
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 407

SOCIAL CARE

**The Regulation of Care (Social Service
Workers) (Scotland) Amendment Order 2007**

Made - - - - 4th September 2007
Laid before the Scottish
Parliament - - - - 5th September 2007
Coming into force - - 1st October 2007

The Scottish Ministers make the following Order in exercise of the powers conferred by section 44(1) (b) of the Regulation of Care (Scotland) Act 2001⁽¹⁾ and all other powers enabling them to do so.

They have consulted with the Scottish Social Services Council⁽²⁾ and such other persons or groups of persons as they consider appropriate in accordance with section 44(4) of that Act.

Citation and commencement

1. This Order may be cited as the Regulation of Care (Social Service Workers) (Scotland) Amendment Order 2007 and comes into force on 1st October 2007.

Amendments to the Regulation of Care (Social Service Workers) (Scotland) Order 2005

2. The Regulation of Care (Social Service Workers) (Scotland) Order 2005⁽³⁾ is amended in accordance with articles 3 and 4.

Amendment of article 1

3. In article 1(2) (interpretation)–

(a) after the definition of “manager of a day care of children service” insert–

““practitioner in a care home service for adults” means a person (not being a manager of, or supervisor in, a care home service for adults) who is employed in the provision of a care home service for adults and whose normal duties include caring for and supporting adults and responsibility for co ordinating the implementation of planned programmes of care;” and

(1) 2001 asp 8 (“the Act”); section 77(1) defines “prescribed” as meaning “prescribed by order made by the Scottish Ministers”.

(2) Constituted by section 43 of the Act.

(3) S.S.I. 2005/318 as amended by S.S.I. 2005/611 and 2006/453.

- (b) at the end of the definition of “residential child care worker” omit “and” and, after that definition, insert–

““supervisor in a care home service for adults” means a person (not being a manager of a care home service for adults) who is employed in the provision of a care home service for adults and whose normal duties include supervising staff employed in such provision and monitoring the implementation of planned programmes of care;

“support worker in a care home service for adults” means a person (other than a manager of, or practitioner or supervisor in, a care home service for adults) who is employed in the provision of a care home service for adults and whose normal duties include caring for and supporting adults; and”.

Amendment of article 2

4. In article 2 (description of a social service worker)–

(a) at the end of paragraph (h) omit “or”; and

(b) at the end of paragraph (i) insert–

“;

(j) a practitioner in a care home service for adults;

(k) a supervisor in a care home service for adults; or

(l) a support worker in a care home service for adults”.

St Andrew’s House, Edinburgh
4th September 2007

ADAM H INGRAM
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

Section 44(1) of the Regulation of Care (Scotland) Act 2001 (“the Act”) requires the Scottish Social Services Council to maintain a register of social workers, social service workers of any other description prescribed and persons participating in an approved course or employed in a position probationary to becoming either a social worker or a social service worker of such other description.

This Order amends the Regulation of Care (Social Service Workers) (Scotland) Order 2005 (“the 2005 Order”) to prescribe three additional descriptions of social service worker who must be registered. These are—

- (a) a practitioner in a care home service for adults;
- (b) a supervisor in a care home service for adults; and
- (c) a support worker in a care home service for adults.

A “care home service” is defined in section 2(3) of the Act as a service which provides accommodation, together with nursing, personal care or personal support, for persons by reason of their vulnerability or need, but does not include a hospital, a public, independent or grant-aided school, an independent health care service or a service excepted from the definition by regulations (at the making of this Order there are no services excepted from the definition by regulations). A “care home service for adults” is defined in article 1(2) of the 2005 Order as a care home service which is provided to persons who have attained the age of sixteen years.

The registration of managers of care home services for adults was introduced by the Regulation of Care (Social Service Workers) (Scotland) Amendment Order 2006 (S.S.I.2006/4531). This Order provides for the registration of the remainder of workers in care home services for adults.

By virtue of article 3 of the 2005 Order persons registered with, or members of, certain bodies are excluded from description as social service workers, as are chartered members of the British Psychological Society.

No Regulatory Impact Assessment has been prepared in respect of this Order.