

2010 No. 443

SOCIAL CARE

The Regulation of Care (Fitness of Employees in Relation to Care Services) (Scotland) (No. 2) Amendment Regulations 2010

Made - - - - *8th December 2010*
Laid before the Scottish Parliament *10th December 2010*
Coming into force - - *21st January 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 29(1), (2), (4), (5) and (13) of the Regulation of Care (Scotland) Act 2001(a) and all other powers enabling them to do so.

In accordance with section 29(12) of that Act they have consulted such persons and groups of persons as they consider appropriate.

Citation and commencement

1. These Regulations may be cited as the Regulation of Care (Fitness of Employees in Relation to Care Services) (Scotland) (No. 2) Amendment Regulations 2010 and come into force on 21st January 2011.

Amendment of the Regulation of Care (Fitness of Employees in Relation to Care Services) (Scotland) (No. 2) Regulations 2009

2.—(1) The Regulation of Care (Fitness of Employees in Relation to Care Services) (Scotland) (No. 2) Regulations 2009(b) are amended as follows.

(2) In regulation 1(4) (citation, commencement and interpretation)—

(a) after the definition of “manager of an adult day care service” insert—

““manager of a care at home service” means a person who is employed and responsible for the overall professional management of the direct provision, supervision and quality assurance of a support service(c) which provides care and support in a person’s home;”;
and

(b) after the definition of “manager of a day care of children service” insert—

““manager of a housing support service” means a person who is employed and responsible for the overall professional management of the direct provision, supervision and quality assurance of a housing support service(d);”.

(a) 2001 asp 8 (“the Act”).
(b) S.S.I. 2009/118 as amended by S.S.I. 2009/349.
(c) “support service” is defined in section 2(2) of the Act.
(d) “housing support service” is defined in section 2(27) of the Act.

(3) In regulation 3(4) (fitness of social service workers) for “15C” substitute “15D” both times it appears.

(4) For regulation 6 (new employment as a residential child care worker, a manager of an adult day care service or a manager of a care home service for adults) substitute—

“Registration requirements for new employment as a relevant social service worker

6.—(1) This regulation applies to a “relevant worker”, which is a social service worker of the following type—

- (a) a residential child care worker;
- (b) a manager of an adult day care service;
- (c) a manager of a care home service for adults;
- (d) a manager of a residential school care accommodation service;
- (e) a supervisor of a residential school care accommodation service;
- (f) a worker in a residential school care accommodation service;
- (g) a manager of a care at home service; or
- (h) a manager of a housing support service.

(2) Where a person has not held continuous employment as a relevant worker prior to commencing new employment as that type of relevant worker, regulation 3 applies in accordance with paragraphs (3) and (4).

(3) That person must apply for registration in the relevant part of the register maintained by the Scottish Social Services Council as soon as reasonably practicable after commencing that new employment.

(4) Notwithstanding the generality of paragraph (3), that person must achieve such registration within 6 months of commencing new employment.

(5) In this regulation—

“continuous employment” includes consecutive employment with different employers as the same type of relevant worker provided there is no break in employment; and

“new employment” includes a change of employment to a new position as a different type of social service worker, whether with the same or a different employer.”.

(5) Omit regulation 6A (new employment as a manager of a residential school care accommodation service, supervisor of a residential school care accommodation service, or a worker in a residential school care accommodation service).

(6) After regulation 15C, insert—

“15D. Regulation 3 shall not apply to—

- (a) a manager of a care at home service; and
- (b) a manager of a housing support service

until 31st January 2014.”.

ADAM INGRAM

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
8th December 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Regulation of Care (Fitness of Employees in Relation to Care Services) (Scotland) (No. 2) Regulations 2009 (“the principal Regulations”) to make provision regarding the fitness to provide a care service of two further types of social service worker.

The principal Regulations make provision, amongst other things, regarding the fitness of social service workers to undertake employment in such roles; in particular, it requires registration of those individuals with the Scottish Social Services Council (“the SSSC”).

Regulation 2(2) amends the principal Regulations to provide definitions of the two new types of social service worker, i.e. managers of care at home services and managers of housing support services.

Regulation 2(3) extends the requirement of registration with the SSSC to the two new types of social service worker.

Regulation 2(4) and (5) removes and replaces regulations 6 and 6A of the principal Regulations to allow a window of 6 months for certain social service workers to achieve registration with the SSSC after they have commenced new employment.

Regulation 2(6) inserts a new regulation 15D into the principal Regulations which sets the date as 31st January 2014 when all managers of care at home services and managers of housing support services will have to be registered.

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