

SCOTTISH SOCIAL SERVICES COUNCIL

Unconfirmed minutes of the Scottish Social Services Council held on Thursday 24 November 2022 at 10:00 am in Compass House, 11 Riverside Drive, Dundee DD1 4NY and by Teams meeting.

Present: Sandra Campbell, Convener
Theresa Allison, Council Member
Professor Alan Baird, Council Member
Julie Grace, Council Member
Lynne Huckerby, Council Member
Linda Lennie, Council Member (online)
Peter Murray, Council Member

In attendance: Maree Allison, Acting Chief Executive
Laura Lamb, Acting Director, Workforce, Education and Standards
Laura Shepherd, Director of Strategy and Performance
Chris Weir, Acting Director of Regulation
Cheryl Campbell, Head of Registration (for item 8 only) (online)
Anne Garness, Head of Legal and Corporate Governance
Audrey Wallace, Corporate Governance Coordinator

Observing: There were 16 observers noted

1. Welcome

1.1 Sandra Campbell welcomed those present. Apologies were noted from Rona King and Doug Moodie, Council Members and Lynn Murray, Interim Director of Finance and Resources.

2. Declarations of interest

2.1 There were no declarations of interest.

3. Minutes of the previous meeting – 25 August 2022

3.1 The minutes of the meeting of 25 August 2022 were approved as an accurate record.

4. Matters arising

4.1 There were no matters arising that were not covered elsewhere on the agenda.

5. Convener's report

- 5.1 Sandra Campbell presented report 39/2022 which summarised her activities as Convener since the last scheduled Council meeting in August 2022.
- 5.2 Maree Allison advised that the details of the scope of the Independent Review of Inspection, Scrutiny and Regulation (IRISR) would be shared with Council Members. Information is also available on the Scottish Government website and the outcome of the review is due to be released in June 2023.
- 5.3 Sandra Campbell advised Members on the process to date relative to recruitment arrangements for the appointment for a Council Member, particularly that interviews were scheduled to be held on 12 December.
- 5.4 The Council
1. noted the summary of the key issues and activities covered in the report.

6. Chief Executive's report

- 6.1 Maree Allison presented report 40/2022 which detailed the SSSC's key performance against strategic priorities as well as the work of the directorates.
- 6.2 The following areas were highlighted and discussed:
- Maree Allison confirmed that approximately 36% percent of sector workers are employed by the local authorities and who would therefore have their registration fees paid by their employers. Data will be gathered to look at whether this has an effect on workers remaining in the sector and if there is a difference between these workers remaining in the sector and those who do not have fees paid by their employer. Theresa Allison commented that the private sector is losing workers at an alarming rate currently and there is a concern that more workers will leave the private sector to work with Local Authorities. Chris Weir confirmed that this issue, with other matters, is discussed at the Sponsor Liaison Group.
 - We have published the sector vacancies report which highlights vacancies across the care sector. 47% of services are now reporting vacancies.
 - The directorate formerly the Development and Innovation Directorate has changed its name to Workforce, Education and Standards. This better reflects the work being carried out by the directorate and is in line with the outcomes of the National Care Service review.
 - Lorraine Gray will return to her post as Chief Executive as of 7 December 2022. Members thanked Maree Allison for acting as Chief Executive for the last six months and commended her for the work she has carried forward in that role.

- There were discussions around how the pay award for SSSC staff is progressing. Maree Allison confirmed the current position that the SSSC is in discussion with Scottish Government and it was hoped to put an offer to the trade union shortly. She confirmed that there was a possibility that the union would ballot members on industrial action if there was no imminent offer.
- Discussion turned to the reduction in open regulatory cases and it was noted that this had now been reduced to below 2000 cases. Chris Weir advised on the various processes and actions, especially in regard to recruitment, now in place which had led to the higher throughput of cases and therefore reduced numbers of open cases. There are continuing issues with staff retention and he was in discussions with HR to identify and try to resolve the issues. Benchmarking salaries with major competitors was one option. A report on options would be brought to Council in due course.
- Members discussed the 'Codes Conversation' events and noted these were well attended. Maree Allison clarified that the Care Inspectorate (CI) is in a position to take action against a service which is not complying, but the SSSC is reliant on the CI reporting any Managers' non-compliance before action can be taken.
- Maree Allison gave some insight into her attendance at the Health, Social Care and Sport Committee's session on the National Care Service (Scotland) Bill, on 15 November. She commented that it had been an interesting session and although she did not expect to be called back to attend, she may be asked to make further comments in writing.

