

## **Equality Impact Assessment (EIA) form**

## **General Information**

Name of policy/proposal	Regulation directorate response to Coronavirus	
Responsible department	Regulation	
Date	June 2020	

## Aims of the proposal

What do you hope to achieve? Why is the policy/proposal needed, for example is there currently a gap in service delivery?	Respond to the pandemic in a way that supports the sector and continues to protect people who use services.
How will it contribute to the SSSC's strategic objectives and/or priorities?	Please list which strategic objectives your proposal will contribute to:  Outcome 1
Equality duties and protected groups	Please use the relevant legislation(s) below to give an explanation. Please delete
Who will it affect (either positively or	any that are not relevant:
negatively)?	Equality Act 2010
	Human Rights Act 1998

<ul> <li>Children and Young People (Scotland) Act 2014</li> <li>United Nations Convention on the Rights of the Child</li> </ul>
Islands (Scotland) Act 2018

## Data and evidence gathering, involvement and consultation

(Please include any evidence or relevant information that has influenced the decisions contained in this IA)

Please include details of all evidence used (qualitative and quantitative) you have included. This should include, where relevant, numbers of children and young people and their views/experiences and how this will affect them.	Attached Regulation Response Report sets out the changes implemented, reasons for it and the key data.
Has the proposal been the subject of relevant engagement and/or consultation?	Items numbered 2-8 and 10 in the attached report were put to key stakeholders for input.
If yes, please say who with.  If no, please say why none took place.	Items 1 and 9 were government decisions which we implemented.  Item 11 is a Scottish Government proposal which has not been implemented.
Engagement and/or consultation carried out	Please highlight what engagement/consultation you carried out and give an explanation about what you did. If you obtained the views and experiences of children and young people, please include this:  • Focus group • Survey • Display/exhibition • Public event

	<ul> <li>What data is available locally or nationally?</li> <li>Feedback, for example from service users or /elected members at local and national government level</li> <li>Other (please specify)</li> <li>Contacted Government, SWS, Scottish Care, CCPS and unions.</li> </ul>
What were the results? Please include any consultation report/engagement results	Positive response to the proposals.
Have you used best judgement (officer/practitioner knowledge and experience) in place of data/research/evidence?  If yes, who provided this best judgement and what was this based on?	In consideration of the timescales, I relied both upon the responses to consultation and my best judgement to determine the general approach to take.  In forming my approach, I relied upon the input from the Head of Registration, Head of Hearings and Fitness to Practise Managers
What gaps (if any) did you find in your data?	
Is further research necessary?  If yes, what will you do, for example a further consultation, conduct a survey, engage with specific groups of people etc?	Yes. We will be monitoring the gap between our anticipated level of applications/fitness to practise referrals/removals from the register and actual.

#### ASSESSING THE IMPACTS AND IDENTIFYING OPPORTUNITIES TO PROMOTE EQUALITY

Having considered the data and evidence you have gathered; you need to consider potential impacts – negative and positive that your proposal might have on each of the protected characteristics. It is important to remember the duty is also a positive one – this means we must explore whether the proposal offers the opportunity to promote quality and/or foster good relations. Under each protected characteristic please consider how your proposal achieves the following:

- eliminates discrimination, harassment, victimisation or any other prohibited conduct
- advances equality of opportunity by having due regard to:
  - o removing or minimising disadvantage
  - o meeting the needs of particular groups that are different from the needs of others
  - o encouraging participation in public life
- fostering good relations tackling prejudice, promoting understanding.

Gender – does the proposal take account of different roles and responsibilities? Does it assume, perhaps wrongly that men have no caring responsibilities? Is the proposal flexible enough to provide a service that everyone can access?

Positive impact	Neutral impact	Negative impact	Reasons for your decision
			It is likely that the direct communication to previous registrants encouraging them to return to the sector will have been sent to more women than men, because our register is made up of more women than men.
			It is possible that less men will therefore consider this employment opportunity. However, access to the NES Hub is not restricted to former registrants and is publicly available information.
			We have also taken steps to publish and promote the NES Hub and routes back into social care recruitment to ensure that, despite

	register restrictions, we are reaching as wide an audience as
	possible.

Ethnicity – have you covered all minority ethnic groups? Consider the impact your proposal has on someone from a minority ethnic group and remember this impact may differ depending on the gender, disability, faith, sexual orientation or ethnicity of the person as different cultures have different views on what is acceptable. Consider language and format.

Positive impact	Neutral impact	Negative impact	Reasons for your decision
			We did not identify any impact on this characteristic from our proposals.

Disability – a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out day-to-day activities. How does this proposal affect disabled people? Are there any impairment groups who are unfavourably affected by the policy?

Positive impact	Neutral impact	Negative impact	Reasons for your decision
			In our work encouraging the redeployment of people back into the frontline we ask applicants to state if they would need any support to work on the frontline.
			It is possible that people with a disability may be more likely to require support, and in turn may be less likely to be selected by an employer.
			This is a proportionate means of achieving a legitimate aim. Employers have to know support requirements at the outset so they can decide if they can provide support to them.
			We can possibly monitor if someone with a support requirement is less likely to be selected by an employer, if relevant we will use as part of our mainstreaming work to improve equality in the sector.

			It is for employers to determine whether they can accommodate	
			any support arrangements.	
			any support arrangements.	
			The online approach we are using, in line with our general	
			approach, means accessibility of our online products is relevant.	
			This is an area of work which is being addressed separately to	
			improve the accessibility of our website etc.	
			The first the decession by the same transfer even	
Sexual orientatio	n – what are the issue	es for this group in ter	ms of your proposal? Does it meet the needs of this group?	
Positive impact	Neutral impact	Negative impact	Reasons for your decision	
			We have no data to suggest people with this protected	
			characteristic will be affected.	
Gender reassignment – does your proposal include people of different gender identities? Will your proposal impact				
transgender individuals in any way?				
Positive impact	Neutral impact	Negative impact	Reasons for your decision	
			We have no data to suggest people with this protected	
			characteristic will be affected.	
			Characteristic will be affected.	
Age – remember different age groups have different concerns. When considering age remember that some individuals are				
more vulnerable	or have issues that ma	ay need additional cor	nsideration.	
		-		
Positive impact	Neutral impact	Negative impact	Reasons for your decision	
-				
Positive impact	Neutral impact	Negative impact	We have excluded those over the age of 70 from our direct	
-			We have excluded those over the age of 70 from our direct communications requesting that they consider redeployment back	
-			We have excluded those over the age of 70 from our direct	

