

Call for evidence – Social Care: Independent Review of Inspection, Scrutiny and Regulation in Scotland

Theme 1 - A person centred approach

1. How can we ensure that people with lived and living experience of care and support services are able / supported to contribute to inspection, scrutiny and regulation?

We are committed to involving people with lived and living experience in our work and to their active participation.

Section 59 of the Regulation of Care (Scotland) Act 2001 requires us to exercise our functions in a way which protects and enhances the safety and welfare of all who use or are eligible to use care services, promotes their independence and promotes diversity in the provision of care services.

Our most important standards, [The Scottish Social Services Council Codes of Practice for Social Service Workers and Employers \(the SSSC Codes of Practice\)](#) set out the values and behaviours people experiencing care should expect of the people working in social work, social care and children and young people services and employers. They underpin our work and put people using service at the centre.

We are reviewing the SSSC Codes of Practice as part of our Future Proofing Programme (see Appendix) which focuses on improving and streamlining our services.

The SSSC adopted the Scottish Government's Scottish Approach to Service Design to inform our approach which focuses on involving people from the outset. Over the last year we have invested in a development programme for our staff to support them to use this approach.

In 2019 we published our first [Involving People Plan](#) on our website and will shortly publish a refreshed strategy and framework for our staff that reflects the Scottish Approach to Service Design.

Theme 2 – What needs to be inspected, scrutinised and regulated

2. Do you feel that there are services that are not currently subject to inspection, scrutiny and regulation that should be?

Yes.

2a. If yes, please tell us which type of services?

The health and social care landscape continues to evolve. Workforce regulation must adapt to meet need and that must include a regular review of the services that are regulated and inspected and the implications for the workforce within those services.

Professional regulation by the SSSC raises standards through qualifying and developing the workforce and protects people who use services through the requirement that the workforce is fit to practise. At the moment, most people working in social work, social care and children and young people services that are registered with the Care Inspectorate must register with the SSSC.

Scottish Government have asked us to begin scoping and consultation work on expanding registration to include adult day care workers, social work assistants, people working in offender accommodation and sexual offences liaison officers.

The Scottish Government's [Statement of Benefits paper](#) confirms that they will – in line with their commitment to public protection – ensure that new groups of currently unregistered workers can be added to our register where it is in the public interest to do so. The statement of benefits paper also references the complexities around registering personal assistants (PAs) and commits to further work to understand this. We welcome both commitments.

Personal Assistants, Healthcare Assistants and Non-SSSC registered managers

Personal Assistants: We recommend that the Government examine the case for regulating personal assistants (PAs). We agree that the regulation of PAs is an emotive and sensitive issue, and we welcome the plan to undertake further work to consider some of the moral and ethical issues around regulation.

Healthcare Assistants: Further thought must also be given to the role of healthcare support workers. These workers are currently unregulated with no requirement to become qualified.

Non-SSSC registered managers: There is a need to examine a particular issue around non-SSSC registered managers. SSSC registered managers must obtain a management qualification at degree level. This requirement recognises the skills and knowledge necessary to effectively manage care services. Non-SSSC registered managers are usually nurse managers working in care homes and registered with the Nursing and Midwifery Council, or teacher managers working in children services and registered with the General Teaching Council for Scotland. The Care Inspectorate does not require these managers to hold or work towards a management qualification.

In Wales our equivalent body, Social Care Wales (SCW) requires all managers of care services to register with them and to meet qualification standards irrespective of registration with another body. They estimate 20% of managers are dual-registered with SCW and another regulator.

Our recommendation is that managers in these settings must meet qualification standards, regardless of whether they are registered by another body. We believe that the Care Inspectorate could have existing powers to implement this approach. The alternative is to follow the Welsh model and require dual registration with the SSSC and another regulator.

We also highlight that while nursing agencies have to be registered with the Care Inspectorate, other agencies do not.

2b. Why you think they should be inspected/scrutinised/regulated?

Professional registration is an accepted, long-standing and critical part of protecting the people who use services by ensuring action is taken where someone falls short of the required standards and by requiring people to gain and use the skills and knowledge that helps them to deliver high-quality services every day.

Where people delivering care directly to vulnerable people are unregistered the safety and standards are diluted. We have experience of people moving from registered to unregistered roles to avoid scrutiny and oversight of their practice and behaviour.

