

Health, Social Care and Sport Committee
Tuesday, 16 April 2024
11th Meeting, 2024 (Session 6)

Note by the Clerk on Scottish Social Services Council (Appointments, Procedure and Access to the Register) Amendment Regulations 2024 (SSI No.2024/74)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to annulment by resolution of the Parliament until 05 May 2024. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: [Scottish Social Services Council \(Appointments, Procedure and Access to the Register\) Amendment Regulations 2024](#) (SSI No. 2024/74)

Laid under: [Regulation of Care \(Scotland\) Act 2001](#)

Laid on: 11 March 2024

Procedure: Negative

Deadline for committee consideration: 29 April 2024 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 05 May 2024 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 03 June 2024

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the

Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 19 March 2024 and reported on it in its [22nd Report, 2024 \(Session 6\)](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. The purpose of this instrument is to allow employers and members of the public to see more information about persons registered on the register kept by the Scottish Social Services Council (“SSSC”) under section 44 of the 2001 Act.
9. The Policy Note accompanying the instrument is included in Annexe A. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

Committee consideration

10. So far, no motion recommending annulment has been lodged.
11. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

12. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
13. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
April 2024

Annexe A: Scottish Government Policy Note

POLICY NOTE

THE SCOTTISH SOCIAL SERVICES COUNCIL (APPOINTMENTS, PROCEDURE AND ACCESS TO THE REGISTER) AMENDMENT REGULATIONS 2024

SSI 2024/74

The above instrument was made in exercise of the powers conferred by section 56(1)(b) of the Regulation of Care (Scotland) Act 2001 (“the 2001 Act”). The instrument is subject to negative procedure.

Summary Box

<p>The purpose of this instrument is to allow employers and members of the public to see more information about persons registered on the register kept by the Scottish Social Services Council (“SSSC”) under section 44 of the 2001 Act.</p>
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Policy Objectives

This instrument will bring more information on the searchable public facing Register, thereby allowing employers and members of the public to find out more information about persons registered on the Register kept by SSSC under section 44 of the 2001 Act. Making these changes will allow employers and members of the public to see the type of service a person works in and the level at which they are operating (where this is applicable). Members of the public will now also be able to see any specialist qualifications a person holds, subject to that person having opted in to providing this (an SSSC internal process), and any fitness to practise warnings or conditions imposed. These changes are intended to improve professional recognition of specialisms, and to make it easier for members of the public to find out the status of someone working with them, or someone they care for.

The fitness to practise information is currently publicly available on a separate part of SSSC’s website but is not linked to the public facing Register. Changing the public facing Register will show, at a glance, all relevant information regarding an individual’s registration and fitness to practice.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU.

Consultation

To comply with the requirements of section 56(2) of the Regulation of Care (Scotland) Act 2001, a public consultation took place from 4 October 2023 to 2 January 2024.

The vast majority of respondents were supportive of the proposals, with many highlighting that the changes would improve transparency. Some respondents provided comments around safety of employees and data protection, however the information being provided is already publicly available. Were details of a serious case to be published, all information pertaining to the individual is redacted.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website. This includes

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UNISON Scotland, the Care Inspectorate, the Nursing and Midwifery Council and various Health and Social Care Partnerships.

Consultation with the ICO was undertaken on this instrument due to the nature of the information that will be provided. The ICO were satisfied that this information would not put an individual at risk and were content for the legislation to proceed.

Impact Assessments

An Equality impact assessment has been undertaken for the proposed amendments and is attached.

A Data Protection Impact Assessment was also undertaken but is not being published due to it being in relation to collecting data from the consultation, and no other purpose (due to SSSC being the data controller). Similarly as this measure will have limited impact on business and the reach to children is not direct, the requirement for a BRIA or CRWIA wasn't considered to have been met.

Financial Effects

The Minister for Children, Young People & Keeping the Promise confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

**Scottish Government
Children and Families Directorate March 2024**