			<del>-</del>
			This is a proportionate means of achieving a legitimate aim, as it
			relates to the government position on protection of those 70 or
			older as they are classed as vulnerable within a COVID-19 context.
			It is possible that the online nature of how we carry out our work
			means that those with less access to technology find it more
			difficult to engage. However the approach we are using is the
			approach we use for fulfilling our normal statutory functions and
			the workforce are well used to engaging with us in this way.
Marriage and civi	   partnership	   lawful discrimination	for people who are married/civil partnership/same-sex
-	•		se who are not married/civil partnership/mixed-sex couple.
		omprogramma mar mo	oo iiiio aro iioi iiiairioar oiiii paranoioiiip/ iiiixoa oox ooapioi
Positive impact	Neutral impact	Negative impact	Reasons for your decision
			We have no data to suggest people with this protected
			characteristic will be affected.
•	• •	•	crimination covers 26 weeks after giving birth – this includes
treating a womar	n unfavourable becaus	se she is breastfeeding	g.
Positive impact	Neutral impact	Negative impact	Reasons for your decision
	⊠		We have no data to suggest people with this protected
			characteristic will be affected.
			characteristic will be affected.
Religion/belief/n	on-belief – does your	proposal take into ac	count different festivals, holidays, religious days and
traditions? Will t	he different faith belie	efs impact on women	from that group and exclude or prevent them from using the
service?			
Positive impact	Neutral impact	Negative impact	Reasons for your decision

⊠	We have no data to suggest people with this protected
	characteristic will be affected.

#### CHALLENGES AND OPPORTUNITIES FOR EQUALITIES GROUPS LIVING IN AN ISLAND COMMUNITY

This section considers the impact or effect of your proposal on an island community and whether this could be significantly different from its effect on other communities. Your proposal should be developed and delivered to improve or reduce any negative impact(s). Please consider each of the protected characteristics and complete the table below highlighting your evidence and justification for your response.

Is the impact positive, negative or no impact? Give comments	Positive Impact	Neutral Impact	Negative Impact	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation		⊠		We have no data to suggest these steps will affect island communities.
Advancing equality of opportunity		⊠		As above.
Promoting good relations among and between		⊠		As above.

#### CHILD RIGHTS AND WELLBEING

This section considers the impact of your proposal on children and young people, or specific groups of children and young people, in Scotland. The UNCRC (The United Nations Convention on the Rights of the Child) has four general principles which you should consider as you develop your proposal.

- 1. Non-discrimination children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).
- 2. Best interests of the child every decision and action taken relating to a child must be in their best interests.
- 3. Life, survival and development every child has a right to life and to develop to their full potential.
- 4. Respect for he views of the child every child has a right to express their views and have them given due weight in accordance with their age and maturity. Children should be provided with the opportunity to be heard, either directly or through a representative or appropriate body.

Please identify the individual rights you consider most relevant to your proposal and highlight the potential impact.

Is the impact positive, negative or no impact? Give comments	Positive Impact	Neutral Impact	Negative Impact	Reason for your decision
Civil rights and freedoms (Children have a right to access and to move freely in public spaces, and to meet up and spend time with others. Children have a right to think and believe what they like, to access information				We recognise that legislative implications of social distancing/lockdown restrict the rights and freedoms of children to an extent as a protective measure. The steps we have taken do not extend these measures and are

and to speak their mind, so long as this is not harmful to others. They have a right to keep personal matters and communications private.)		aimed at adults, not children.  Notwithstanding this, we are working to help secure an adequate supply of social workers so that children's rights are still upheld. To this end, our proposals in creating a temporary register have a positive impact on children and young people.
Violence against children (Children have a right to be protected from inhuman or degrading treatment in every setting.)		Children will continue to be protected through our fitness to practise processes.
Family environment and alternative care (Children have a right not to be separated from their parents, unless this is in their best interests. Where children must live		As above.

apart from their families, they have a right to be well cared for. If the child's parents are living		
apart, the child has the right to maintain		
contact with both, if		
that is safe and in their best interests.		
Children should have a		
say when adults make		
decisions about where they live and how they		
should be cared for,		
and those placements		
should be subject to regular review.)		
regular review.		
Disability, basic health		As above.
and welfare (Disabled children are		
children first and have		
a right to the same		
opportunities as every		
child. That means		
removing the barriers - whether social,		
cultural, attitudinal or		
physical which impede		

their inclusion in education, play and recreation, and society, and providing whatever protective measures, health and social care services they might need. It also means promoting their equal rights and protecting them from discrimination. To fully take part in these opportunities, disabled children and their families sometimes require special care and assistance which should, where
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children and their families sometimes require special care and assistance which should, where
families sometimes require special care and assistance which should, where
require special care and assistance which should, where
and assistance which should, where
should, where
possible, be delivered
free of charge.)
Education, leisure and As above.
cultural activities
(All children, no
matter what their □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □
background, have a
right to an education
that will help them

achieve their potential without discrimination. Education should be child-centred and empowering. It should strengthen their capacity to enjoy the full range of human rights as well as promote human rights values. Children should be able to express their views, and encouraged to participate in preschool, school and college life. Children have a right to learn about human rights. Children also have a right to play and recreational activities, to rest and leisure, and to take part in cultural life.)		
Special protection measures (There are groups of		As above.

vulnerable and		
marginalised children		
who require special		
protection and these		
are often the children		
who are most at risk		
of having their rights		
ignored or infringed.		
They include asylum-		
seeking and refugee		
children, child victims		
of trafficking or		
exploitation, and		
children in trouble		
with the law. Asylum-		
seeking children and		
child refugees are		
entitled to special		
protection and all the		
other rights in the		
UNCRC. They must not		
be the victims of		
discrimination or		
stigmatisation. If they		
arrive unaccompanied		
by any parents or		
other family members,		
they should be well		
cared for. They should		
not be deprived of		

their liberty.		
Institutions where		
children are detained		
should treat them in a		
manner which takes		
into account their age,		
capacity and individual		
needs.)		
·		

#### HEALTH AND WELLBEING AND HEALTH INEQUALITIES

This is about physical, mental health and wellbeing and includes for example, participation, creativity and developing potential. It also covers all aspects of poverty including income and fuel poverty. The Fairer Scotland Duty requires us to actively consider how we can reduce inequalities in any major decision we make. Think about health and the different causes of health inequalities:

- fundamental causes like macro-economic position, societal values about fairness and equity
- wider environmental influences like availability of jobs, physical environment for example, availability of services
- individual experiences like mental health and wellbeing, family income, ability to navigate services, connectedness
- socio-economic disadvantage like low income, low wealth, material deprivation and area deprivation.

