

## SCHEDULES

### SCHEDULE 6

Section 7

#### TEMPORARY REGISTRATION OF SOCIAL WORKERS: SCOTLAND

##### *Regulation of Care (Scotland) Act 2001*

1 (1) The Regulation of Care (Scotland) Act 2001 (asp 8) has effect subject to the following modifications.

(2) In section 44 (register of social workers and other social service workers)—

(a) in subsection (1), after paragraph (aa) insert—

“(ab) temporary social workers;”,

(b) in subsection (2), after paragraph (a) insert—

“(ba) temporary social workers;”, and

(c) after subsection (2A) insert—

“(2B) In this Part, “temporary social worker” means a person who satisfies the requirements for temporary registration under section 46D.

(2C) Any rules made by the Council under this Part apply in relation to a person registered as a temporary social worker, and applications for registration as a temporary social worker, unless otherwise stated or provided for in this Part.”

(3) In section 46 (grant or refusal of registration) after subsection (2H) insert—

“(2I) This section does not apply in relation to applications for registration as a temporary social worker (see section 46D).”

(4) After section 46B insert—

##### **“46C Direction to Council to consider applications for temporary registration**

(1) The Scottish Ministers may direct the Council to consider applications for registration as a temporary social worker in accordance with section 46D.

(2) Before giving a direction under subsection (1), the Scottish Ministers—

(a) must have regard to advice relating to coronavirus from the Chief Medical Officer of the Scottish Administration or such other person as may be designated for the purposes of this section by the Scottish Ministers; and

(b) must be satisfied that the direction is a necessary and proportionate action for or in connection with the continued provision of social work services (within the meaning given by section 48 of the Public Services Reform (Scotland) Act 2010).

(3) The Scottish Ministers must publish a direction under subsection (1).

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- (4) A direction under subsection (1) has effect—
- (a) for the period specified in the direction; or
  - (b) until revoked by a further direction stating that the Council is no longer to consider applications for registration as a temporary social worker.

#### **46D Grant or refusal of temporary registration**

- (1) This section only applies where the Scottish Ministers have given the Council a direction under section 46C(1).
- (2) The Council may grant an application for registration as a temporary social worker unconditionally if subsection (4) or (6) applies.
- (3) Where the Council is not satisfied as mentioned in subsection (4) or (6) it may—
  - (a) grant the application subject to such conditions as it thinks fit; or
  - (b) refuse the application.
- (4) This subsection applies where the Council is satisfied that the applicant—
  - (a) had previously been registered as a social worker in a relevant register during the period of 5 years before the date on which section 7 of the Coronavirus Act 2020 came into force;
  - (b) is of good character;
  - (c) satisfies such requirements as to competence or conduct as the Council may by rules impose; and
  - (d) either—
    - (i) satisfies such requirements as to education as the Council may by rules impose and has successfully completed a course of training, approved by the Council, for persons wishing to become social workers; or
    - (ii) satisfies such other requirements relating to education as the Council considers appropriate.
- (5) For the purpose of subsection (4)(a), “relevant register” means—
  - (a) the register maintained by the Council under this Part;
  - (b) the register maintained by Social Work England under Part 2 of the Children and Social Work Act 2017 (and any corresponding register established under the law of England and Wales before that Act came into force);
  - (c) the register maintained by Social Care Wales under section 80 of the [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#) (and any corresponding register established under the law of England and Wales before that Act came into force);
  - (d) the register maintained by the Northern Ireland Social Care Council under Part 1 of the [Health and Personal Social Services Act \(Northern Ireland\) 2001 \(c. 1 \(N.I.\)\)](#).
- (6) This subsection applies where the Council is satisfied that the applicant—
  - (a) is participating in the final year of a relevant course of training in Scotland or in another part of the United Kingdom;

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- (b) despite not having completed the course, is suitably experienced to be registered as a temporary social worker;
  - (c) is of good character; and
  - (d) satisfies such requirements as to competence or conduct as the Council may by rules impose.
- (7) For the purpose of subsection (6)(a), “relevant course of training” means—
- (a) a course for those wishing to become a social worker which is approved by the Council in rules made under section 54(1) of this Act,
  - (b) such other course for those wishing to become a social worker as the Council considers appropriate.

#### **46E Notice and effect of decisions on temporary registration**

- (1) Where the Council grants an application for registration as a temporary social worker unconditionally under section 46D(2)—
  - (a) the Council must give the applicant notice of that decision; and
  - (b) registration takes effect immediately on the notice being given.
- (2) Where, under section 46D(3), the Council refuses such an application or grants it subject to conditions—
  - (a) the Council must give the applicant notice of that decision; and
  - (b) the notice must state the Council’s reasons for the decision.
- (3) A decision to refuse the application or grant it subject to conditions takes effect immediately on notice to that effect being given.
- (4) An applicant may not appeal any decision made by the Council under section 46D.