6.3 The Council

1. noted the information in the report
2. offered comment on the content.

7. Audit and Assurance Committee report to Council

7.1 Alan Baird presented report 41/2022 from the Audit and Assurance Committee meeting of 01 November 2022, along with the assurance report which was submitted to the Committee and the draft minutes of the meeting.

7.2 Several key issues were highlighted including:

- continuing budget uncertainty
- that the assurance report and risk register were reviewed
- three internal audit reports were presented and these were very positive as were the previous audit reports for this year. Officers involved in digital transformation and strategy and those involved in the future proofing programme were commended
- the assurance map review was very positive and the mapping exercise is intended to show where there may be gaps.

7.3 Maree Allison confirmed that there is scenario planning carried out in relation to the uncertainty over the budget. She confirmed that this

may be discussed further at the Member's away day the following week.

7.4 The Council

1. accepted that the assurance report presents a true and fair view of the SSSCs performance towards achievement of strategic objectives, financial management and risk identification and management. In particular that
 - a. operational performance as measured by strategic key performance indicators give confidence that the SSSC is delivering as forecasted to meet strategic objectives agreed with the Sponsor Department
 - b. financial performance is consistent with forecasted spend and this does not present concern relating to year-end outturn of approved budget
 - c. operational delivery and financial expenditure are consistent
2. takes sufficient assurances from the level of assurance awarded in the internal audit reports, the management audit report and internal and external audit action tracker
3. noted:
 - a. the concern of the Committee over the further delays of external auditors in carrying out their audit of the annual accounts and the resulting pressure on the SSSC to adhere to the terms of the Executive Framework in presenting accounts to Parliament
 - b. the Committee instructed the Chief Executive to write a follow up letter to Audit Scotland and Scottish Government reinforcing the unacceptable situation over the lateness in the external auditors carrying out their audit of the annual accounts
 - c. the concern of the Committee about the continuing uncertainty over future funding and budget situation and the associated risks to the work of the SSSC
 - d. the Committee took assurances from the reports on benefits realisation, fraud and bribery, assurance map review and quality assurance of approved programmes.

8. Future Proofing Programme

8.1 Chris Weir presented report 42/2022 which detailed future proofing proposals related to the structure of the Register and to qualifications and skills in the workforce. He briefly addressed the background, in particular relating to the first four proposals relating to reducing the number of register parts, a change to legislation to reduce the time for workers to apply for registration, publishing additional information on the public facing register (PFR) and introduction of ongoing registration.

8.2 Chris Weir spoke to streamlining the number of register parts in order to reduce the register from 23 parts to four parts. This would enable workers to move between register parts and therefore result in a more flexible workforce. He also spoke to reducing the time allowed for

workers to apply for registration. The proposal is to positively encourage workers to apply for registration within three months of securing employment in the sector instead of the current six months. Chris Weir then addressed the proposal regarding the information published on the PFR, which would better align the fitness to practise information on the website with the PFR and would make it easier to find information of public interest. The fourth proposal is to take away the need to register every year and would introduce a process of continuous registration instead.

The following issues and queries were raised and discussed:

- 8.3
- Julie Grace commended officers on the work carried out. She asked about implications for PVG membership, particularly whether workers would continue to apply for two memberships if moving between adult and childcare positions. Cheryl Campbell confirmed that the PVG process would be changing, but for the moment, workers moving between adult and childcare positions would need to have two sets of checks carried out.
 - Referring to reducing the number of parts of the register, Peter Murray asked whether it was anticipated that this more flexible approach would result in better care for users of services. Maree Allison responded saying that delays in workers moving between positions would be minimised as there would be no need to re-register in different parts of the register. This should mean the workforce would be more flexibly deployed.
 - Chris Weir was asked how we can ensure that this programme continues should there be insufficient funding from Scottish Government. He explained the steps being taken to minimise the risk of the programme being underfunded but also spoke to what can be achieved should there be insufficient funding. He assured Members that a report on proposals would be brought back to Council should it transpire that insufficient funding is available for the full programme to go ahead.
 - The Convener asked for further detail on the information available to the public, particularly in relation to fitness to practise and how long that information is kept on the Register. Maree Allison explained the varying timescales for retaining this information on the Register. She also advised on the timeframe for information being held in the Fitness to Practise area of the website. She added that these retention details are being reviewed.
 - Members spoke generally of positive outcomes from the programme and how these could be captured to show the benefits.
 - Members approved recommendations 1,2,3 and 4 as detailed below at para 8.6 below.

