

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2010 No. 442**

**SOCIAL CARE**

**The Regulation of Care (Social Service Workers) (Scotland) Amendment Order 2010**

*Made - - - - 8th December 2010*  
*Laid before the Scottish*  
*Parliament - - - - 10th December 2010*  
*Coming into force in accordance with article 1(2) and*  
*(3)*

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<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 44(4) of that Act they have consulted the Scottish Social Services Council<sup>(2)</sup> and such other persons and groups of persons as they consider appropriate.

**Citation and commencement**

1.—(1) This Order may be cited as the Regulation of Care (Social Service Workers) (Scotland) Amendment Order 2010.

(2) With the exception of article 2(3)(a), this Order comes into force on 21st January 2011.

(3) Article 2(3)(a) comes into force on 1st April 2011.

**Amendment of the Regulation of Care (Social Service Workers) (Scotland) Order 2005**

2.—(1) The Regulation of Care (Social Service Workers) (Scotland) Order 2005<sup>(3)</sup> is amended as follows.

(2) In article 1(2) (citation, commencement and interpretation)—

(a) after the definition of “manager of an adult day care service” insert—

““manager of a care at home service” means a person who is employed and responsible for the overall professional management of the direct provision, supervision and quality assurance of a support service<sup>(4)</sup> which provides care and support in a person’s home;”;

---

<sup>(1)</sup> 2001 asp 8 (“the Act”). Section 77(1) defines “prescribed” as meaning “prescribed by order made by the Scottish Ministers”.

<sup>(2)</sup> The Scottish Social Services Council was established by section 43 of the Act.

<sup>(3)</sup> S.S.I. 2005/318 as amended by S.S.I. 2005/611, 2006/453, 2007/407, 2009/350, S.I. 2009/1182 and S.S.I. 2010/231.

<sup>(4)</sup> “support service” is defined in section 2(2) of the Act.

- (b) after the definition of “manager of a day care of children service” insert—
- ““manager of a housing support service” means a person who is employed and responsible for the overall professional management of the direct provision, supervision and quality assurance of a housing support service<sup>(5)</sup>”;
- (3) In article 2 (description of social service worker)—
- (a) for paragraph (a), substitute—
- “(a) an employee of Social Care and Social Work Improvement Scotland<sup>(6)</sup> who is an authorised person within the meaning of section 56 (inspections: authorised persons) of the Public Services Reform (Scotland) Act 2010<sup>(7)</sup>.”;
- (b) at the end of paragraph (n) omit “or”; and
- (c) after paragraph (o) insert—
- “(p) a manager of a care at home service; or
- (q) a manager of a housing support service.”.

St Andrew’s House,  
Edinburgh  
8th December 2010

*ADAM INGRAM*  
Authorised to sign by the Scottish Ministers

---

(5) “housing support service” is defined in section 2(27) of the Act.  
(6) Social Care and Social Work Improvement Scotland was established by section 44 of the Public Services Reform (Scotland) Act 2010 (asp 8).  
(7) 2010 asp 8.

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Regulation of Care (Social Service Workers) (Scotland) Order 2005 (“the 2005 Order”) to extend registration with the Scottish Social Services Council to further types of social service workers.

Section 44 of the Regulation of Care (Scotland) Act 2001 (“the 2001 Act”) obliges the Scottish Social Services Council (“the SSSC”) to maintain a register of social workers and social service workers. Section 44(2) of the 2001 Act further states that a separate part of that register must be kept for each social service worker prescribed by the Scottish Ministers under section 44(1)(b) of that Act.

Article 2 amends the 2005 Order to provide definitions of a manager of care at home service and a manager of a housing support service. Article 3 amends the 2005 Order to prescribe those defined managers as social service workers for the purposes of section 44(1)(b).

Article 3 also replaces a reference to certain employees of the Care Commission in light of its becoming part of Social Care and Social Work Improvement Scotland (as established by the Public Services Reform (Scotland) Act 2010) on 1st April 2011.