

Healthcare regulation: deciding when statutory regulation is appropriate

The Scottish Social Services Council is the regulator for the social work, social care and early years workforce in Scotland. Our work means the people of Scotland can count on social services being provided by a trusted, skilled and confident workforce.

We protect the public by registering social service workers, setting standards for their practice, conduct, training and education and by supporting their professional development. Where people fall below the standards of practice and conduct we can investigate and take action.

We:

- publish the national codes of practice for people working in social services and their employers
- register people working in social services and make sure they adhere to the SSSC Codes of Practice
- promote and regulate the learning and development of the social service workforce
- are the national lead for workforce development and planning for social services in Scotland
- are an ONS statistics provider.

Question 1

Do you agree or disagree that a qualitative and quantitative analysis of the risk of harm to patients is the most important factor to consider when deciding whether to regulate a health or care profession?

Agree

Disagree

I don't know

Please provide reasons for your answer.

Agree

Statutory regulation protects the public by setting standards of practice, conduct, training and education and support for professional development and taking action when people fall below those standards.

The proposed approach allows decisions on what professions should be regulated to be based, not only on the likelihood of harm to the public without regulation, but also allows the type of harm to be evaluated. This approach ensures that professions with potentially low levels of quantitative risk, but that pose a high level of qualitative risk (physical, emotional or psychological harm) do not avoid regulation.

We don't disagree with the criteria proposed but it is important to ensure that any criteria recognises the importance that statutory regulation plays in protecting the public and improving outcomes for service users through improving the standards of practice and developing the workforce.

Question 2

Do you agree or disagree that proportionality, targeted regulation and consistency should also be considered in deciding whether to regulate a health or care profession?

Agree

Disagree

I don't know

Please provide reasons for your answer.

Agree

Question 3

Do you agree or disagree that the currently regulated professions continue to satisfy the criteria for regulation and should remain subject to statutory regulation?

Agree

Disagree

I don't know

Please provide reasons for your answer. If you disagree, please provide any evidence in relation to the criteria outlined above that supports a proposal to remove a currently regulated profession from statutory regulation.

Agree

Question 4

Do you agree or disagree that currently unregulated professions should remain unregulated and not subject to statutory regulation?

Agree

Disagree

I don't know

Please provide reasons for your answer. If you disagree, please provide any evidence in relation to the criteria outlined above that supports a proposal to include a currently unregulated profession within statutory regulation.

Don't know

The SSSC registers over 150,000 people in the social care and early years workforce in Scotland. These are people working directly and sometimes unsupervised with some of the most vulnerable people in our society. Whilst likelihood doesn't significantly differ from that of health professionals, the nature and impact of the harm can be severe. Through statutory regulation we have removed people wholly unsuitable to work in such a position of trust from our register and prevented them from working in a registerable role in the future.

Our role in raising standards through statutory regulation includes requiring the workforce to become qualified over time and now half of the workforce are qualified. The potential risk of harm within the early years and adult social care sector is high and we consider that our registration of this sector in Scotland is essential for ensuring public protection.

Scottish Social Services Council

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