A registered and regulated workforce is also a vital part of delivering key agendas such as personalised care, fair work and ethical commissioning. The workforce needs to be valued and have opportunities for progression.

We regularly consult registrants to find out what registration means to them. The following table summarises the key findings from our 2022 survey of registrants.

Question	Percentage of registrants who selected options 3-5, where 1 is not at all and 5 is very much
How beneficial do you think registration with the SSSC is?	74%
How much do you believe the work of the SSSC helps improve your practice?	72%
How much do you feel being registered with the SSSC makes you feel recognised as a professional?	66%
How much do you think the work of the SSSC promotes the value of the sector and the workforce?	71%

8,720 responses, Source: SSSC Registrant Survey, 2022

Our proposals for further regulation are about maintaining that focus on public protection, workforce recognition and supporting the sector to deliver high-quality services in an increasingly integrated environment.

2c. Who should be responsible for this?

Where relevant these groups should register with the SSSC.

Theme 3 - How should inspection scrutiny and regulation be carried out

3. Would a system work where the same regulator inspected all services?

No comment.

3a. If yes, why? And if no, why not?

Whether one or multiple systems regulators, it is critical that the introduction of the National Care Service (NCS) does not medicalise social care and recognises and respects the professionalism and skill of the social work and social service workforce.

Those carrying out inspection need the skills, understanding, and qualifications relevant to the service they are inspection. As a condition of registration with the SSSC, Inspectors with the Care Inspectorate must achieve a specific qualification in inspection methodology.

It is important that service regulators develop close and positive relationships with the professional workforce regulator, to provide mutual reinforcement of standards and data and intelligence sharing. We have a positive relationship with the Care Inspectorate as the primary systems regulator relevant to our registered workforce.

4. Should there be different regulators for inspection (the organisation that looks at how things are working) and improvement (the organisation that supports things getting better)?

No comment.

4a. If yes, why? If no, why not?

We make no comment on the specific question around whether these regulators should be separate. Our focus is on the connectivity between inspection, regulation and improvement.

Regulation and improvement are linked and must maintain a focus primarily on public protection. Regulation drives improvement, and effective regulatory and improvement is underpinned by gathering and using robust data on the sector and service delivery.

The intelligence and findings from regulation must inform approaches to improvement. For example, data from registration and fitness to practise should inform workforce development and planning priorities. We set out further information on the importance of data in response to question 12.

We welcome the NCS's proposed focus on co-ordinating the improvement offer for the sector. It is equally critical that the improvement offer for the sector is informed by data and intelligence.

The [SSSC's Workforce Skills Report](#) highlights the need to address skills gaps in relation to delivering quality improvement. Our engagement with the workforce tells us that many services are confident in carrying out self-assessment and identifying areas of strength and areas for improvement. However it also tells us that services are less aware of the tools, techniques and frameworks that can help them to address areas for improvement. This highlights a need for providing further learning in respect of quality improvement methodology, tools and techniques.

We are one of several bodies which have a role in supporting quality improvement learning and its use in practice. For example, we promote and support quality improvement learning, and we work with the sector to raise awareness of and access to quality improvement learning opportunities and tools. We also facilitate an improvement learning network across social services and support workers to use improvement learning and deliver improvement in their practice.

Improvement can be in many forms and can highlight several priorities for a service. One of the ways we add value to the improvement learning offer is that, as workforce development lead for social services, we develop and provide access to key learning resources and support for services in related topics such as leadership development.

It is critical that the approach to inspection and improvement – irrespective of whether it involves one regulator or more – aligns with the vision for the NCS, which includes a focus on continuous improvement which promotes the dignity of the individual and advances equality and non-discrimination.

The Independent Review of Adult Social Care and the development of the NCS highlight the need to consider how the wider improvement offer for the sector is delivered and managed. We work closely with partners across the sector such as the Care Inspectorate, Healthcare Improvement Scotland and NHS Education for Scotland to co-ordinate our collective improvement learning offer and to ensure that it meets the needs of the sector. We are contributing to discussions that are underway around a National Improvement Plan for the sector and are part of a process which will identify its relevance for social work, social care and early years.