Think about the different causes and types of poverty.

Will this proposal provide services that meet the needs of people experiencing poverty?

Will the information and services be easy to access?

Is the impact positive, negative or no impact? Give comments	Positive Impact	Neutral Impact	Negative Impact	Comments
Remove inequalities and increase access to opportunities for improving health and wellbeing	⊠			Through the NES hub we are providing a route into employment in social care.
Advance opportunities for increasing health and wellbeing across the sector	⊠			By increasing capacity in the sector this will help the sector continue to support the health and wellbeing of people who use services.
Foster good practice for sector wide health and wellbeing		×		We have no data to suggest these steps will foster good practice for health and wellbeing.

#### **ECONOMIC AND SOCIAL SUSTAINABILITY**

This is about pay, employment opportunities, valuing and supporting voluntary work. It also covers some areas of poverty including individual and community resilience. The Fairer Scotland Duty requires us to actively consider how we can reduce inequalities in any major decision we make.

How will your proposal impact on social status, employment (paid or unpaid), encourage investment in skills and training, assist people on low incomes or support other disadvantaged groups in any way, the impact of delivery of services for people living rurally?

How will your proposal work in rural areas where the existing infrastructure is typically less developed or where infrastructure does not exist, for example there's no fast broadband connections?

Is the impact positive, negative or no impact? Give comments	Positive impact	Neutral impact	Negative impact	Reason for your decision
Removes disadvantage of inequality		×		We have no data to suggest these steps will remove disadvantage of inequality.  Or  Positive impact: We do not charge a fee to join the temporary register and have taken steps to support registrants who may be experiencing difficulty by ceasing to remove those who do not pay their annual fee.  These steps ensure that regardless of socioeconomic background, registrants and those returning to the sector are allowed to do without a financial burden.

Advance opportunities for individuals	×		Providing a route back into social work and social care.  Or  Positive impact: By allowing a further 12 months to gain qualifications, we are ensuring that registrants are provided with sufficient time to gain the skills and training needed for their role. This provision enables registrants to focus on the provision of care without the added pressure of obtaining a qualification during this critical period.  Suspension of PRTL sampling is also relevant to mention under this criteria for similar reasons.
Foster good relations and sustainability of communities	×		Increasing the numbers in the workforce to help maintain the sustainability of care homes.

DECISION MAKING						
Which one of the following statements best	matches your assessment of this proposal? Please give your reasons.					
No major change – proposal is robust, evidence shows no potential for discrimination, all opportunities to promote equality have been taken						
The proposal needs to be adjusted to remove barriers or better promote equality						
Proceed with proposal despite potential for adverse impact or missed opportunity to promote equality (not possible to remove all the risk protected characteristic groups)	We are taking necessary steps to support the workforce to meet the needs of people using services in an unprecedented situation. Whilst there are possible issues around the redeployment of staff to the frontline, it is not possible to remove the risk to that group.					
Stop and remove the proposal – shows actual/potential unlawful discrimination/in breach of equality legislation						

	MONITORING AND REVIEWING
How will you monitor the implementation of the proposal? For example, customer surveys.	We will be tracking the impact as against business as usual. We will be planning for recovery, including obtaining customer feedback on key points, such as fitness to practise thresholds.
How will you use the results of the monitoring to develop the proposal? (This information will be useful when you review the policy.)	The monitoring will be focussed on our ability to recover to core business.
When and how will you review the proposal? (Please also give details of who is responsible.)	We will be reviewing as part of our recovery planning.

SIGN OFF		
Name	Maree Allison	
Title	Director of Regulation	
Date Approved	16 June 2020	



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### 1. Introduction

The Covid-19 pandemic will have significant impact on the social services sector. In a sector already experiencing recruitment challenges, a drop in capacity due to staff experiencing sickness and self-isolation will affect delivery of services. Workforce capacity challenges will be combined with increased complexity in how to deliver services to people who may have the virus or need to be protected from it.

Our regulatory response is based on three principles:

- a. Retaining as many people as possible on our register
- b. Supporting the workforce to respond to the pandemic
- c. Ensuring that service users are protected from serious risk

In relation to communication of these changes there are suggested communication methods alongside each. In addition, we should be sharing this with our partnership organisations like Scottish Care and CCPS to allow them to communicate the changes we are putting in place to support the sector at this difficult and very challenging time.



## 2. Temporary Register for Social Workers

The Coronavirus Bill creates a separate part of the Register for social workers who left the register in the last five years, or final year social work students. This part of the Register is established when the Bill becomes law, but we can only accept applications for this part when Scottish Ministers direct us to. The Bill became law on 25 March and Ministers issued their direction on 31 March 2020.

Registration is for a maximum period of two years. There is no right of appeal against refusal of registration, registration with a condition or removal from the register.

We are not permitted to charge fees for this part of the Register.

## **Agreed Approach**

- a. We will contact 2528 former social workers who left our register in the last five years and invite them to return.
- b. We will accept applications from students who are in their final year and have completed 75% of their practice placements and have met sufficient academic standards. Universities will inform students who have met that standard and will direct them to apply. There are 147 students who meet this criterion.
- c. Applications for this part of the register will be prioritised and, providing the correct information is provided we will process these within one working day. Disclosure Scotland have introduced a new digital process for those with no vetting information. They will be turned around in approximately 48 hours. Those with vetting information will be issued with a normal certificate through the post.
- d. We will use the dispensing powers in Rule 4 of the Registration Rules to waive the requirement that an employer endorse the application
- e. Social workers holding qualifications which would usually result in a condition on their register will be registered without a condition where possible
- f. For identification purposes the applicant will be asked to send a photograph of them holding their passport or other photographic ID.



