

Health, Social Care and Sport Committee  
Tuesday, 30 April 2024  
13th Meeting, 2024 (Session 6)

## Note by the Clerk on The Registration of Social Workers and Social Service Workers in Care Services (Scotland) Amendment Regulations 2024

### Overview

1. At this meeting, the Committee will take evidence from the Minister for Children, Young People and Keeping the Promise and officials on the Registration of Social Workers and Social Service Workers in Care Services (Scotland) Amendment Regulations 2024 before debating a motion in the name of the Minister inviting the Committee to recommend approval of the instrument.
2. This is a draft Scottish Statutory Instrument (SSI), which requires approval by resolution of the Parliament before it can become law. More information about the instrument is summarised below:

**Title of instrument:** [The Registration of Social Workers and Social Service Workers in Care Services \(Scotland\) Amendment Regulations 2024](#)

**Laid under:** [The Public Services Reform \(Scotland\) Act 2010](#)

**Laid on:** 11 March 2024

**Procedure:** Affirmative

**Lead committee to report by:** 5 May 2024

**Commencement:** If approved, the instrument comes into force on 3 June 2024.

### Procedure

3. Under the affirmative procedure, an instrument must be laid in draft and cannot be made (or come into force) unless it is approved by resolution of the Parliament.
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. The lead committee, taking account of any recommendations made by the DPLR Committee (or any other committee), must report within 40 days of the instrument being laid.

6. The normal practice is to have two agenda items when an affirmative instrument is considered by the lead committee:
  - an evidence session with the Minister and officials, followed by
  - a formal debate on a motion, lodged by the Minister, inviting the lead committee to recommend approval of the instrument.
7. Only MSPs may participate in the debate, which may not last for more than 90 minutes. If there is a division on the motion, only committee members may vote. If the motion is agreed to, it is for the Chamber to decide, at a later date, whether to approve the instrument

## **Delegated Powers and Law Reform Committee consideration**

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

## **Purpose of the instrument**

9. The Policy Note states that the purpose of the instrument is to amend the Registration of Social Workers and Social Service Workers in Care Services (Scotland) Regulations 2013 (“the 2013 Regulations”) to reduce the period of time for workers to apply for registration with the Scottish Social Services Council (“SSSC”), with the requirement now being within 3 months of starting a new role.
10. The Policy Note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.
11. According to the Policy Note:

“the policy objective is to encourage social workers and social service workers to apply for registration sooner after starting work, which will allow the assessment of an applicant’s fitness to practise at an earlier stage, providing greater public protection. This will replace the current requirement to apply for registration ‘as soon as is reasonably practicable’ after starting work. In this context, for social service workers “starting work” includes starting work as a different description of social service worker.

“The requirement to be registered within 6 months of starting work (or until the application is granted, whichever occurs first) that is currently provided for in the 2013 Regulations remains. The instrument contains a savings provision with the effect that the amendments will not apply to anyone starting work before 3 June.”

## **Evidence received**

12. The Scottish Government consulted on these and other proposals, and [an analysis of the 69 responses received was published on 20 February 2024](#). The

analysis states that most responses were positive on changing the timescale for registration, but concerns were raised which Members may wish to raise with the Minister, in particular:

- It could put additional pressure on individuals, managers and organisations
- Communication of the changes to employers and employees will be critical – what plans are in place to communicate the changes to registration timings?
- What would happen if an individual was unable, for any reason, to uphold the registration requirement within the proposed three month time period?
- Could a period for implementation be considered to identify any issues that might arise?
- Given that the 6 month period for registration to be completed remains in place, how will this improve public protection?

## **Report**

13. The Committee must decide whether or not to agree the motion, and then report to Parliament accordingly, by 5 May 2024.

**Clerks to the Committee**  
**April 2024**

## **Annexe: Scottish Government Policy Note**

### **POLICY NOTE**

#### **THE REGISTRATION OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS IN CARE SERVICES (SCOTLAND) AMENDMENT REGULATIONS 2024**

#### **SSI 2024/XXX**

The above instrument was made in exercise of the powers conferred by section 78(2) and (3) and 104(1) of the Public Services Reform (S) Act 2010. The instrument is subject to affirmative procedure.

#### **Summary Box**

The purpose is to amend the Registration of Social Workers and Social Service Workers in Care Services (Scotland) Regulations 2013 (“the 2013 Regulations”) to reduce the period of time for workers to apply for registration with the Scottish Social Services Council (“SSSC”), with the requirement now being within 3 months of starting a new role.

#### **Policy Objectives**

The objective is to encourage social workers and social service workers to apply for registration sooner after starting work, which will allow the assessment of an applicant’s fitness to practise at an earlier stage, providing greater public protection. This will replace the current requirement to apply for registration ‘as soon as is reasonably practicable’ after starting work. In this context, for social service workers “starting work” includes starting work as a different description of social service worker.

The requirement to be registered within 6 months of starting work (or until the application is granted, whichever occurs first) that is currently provided for in the 2013 Regulations remains.

The instrument contains a savings provision with the effect that the amendments will not apply to anyone starting work before 3 June,

#### **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 78(5) 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 public protection sooner. A few respondents highlighted that this timeframe could potentially be too short, but, the

majority were supportive. On balance it was decided that the proposed changes should go ahead.

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

### **Impact Assessments**

An Equality impact assessment has been undertaken for the proposed amendment 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