5. How can we ensure that regulation and inspection processes are underpinned by a commitment to improving services?

The SSSC's purpose includes identifying the professional learning needs of the social work, social care and children and young people workforce across Scotland, and developing national resources to support practice and workforce improvement. Our Future Proofing Programme is a key part of our own commitment to improving the way that we regulate and supporting improvements within services.

Across the social work and social care sectors, regulation of the workforce and regulation of services are underpinned by the same Health and Social Care Standards for services (set by Scottish Government) and the SSSC Codes of Practice for the workforce and employers. This means that the SSSC and the Care Inspectorate, as regulators, can work closely and collaboratively to address issues and support improvement.

6. Should regulation, inspection and scrutiny have an emphasis on services continually improving? What might that look like?

Yes, one of the key principles of effective regulation is continuous learning that leads to improving outcomes for the people using services.

Regulation, scrutiny and improvement must take account of and reflect legislation, policy, national standards and the SSSC Codes of Practice for Social Service Workers and Employers. The Codes must continue to reflect the evolving landscape. We reviewed the Codes in 2016 and we are currently working with the sector on a new review.

As part of our Future Proofing Programme we are developing a more directional approach for Continuous Professional Learning enabling us to require the workforce to undertake development on areas identified as highest priority for improving outcomes for people using services. This means at any time there is an emerging skill need we can immediately require the workforce to undertake the relevant training. Our work, and work with partners on data and intelligence will inform this approach.

7. What should happen if something goes wrong in a service?

If something goes wrong people will have different views about what should happen.

Our role and statutory responsibility when something goes wrong is the fitness to practise of the registered workforce. Our fitness to practise process requirements embed professional accountability within the workforce. It is not a complaints resolution service and the Independent Review of Adult Social Care highlighted the complexity of the 'complaints' process for people who use services.

We have improved our fitness to practise process, reducing the time taken to conclude investigations, and developing support mechanisms for those involved. We work closely with the Care Inspectorate, informing them of service issues we identify in our investigations and receiving referrals from them about fitness to practise issues.

The Scottish Government's November 2021 consultation on the National Care Service highlighted the challenges around enforcing the SSSC Codes of Practice for Social Service Workers and Employers and gathering information from several organisations to support fitness to practise enquiries. We continue to work with the Scottish Government and other key stakeholders to identify solutions.

8. Who should be responsible for making improvements to services?

While service providers are responsible for making improvements there is a wider role for everyone involved to take in making improvements.

The SSSC Codes of Practice for Social Service Workers and Employers support employers and staff to develop a continuous improvement approach. For example, the Codes:

- identify the need for employers to have systems in place to identify feedback to share improvement
- help workers to reflect on and identify improvements to services and to their role and practice.

Our role in qualifying the workforce, responding to fitness to practise themes is about improving the workforce to improve services. We provide more detail on this in our answer to question 12.

The SSSC promotes and supports quality improvement learning and leadership development in the sector. For example, we are working with health colleagues to offer funded places for the Scottish Improvement Leader programme.

The NCS has the potential to co-ordinate or harness the range of improvement offers which will lead to better outcomes for the people who use services. The NCS could potentially better co-ordinate improvement work and support the use of intelligence to inform further improvement.

The Care Inspectorate enables improvement via their regulatory role and can take action to require improvements if necessary. They also support improvement via the delivery of quality improvement programmes. It is critical that any new approach to improvement reflects the needs of the wider social care sector, is part of a focus on putting social care on an equal footing with health and recognises how need will vary across different settings.

9. How do we make sure regulatory bodies are doing a good job?

The SSSC's role as an Non-Departmental Public Body is set out in legislation such as the Regulation of Care (Scotland) Act 2001 and the Executive Framework setting out the broad relationship between the SSSC and Scottish Government.

- Scottish Ministers are responsible to the Scottish Parliament for the activities of the SSSC and its use of resources.
- The SSSC's Council consists of non-executives appointed by Scottish Ministers in line with the Code of Practice for Ministerial Public Appointments.
- The Scottish Government's Sponsor Unit is the Office of the Chief Social Work Adviser (OCSWA) and the Director for Children and Families and the Chief Social Work Adviser are responsible for overseeing and ensuring effective relationships between the SSSC and Scottish Government.
- Along with other public bodies, we are held to account by the Scottish Public Services Ombudsman (SPSO) the national body that monitors our complaint handling.

