

## **EXECUTIVE NOTE**

### **THE REGULATION OF CARE (FITNESS OF EMPLOYEES IN RELATION TO CARE SERVICES) (SCOTLAND (No. 2) AMENDMENT REGULATIONS 2009**

**2009/349**

The above order was made in exercise of the “powers” conferred by section 29(1), (2), (5) and (13) of the Regulation of Care (Scotland) Act 2001 (“the Act”). The Order is subject to negative resolution procedure.

#### **Policy Objectives**

The Scottish Social Services Council (“the Council”) was established under the Regulation of Care (Scotland) Act 2001 (the Act). The policy intention in setting up the Council 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. Policy documents made clear that registration would be required; a condition for employment, and continued employment in the sector. That intention remains.

One of the Council’s main objectives was to set up and maintain registers of social workers and other social service workers, as prescribed by Scottish Ministers. Ministers announced the groups of workers to be registered and registration commenced in April 2003 with social workers. Since then, a phased approach has been taken to registration, with several parts of the register being opened, following Ministers prescribing each group of worker. 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.

Given the slow pace of registration, regulations were introduced, and approved by Parliament, in March 2009. The regulations provided that workers employed, in specified groups in the sector, for the first time will be required to apply for registration as soon as reasonably practical on commencement of employment, and be given a grace period to achieve registration. For existing workers in the sector, final dates have been set for each individual group by which time registration must be achieved. Failure to comply with the regulations without a reasonable excuse is an offence.

The Council is about to commence registration of a new group of workers i.e. those employed in school care accommodation services. This Order amends the 2009 Order to place the same conditions of required registration on this new group. In setting the dates for these groups of workers, the phased approach to registration has been maintained to allow employers to plan training etc. Recognition has also been taken of the numbers involved, the date the register opens for each group and the capacity of SSSC to process these new claims and maintain existing registrations.

#### **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 registration fee that individual applicants will have to pay annually to register with the Council is £30. No significant increases in administrative costs to the Council are anticipated.

### **Regulatory Impact Assessment**

This was not considered necessary as this is not a change or new policy. An RIA was carried out during the passage of the Act and work is ongoing to monitor impact and costs on sector and SSSC running costs.

Scottish Government  
October 2009