

# **Scottish Social Services Council – proposed register changes: consultation analysis**

**February 2024**

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## 1. Executive Summary

In December 2021, the Scottish Social Services Council (SSSC) launched their Future Proofing Programme (FPP) which aims to make sure the regulatory system is clear, transparent and raises the standards of practice in the sector. A key part of the programme is to review and build a sustainable 'Register for the Future' which will be easier to understand for all.

On the back of the FPP launch, SSSC also launched a public consultation 'A Register for the Future' which detailed proposals to streamline and improve registration. The consultation ran for 12 weeks from 20 December 2021 until 14 March 2022 and asked for views on the proposed changes to the register. Most respondents agreed with the proposed changes to the SSSC Register.

The proposed changes included:

- Streamlining the register by reducing the number of register parts from 23 to 4;
- Changing the time period from application to registration from 6 months to 3, and;
- Changing the Public Facing Register (PFR) by including more information.

Although the SSSC previously consulted, the Scottish Government launched a public consultation on 4 October 2023 to seek views on the some of the proposals initially outlined in SSSC's wider consultation. The consultation ran until 2 January 2024 in which 69 responses were received. There was also one late submission which was accepted and included within the analysis work. While the majority of responses were positive and in favour of the proposed changes, the consultation also helped identify some important points and areas of concern. These are set out in more detail in this document.

The Scottish Government would like to thank everyone who took the time to provide a written response to the consultation.

## 2. **About this report**

This report provides an analysis of responses to the Scottish Government's consultation on the "Scottish Social Services Council - proposed register changes: consultation" which ran from 4 October 2023 to 2 January 2024.

The consultation paper can be accessed at:

[Scottish Social Services Council – proposed register changes - Scottish Government consultations - Citizen Space](#)

### 3. Overview of Proposed Changes

#### Background on the Scottish Social Services Council (SSSC)

The Scottish Social Services Council (SSSC) is a Non-Departmental Public Body, set up under the Regulation of Care (Scotland) Act 2001, with statutory public protection functions to regulate social service workers and to promote their education and training. They protect the public by registering over 160,000 social work, social care and early years workers (as of April 2023); setting standards for their practice, conduct, training and education and by supporting their professional development. Where people fall below these standards, the SSSC can investigate and implement sanctions (including removal) where necessary. The SSSC's core functions include:

- publishing the national codes of practice for people working in social work, social care and early years services and their employers
- registering people working in social work, social care and early years and making sure they adhere to the codes of practice
- promoting and regulating the workforce's learning and development
- being the national lead for workforce development and planning for the social work, social care and early years workforce in Scotland
- producing workforce data and intelligence on the social service workforce in Scotland for employers and other stakeholders that support the development of the sector.

The SSSC published their consultation 'A Register for the Future' to seek views on changes to the parts of the register, the Public Facing Register, and timescales for applying. Following healthy engagement with the consultation, with respondents sharing their thoughts, feedback and ideas. There were over 6,500 responses from people on all parts of the Register, alongside key stakeholders, sector partners, and others with an interest in SSSC's work. Key figures are shown below:

- 91% of responses were from registrants.
- 777 identified as employers or service providers.
- 243 identified as someone who acts for a person who uses social services.
- 39 responses from people who use social services.

Most respondents agreed with the proposed changes to the SSSC Register and the analysis report from the consultation can be found at the following link:

<https://www.sssc.uk.com/knowledgebase/article/KA-03283/en-us>

The Scottish Government consultation sought views on proposed changes to the SSSC Register. This includes reducing the number of parts, amending timescales for registering, and what information is included on the public register. We asked 5 questions and the answers were to aid us in bringing SSSC in line with all other professional regulators, and making the Public Facing Register much clearer to the public. Further information on each proposed change is noted below.

## **Reducing the number of register parts**

The SSSC Register was originally designed to allow for the gradual expansion of registration, which has ultimately led to the Register being made up of twenty-three different parts. At the moment, people moving to a different care service setting and/or obtaining a promotion are required to formally remove themselves from one part of the Register and apply to a new part. This makes the process of registering with the SSSC time-consuming and confusing for the workforce, employers and the SSSC.

