

## **POLICY NOTE**

### **THE REGULATION OF CARE (PRESCRIBED REGISTERS) (SCOTLAND) AMENDMENT ORDER 2016**

#### **SSI 2016/413**

The above order is made in exercise of powers conferred by section 52(2)(b) of the Regulation of Care (Scotland) Act 2001 (“the Act”). The Order is subject to negative resolution procedure.

#### **Policy Objectives**

Under section 44(1) of the Act, the Scottish Social Services Council (the Council) is required to maintain a register of (i) social workers, (ii) such social service workers as have been prescribed by Scottish Ministers and (iii) persons participating in a course or employed in a position probationary to becoming either a social worker or social service worker of a qualified description.

The Regulation of Care (Scotland) Act 2001 (Commencement No. 6) Order 2005 (S.S.I. 432/2005) brought section 52(1) (a) and (2) of the Act into force on 1st September 2005. Section 52(1) (a) provides that any person who, with intent to deceive, while not registered in any relevant register as a social worker, takes or uses the title of social worker, or purports in any other way to be a social worker shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

Section 52(2)(b) provides that for the purposes of section 52(1) of the Act, a register is a “relevant register” if being a register maintained under a provision of the law of England and Wales or of Northern Ireland, it is prescribed as such by the Scottish Ministers on the basis that it appears to the Scottish Ministers to correspond to section 44(1) of the Act. The Regulation of Care (Prescribed Registers) (Scotland) Order 2005 (“the 2005 Order”) prescribes the register maintained by the Care Council for Wales (Cyngor Gofal Cymru) under section 56(1) of the Care Standards Act 2000.

Under section 67 of the Regulation and Inspection of Social Care (Wales) Act 2016, the Care Council for Wales (Cyngor Gofal Cymru) is to be renamed Social Care Wales. Section 80 of the 2016 Welsh Act requires Social Care Wales to maintain a register of certain social care workers. This Order, therefore, serves to amend the reference to “Care Council for Wales or Cyngor Gofal Cymru” in the 2005 Order to Social Care Wales so that, from 3rd April 2017, the register maintained by Social Care Wales under section 80 of the 2016 Act is prescribed for the purpose of section 52(b) of the Regulation of Care (Scotland) Act 2001.

#### **Consultation**

Section 44(4) of the Act requires the Scottish Ministers to consult the Council and other persons whom they consider appropriate before making an Order. The Scottish Ministers consulted the Council and the Welsh Government in relation to this Order.

**Financial Effects**

This Order has no financial impact. This is a technical amendment to amend a reference only.

**Scottish Government**  
**December 2016**