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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 350**

**SOCIAL CARE**

**The Regulation of Care (Social Service Workers) (Scotland) Amendment Order 2009**

*Made* - - - - 8th October 2009  
*Laid before the Scottish Parliament* - - - - 9th October 2009  
*Coming into force* - - 16th November 2009

The Scottish Ministers make the following Order in exercise of the powers conferred by section 44(1)(b) of the Regulation of Care (Scotland) Act 2001<sup>(1)</sup> and all other powers enabling them to do so.

They have consulted with the Scottish Social Services Council and such other groups of persons as they consider appropriate in accordance with section 44(4) of that Act.

**Citation and commencement**

1. This Order may be cited as the Regulation of Care (Social Service Workers) (Scotland) Amendment Order 2009 and comes into force on 16th November 2009.

**Amendments to the Regulation of Care (Social Service Workers) (Scotland) Order 2005**

2.—(1) The Regulation of Care (Social Service Workers) (Scotland) Order 2005<sup>(2)</sup> is amended as follows.

(2) In article 1(2)—

(a) after the definition of “manager of a day care of children service” insert—

““manager of a residential school care accommodation service” means a person who is employed in managing the provision of a residential school care accommodation service and is the manager of that residential school care accommodation service;”;  
and

(b) after the definition of “residential child care worker” insert—

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(1) 2001 asp 8. Relevantly amended by section 82 of the Protection of Vulnerable Groups (Scotland) Act 2007.  
(2) S.S.I. 2005/318 as amended by S.S.I. 2005/611, 2006/453 and 2007/407.

““residential school care accommodation service” means a service which is provided to a child as part of a school care accommodation service<sup>(3)</sup> which consists of the provision of residential accommodation where it is—

- (i) provided by or under arrangements made by the managers of an independent school and does not provide personal care or support;
- (ii) provided by an education authority with respect to a special school within the meaning of the Education (Scotland) Act 1980<sup>(4)</sup>; or
- (iii) a hostel provided by the local authority for the use of children to enable them to attend a school;”;

(c) after the definition of “supervisor in a day care home service for adults” insert—

““supervisor of a residential school care accommodation service” means a person who is employed in supervising the provision of a residential school care accommodation service and who has responsibility for supervising staff and overseeing and monitoring the implementation of care plans;”;

(d) after the definition of “support worker in a day care of children service” insert—

““worker in a residential school care accommodation service” means house staff or a support worker in a residential school care accommodation service who has responsibility for assessing children’s emotional and physical needs and providing them with care and support”.

(3) In article 2—

(a) in paragraph (k) omit “or”; and

(b) after paragraph (l) insert—

- “(m) a manager of a residential school care accommodation service;
- (n) a supervisor of a residential school care accommodation service; or
- (o) a worker in a residential school care accommodation service.”.

St Andrew’s House,  
Edinburgh  
8th October 2009

*ADAM INGRAM*  
Authorised to sign by the Scottish Ministers

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<sup>(3)</sup> Section 2(4) of the Regulation of Care (Scotland) Act 2001 defines “school care accommodation service”.

<sup>(4)</sup> 1980 c.44. The definition of “special school” in section 135(1) refers to section 29(1) of the [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(asp 4\)](#).

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Section 44(1) of the Regulation of Care (Scotland) Act 2001 requires the Scottish Social Services Council to maintain a register of social workers, social service workers of any other description prescribed and persons participating in a course or employed in a position probationary to becoming either a social worker or social service worker of qualified description.

This Order amends the Regulation of Care (Social Service Workers) (Scotland) Order 2005 by inserting three additional descriptions of social service worker for this purpose. All three are involved in the provision of residential school care accommodation services (article 2).