In order to make registration as straight forward and easy to understand as possible, we proposed that the Register be split into four separate parts. The four parts would likely comprise social workers, social work students, social care workforce and children and young people workforce. This takes into account the changing and emerging roles, as well as changes in the way services are delivered.

Streamlining the Register to four parts would reduce the need for people to be registered on multiple parts and also make the process of getting promoted or changing service an easier and less laborious process.

A simplified Register with an increase in self-service and automation would not only benefit the workforce, it would also result in cost efficiencies within the SSSC as the new Register would cost less to administer, as well as reducing the costs to the sector in supporting staff to register.

## **Timescales for Applying**

Currently the social services workforce have six months after starting employment to register with the SSSC. This means there can be a lengthy gap before the SSSC is assessing the Fitness to Practise of someone joining a care service.

The proposal intends to introduce a mandatory requirement for workers to apply for registration within three months of starting employment, and be registered within 6 months.

This would result in an increased level of protection for service users, due to the fact the intention is that workers will apply for registration sooner. This will enable SSSC to assess an applicant's Fitness to Practise earlier, again improving public protection.

## **Changes to the Public Facing Register**

The consultation also sought views on the proposal to include more information on the searchable public Register. The information which would be made public would be the following:

- The level of role – currently the Register part tells you the level at which an individual is registered to operate (manager, supervisor, support worker). If, following the outcome of this consultation, the decision is taken to reduce the Register parts from 23 to 4, this level of detail would no longer be available.

Instead, the Register would detail, for example, that a worker is on the Social Care Workforce part of the Register with no indication of the level at which they are working. We propose to include this detail on the public facing Register. This will allow employers/interested parties to know the level at which a worker is operating.

- Whether a registrant has the qualification for their role - the proposed change will make it optional for the SSSC to display qualifications on the public facing Register. This will initially show certain specialist qualifications with the intention that this is expanded in the future. This will promote the importance of qualifications, and particularly the importance of specialist qualifications.
- Whether there is a Fitness to Practise warning and/or condition – this information is currently published on another page of the SSSC’s website, but is not linked to the public facing Register. This will show any live sanction in place. This means the public facing Register will show, at a glance, all relevant information regarding an individual’s registration and Fitness to Practise. Sanctions are currently shown on a different part of the website, but not linked to the public facing Register. This means the existence of a sanction could easily be missed. Having this information available on the public facing Register makes it easier for interested parties to see full details of the reasons for any sanctions being in place. This is the approach taken by the Nursing and Midwifery Council.
- Whether a registrant holds a specialist qualification such as a mental health officer award or a practice teaching award.

Introducing this information to the searchable public Register would improve professional recognition of specialisms, whilst also making it easier for the public to check the Register and find out the status of someone working with them, or someone they care for.

The Scottish Government believe that the Public Facing Register is where the public should be able to see any issues with an individual’s Fitness to Practise. This is currently available on a separate part of the website, however these changes would essentially make this information easier to obtain.

These changes would bring the SSSC in line with all the other professional regulators such as the Nursing and Midwifery Council, and would make the Public Facing Register much clearer to the public.

## **Consultation**

This consultation ran for the standard 12 weeks. This was due to SSSC already consulting on the same issues, and for Scottish Ministers to ensure the appetite for the proposed changes was still there. The necessary analysis work also had to be undertaken along with the development of new legislation. The draft legislation requires to be laid in the Scottish Parliament in sufficient time to allow proper scrutiny and to ensure that the changes can take effect from the 3<sup>rd</sup> of June.

## Stakeholder Engagement

In concurrence with the consultation, Scottish Government officials regularly liaised with members of the Scottish Social Services Council to discuss the proposals laid out in the consultation exercise.

### 4. Overview of Respondents

A total of 69 written responses were received.

Of the 69 responses, 52 have been published on the Scottish Government website. The remaining 17 respondents did not want their response to be published.

All responses have been considered in this analysis, irrespective of whether or not they have been published. The published responses can be accessed at:

[Published responses for Scottish Social Services Council – proposed register changes - Scottish Government consultations - Citizen Space](#)

Of the 69 responses, 16 were received from organisations primarily based in Scotland and 53 from individuals.