- g. We will carry out the PVG check. Disclosure Scotland will cover the cost of this check
- h. We will provide these details directly to the CSWO in each local authority area.

### Impact on Sector/People who use services

Social workers have to be registered to carry out statutory functions. Encouraging those who have left the sector, and final year students to apply for this register part will increase the capacity available to the sector to assist with reduced numbers practising in the sector as people have to isolate.

## Risks/Challenges

Those who have left the sector, or final year students, may not have the level of current competence required.

Disclosure Scotland will be issuing electronic confirmation of scheme membership if there is no vetting information. We are dependent upon their timescales. They have advised they will attempt to turnaround in 14 days. They will continue to issue scheme records by post if there is vetting information.

### **Actions**

- a. Work with Social Work Scotland on how to capture the information we need to assist with redeployment. Complete. Agreed we will provide information to CSWOs for those in their relevant area. Commencement scheduled for 7 April 2020.
- b. Contact all those who left the register (apart from those removed through fitness to practise processes) and ascertain interest in this part of the Register. Complete. Correspondence sent on 2 April 2020.
- c. Make changes to MySSSC and D365 to facilitate this register part. Complete by 2 April 2020 with continuing development to improve efficiency ongoing.
- d. Create new letter templates for this part of the Register. Complete by 2 April 2020.



- e. Staff training on the new process. Complete by 2 April 2020.
- f. Communicate the difference between Temporary Social Worker registration and standard Social Worker registration at application stage for clarity. Complete by 2 April 2020.
- g. Get list of eligible students from University. Decision 1 April 2020, that Universities will tell individual students who are eligible to apply

#### **External Communication**

- Update the website complete 27 March 2020
- Bulletin complete 27 March 2020
- Direct communication to eligible former social workers complete 1
   April 2020
- Contact with CSWO complete 1 April 2020
- Contact with CI complete 30 March 2020
- Names sent to CSWO daily, started on 8 April

#### **Statistics Required**

- Numbers Applying
- Geographic Availability
- Skill set
- Numbers matched with employers

#### Recovery

Recovery will be focussed on moving those who want to stay registered to the normal social work part of the register (where applicable) and removing the rest, with thanks.

### 3. Non-Frontline Social Workers

There are 699 social workers who are registered and not working for a local authority or care service and therefore could potentially be released to return to the front line.



## **Agreed Approach**

We will contact the social workers directly and ask if they would consider asking their employer to release them to be redeployed to the frontline. This will work in combination with a letter from the Chief Social Work Adviser to the employers encouraging them to permit redeployment.

### Impact on Sector/People who use services

• Will increase the capacity of the sector to continue to provide services.

## Risks/Challenges

- Some people may not have worked in frontline practice for a number of years. However, if they are on our register, they will be completing their PRTL and must remain fit to practise. The communication will ensure that individuals must only put themselves forward for redeployment if they consider their practice to be sufficient.
- There are insurance issues. The approach for the SSSC and CI is to second those social workers volunteering to the local authority. The secondment agreement requires the host organisation to ensure there is insurance in place.

## Actions

- a. Create a report from D365 identifying all relevant social workers complete 1 April 2020
- b. Direct email to the social workers requesting they complete an expression of interest form complete 2 April 2020
- c. Secondment template from HR complete 4 April 2020
- d. Create directory of contacts for all local authority areas through the CSWO complete 6 April 2020
- e. Send daily to each CSWO complete 8 April 2020 and daily thereafter
- f. Check with employer when individual is placed ongoing

### **External Communications**

 Agree approach with Scottish Government and SWS – complete 2 April 2020



## **Statistics Required**

- Number of non-frontline social workers
- Number who submit expression of interest form
- Number placed with employer with breakdown of geographic area and specialism

### Recovery

No specific recovery action required by us.

#### 4. Annual Fees and Renewals

In 2019 we removed 22976 workers from the Register for failing to pay a fee or not renewing their registration on time. We will stop removing people from the Register until the crisis is over.

## **Agreed Approach**

We will continue with our current process in relation to fees. We will stop sending reminders and will use the dispensing power in the Registration Rules to put a halt to processing removals on these grounds.

### Impact on Sector/People who use services

- Sector will be reassured if they cannot afford to, or forget to carry out administration relating to their registration
- People who have left the sector will remain on our Register unnecessarily

## Risks/Challenges

- Additional work in recovering payment renewals when pandemic is over
- Potential negative feeling at the point that we start to gather fees and renewals from those who haven't paid/renewed



#### **Actions**

- a. Review letters and emails in relation to fees to soften the approach and take out the reference to them being removed. complete 30 March 2020
- b. Stop the process that issues the Notice of Decision implementing removal complete 30 March 2020
- c. Training for staff on how to respond to enquiries complete 30 March 2020

#### **External Communications**

- Website complete 27 March 2020
- Bulletin complete 27 March 2020

## **Statistics Required**

- Number of projected annual fees and renewals
- Number of actual annual fees and renewals.
- Number of those who have not been removed.

#### Recovery

Recovery will be focussed on contacting those who have not paid/renewed, removing those no longer working in the sector and obtaining the payment/renewal for those still working.

## 5. Function based parts of the Register

The Coronavirus Act 2020 which came into force on 25 March 2020 increases the six-month grace period to twelve months, allowing social service workers to work for twelve months before they are required to register.



#### **Agreed Approach**

This change will permit the workforce to be redeployed, or for employers to bring new people into the workforce without having to make arrangements for submission of applications for registration.

## Impact on Sector/People who use services

- Will alleviate concern about not achieving registration within six months.
- Will assist employers with increasing capacity in the sector.
- Will prevent unnecessary applications for people in temporary positions purely for the duration of the pandemic.

## Risks/Challenges

- People will be working without assessment of their fitness to practise. This will be safeguarded to some extent by PVG checks.
- The importance of registration within six months is a message that the SSSC has been emphasising since 2006. This may dilute that message and jeopardise our ability to regulate effectively when the pandemic is over. This will need to be considered carefully as part of our recovery plan.