We develop a new Strategic Plan every three years and the annual report is laid before the Scottish Parliament by Scottish Ministers by 1 December of each year. We are subject to internal and external audits and an ongoing assurance review.

Our approach to delivering services is influenced by stakeholders. We work closely with partners to develop our Strategic Plans and our Annual Strategic Delivery Plan sets out targets and milestones for each activity.

We conduct regular surveys of our registrants and stakeholders to review our progress. We publish plans setting out how we will comply with several statutory duties such as responsibilities under the Equality Act 2010, our corporate parenting responsibilities and our duty to promote the UN Convention on the Rights of the Child throughout our work.

We note the commitment in the Review's Terms of Reference to consider the need for an independent body for inspection and regulation of social care and support services, similar to the Professional Standards Authority (PSA) which is an assurance body for the professional health workforce regulators.

We undertake an annual self-assessment of our progress using an adapted version of the [PSA's Standards of Good Regulation](#). We also maintain regular dialogue with many of the regulators the PSA oversees such as Social Work England and the Nursing and Midwifery Council. We would welcome the opportunity to have a further discussion about the case for and role of an independent scrutiny body.

Theme 4 - How will we know systems are working

10. How can we ensure that people and their families who require care and support, have the information they need about how providers are performing to support their decisions about care and support?

The SSSC's register is publicly available on our website. This means that anyone can use our website to search for a registrant and to find out further information such their register part. This helps people to make decisions about care and support, giving them confidence that the individuals working with them are fit to practice.

One of the changes we want to make as part of our Future Proofing Programme would provide further information on a registrants' status such as any specialist qualifications that social workers hold.

The Care Inspectorate also provides information on their website including inspection reports, all of which help people to make an informed decision about support.

Regulators have critical information which can help families who require care and support to make informed decisions. However, this information is one part of a bigger picture and is typically a snapshot of a service or worker at any given time.

11. What information might that be?

The public register available on our website includes every person registered with the SSSC. We also include fitness to practise outcomes on our website. Inspection reports with information on services are available from the Care Inspectorate's website.

It is also important that we continue to ask people experiencing care, those working in the sector, employers, service providers and policy makers what information is useful to them and to consider how we best use the data and intelligence we hold.

12. How we can make data collection and sharing better?

The SSSC is the current national lead for social services workforce planning. Under s58 of the Regulation of Care (Scotland) Act 2001 we have a legal duty to 'ascertain' the required number of workers in the sector. As an official statistics provider we publish data on the social service workforce in Scotland and on the number of Mental Health Officers (MHOs). We also publish information on our registrants. Key information is available from the [SSSC's data website](#).

The pandemic and the renewed focus on workforce planning highlights the need for robust workforce data on the social service sector. There is also a clear need for information to support forecasting. Our data on fitness to practise also informs our approach to workforce development. The SSSC now registers more than 166,000 people and this data has led to a significant improvement in our understanding of the sector. We publish a high-level monthly summary of the [registration data on our website](#).

The SSSC's Workforce Data Reports provide the most comprehensive picture we have of the social service workforce in Scotland. The SSSC develops these reports by combining responses from the Care Inspectorate Annual Returns and the annual survey of Scottish Local Authority Social Services. The December 2021 findings are informed by the 97.1% of registered services that shared a current staffing figure to the Care Inspectorate and include 183,230 records, approximately 96% of the employment estimate within the annual return data. The Workforce Data Report 2021 is the 14th Workforce Data report published by the SSSC and the 11th set of Official Statistics. The data is gathered in December of each year and is published in August.

The workforce data tells us that there are over [208,000 people working](#) in social services, compared to [180,000 people employed by NHS Scotland](#). One of the key differences between these sectors is the type of services. As of December 2021, there are [11,700+ active registered services in the social service sector, or 4,307 services when childminding and day care of services are excluded](#).

Using data and intelligence at the SSSC

As the professional workforce regulator we have a unique reach to, and insight into the workforce, the challenges they experience, their fitness to practise and their skill needs.

