



SSSC Registration - applying for and gaining registration, and exceptional circumstances

Reviewed October 2024



Contents

The purpose of this document	3
Who needs to register?	3
Not everyone who works in social services is registered with the SSSC	3
Timescales for applying for and gaining registration	5
Impact of workers not being registered when they should be	5
Common reasons workers don't get registered in time	5
What should employers do?.....	5
Reasonable excuse	7
Enforcement of regulations	8

The purpose of this document

The purpose of this document is to share information about who should register with the SSSC and when. It also provides guidance relating to circumstances where a worker is not registered appropriately, and some of the scenarios that may be considered a reasonable excuse.

This guidance is aimed at both new workers, and existing workers who may have been on the Register but were removed because they failed to maintain their registration.

Who needs to register?

Social service workers must register if they are carrying out one of the roles described by the SSSC. The list of definitions for all Register parts is on our website <https://www.sssc.uk.com/registration/help-with-register-parts-fees-and-qualifications/>

We cannot give specific advice about roles because we do not know the details of the service and the roles being carried out within different services. Employers should look at the job description and roles and assess which role fits best.

Not everyone who works in social services is registered with the SSSC

Some groups, such as social work assistants, offender accommodation staff and childminders, cannot register with the SSSC.

Service providers should assess how much direct involvement in care and support there is in a role and the potential impact on people experiencing care. Here are some examples of different roles that may involve regular, direct involvement in the care and support of people using services.

Examples of roles that do not require registration	
Lunchtime assistants	<p>If they are only serving food, there is no need to register.</p> <p>If they are carrying out a direct support or caring function they do need to register, no matter how many hours they work.</p>
School support staff	<p>School support staff do not need to be registered.</p> <p>If a worker can be asked to work in daycare of children services (nurseries, out of school clubs) as part of their role, they must be registered.</p>
Workers registered with the Nursing and Midwifery Council (NMC) or another regulatory body	<p>If a worker needs to be registered by another workforce regulator, they do not need to register with the SSSC. For example, leave their employment as a nurse and come off the NMC register and then take a different role that requires SSSC registration. They</p>

	have three months to apply for registration from the point of stopping their registration with the NMC and six months to gain registration.
Roles that require registration	
Modern apprentices	Modern apprentices should apply for registration with the SSSC if they are carrying out a role that requires registration. If modern apprentices have a role involved in providing care and support, they should apply to be registered for the relevant part of the register. For example, some modern apprentices will be working as a practitioner rather than as a support worker.
Agency workers	If they are carrying out a role that requires registration, agency staff must register with the SSSC. This includes agency staff who are supplied by an employment agency whether or not it is registered with the Care Inspectorate as a childcare or nurse agency. Agency workers should be registered on each part of the Register they are or will be carrying out a role in.
Care at home and housing support services supporting adults and/or children	The SSSC will register people working in care at home and housing support services as being able to work with adults or children. It is the provider's responsibility to make sure their employees have the relevant knowledge, skills and experience for the people they are working with, whatever their age and needs.
Acting up	If a support worker occasionally or regularly acts up as a supervisor to cover rotas the worker should be registered on both parts of the Register.

Timescales for applying for and gaining registration

Most workers cannot apply to register **unless** they are working in the role, so the law allows them to work unregistered for up to six months, giving them time to apply and gain registration.

As all roles that the SSSC registers are now mandatory, the Regulations provide that workers who start their role on or after 3 June **must** apply for registration within 3 months of starting their role and that all workers **must** be registered with the SSSC within 6 months. Workers should apply for registration as soon as possible and all employers should have a clear policy on the registration of staff linked to staff employment and have oversight and monitoring processes in place.

Impact of workers not being registered when they should be

It is an offence for an employer not to comply with the regulations, **unless** the provider has a reasonable excuse.

'Reasonable excuse' is not defined because it is a decision for the courts and will depend on the circumstances.

Common reasons workers don't get registered in time

Here are some reasons why a worker may not be registered within six months:

- The worker does not apply for registration within three months of starting their role.
- The worker's application is not fully completed.
- Payment is delayed.
- Endorsement (signing) by the employer is delayed.
- The SSSC's Fitness to Practise Department need to investigate information on the application or information it already holds.
- The worker may have been removed for failing to complete their annual declaration and pay their annual fee.