#### **46F Registration period for temporary registration**

- (1) A person’s registration as a temporary social worker has effect until the date on which the Scottish Ministers give a direction in accordance with section 46C(4)(b).
- (2) After the date mentioned in subsection (1), the Council must remove the entry relating to the person in the part of the register for temporary social workers.
- (3) The Council may not by rules extend the period for which, by virtue of subsection (1), a person’s registration as a temporary social worker has effect.

#### **46G Subsequent applications for registration as social worker**

- (1) Where a person described in section 46D(4)(a)—
  - (a) is granted registration as a temporary social worker under that section; and
  - (b) remains registered as a temporary social worker;the person may subsequently apply for registration as a social worker in accordance with this Part.

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- (2) Where a person described in section 46D(6)(a)—
- (a) is granted registration as a temporary social worker under that section;
  - (b) remains registered as a temporary social worker; and
  - (c) completes their course of training;
- the person may subsequently apply for registration as a social worker in accordance with this Part.
- (3) Where subsection (1) or (2) applies and the person’s application for registration as a social worker is granted—
- (a) the person’s registration as a temporary social worker ceases to have effect from the date on which their registration as a social worker has effect under section 46; and
  - (b) the Council must remove the entry relating to the person in the part of the register for temporary social workers.
- (4) Where a person’s registration as a temporary social worker otherwise ceases to have effect, the person may subsequently apply for registration as a social worker in accordance with this Part.”
- (5) In section 47 (variation of conditions) after subsection (2) insert—
- “(3) Subsection (2)(b) does not apply in relation to a person registered as a temporary social worker.”
- (6) In section 48 (right to make representations to Council as respects decision under section 47) after subsection (2) insert—
- “(2A) But subsections (3) and (4) do not apply in relation to a person registered as a temporary social worker.”
- (7) In section 50 (notice of Council’s decision under rules under section 49) after subsection (2) insert—
- “(3) Subsection (3)(a) does not apply in relation to a person registered as a temporary social worker.”
- (8) In section 51 (appeals) before subsection (A1) insert—
- “(ZA1) This section does not apply in relation to a person registered as a temporary social worker or applications for registration as a temporary social worker.”
- (9) In section 52 (offence of using title of social worker while unregistered) in subsection (1)(a), in each of the three places where it occurs, after “social worker” insert “or temporary social worker”.
- (10) In section 53 (codes of practice) before subsection (1) insert—
- “(A1) For the purpose of this section, “social service worker” includes a person registered as a temporary social worker.”
- (11) In section 54 (approval of courses etc) after subsection (4) insert—
- “(5) This section does not apply in relation to a person registered as a temporary social worker.”

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- (12) In section 55 (grants and allowances for training) in subsection (1), after “social service workers” insert “or temporary social workers”.
- (13) In section 57 (power of the Council to make rules)—
- (a) in subsection (1)(c), in the closing text, after “provide” insert “(but see sections 46F and 46G of this Act in relation to a person registered as a temporary social worker)”;
  - (b) after subsection (2A) insert—

“(2B) Rules made by the Council under subsection (2) may not make provision for the payment of fees in connection with registration as a temporary social worker.”
- (14) In section 57A (notification of dismissal etc to Council)—
- (a) in the opening words, after “worker” insert “or a person registered as a temporary social worker”;
  - (b) in paragraph (a), after “worker” insert “or person registered as a temporary social worker”;
  - (c) in paragraph (b), after “worker” insert “or person registered as a temporary social worker”.
- (15) In section 57B (provision of other information to Council by employer) after “social service worker” insert “or a person registered as a temporary social worker”.
- (16) In section 58 (functions of the Scottish Ministers under this Part)—
- (a) in subsection (1)(a), before sub-paragraph (i) insert—

“(zi) temporary social workers;”;
  - (b) in subsection (1)(b), after “social service workers” insert “or temporary social workers”;
  - (c) in subsection (2)(b), after “social service workers” insert “or temporary social workers”;
  - (d) in subsection (3), after “social service workers” insert “or temporary social workers”.
- (17) In section 77 (interpretation) after the definition of “EEA state”, insert—

““temporary social worker” has the meaning given by section 44(2B);”.

*Social workers and social service workers in care services*

- 2 (1) The Registration of Social Workers and Social Service Workers in Care Services (Scotland) Regulations 2013 ([S.S.I. 2013/227](#)) have effect subject to the following modifications.
- (2) In regulation 4 (requirements on social workers)—
- (a) in paragraph (3)(a), for “6” substitute “12”; and
  - (b) in paragraph (6), for “six” substitute “12”.
- (3) In regulation 5 (requirements on social service workers)—
- (a) in paragraph (3)(a), for “6” substitute “12”; and
  - (b) in paragraph (6), for “six” substitute “12”.