

REGULATION OF CARE (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Commentary on sections

Part 3: the Council

Regulations and rules

Section 56: Regulations relating to the Council

158. Subsection (1)(a) gives Scottish Ministers the power to make regulations conferring additional functions on the Council in relation to workforce regulation and the education and training of those on the Council's register. Regulations might, for example, extend the scope of staffing registers or introduce new regulatory processes, like exams, for certain categories of applicant.
159. Subsection (1)(b) allows regulations to be made that require the Council to provide access to parts of the register. For example, there might be circumstances under which it is not appropriate to make registers, or parts of registers such as home addresses, available. A fee may be charged for access to the register.

Section 57: Power of Council to make rules

160. This section refers to the power of the Council to make rules about the issues in Part 3 of the Act. Rules can only be made with the consent of Scottish Ministers.
161. Subsection (1) deals with the register and registration. Subsection (2) concerns rules about the charging of fees in connection with the Council's functions. For example fees may be charged for registration, approval of courses, provision of training or provision of codes of practice.
162. It is common in many professions eg nursing, for continued registration with a regulatory body to be linked to continuing professional education and development. Subsections (3) and (4) provide that the Council may, having consulted as appropriate, require registered persons to undertake additional education and training. If they do not undertake this education and training, their registration may be suspended or cancelled. Subsection (5) gives wide powers to the Council to make rules about the approval of courses with the intention of ensuring the consistency and quality of the education to be provided for social service workers at pre- and post-qualifying levels.
163. As part of its powers to approve and monitor the effectiveness of individual training courses in social work the Council will need to be able to visit and report on the places delivering this training. Subsections (6)-(8) gives the Council powers to be able to appoint and pay the visitors to undertake this work on its behalf and to visit the places offering training. Provision is made in respect of visits both to higher education institutes, which deliver the academic element of the training, and to social services

*These notes relate to the Regulation of Care (Scotland) Act
2001 (asp 8) which received Royal Assent on 5 July 2001*

agencies that provide the practice placements where students can develop their practical skills.

164. Subsection (9) sets out the scope of the Council's rule making powers and provides that rules should be consistent, but should reflect different circumstances as appropriate.