- 8.4
- Laura Lamb spoke to proposals 5 to 12. She drew particular attention to the proposal to reduce the time allowed for workers to obtain qualifications, in most cases, from five years to three years. She also spoke on the proposal to redesign the continuous professional learning (CPL) model for all register groups and the return to practice standards for social workers. The final proposal she spoke to was regarding

adding an additional register part for practitioners within care at home and housing support, to bridge a gap between support worker and supervisor.

8.5

- A number of questions and issues were raised and discussed:
- Julie Grace asked about workers evidencing their skills if moving between the different parts of the Register. Laura Lamb advised that the proposal was that workers would be able to complete the open badges relevant to the new area of work to show they have the particular skills required. Julie Grace acknowledged the benefit of open badges but preferred a 'conditions' approach.
- Members agreed that it was good to have a distinction between three years and five years to obtain qualifications. Laura Lamb confirmed that currently we have robust processes in place to manage and assist cases where workers will have difficulties with the revised timescales, whether language, remote rural locations etc. There will be information available for employers before these new timescales come into effect. Alan Baird agreed that we should move to three years where possible and asked about assurances that there are sufficient training providers available to provide training in the shorter timescale. Laura Lamb referred to data ingathered from consultations confirming that there is sufficient capacity in training provision for the proposed changes which will come into effect in 2024. She advised that Council will continue to be updated on progress through the future proofing programme board and through the assurance report.
- Laura Lamb confirmed that the responders to the consultations were wide ranging in services and geographically. Consultations will continue until the date of effect of the proposals and therefore information will continue to be ingathered and any issues will be flagged up.
- On another query about the revised time allowed for workers qualifications, Members were advised that the timescale was different depending on particular scenarios.
- Laura Lamb confirmed that the proposal was to effect a big change in 2024, rather than a phased approach, as many changes are interdependent. Communication with the sector is the key to ensuring that the workforce is fully aware of the changes.
- There was some discussion on aligning a knowledgeable qualified workforce with fair pay and it was acknowledged that the SSSC promotes the benefits of a well-qualified workforce on many of the groups and forums of which it is a participant.
- Laura Shepherd advised Members that a business case for resource and capacity has been presented to the digital strategy board and she is confident that we can deliver the digital services required.
- Alan Baird asked if there were processes in place for supporting and developing new social care staff coming into the sector. Peter Murray also asked if we have a strategy for attracting school leavers into the sector. Laura Lamb assured Members that we have a framework in place for induction into the sector. There is still work to be done on this but it is a key component in the programme. We are also in the

process of engaging with the young workforce and there is information contained in the new strategic plan.

- On the final point, Members commented that the addition of a practitioner category was an excellent example of consulting and acting on feedback.

8.6 The Council approved

1. a reduction in the number of register parts from 23 to 4
2. asking for a change to legislation to introduce a requirement that workers apply for registration within three months of starting a new role, and be registered within six months
3. publishing additional information on the public facing register (PFR)
4. introduction of ongoing registration
5. acceptance of our main benchmark qualifications for additional register parts with the same SCQF level requirements
6. reduction in the timescales for achieving a required qualification from five years to three years for function-based register parts, with exceptions as specified
7. design of a new model of continuous professional learning (CPL) in consultation with the sector
8. delegating authority to the future proofing programme sponsor group to sign off the agreed new model of CPL when complete
9. development of a return to practice standard for social workers
10. inclusion of return to practice requirements for function-based workers within the revised CPL requirements
11. delegating authority to the future proofing programme sponsor group to sign off the agreed return to practice standard when complete
12. creation of 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.

