

Health, Social Care and Sport Committee

10th Meeting, 2024 (Session 6), Tuesday, 26 March 2024

Subordinate legislation

Note by the clerk

Purpose

1. This paper invites the Committee to consider the following negative instrument:
 - [The Regulation of Care \(Social Service Workers\) \(Scotland\) Order 2024](#)

Background

2. The Scottish Government consulted on the Scottish Social Services Council Proposals. [A note of responses and analysis of the consultation](#) can be found on the Scottish Government website.

Procedure for negative instruments

3. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. This means they become law unless they are annulled by the Parliament. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds).
4. Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument.
5. If the motion is agreed to by the lead committee, the Parliamentary Bureau must then lodge a motion to annul the instrument to be considered by the Parliament as a whole. If that motion is also agreed to, the Scottish Ministers must revoke the instrument.

6. If the Parliament resolves to annul an SSI then what has been done under authority of the instrument remains valid but it can have no further legal effect. Following a resolution to annul an SSI the Scottish Ministers (or other responsible authority) must revoke the SSI (make another SSI which removes the original SSI from the statute book.) Ministers are not prevented from making another instrument in the same terms and seeking to persuade the Parliament that the second instrument should not be annulled.
7. Each negative instrument appears on the Health, Social Care and Sport Committee's agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow the Committee to gather more information or to invite a Minister to give evidence on the instrument. Members should however note that, for scheduling reasons, it is not *always* possible to continue an instrument to the following week. For this reason, if any Member has significant concerns about a negative instrument, they are encouraged to make this known to the clerks in advance of the meeting.
8. In many cases, the Committee may be content simply to note the instrument and agree to make no recommendations on it.

Guidance on subordinate legislation

9. Further guidance on subordinate legislation is available on the Delegated Powers and Law Reform Committee's web page at:
<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>

Recommendation

10. The Committee is invited to consider any issues which it wishes to raise in relation to this instrument.

Clerks to the Committee

26 March 2024

SSI 2024/56

Title of Instrument: Regulation of Care (Social Service Workers) (Scotland) Order 2024

Type of Instrument: Negative

Laid Date: 22 February 2024

Meeting Date: 26 March 2024

Minister to attend meeting: No

Motion for annulment lodged: No

Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? No

11. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [5 March 2024](#) and made no recommendations in relation to this instrument.

Reporting deadline: 15 April 2024

Purpose

12. The purpose of the instrument is to reduce the number of register parts from 23 to 4 by creating only 2 categories of 'social service worker' rather than 21.

13. The policy note states that the objective of the instrument is to make registration, and being registered, straightforward and easy to understand. The current Register structure has been developed over time since the introduction of registration of social workers in 2003. It is stated that the structure of the Register needs to change to reflect changing and emerging roles, as well as changes in the way services are delivered.

14. A copy of the Scottish Government's Policy Note is included in **Annexe A**.

POLICY NOTE**THE REGULATION OF CARE (SOCIAL SERVICE WORKERS) (SCOTLAND)
ORDER 2024****SSI 2024/56**

The above instrument was made in exercise of the powers conferred by section 44(1)(b), 44(2 and 44(4) of The Regulation of Care (Scotland) Act 2001 (the Act). The instrument is subject to negative procedure.

Summary Box

The purpose is to reduce the number of register parts from 23 to 4 by creating only 2 categories of 'social service worker' rather than 21.

Policy Objectives

To make registration, and being registered, straightforward and easy to understand. The current Register structure has developed over time since the introduction of registration for social workers in 2003. It has been recognised that the structure of the Register needs to change to reflect changing and emerging roles, as well as changes in the way services are delivered. Streamlining the register to four parts will reduce the need for people to be registered on multiple parts, whilst also making the process of getting promoted or changing service an easier and less laborious process.

There will be a transitional provision stating that on the day the legislation comes into force, everyone registered on an old part will automatically become registered on the specified new part. This also applies to individuals that are applying to the register up until the 3rd of 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 the Regulation of Care (Scotland) Act 2001, a public consultation took place from 4 October 2023 to 2 January 2024.

As a result of that consultation, the vast majority of respondents were supportive of the proposals, with many highlighting that reducing the number of register parts will help improve the process of registering with the SSSC.

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, it 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.

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

February 2024