What should employers do?

The employer must decide what action to take if a worker is not registered appropriately or is removed from the Register due to not paying their fee or failing to complete their annual declaration.

Employers can seek advice from the Care Inspector for their service, but it is not for inspectors to make the decision.

Here are some actions an employer may want to consider if they find a worker has not gained registration within six months.

Carry out a risk assessment which may consider the following:

- The individual circumstances and why the worker is not registered to determine if the employer believes there is a reasonable excuse (see below).
- Experience, qualifications and conduct of the worker.

- The impact on the service if the worker cannot continue to work
- The risks to people experiencing care or using services if the person continues to work directly with them and what measures can be put in place to minimise these.

Consider the following options which should include:

- Ensure immediately that the worker applies and achieves registration.
- Redeploying the worker to a role that does not need registration until registration is achieved.

If taking action to terminate a worker's employment, or suspending a worker until they are registered, employers should consider seeking individual legal advice in line with employment legislation. This is not advice the SSSC or CI can give.

You can discuss these options with your Care Inspector regarding the worker's specific circumstances/reasons for not being registered.

Reasonable excuse

The Care Inspectorate and the SSSC cannot give legal advice about what will constitute a reasonable excuse.

However, here are some reasons that might be a 'reasonable excuse' under the Regulations.

- **Late application due to absence**

A worker may fail to apply within the required 3 months due to sickness or bereavement absence.

- **SSSC investigations result in a delayed decision**

If the SSSC holds information about the applicant or if certain criminal/disciplinary matters have been declared, the SSSC Fitness to Practise Department will investigate if the information is likely to impair the applicant's fitness to practise. It is not possible to say how long this may take to complete as investigations often depend on information from third parties.

- Fitness to practise investigations may mean that a decision about registration is not made within six months. In these cases, the provider may have a reasonable excuse if:
 - the worker submits a complete application within three months of starting their role
 - the provider has not delayed in providing the SSSC with information about the worker
 - a secondment or acting up period is for a fixed term and overruns the six-month period. It may be unrealistic for the seconded worker to achieve registration for their temporary post for a very short period.

- **Temporary cover**

A provider may temporarily promote a worker to cover sickness or absence of another employee but may not know whether the period will extend beyond six months. The provider may not be able to determine when the absent employee will return to work, which means they may have to extend the temporary arrangement.

- **Workers registered with another regulatory body moving to the SSSC**

If a worker wants to end their current registration with another regulatory body and apply for SSSC registration there will be a period when they are not registered while we are processing their application. This is because the other regulatory registration must end before the worker can register with the SSSC. In these circumstances, the worker has three months to apply for registration from the point of stopping their registration with the other regulatory body and six months to gain registration.

- **Workers with a non-UK qualification**

If a worker holds a non-UK qualification the SSSC can assess the qualification when they apply for registration. This process can take some time due to the complex work involved and could mean the worker's application is still being processed beyond six months of them being in post.

Enforcement of regulations

The Care Inspectorate is responsible for regulating registered service providers and may decide to report a provider to the Procurator Fiscal if it thinks an offence has been committed. The Care Inspectorate is also obliged to consider the SSSC Codes of Practice, and a provider's failure to comply with the SSSC Codes could be a factor in deciding to take enforcement action against that provider depending on the circumstances.

If the Care Inspectorate becomes aware a provider is employing a member of staff who has not applied for registration within three months and obtained registration within six months, it may take action if there is an impact on outcomes for people experiencing care. This could include making a requirement, grading staffing weak, taking enforcement action or reporting the offence to the Procurator Fiscal.

Inspectors will assess the risk and outcomes of providers or staff not complying with registration requirements and will consider: Provider policy and procedures for ensuring staff apply for SSSC registration within 3 months, and are registered

Action taken by provider if staff is not registered including risk assessment and immediately applying for registration

The number of staff not registered and provider oversight

The impact and risks for people experiencing care

If the SSSC sees a pattern of late applications or isolated cases where an application is very late it will pass this information to the Care Inspectorate.

The SSSC's Fitness to Practise Department may investigate workers who have failed to register. It will always consider an investigation into late applications from social workers and managers, but it will depend on the specific circumstances of each case.