

## POLICY NOTE

### THE SCOTTISH SOCIAL SERVICES COUNCIL (APPOINTMENTS, PROCEDURE AND ACCESS TO THE REGISTER) AMENDMENT REGULATIONS 2024

#### SSI 2024/74

The above instrument was made in exercise of the powers conferred by section 56(1)(b) of the Regulation of Care (Scotland) Act 2001 (“the 2001 Act”). The instrument is subject to negative procedure.

#### Summary Box

The purpose of this instrument is to allow employers and members of the public to see more information about persons registered on the register kept by the Scottish Social Services Council (“SSSC”) under section 44 of the 2001 Act.
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#### Policy Objectives

This instrument will bring more information on the searchable public facing Register, thereby allowing employers and members of the public to find out more information about persons registered on the Register kept by SSSC under section 44 of the 2001 Act. Making these changes will allow employers and members of the public to see the type of service a person works in and the level at which they are operating (where this is applicable). Members of the public will now also be able to see any specialist qualifications a person holds, subject to that person having opted in to providing this (an SSSC internal process), and any fitness to practise warnings or conditions imposed. These changes are intended to improve professional recognition of specialisms, and to make it easier for members of the public to find out the status of someone working with them, or someone they care for.

The fitness to practise information is currently publicly available on a separate part of SSSC’s website but is not linked to the public facing Register. Changing the public facing Register will show, at a glance, all relevant information regarding an individual's registration and fitness to practice.

#### EU Alignment Consideration

This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU.

#### Consultation

To comply with the requirements of section 56(2) of the Regulation of Care (Scotland) Act 2001, a public consultation took place from 4 October 2023 to 2 January 2024.

The vast majority of respondents were supportive of the proposals, with many highlighting that the changes would improve transparency. Some respondents provided comments around safety of employees and data protection, however the information being provided is already publicly available. Were details of a serious case to be published, all information pertaining to the individual is redacted.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website. This includes

UNISON Scotland, the Care Inspectorate, the Nursing and Midwifery Council and various Health and Social Care Partnerships.

Consultation with the ICO was undertaken on this instrument due to the nature of the information that will be provided. The ICO were satisfied that this information would not put an individual at risk and were content for the legislation to proceed.

### **Impact Assessments**

An Equality impact assessment has been undertaken for the proposed amendments and is attached.

A Data Protection Impact Assessment was also undertaken but is not being published due to it being in relation to collecting data from the consultation, and no other purpose (due to SSSC being the data controller). Similarly as this measure will have limited impact on business and the reach to children is not direct, the requirement for a BRIA or CRWIA wasn't considered to have been met.

### **Financial Effects**

The Minister for Children, Young People & Keeping the Promise confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Children and Families Directorate

March 2024