Our role to provide and use data and intelligence on registration, fitness to practise and learning and development is more important than ever before to inform planning for public services. The [SSSC's Data and Intelligence Strategy 2022-2025](#) sets out how we use data and intelligence both internally and externally and the principle we use to access, collate and combine information into the way we work. The Strategy sets out our vision to provide data that will inform the future design of services and to help everyone better understand the sector and its workforce.

We are already taking several steps to deliver our strategy, which includes a focus on building our expertise around information management and focusing on high value analysis and intelligence.

We are developing ways of using our intelligence to identify services with workforce challenges, and sharing that with organisations such as the Care Inspectorate. Our data also shaped our rapid response to the pandemic and continues to support the expansion of funded Early Learning and Childcare.

We are also taking steps to improve our understanding of our registrants, which includes developing a better understanding of their specialist qualifications and diversity. This information will help to achieve the aims set out in our data and intelligence strategy.

We recognise that we – in common with other public bodies – have much to do to continue to improve data collection and to ensure that it drives public benefit. Considerable progress has been made in recent years to develop an improved understanding of the social service workforce in Scotland.

13. How do we make sure regulation, inspection and scrutiny supports good practice for people accessing care and support?

The overriding principle is to make sure that services are designed for and meet the needs of the people who use them. This ranges from – but is not restricted to – involving people in the development of products to involving people in inspection of services.

Our regulation of the workforce improves practice by requiring the workforce to become qualified, to work to standards of practice like the SSSC Code of Practice, and to continuously improve and develop their skills. We take action when practice falls below the standard.

14. How do we make sure regulation, inspection and scrutiny supports good practice for people working in care and support?

Registration is central to supporting the thousands of people who work in social work, social care and children and young people services. This approach is also in line with those working in the NHS in similar roles who are required to register with their relevant regulatory body.

Registration requires workers to become qualified, evidence their skills and knowledge and will support them to deliver higher quality services. We set out further information about the role of regulation in promoting high quality care in our response to question two.

A small number of registrants have their fitness to practise investigated (currently 1.1% of the 166,000 people on our Register). It is critical that we have the right systems and supports in place for these registrants. We have taken several steps in recent years to support registrants to ensure that they are aware of the process and receive the support or representation that they need. We have introduced a support helpline for workers and take steps to support an early resolution whenever possible.

15. How do we make sure regulation, inspection and scrutiny supports good practice for providers delivering care and support?

Regulation, inspection and scrutiny must also do what it can to support providers to deliver care and support.

We work closely with and engage closely with providers and key umbrella bodies such as COSLA, Scottish Care and the Coalition of Care Providers in Scotland. We participate in and manage several regular forums. For example, a dedicated Stakeholder Advisory Group (SAG) has supported and informed the development of our Future Proofing Programme. We work closely with providers to improve our collection to data gathering and to ensure that the information can support workforce planning.

We work closely with the sector to ensure that they have the information and guidance they need around regulation and fitness to practise. We engage extensively with the sector as part of any changes to registration, for example, and we have established a support line for employers. We are reviewing the Codes of Practice for Social Service Workers and Employers and we are working with providers to ensure that the content is updated and reflects the behaviours we expect of employers.

We welcome the statements from the Scottish Government about the need to explore how we can enforce the SSSC Code of Practice for Employers and to ensure that we have all the information that we need to support our fitness to practise investigations, which include an ability to compel witnesses to attend panels.

Theme 5 - How will systems of inspection scrutiny and regulation support the workforce

16. How do we ensure there is compliance and consistency with workforce registration requirements?

We refer to our answer to question 15, where we highlight several priorities such as the need to ensure enforcement of the SSSC Code of Practice for Employers, to access the information we need for fitness to practise and to compel witnesses to participate in the process. Our Future Proofing Programme also includes several actions which will modernise and streamline registration.

The SSSC Code of Practice for Social Service Workers and Employers also sets out the role of the workforce and providers in ensuring compliance and consistency.

17. How can we ensure that people who work in care and support services are able to contribute to inspection, scrutiny and regulation processes?

