

EXECUTIVE NOTE

THE REGULATION OF CARE (SOCIAL SERVICE WORKERS) (SCOTLAND) AMENDMENT ORDER 2006 (S.S.I. 2006/453)

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) 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 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 (“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 and who are not also registered with one of the bodies listed in article 3(1) of the Regulation of Care (Social Service Workers) (Scotland) Order 2005 (S.S.I. 2005/318) (“the 2005 Order”) which prescribes the third category. The second category was 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 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 and who are not also registered with one of the bodies listed in article 3(1) of the 2005 Order.

The fourth group of workers to be registered were managers of care home services for adults and managers of adult day care services who are not also registered with one of the bodies listed in article 3(1) of the 2005 Order. The fourth category was prescribed in the Regulation of Care (Social Services Workers) (Scotland) Amendment Order 2005 (S.S.I. 2005/611).

The next group of workers to be registered, who constitute the first group in the second phase of registration, are Early Education and Childcare workers (“the fifth category”). This group of workers are involved in the day care of children, which consists of any form of care whether or not provided to any extent in the form of an educational activity, on premises other than domestic premises. In order to require the Council to register this fifth category, Ministers have to prescribe this group of workers by Order made under section 44(1)(b) of

the Act. That is the purpose of this Order. The Council will be under an obligation to maintain a register of the fifth category of workers from 2 October 2006, when this Order comes into force.

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; Chief Executives, Directors of Social Work and Employers in day care of children 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 for Managers, £20 for Practitioners and £15 for support workers. 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
5 September 2005