#### Actions

- a. Change MySSSC to advise workers who are applying that they have 12 months but can apply if they want complete 1 April 2020
- b. Put a hold on withdrawing any incomplete applications complete 27 March 2020
- c. Review letter templates complete 27 March 2020

### **External Communications**

- Update the website complete 27 March 2020
- Bulletin complete 27 March 2020



#### **Statistics Required**

- Projected applications per register part
- Actual applications per register part

#### Recovery

Recovery will be focussed on communication to employers about the need to submit applications for those continuing in their roles.

## 6. Qualification Conditions

We currently remove workers who have not completed their qualification within the required period (unless there is an understandable reason).

## **Agreed Approach**

We will apply an additional 12-month extension to people who are due to achieve their condition in the next six months without going through the condition not met process.

#### Impact on Sector/People who use services

• Will provide reassurance to those concerned about the inability to achieve the condition during the pandemic.

### Risks/Challenges

- Within the next two years there is an increasing demand for qualifications. This will add to that pressure. We will have to factor this into our work supporting the sector to obtain their qualification.
- People who are unwilling, or do not have the competence to achieve their qualification will have an extended period of time on the register. That could potentially put people using services at risk. This is alleviated by the requirement on employers to refer an individual to us where there is a concern about their ability to practise safely.



#### **Actions**

- a. Stop the removal process complete 27 March 2020
- b. Review letter templates complete 27 March 2020

#### **External Communications**

- Message on the website complete 27 March 2020
- Bulletin complete 27 March 2020
- Email to those who are due to meet their condition in the next six months – complete 27 March 2020

## **Statistics Required**

- No. of people with qualification condition crystallising in next six months
- No. of people with qualification conditions crystallising in the next 12 and 24 months.

#### Recovery

Recovery will be focussed on contacting those with an extension to ensure they are planning for completion of the condition.

### 7. Social Work Fees

The only people who will currently have to pay fees to work in the sector during this pandemic period are people applying to the normal social worker part of the register. This particularly applies to newly qualified social workers who are ineligible to apply to the Temporary Social Worker part of the register.

### **Agreed Approach**

Given the financial situation facing families, this is an unnecessary barrier at a time when we want to encourage people to join the workforce.

We will use the dispensing power in the Registration Rules to temporarily waive the requirement to pay fees.



#### Impact on Sector/People who use services

Negligible as numbers are likely to be low. Will provide a supportive message from the SSSC.

#### Risks/Challenges

After the current situation is resolved we will contact those who registered without paying a fee to obtain it. That may not be well-received.

#### Actions

- a. Amend MySSSC to permit waiver of fees complete 27 March 2020
- b. Amend letter templates granting registration complete 27 March 2020

#### **External Communications**

- Website complete 27 March 2020
- Bulletin complete 27 March 2020

### **Statistics Required**

- No. of social workers applying every year
- No. of social workers registered
- No. who did not pay a fee.

## Recovery

Recovery will be focussed on contacting those registered without payment and obtaining their fee.

## 8. PRTL

We currently sample PRTL for NQSWs and they all have to submit their PRTL to us. Temporarily suspend sampling of PRTL including for NQSWs.



## **Agreed Approach**

We will temporarily suspend sampling of PRTL.

### Impact on Sector/People who use services

This will have a negligible impact. Sampling of PRTL assists with developing the NQSW but an extension will not cause a significant issue.

## Risks/Challenges

The message about the importance of PRTL is diluted.

#### Actions

- a. Stop sending out notifications with renewals advising they have to submit their PRTL.
- b. Advise NQSWs in their first year or 18 months of practice that we are extending the time they have to compete their PRTL by 12 months. This would include those who we have already asked to submit their PRTI.
- c. Email those we have already sampled to advise that they are no longer required to submit their PRTL.

#### **External Communications**

- Website
- Bulletin
- Contact SWS to advise CSWOs

#### **Statistics Required**

No. of NQSW required to submit PRTL

#### Recovery

We will focus our recovery on communicating with and supporting those with an extension to submit their PRTL.



## 9. Social Care Redeployment Hub

NES have set up a hub for returning healthcare workers and Scottish Government requested this be extended to cover those in social care and for the Development and Innovation Directorate to work with NES and the sector to increase the capacity of the social care workforce. NES will act as a single employer for health returners and therefore carry out pre-employment checks. Whilst the SSSC cannot act as an employer we will carry out some checks to assist the sector. This is not part of our normal statutory function. Scottish Government issued a letter under section 43(1)(b)(i) and 43(2)(a), dated 14 April 2020 instructing us to carry out this work.

## **Agreed Approach**

- a. The Regulation Directorate will provide the operational infrastructure and resources to support this work
- b. We will contact 50,860 people previously registered with us on the social service part of our register and invite them to register on the NES Hub.
- c. NES will provide us with the details of those interested in social care on a daily basis
- d. The Systems Development Team will develop D365 to support the addition of these individuals to the system in a new, non-registered role
- e. We will contact them and request that they provide information about their experience, the area of work they are interested in and other information required to enable matching to a service
- f. We will carry out the checks set out in Part C of Appendix A including Disclosure checks
- g. We will then make their details visible on a redeployment portal accessible through MySSSC
- h. All employers will be able to access the details of those individuals in their area
- i. If an employer matches with an individual we will remove their name from the portal



j. In accordance with Safer Recruitment Guidance, we will ask the employer to advise us if there were issues with the individual that they would want a future employer to know. If so, we will inform any new employer so they can contact the former employer for further information.

#### Impact on Sector/People who use services

This will improve capacity in the sector to support people who use services.

## Risks/Challenges

We will not register these individuals (unless after gaining employment they decide to apply). We have no authority to carry out assessments of fitness to practise. We may hold information about them which, if they applied for registration, we would investigate and potentially refuse their application. There may be an assumption on the part of employers that we are carrying out our normal fitness to practise assessments.

The risk arises because of the relaxation of the requirement to apply for registration as soon as reasonably practicable after starting employment. Disclosure checks go some way to mitigate the risk as do the other checks detailed in Appendix A, part c.

We will make clear the checks we are carrying out.

#### Actions

- a. Develop D365 to support arrangements complete by 16 April 2020
- b. Create processes and train staff complete by 16 April 2020
- Make arrangements with NES for receipt of information complete by 7
   April 2020
- d. DSA with NES complete 28 April 2020
- e. Amendments to Privacy Notice complete by 7 April 2020

### **External Communications**

- Contact 50,860 former registrants complete by 7 April 2020
- Website completed 27 March 2020
- Bulletin completed 27 March 2020
- Contact employers to invite access to portal complete 17 April 2020



## **Statistics Required**

- Numbers who expressed interest through NES hub
- Numbers who completed pre-employment checks
- Numbers placed with employers

All broken down by geographic area and service type.