Involving frontline workers and employers

A focus on involving people who use services and carers in regulation, scrutiny and inspection is vital and aligns with the wider work to improve collaboration and deliver better outcomes. This approach needs to sit alongside a renewed focus on involving other stakeholders, such as frontline workers and employers. Many people will fall into more than one category and bring multiple perspectives. Approximately 208,000 people work in social work, social care and early years, approximately 1 in 13 of the overall workforce in Scotland. A considerable number of these workers also use services such as day care of children or adult social care.

Our recent consultation on [streamlining and improving regulation](#) had more than 6,500 responses, including 91% who identified as registrants, while over a thousand identified as an employer, service provider or person who use services. We are working with Scottish Government and others to progress Fair Work in Social Care, which is partly about addressing the priorities identified by the Fair Work Social Care Commission and the need for the sector to have a strong and effective voice.

We run annual surveys with registrants, employers and key stakeholders alongside independent insights research. Many of our staff are now skilled in service design and apply the Scottish Approach to Service Design across our service development. This means that we involve and work alongside people to design and develop processes and products together.

**Scottish Social Services Council
January 2023**

Appendix 1: SSSC factsheet

- The Scottish Social Services Council (SSSC) is the professional regulator for the social work, social care and children and young people workforce. 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 them to improve their professional development. Where people fall below the standards of practice and conduct, we can investigate and take action.
- 166,000 people working in social work, social care and children and young people services are registered with us.
- We are the national lead for workforce development and planning for the sector.
- We have several partnerships that are central to delivering our outcomes. This includes working with the Scottish Government, Care Inspectorate, Skills Development Scotland and NHS Education for Scotland (NES). We are not a professional or representative body, and we work closely with UNISON and umbrella bodies such as Scottish Care.

National Care Service

The SSSC supports the development of a National Care Service (NCS). The Bill is a key starting point for improving the quality and consistency of social work and social care services.

- We welcome the creation of the National Social Work Agency (NSWA). We will work with our Sponsor to support the establishment of the NSWA and we will continue to quality assure and approve social work programmes.

- Chapter five would enable Scottish Ministers and Care Boards to provide training courses for individuals to equip them with the knowledge and skills to provide training courses. Our role includes registering social service workers and setting standards. We have some concerns about the proposals. There is an expectation in equivalent UK social care regulators and in health – rightly so, in our view – that a regulator is an independent and sets qualification and standards. It is critical that social work and social care retains a similar approach.

Appendix 2: Future Proofing Programme

Our response contains several references to our Future Proofing Programme. The programme has nine proposals, summarised below. These proposals require extensive development changes and some will require legislative change. [In November 2022 the SSSC's Council approved the changes](#). We are due to complete these changes in 2024.

Structure of the register

Proposal 1: To reduce the number of register parts.

Proposal 2: To introduce a requirement that workers apply for registration within three months of starting a new role and be registered within six months.

Proposal 3: To publish additional information on the public facing register (PFR) including:

- the workers' register part/type and level of registration (as applicable)
- information on any fitness to practice warnings and/or conditions
- specialist qualifications for social workers.

Proposal 4: To introduce ongoing registration, remove the requirement for renewing registration, and introduce an annual declaration to coincide with annual fee payment.

Qualifications and Skills

Proposal 5: To accept our main benchmark qualifications, in particular Social Services and Healthcare and Children and Young People SVQ (Scottish Vocational Qualification) qualifications for additional register parts with the same SCQF (Scottish Credit and Qualifications Framework) level requirements, where that requirement is currently one of these suites of qualifications at the same level.

Proposal 6: To reduce the timescale for new registrants on a function-based register part to achieve a required qualification from five years to three years, with some exceptions.

Proposal 7: To design a new model of continuous professional learning (CPL) in consultation with the sector; to delegate authority to the Futureproofing Programme sponsor group to thereafter sign off the agreed new model of CPL when complete.

Proposal 8: To develop a return to practice standards for social workers, in consultation and collaboration with the social work sector, based on the length of time a social worker has been off the register with a tiered approach based on the practice time gap; to include return to practice requirements for function-based workers within the revised CPL requirements under proposal 7; to delegate authority to the futureproofing programme sponsor group to thereafter sign off the agreed return to practice standard when complete.

Proposal 9: To create a new practitioner level on the register for housing support/care at home, with the qualification requirement being Social Service and Healthcare SCQF level 7.

We are also reviewing the Codes of Practice for Social Service Workers and Employers.