

2014 No. 307

PUBLIC HEALTH

SOCIAL CARE

**The Public Bodies (Joint Working) (Health Professionals and
Social Care Professionals) (Scotland) Regulations 2014**

Made - - - - *11th November 2014*

Laid before the Scottish Parliament *13th November 2014*

Coming into force - - *12th December 2014*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 68(1) of the Public Bodies (Joint Working) (Scotland) Act 2014^(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public Bodies (Joint Working) (Health Professionals and Social Care Professionals) (Scotland) Regulations 2014 and come into force on 12th December 2014.

(2) In these Regulations “the 2014 Act” means the Public Bodies (Joint Working) (Scotland) Act 2014.

Prescribed descriptions of health professionals

2. The descriptions of persons prescribed for the definition of “health professionals” for the purpose of section 68(1) of the 2014 Act are—

- (a) persons included in the register of medical practitioners kept by the registrar of the General Medical Council under section 2(1) (registration of medical practitioners) of the Medical Act 1983^(b);
- (b) persons included in the dentists register kept by the registrar of the General Dental Council under section 14(1) (the dentists register) of the Dentists Act 1984^(c);
- (c) persons included in the dental care professionals register kept by the registrar of the General Dental Council under section 36B(1) (the dental care professionals register) of the Dentists Act 1984^(d);

^(a) 2014 asp 9. Section 68(1) contains a definition of “prescribed” which is relevant to the exercise of the powers under which these Regulations are made.

^(b) 1983 c.54; section 2(1) was amended by S.I. 2006/1914.

^(c) 1984 c.24; section 14 was substituted by S.I. 2005/2011 and amended by S.I. 2007/1301.

^(d) Section 36B was inserted by S.I. 2005/2011 and amended by S.I. 2007/3101.

- (d) persons included in the register of optometrists, the register of dispensing opticians, the register of visiting optometrist or the register of visiting dispensing opticians maintained by the General Optical Council under section 7 (registers of opticians) and section 8B(1) (visiting opticians from relevant European States: registers) of the Opticians Act 1989(a);
- (e) persons included in the register of osteopaths maintained by the Registrar of Osteopaths under section 2(3) (duty of Registrar to establish and maintain a register) of the Osteopaths Act 1993(b);
- (f) persons included in the register of chiropractors maintained by the Registrar of Chiropractors under section 2(3) (duty of Registrar to establish and maintain a register) of the Chiropractors Act 1994(c);
- (g) persons included in Parts 1 or 4 (pharmacists) or Parts 2 or 5 (pharmacy technicians) of the register maintained by the Registrar of the General Pharmaceutical Council under article 19(1) (establishment and maintenance of register) of the Pharmacy Order 2010(d);
- (h) persons included in the register of qualified nurses and midwives maintained by the Nursing and Midwifery Council under article 5(1) (establishment and maintenance of register) of the Nursing and Midwifery Order 2001(e); or
- (i) persons included in the register of members of the relevant professions maintained by the Health and Care Professions Council under article 5(1) (establishment and maintenance of register) of the Health and Social Work Professions Order 2001(f).

Prescribed descriptions of social care professionals

3. The descriptions of persons prescribed for the definition of “social care professionals” for the purpose of section 68(1) of the 2014 Act are—

- (a) the person is included in the register of social workers and of other social service workers maintained by the Scottish Social Services Council under section 44(1) of the Regulation of Care (Scotland) Act 2001(g);
- (b) the person is excluded from inclusion in the register described in paragraph (a) by virtue of article 3 of the Regulation of Care (Social Service Workers) (Scotland) Order 2005(h), but otherwise is a person to whom paragraph (a) would apply; or
- (c) the person is engaged in the provision of care or support to users of social care services which are provided in the pursuit of integration functions, but neither of paragraphs (a) or (b) apply.

ALEX NEIL

A member of the Scottish Government

St Andrew’s House,
Edinburgh
11th November 2014

(a) 1989 c.44; section 7 was amended by S.I. 2005/848 and section 8B was inserted by S.I. 2007/3101.
 (b) 1993 c.21.
 (c) 1994 c.17.
 (d) S.I. 2010/231.
 (e) S.I. 2002/253.
 (f) S.I. 2002/254. The title of the Order was substituted by section 213(6) of the Health and Social Care Act 2012 (c.7) and article 1(1) was amended by section 213(4) of that Act.
 (g) 2001 asp 8; section 44 was amended by S.I. 2007/3101.
 (h) S.S.I. 2005/318; as amended by S.I. 2009/1182, S.I. 2010/231 and S.I. 2012/1479.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe descriptions of persons who, for the purposes of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the Act”), are within the definition of “health professionals” or “social care professionals”.

Regulation 2 sets out prescribed descriptions of health professionals. The effect of this is that persons registered with a range of regulatory bodies covering the medical and nursing professions, allied health professions and other health services such as optometry, pharmacy and dentistry will be treated as “health professionals” for the purposes of the Act.

Regulation 3 sets out prescribed descriptions of social care professionals. In contrast with health professionals, there is a single regulatory body for social service workers (including social workers) in Scotland, the Scottish Social Services Council (“SSSC”). Paragraph (a) provides that persons who are registered with the SSSC are a prescribed description of social care professional for the purposes of the Act. Paragraph (b) provides that persons working in social care, but who are exempt from registration with the SSSC, are also a prescribed description of social care professional. This exemption applies to persons who are regulated by another professional body as set out in the Regulation of Care (Social Service Workers) (Scotland) Order 2005. Paragraphs (a) and (b) apply to all social services workers whether or not they work in a service provided under integrated health and social care services. Paragraph (c) prescribes other types of social care worker who are engaged in the provision of care or support to users of services provided under integrated health and social care services but who are not regulated by the SSSC.

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