
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

The Disability Assistance for Working
Age People (Scotland) Regulations 2022

PART 17

Qualifications and experience necessary to carry out assessments

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61.—(1) A person is to be regarded as a suitably qualified person, within the meaning of section 13(1) of the 2018 Act, for the purpose of carrying out assessments if they satisfy the requirements specified in paragraph (2) or (4).

(2) A person is a suitably qualified person for the purpose of carrying out assessments under this paragraph if—

- (a) the person meets one of the conditions under paragraph (3),
- (b) the person has been employed in a capacity described in paragraph (3) in the provision to individuals of health care or social care services,
- (c) where the assessment will involve consideration of the individual's mental condition or conditions, the person's employment in the provision of health care or social care services under paragraph (2)(b) included the provision of health care or social care services to individuals with mental conditions, and
- (d) where the assessment will involve consideration of the individual's learning disability or disabilities, the person's employment in the provision of health care or social care services under paragraph (2)(b) included the provision of health care or social care services to individuals with learning disabilities.

(3) The conditions referred to in paragraph (2)(a) are that the person, at the time of carrying out the assessment—

- (a) is an allied health professional with valid registration in the register maintained by the Health and Care Professions Council under article 5 of the Health Professions Order 2001⁽¹⁾,
- (b) is an adult, learning disability, or mental health nurse with valid registration in the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001⁽²⁾, or
- (c) is a social worker with valid registration in the register maintained by the Scottish Social Services Council under section 44 of the Regulation of Care (Scotland) Act 2001⁽³⁾.

⁽¹⁾ S.I. 2002/254.

⁽²⁾ S.I. 2001/253, amended by S.I. 2009/1182 and S.I. 2018/838.

⁽³⁾ 2001 asp 8. Section 44 was relevantly amended by S.I. 2007/3101, S.I. 2019/593, and paragraph 1(2) of schedule 6 of the Coronavirus Act 2020 (c. 7).

(4) A person is a suitably qualified person for the purpose of carrying out assessments under this paragraph if—

- (a) the person has achieved a social care qualification to a minimum of Level 9 of the Scottish Credit and Qualifications Framework⁽⁴⁾,
- (b) immediately prior to their employment for the purpose of carrying out assessments, the person was registered as a social service worker in the register maintained by the Scottish Social Services Council under section 44 of the Regulation of Care (Scotland) Act 2001,
- (c) the person has been employed, in the provision to individuals of health care or social care services, as a social service worker with valid registration in the register maintained by the Scottish Social Services Council under section 44 of the Regulation of Care (Scotland) Act 2001,
- (d) where the assessment will involve consideration of the individual’s mental condition or conditions, the person’s employment in the provision of health care or social care services under paragraph (4)(c) included the provision of health care or social care services to individuals with mental conditions, and
- (e) where the assessment will involve consideration of the individual’s learning disability or disabilities, the person’s employment in the provision of health care or social care services under paragraph (4)(c) included the provision of health care or social care services to individuals with learning disabilities.

(5) In this regulation, “health and social care services” means services which require to be provided by an individual meeting the conditions under paragraph (3) or (4)(c).

(4) The levels are set in the SCQF Level Descriptors document dated August 2012 and available at http://www.sqa.org.uk/files_ccc/SCQF-LevelDescriptors.pdf.