#### Recovery

We will focus recovery on deleting information held for the purpose of this redeployment and encouraging applications for registration from those who remain in the workforce.

#### 10. Fitness to Practise Cases

At present employers have a requirement to refer a range of issues to us for investigation. We receive approximately 400 applicant and registrant referrals per month. Making these referrals and responding to our investigations and hearings is resource intensive for the sector. Being investigated is a stressful experience.

### **Agreed Approach**

- a. We will ask that we are only referred high-risk matters and will only investigate a high-risk referral to the point that we have sufficient evidence to refer for a Temporary Order.
- b. We will retain any lower risk referrals we receive but will not inform the worker or start working on those referrals.
- c. The only investigatory steps we will take in low risk cases are those which do not involve contacting employers for information.
- d. We will continue to conclude all investigations that we can, including offering sanctions with consent.
- e. We will conduct Temporary Order and Temporary Order Review hearings by remote video link.
- f. We will not schedule any Impairment or Application Hearings as we cannot, at present, be satisfied that we can conduct an evidential



hearing, involving witnesses fairly. We will re-assess this once we have conducted a number of Temporary Order Hearings and are able to assess their effectiveness. - Update 15 April 2020 – we have assessed alongside other regulators and feedback from Temporary Order hearings. We have also taken into account recent caselaw (One Black Friars Limited v Nygate & Rayment)

- g. We will not publicise detailed sanction decisions to minimise negative media attention on the sector during the crisis. We deliver public protection through registration status on the register, not through publishing sanction outcomes. They are published to educate the profession and reassure the public that we take action where appropriate.
- h. We will not investigate referrals relating to coronavirus unless the issue relates to deliberate, persistent, reckless, or wilful neglect
- i. In processing the applications at part 1, 3 and 8, staff will follow the processes in Appendix 1.

## Impact on Sector/People who use services

- a. For those whose fitness to practise we are currently investigating, there is a risk that the conclusion of their case may be delayed. This will possibly add to their stress. Communication, and taking the opportunity to progress the case as much as possible is the mitigation.
- b. There may be general concerns about us receiving referrals and not informing workers about that.
- c. Members of the public may be very concerned that we are not taking/progressing their cases. Communication is our mitigation.

#### Risks/Challenges

- a. If a worker does not have access to a device with internet connection, they cannot access Teams for a remote hearing. We can facilitate a hearing via telephone, or they could attend at the office and access through equipment there.
- b. There is a risk that people who use services are not as fully protected as they are when we investigate all cases. To mitigate this we have to be clear about the seriousness level for referrals.



# REGULATION DIRECTORATE CHANGES TO REGULATORY APPROACH DURING COVID-19 PANDEMIC

- c. If we stop publicising sanction decisions it may cause the media/public to ask questions about our transparency and question whether we are regulating in the interests of the profession rather than the public.
- d. If we stop publicising sanction decisions there may be a challenge from the sector when we re-instate them.

#### Actions

- a. Systems changes to manage referrals we do not progress complete 31 March 2020
- b. Revised referral form complete 14 April 2020
- c. Revised letter templates complete 7 April 2020
- d. Guidance for remote hearings complete 23 March 2020

#### **External Communications**

- Bulletin complete 27 March 2020
- Website complete 27 March 2020
- Update letters to workers in progress by caseholders
- Communication with key stakeholders complete 27 March 2020

#### **Statistics Required**

- · Applicant and registrant referral numbers
- High risk referral numbers
- Cases closed
- Number of open cases
- Number of sanction decisions unpublished
- Number of hearings outstanding
- Tasks on hold

#### Recovery

We will focus recovery on scheduling all hearings outstanding to conclude as quickly as possible, progressing all high-risk investigations and then starting the investigation process for non-high-risk cases.

The recovery may be the opportunity to revise referral levels.

We may focus recovery in relation to publicising hearings on using it to do a review of our publicity policy.



# REGULATION DIRECTORATE CHANGES TO REGULATORY APPROACH DURING COVID-19 PANDEMIC

#### 11. Volunteer Certification Scheme

The Coronavirus Act 2020 contains provision for giving skilled health and social care staff unpaid leave to volunteer in the sector, for which they will receive compensation from the UK Government.

Scottish Government have asked us whether we could carry out the certification process for the social care workforce if the UK Government decided to implement this provision.

Attached at Appendix 2 is our paper setting out our initial thoughts on how we would implement this process, and the challenges we foresee.

Our key concern is that the scheme envisages that volunteers will contact services directly and arrange their own placement. The service will carry out the PVG check. Our experience with social workers and the NES Hub for social care returners is that the sector does not have the capacity to carry out PVG checks or direct matching. So, whilst we may be able to facilitate this from a technical perspective, we anticipate practical challenges with implementation.

# Maree Allison Director of regulation 24 March 2020

V1	24 March 2020	
V2	7 April 2020	<ul> <li>Part 2 – Temporary Social Workers</li> <li>Updated to reflect date of ministerial direction</li> <li>Amended to reflect that universities will inform students eligible to apply.</li> <li>Update to reflect that PVG have an online system with a turnaround time of approx. 48 hours for those with no vetting information.</li> <li>Update to reflect that DS are waiving fees.</li> <li>Part 3 - Non-frontline social workers</li> <li>Added this in as new work undertaken.</li> </ul>



# REGULATION DIRECTORATE CHANGES TO REGULATORY APPROACH DURING COVID-19 PANDEMIC

V3	16 April 2020	Part 10 – Fitness to Practise	
		<ul> <li>updated to reflect the revised approach to Application and Impairment Hearings</li> <li>Updated to include fitness to practise process for new areas of work detailed at Appendix A.</li> </ul>	
V4	20 April	<ul> <li>Part 2 – updated actual numbers contacted to 699</li> </ul>	
	2020	<ul> <li>Part 9 – updated actual number of former</li> </ul>	
		registrants contacted to 50,860	
V5	24 April	<ul> <li>Part 9 – added our approach to facilitating safer</li> </ul>	
	2020	recruitment referencing at point j	
V9	29 April	<ul> <li>Part 9 – updated completion of DSA</li> </ul>	
	2020	Added Part 11 and Appendix 2	
		•	



#### APPROACH TO FITNESS TO PRACTISE CHECKS AND ISSUES

## A. Temporary Social Work Register

The purpose of this register is to swiftly improve capacity in the sector to deal with the pandemic. The Coronavirus Scotland Act 2020 specifically does not permit the right of appeal against a decision not to register, to remove someone from the register or to impose conditions.