9. Review of Opt-in Hearings

9.1 Chris Weir presented report 43/2022 which provided information and data on the opt-in hearings process, since it began in July 2021. The information was collated for the period 1 September 2021 to 31 August 2022. The data showed that the case outcomes were very similar to previous years before the opt-in process was adopted. The number of hearings has been reduced significantly and therefore disruption to service providers and cost to the organisation has also been significantly reduced. The sanctions imposed are comparable to earlier years. Appendix 1 to the report shows that there was no significant change to number of workers being removed from the register since the start of the opt-in process.

9.2 Alan Baird commented that this was an excellent example of the benefits of the change to the process, acknowledging that as well as a financial benefit to the organisation but also to the others involved in a case, the quality of engagement from registrants had improved.

9.3 It was agreed by all Members that this successful change to the process should be shared with other regulators, but it was noted that the SSSC benefitted from the structure of the legislation, whereas other regulators did not necessarily have the same flexibility and therefore would be unable to change their process without a change to legislation.

9.4 The Council

1. noted the success of this pilot scheme over the year
2. agreed to permanently change the process to an opt-in hearings process.

10. Provisional meeting dates for Council and Committee 2003-2026

10.1 Anne Garness presented report 44/2022 which proposed dates for Council, Audit and Assurance Committee, Fitness to Practise Committee meetings and Development Sessions for financial years 2023/24, 2024/25 and 2025/26.

10.2 The Council

1. approved the dates in Appendix 1 to the report, subject to these being thoroughly checked, having noted that one line in December 2023, contained errors.

11. People Management Policies – Dignity at Work

11.1 Laura Lamb presented report 45/2022 along with the Dignity at Work Policy which had been reviewed and was appended.

11.2 Laura Lamb additionally advised that the Youth Employment Strategy would no longer exist as the themes are now incorporated into the People Strategy. Theresa Allison confirmed that she and Rona King had been given the opportunity to review the policy and were content with the content of it.

11.3 The Council approved

1. the updated Dignity at Work Policy
2. that the Youth Employment Strategy is incorporated into the People Strategy and progress is reported at the People Strategy Board.

12. SSSC/Care Inspectorate Partnership Agreement annual report

12.1 Laura Shepherd presented report 46/2022 which gave an overview of the areas of partnership working with the Care Inspectorate (CI) over the past year, from the start of the new partnership agreement which was agreed in March 2021. She confirmed that officers from the CI had contributed to the report content.

12.2 Maree Allison confirmed that the next meeting of the executive team, comprising the Convener of the SSSC, the Chair of the CI and the Chief

Executives of each body, would be held in January 2023 and it was expected that this team would continue to provide a good working relationship between the two bodies.

12.3 Laura Shepherd advised that this report referred to the key areas but there are additional crossover working practices. She confirmed that she would look at possible areas where benefits could be realised and data collected and reported. Additionally, we would look at the benefits to the sector of this partnership working.

12.4 The Council
1. noted the areas of partnership working which were highlighted within the appendix to the report.

13. Appointment of Lay and Social Service Panel Members and reappointment of Legally Qualified Chairs to the Fitness to Practise Committee

13.1 Chris Weir presented report 47/2022 which recommended individuals into various roles related to Fitness to Practise Panels. He advised that the Lay and Social Service recommendations are new members to the panels and the recommended appointments for the Legally Qualified Chairs were in respect of their second term. When members are appointed to the panel, the appointment is for an initial period of three years with an option to extend for an additional four years.

13.2 The Council
1. approved the appointment of 26 Lay and Social Service panel members to the Fitness to Practise Committee
2. approved the reappointment of 13 existing Legally Qualified Chairs to the Fitness to Practise Committee.

14. Council Action Record

14.1 The Council considered and approved the Council action record. Anne Garness added that one action, C77 relative to a development session, would be updated to show that this has been postponed to 16 January 2023. Council agreed that completed actions C86, C1, C2, C4, C7i and ii, C8, C10, C11, C12, C13 be archived and filed for future reference.

15. Date and time of next meeting

15.1 The date of the next Council meeting will be Tuesday 13 December 2022 to consider Annual Report and Accounts only, and this will be an online meeting. The next meeting to consider usual business will be held on Monday 27 February 2023 at 10.00am.

Item 16 was discussed in private and minuted separately.

**Council 24 November 2022
Start time: 10am
Finish time: 12.20pm**

Signed: _____ Date: _____

**Sandra Campbell
Convener**