A full list of respondents can be found at [Annex A](#).



## 5. Analysis

There were four questions in the consultation document which related to the proposed changes to the SSSC register. Three of the questions asked for yes/no answers on whether the respondent agreed with the proposed changes or not. There was also an option to select 'not sure' if the respondent didn't have a specific view on any of the questions. The fourth question provided an opportunity for respondents to provide additional comments on the proposed changes that they would like to be considered further.

The below analysis follows the layout of the consultation document.

All questions which asked for a "yes" or "no" answer have been broken down into the following categories for responses:

- Yes – the respondent selected "yes" when answering the question
- No – the respondent selected "no" when answering the question
- Don't know – the respondent selected "don't know" when answering the question
- Not answered (NA) – the respondent did not answer the question and made no comments about the proposal

### Question 1

**Do you agree that reducing the number of SSSC Register parts will be an improvement to the current structure?**

60 respondents agreed with the overarching policy detailed in the consultation; 4 respondents did not agree and 5 respondents were unsure.

Answer	Number	% (rounded)
Yes	60	87%
No	4	6%
Don't know	5	7%
Not answered	0	0%
Total	69	

15 respondents provided further detail about this question. A snapshot of responses can be found in the analysis for question 4 where key themes have been identified.

Full responses (from those who gave consent to publish) can be found at: [Published responses for Scottish Social Services Council – proposed register changes - Scottish Government consultations - Citizen Space](#)

## Question 2

### **Is three months after starting in their role an appropriate timescale to require workers to apply for registration?**

53 respondents agreed that 3 months is an appropriate timescale to require workers to apply for registration. 14 did not agree and 2 respondents were unsure.

Answer	Number	% (rounded)
Yes	53	77%
No	14	20%
Don't know	2	2%
Not answered	0	0%
Total	69	

19 respondents provided further detail about this question. A snapshot of responses can be found in the analysis for question 4 where key themes have been identified.

## Question 3

### **Do you agree with SSSC's proposals to include more information on the searchable public Register?**

53 of the respondents agreed with the proposals to include more information on the searchable public register. 9 respondents did not agree, whilst 6 respondents were unsure. 1 respondent did not answer the question.

Answer	Number	% (rounded)
Yes	52	77%
No	9	13%
Don't know	6	9%
Not answered	0	1%
Total	69	

17 respondents provided further detail about this question. A snapshot of responses can be found in the analysis for question 4 where key themes have been identified.

## Question 4

### **Do you have specific views on the proposed changes that you would like us to consider?**

38 respondents responded to this question, providing further views on the proposed changes referred to in the previous 3 questions. Key themes have been identified from the responses where similar views have been shared by several respondents.

Below is a snapshot of the responses.

## **Reducing the number of register parts**

### Response no. 1

In terms of both staff and the public, this approach would be welcomed as it would improve accessibility through having a reduced number of parts within the register to navigate. It would also be beneficial to staff moving between services or when gaining a promotion as they would no longer need to remove themselves before reapplying to the correct part of the register.

### Response no. 2

The process must be as simple and streamlined as possible for managers or individuals to change and update level of role if staff are promoted or move jobs.

### Response no. 3

In the application's current form, it is needlessly long and time consuming. Reducing the number of parts will make it far easier for social care workers to register under the SSSC and will therefore increase the number of people who are willing to register and also ensure increase the likelihood for the forms to be completed properly therefore reducing administration and waiting times.

As the form will be shorter, this should and must result in quicker turnaround of applications and decisions for applicants which will make it easier and faster for them to join the workforce. This is especially important given the current recruitment and retention crisis in the social care sector.

Fewer parts will also make it easier for social care workers to move between different roles whilst having just one registration rather than having to apply for one of the twenty-three parts and fill in a new application each time.

### Response no. 4

There is an issue with the number of parts of the register. Whether reducing to four is perhaps being too simplistic is another matter.

### Response no. 5

Simplifying the register will make it easier and hopefully quicker for employees applying to register. If it also reduces the need to have more than one registration to work across different resources ie: housing support and residential care homes, this will reduce costs to both employees and employers who cover the cost of registration. All in all everyone benefits.