APPLICATIONS	S FOR REGISTRATION	
1.	Removed from Register by FTP	Refuse registration.
2.	Left register after imposition of a condition and condition has been met	Register.
3.	Left register after imposition of a condition and condition has not been met	Register with condition and inform new employer of condition.
4.	Left register after imposition of a warning, and warning still has time left to run (the clock ticks on a warning whilst off the register)	Register and inform new employer of warning.
5.	We receive PVG Scheme Record disclosing applicant is listed.	Refuse registration.
6.	We receive PVG Scheme Record with vetting information, or hold information which says FTP should consider application	Refer to FTP. FTP will invite comments from the applicant and decide whether to grant registration on basis of whether prima facie the issue impairs fitness to practise.
REGISTERED V	VORKERS	
7.	Issue reported by employer/MOP/other and is credible, and prima facie reaches threshold for high risk referral	FTP to remove from the register. Add a pop-up to indicate referral to FTP if future application
8.	Issue reported by employer/MOP/other and is credible and prima facie	FTP to take no action



#### APPROACH TO FITNESS TO PRACTISE CHECKS AND ISSUES

does NOT reach threshold
for high risk referral

#### B. Registered Social Workers Redeployed to the Frontline

These are existing registrants who are working in non-frontline roles. We are sending the details of anyone who volunteers for redeployment to the CSWOs.

1.	Worker has a live fitness to practise case	Request that they inform any employer and follow up.
2.	Worker has a live conditions/warning	Request that they inform any employer and follow up with employer.
3.	FTP referral received.	Process as normal.

#### C. NES HUB - Social Care Returners

The purpose of this hub is to match people who have previously worked in social care with services who need additional staff. We directly contacted 50,000 social care workers who were previously registered with us and encouraged them to apply through the hub.

NES provide us with information daily of people who have registered through the hub. We then contact them directly and request that they fill in an expression of interest form and consent to us undertaking the following checks:

#### 1. Identity Check

Individuals are required to provide us with a photograph of them holding their photographic ID. For people who have been registered with us previously we are marrying them up with the identification information we hold. Double checking record to see if already got id, not asking for it. If changed address asking for evidence of that.

#### 2. Eligibility to Work Check

Individuals are required to self-declare that they are eligible to work in the UK

We are not undertaking any specific checks.





#### APPROACH TO FITNESS TO PRACTISE CHECKS AND ISSUES

#### 3. Health Declaration

Individuals are required to self-declare that they are fit to work. We are not undertaking any specific checks.

#### 4. Disclosure Scotland

We are processing PVG Scheme membership checks. If the check discloses listing, we will not proceed. If the check contains no vetting information, then we will add the individual to the portal.

Employers will be advised that they require to ask the individual for their PVG Scheme Record. (Disclosure Scotland have confirmed to us this is in order). If there is vetting information we will follow up with employer and ensure they have seen the scheme record.

#### 5. Fitness to Practise Check

It is important that we separate out information we hold as a regulator and are not entitled to take into account, and information publicly available or available under the Access Regulations to relevant employers of social service workers.

Worker is re	egistered	
1.	Worker is registered and has a live fitness to practise case	Request that they inform any employer and follow up.
2.	Worker is registered and has a live conditions/warning	Request that they inform any employer and follow up.
3.	Worker is suspended	Do not process. Ineligible to work.
4.	Fitness to practise referral received	Process as normal.
Worker is no	ot registered	
5.	Worker was removed from register through ftp	Do not process. Ineligible to work.



# APPROACH TO FITNESS TO PRACTISE CHECKS AND ISSUES

6.	Left register after imposition of a condition and condition has been met	No action required
7.	Left register after imposition of a condition and condition has not been met	Request that they inform new employer of condition and follow up.
8.	Left register after imposition of a warning, and warning still has time left to run (the clock ticks on a warning whilst off the register)	Request that they inform new employer of warning and follow up.
9.	PVG Scheme Record discloses that individual is listed	Do not process. Ineligible to work
10.	PVG Scheme record discloses other vetting information	Worker will be asked to consent to proceeding as the information will have to be shown to employer.  Employers will all be told to check PVG Scheme Records.  We should follow up with employers in these cases and ensure they have seen the scheme record
11.	Other FTP information is held, that if person was applying for registration would be considered by FTP.	Ignore and upload to the portal. These are not people applying for registration.
12.	FTP referral received.	Cannot process as not on our register. Risk assess whether should inform employer.  Can hold as non-reg as individual is a social service worker.





#### A. Background

The Coronavirus Act 2020 contains provision for implementing unpaid statutory leave for 2-4 weeks for skilled individuals to volunteer in a health, community health or social care setting. The state will compensate volunteers for some loss of expenses or earnings.

Scottish Government are preparing for the implementation of this system should the legislation be triggered and have asked us to consider whether we can carry out the certification role for social care roles. If triggered the scheme will last for a maximum period of 16 weeks (with possible extension) and the intention is that Government will only trigger it when staff capacity is critical and all other routes to boost staffing have been exhausted.

The minimum time-period between triggering the legislation and the first volunteers is four days to a week. The trigger will therefore take place in advance of peak need.

The certification role that we will carry out is the process of providing certification to enable the volunteer to receive mandatory time off from their employer and compensation from the UK Government. It is this specific role which Scottish Government may ask us to carry out.

