

POLICY NOTE

THE REGULATION OF CARE (SOCIAL SERVICE WORKERS) (SCOTLAND) AMENDMENT ORDER 2017

SSI 2017/95

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) social service workers of such description 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 scope 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.

Registration commenced in 2003 with Social Workers being the first group to register. Since then registration has commenced for nine groups of social service workers. The relevant descriptions of social service workers that fall within those groups are prescribed in the Regulation of Care (Social Service Workers) (Scotland) Order 2005 (S.S.I. 2005/318) (“the 2005 Order”).

The next group of workers to be registered, and which is the final group of workers within the current scope of registration, are workers employed in the role of support workers in the provision of care at home and housing support services. This Order amends the 2005 Order to achieve that. The Council will be under an obligation to maintain a register of this group of workers from 2 October 2017, when the Order comes into force.

By virtue of article 3 of the 2005 Order, persons registered with, or members of, certain bodies (for example the General Medical Council or the General Teaching Council for Scotland) are excluded from description as social service worker.

The Order also amends the 2005 Order to reflect the change in name of the Welsh Care Council from ‘the Care Council for Wales’ to ‘Social Care Wales’.

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 Inspectorate and employers in care at home and housing support 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 £25 and will be paid by the individual worker. Allocation of resources to the Council reflects the costs of regulating all workers within the scope of registration. It was not considered necessary to carry out a Regulatory Impact Assessment as the policy has been in place since 2001 and subject to the assessment for the enabling Act.

Scottish Government
March 2017