## **Key Themes**

The responses to this particular question on reducing the number of Register parts were mostly positive, with a vast majority of respondents agreeing with the proposals. However, a few of the responses highlighted areas that still needed to be

considered before implementing the proposed changes. It was pointed out that any changes could add an additional burden on SSSC staff during the transition phase which would need to be managed carefully.

It was highlighted that Residential child care should be retained as an independent category on the SSSC Register. It was also suggested that although this is a positive change, the reduction in the categories from 23 to 4 may limit the amount of data SSSC can gather about the workforce.

The main themes coming through about this proposals were that by reducing the number of Register parts, it should make the current complex process of registering easier and more streamlined. It would improve accessibility, whilst also making it easier to move between different roles as it would limit the number of people having to reregister on a different part of the Register. It was also mentioned several times that by reducing the number of Register parts, it should make the registration process quicker, ensuring applicants can join the workforce faster.

## **Timescales for Applying**

### **Response no. 1**

As three months is the probationary period in many settings, it may not be realistic for staff to register within the first three months. Safer recruitment procedures should allow settings to determine suitability.

### **Response no. 2**

While this change is likely to be beneficial in terms of public protection, there may be infrastructure changes that may be needed to facilitate this change. In addition, it would need to be clear whether the proposed three month timeframe covers just the submission of an application, or whether it would also include the processing. If the intent is for the latter timeframes, then any backlog of applications would need to be closely managed and kept as small as possible so as not to negatively impact or disadvantage new registrants.

A reduced timeframe to three months would also put pressure on line managers, where assisting staff in their registration is a small part of their role. Which may mean that there is slippage due to capacity or more pressing issues possibly leading to unintended consequences elsewhere within a service.

Also, would there be any mitigations, or consequences regarding circumstances where an individual is unable to uphold registration within the proposed three month time period? As a reduced timeframe may impact upon some people registering punctually, a period of implementation may be advised to identify any issues that could be mitigated if this proposal is agreed.

### **Response no. 3**

The proposed three-month timescale to apply for registration recognises the importance of achieving registration in a timely way.

### **Response no. 4**

The move to 3 months registration will require widespread communication with employees and employers to ensure they know their obligations.

### **Response no. 5**

Registration should be required within 1 month of starting a job. There should be more time given to achieve qualifications for new entrants to the care industry.

## **Key Themes**

The majority of responses to this question were also positive, however those who did provide a written contribution highlighted some concerns around the proposes to reduce the timescales for applying for registration. The main concern was that three months is too short a timescale to expect a new worker to apply for registration.

Some respondents highlighted that workers shouldn't have to apply for registration until their 6 month probationary period has been completed.

It was suggested that changing the timescales for applying could put additional pressure on individuals, managers and organisations, and that any changes would need to be communicated early to ensure no one was disadvantaged by the shortening of the time period workers have to apply.

Alternatively, there were some comments supporting the proposals to reduce the timescales for applying to register, highlighting that by doing so would increase public protection.

## **Changes to the Public Facing Register (PFR)**

### Response no. 1

I think this is so needed making it easier for staff to see full details and sanctions for new staff members looking to bring out teams.

### Response no. 2

Changes would include detail of registration e.g. manager/supervisor etc. This would be crucial if the registration parts are to reduce from 23 to 4.

Changes would display qualifications held. This would promote importance of qualifications.

Fitness to Practise warnings and/or conditions is available but on a different page on the website and is not linked to the individual's record. Linking the information would show all relevant information about the individual's registration and information less likely to be missed. This would be particularly useful for Recruiting Managers.

### Response no. 3

In relation to the proposed changes to the searchable public register we continue to have concerns that some of this information might be mis-interpreted by some members of the public. For example, a false allegation raised against an individual can, understandably, result in a temporary suspension in order to enable investigation yet members of the public might make unwarranted assumptions of guilt. While we recognise the desire to bring the SSSC in line with the NMC we feel this may disproportionately affect staff in social care, particularly in lone working community-based situations.

### Response no. 4

The second part of this proposal is for SSSC to publish FtP information on its public register, and it cites the NMC as an example of a regulator that already takes this approach. We strongly support this proposal as it will ensure that register users can easily access a complete picture of any regulatory sanctions that apply to professionals, which is vital for public protection.