#### **Further Details:**

- Aimed at people with health and social care experience or other transferable skills who are currently in other employment or not in employment and are happy to volunteer in a health or social care service for a period, or are already volunteering and need more time off their substantive role
- 2. The inference we can take from that is these are people expected to carry out skilled roles, not people carrying out non-skilled volunteering. Given there are already schemes in place to bring them back into the workplace, it is therefore unclear exactly who would be in this category.
- 3. SSSC has no role in matching volunteer to service. The intention is that volunteers find their own placements
- 4. SSSC has no role in carrying out PVG checks. The intention is that services carry out PVG checks
- 5. The service has to have indemnity insurance in place





#### **B.** Certification

There are four stages to certification:

- 1. The volunteer registers and completes their details and that of the placement, including placement length
- 2. The provider verifies the placement
- 3. The Local Authority authorises the placement
- 4. The volunteer receives a certificate which they use to inform their employer they are taking leave, and we store the record so it can be used for paying compensation to the employee

The volunteer then takes that certificate and provides it to an NHS Health Board in England who pay them.

The Department of Health and Social Care have set out the process and provided visuals of the various stages which are in the screenshots.

From that information, it is likely that we could create the following process:



#### **VOLUNTEER CERTIFICATION SCHEME**

1

 Volunteer with the right skills and experience arranges a placement

7

 Volunteer goes to our online portal and creates an account, providing us with their details and the details of the service that they have volunteered to work at including length of placement (SCREENSHOT 1)

3

 The countersignatory for the provider logs into MySSSC and verifies that the volunteer has the necessary skills or experience for the placement, they have carried out a PVG check, they have indemnity insurance, and the placement is required in terms of the legislation (SCREENSHOT 2)

4

 Lead Countersignatory for the Local Authority authorises the placement (SCREENSHOT 3)

5

 We provide a certificate to the volunteer (SCREENSHOT 4) which they give to their employer to trigger their unpaid leave (they have to give three days' notice to their employer)

6

 Our certificate is available in some way to the system managing compensation payments





#### C. Complexities

- 1. The anticipated volume is currently unknown. We need to understand that so that we can ensure our system and staff can manage the process.
- 2. The proposed system does not require us to carry out any verification of eligibility. The responsibility lies with the care service. Are we clear that there is no responsibility on us to verify eligibility?
- 3. How is our certificate expected to link into the payment system? Is there requirement for some kind of code or data exchange between the systems?
- 4. The volunteer logs in, creates an account and provides us with their information. This includes the care service where they will volunteer. This is complex. If they enter free text, marrying it up with the service in our system will be difficult. If they select from a dropdown they will likely make errors.
- 5. The intention is that the scheme applies to volunteering in health and social care. Scottish Government have confirmed that we would only deal with those volunteering into a social care setting. A different organisation will deal with volunteering in Health. The guidance for volunteers and services would have to be clear about which platform the volunteer should use to obtain certification.
- 6. The system also envisages a two-stage process of verification by the provider and then authorisation by the Local Authority. We would need to ensure that each care service has a link to a senior countersignatory at the Local Authority.
- 7. Who will carry out the marketing/information campaign?
- 8. We will require a detailed briefing about the scheme to answer enquiries about how compensation works, whether employers can refuse to release staff etc. Or, we need to be clear who we direct people to with those questions.
- 9. Volunteers may already have registered through other routes. This process is aimed at people with health and social care experience who are working in other areas or are unemployed. Can we be clear that



#### **VOLUNTEER CERTIFICATION SCHEME**

we won't be expected to do any kind of data import from any other organisation?

- 10. Our experience is that the sector lack capacity to carry out identification and PVG checks. Can we be clear that we won't be asked to carry out this service?
- 11. Our experience is that the sector lack capacity to carry out matching of available staff to service. Can we be clear that we won't be asked to carry out this service.

## D. RISKS/CHALLENGES

- 1. Whether or not we are capable of creating a verified certificate that meets the requirement of the system that administers the payments. We need our systems people to be involved in a discussion about this.
- 2. Volume exceeds the capacity of our system or staff to manage the process. We need to understand the anticipated volume.
- 3. The way the process is expected to happen is not possible due to a lack of capacity in the sector to carry out checks and match people to roles. As a consequence we are asked to do this work. This would present capacity issues for us, particularly given we will be dependent on PVG. At present we have less than 500 people available through the health and social care portal from the 2500 who have expressed interest. This is because of a combination of struggling to get the correct information from individuals about their identity/PVG application, and then we have to wait for PVG to process the application.

Maree Allison

Director of Regulation

24 April 2020

Version 1	24 April 2020	
Version 2	27 April 2020	Amended to delete reference to Health Boards
		following confirmation from Scottish Government
		that our role would be limited to social care.





#### **SCREENSHOT 1**

∰ GOV.UK	Apply for the Emergency Volunteering Schem	
4 Back		

# Check your answers before sending your application

#### Personal details

Name	Sarah Philips	Change
National Insurance Number	JX 03 14 01 B	Change
Job status	Unemployed	Change
Address	7 Crighton Oxclose Washington Tyne and Wear NE31 9PS	Change
Contact details	07700 900457 sarah.phillips@gmail.com	Change

#### Volunteer placement

Name of organisation	Birtley Care Home	Change
Named contact	Patricia Sewell	Change
Email address	p.sewell@bch.co.uk	Change
Telephone number	0191 4311 765	Change
Address	Durham Rd Birtley Chester-le-Street DH3 1LU	Change
Placement length	Four weeks	Change
Planned start date	16 04 2020	Change



#### **VOLUNTEER CERTIFICATION SCHEME**

#### **SCREENSHOT 2**

∰ GOV.UK	Apply for the Emergency Volunteering Scheme	
4 Back to where?		

# Verify application for Emergency Volunteering Scheme

Pleas	e confirm the following statements:
	I confirm that the organisation I work for has the correct indemnity arrangements to cover the volunteer during their placement
	I confirm that Sarah has the necessary skills or experience for the placement
	I confirm that Sarah has provided a valid DBS certificate, to the level required, in place for the duration of the placement
	I confirm that this is a real placement and that the organisation I work for requires support for this placement
Varie	



## **VOLUNTEER CERTIFICATION SCHEME**

#### **SCREENSHOT 3**

lunteerin	deny Emergency g Scheme
rtificatior provider has do	1 eclared that they:
	d social care provider has confirmed they have the arrangements to cover the volunteer during the
have checked the	applicant has the right experience for the role
have or will check	the applicant is eligible to work (checked DBS)
confirm that this is	s a real placement that they need to fill
ase confirm the	following statements:
1	d social care service provider has indemnity
that I have approv	red this application and the volunteer can begin the





## **SCREENSHOT 4**

