268) (“the 2004 Order”). The 2004 Order was replaced by the Regulation of Care (Social Service Workers) (Scotland) Order 2005 (SSI 2005/318) (“the 2005 Order”).

The third group of workers to be registered were Residential Child Care Workers (“the third category”). This group of workers are those who provide personal care or personal support to children as part of a care home service, a secure accommodation service or certain school care accommodation services unless they are also registered with one of the bodies listed in article 3(1) of the Order prescribing this third category. The third categories were prescribed in the 2005 Order.

The next two groups of workers to be registered are managers of care home services for adults and managers of adult day care services unless they are also registered with one of the bodies listed on article 3 of the 2005 Order. In order to require the Council to register this fourth category, Ministers have to prescribe this fourth category by Order made under section 44(1) (b) of the Act. The Order does this. The Council will be under an obligation to maintain a register of the fourth category of worker from 1 January 2006, when the Order comes into force.

The Order will come into force on 1 January 2006.

Consultation

Section 44(4) of the Act requires the Scottish Ministers to consult the Council and other persons whom they consider appropriate before making an Order under section 44. The Scottish Ministers consulted the Council, the Care Commission, Directors of Social Work, Chief Social Work Officers, heads of non statutory residential adult care homes and the heads of non statutory adult day care services and decided that there were no other persons whom it was appropriate to consult in relation to this Order.

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 currently £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 Executive
1 December 2005