### Response no. 5

In relation to the proposals to include more information on the public register, specifically whether there is a fitness to practise warning and/or condition against a registrant, we are of the view that providing this information is an important public protection and as with the proposal above, we agree that this proposal will enhance public confidence in the sector.

## **Key Themes**

The responses to this proposal to include more information on the Public Facing Register also received a majority of positive responses. There were also some

responses highlighting concerns about sharing this additional information, with the main concerns being around the impact on the individual concerned. Some respondents noted that information may be misinterpreted by the public, therefore putting additional pressure on the registrant.

Others highlighted that including additional information on the Public Facing Register may put additional pressure on workers, which could in turn exacerbate recruitment and retention issues.

It was also stressed that any information that is published on the register would need to be accurate and be kept up to date.

Concerns raised have been expanded on in the Scottish Government Response section of this report.



**6. List of Organisations who Responded**

- 16 organisations
- 53 individuals

**Organisations who permitted their response to be published**

- The Redwoods Caring Foundation
- No Limits Caithness
- UNISON Scotland
- Stirling Council
- National Day Nurseries Association
- Glasgow City Health and Social Care Partnership
- Argyll & Bute HSCP
- Clackmannanshire and Stirling Health and Social Care Partnership
- Care Inspectorate
- CELCIS
- GMB Scotland
- Nursing and Midwifery Council
- Key – and Community Lifestyles
- Barnardo's Scotland
- The Homecare Association
- General Teaching Council for Scotland

## 7. Scottish Government Response

As outlined within the executive summary section of this document, this consultation followed a more detailed consultation that the Scottish Social Services Council (SSSC) ran between 20 December 2021 until 14 March 2022. Over 6500 people responded to this particular consultation, with the majority of respondents agreeing with the proposals.

As a result of this, and the positive response to this consultation, the Scottish Government intend to proceed with the proposals to make three changes to the SSSC Public Facing Register as outlined in this document. The changes are as follows:

- **Reduction of the Register to Four Parts** – This will simplify and streamline the registration process, making it less time consuming and confusing for applicants. It will reduce the need for people to be registered on multiple parts, and make the process of being promoted or changing service much more straightforward.
- **Reduce the Timescales for applying to 3 months** – This change would mean there is a requirement for workers to apply for registration within 3 months of starting a new role, and be registered within 6 months. This will mean that workers will apply for registration sooner which will allow the assessment of an applicant's Fitness to Practise at an earlier stage, providing greater public protection. Several respondents highlighted concerns over this change, stressing that 3 months isn't enough time to expect a worker to apply to register. In order to alleviate concerns, SSSC will produce a communications plan, whilst also engaging extensively with stakeholders to ensure employers and workers are aware of the new responsibilities.
- **Make changes to the Public Facing Register** – This will mean more information will be made available to the public. This change will give greater transparency by providing ease of access to the information related to an individual. This would include the level of role, whether an individual has a qualification or specialist qualification for their role and whether the individual has any Fitness to Practise warnings. This will improve access for those who use services to public protection information. The main concerns that have been identified throughout the analysis process are the potential negative impact sharing this additional information may have on an individual. This is true for both the publication of qualifications and also Fitness to Practise information.

Initially, SSSC will only publish specialist qualifications (mental health officer awards and practice educator awards), but only where the worker has consented to this. General qualifications will not be published immediately due to the current imbalance across the sector regarding qualifications. The SSSC will move to publish this information once there is greater balance across the sector. The principle behind this change is to have a more qualified workforce.

At present, the SSSC do not include Fitness to Practise information on the Public Facing Register, however, this information is published on another area of the website, and is easily accessible to the public. The proposed changes to include additional information on the Public Facing Register will improve public protection by making the information already held in other areas of the website more streamlined and easier to access. Including this information on the Public Facing Register will bring SSSC in line with other equivalent regulators such as the General Medical Council in terms of information published. It is also true that the SSSC have discretion to withhold information regarding any removals or suspensions from the register if disclosing such information could be considered to cause danger to the person to whom the entry relates.



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