

Title of report	Review of the SSSC Codes of Practice
Public/confidential	Public
Action	Decision
Summary/purpose of report	To seek approval from Council to review the SSSC Codes of Practice.
Recommendations	Council is asked to approve the proposal to review the SSSC Codes of Practice as set out in the outline project plan.
Author	Caroline Sturgeon Learning and Development Adviser
Responsible Officer	Phillip Gillespie Director of Development and Innovation Tel: 01382 723639
Link to Strategic Plan	The information in this report links to Outcome 1: People who use services are protected by ensuring the regulated workforce is fit to practise. Outcome 2: The SSSC supports and enhances the development of the registered workforce to deliver high standards of practice and drive improvement. Outcome 3: Our workforce planning activities support employers, commissioners and policy makers to deliver a sustainable, integrated and innovative workforce.
Link to the Risk Register	Risk 1: We fail to ensure that our system of regulation meets the needs of people who use services and workers. Risk 2: We fail to ensure that our workforce development function supports the workforce and employers to achieve the right standards and qualifications to gain and maintain registration.

Equality Impact Assessment (EIA)	EIA will be developed by the project team and will be finalised with input from the stakeholder group once established.
Documents attached	Appendix 1: Outline Project Plan
Background papers	None

1. INTRODUCTION

- 1.1 The Codes of Practice for Social Service Workers and Employers set out the standards of behaviour and practice expected of people who work in the sector. The codes, along with the Health and Social Care Standards, are integral to the regulation and improvement of the workforce and services. The requirement for the SSSC to publish Codes of Practice is in the Regulation of Care (Scotland) Act 2001, section 53.
- 1.2 There have been various policy developments since the publication of the revised Codes in 2016. These include the introduction of new Health and Social Care Standards, new inspection methodology, and the ongoing reform of Adult Social Care. The findings of the Independent Care Review explicitly call on regulators to “declutter and streamline’ professional codes. The Adult Social Care Review, which was announced in September 2020 as part of Programme for Government, will make recommendations on key areas such as regulation and scrutiny; and employment rights and training and progression. We propose reviewing the Codes to identify and ensure that they remain fit for purpose.

2. DEVELOPMENTS IN POLICY AND PRACTICE

- 2.1 Key developments since the publication of the revised Codes in 2016 include:
 - The landmark report from the Care Review which puts a clear focus on enabling relationships. ‘The Promise’ provides a compelling picture of why the Care System in Scotland must change. It sets a challenge for reform, “not to fix a broken system, but set a higher ambition that enables loving, supportive and nurturing relationships”. It recommends that SSSC, the Care Inspectorate and other regulators ‘need to significantly declutter and streamline professional codes, procedures and processes’.
 - Developments in the jurisprudence relating to regulatory codes of practice.
 - Adult Social Care Review - announced September 2020 as part of Programme for Government. The review will make recommendations on key areas such as regulation and scrutiny; and employment rights and training and progression.
 - The reform of adult social care programme. The vision for the programme includes respecting and promoting people’s human rights and ensuring that all parts of the sector are person-led.
 - A continuing drive to integrate health and social care services, a growth in new service delivery approaches and increased emphasis on workforce planning.
 - The Scottish Government has also committed to implement the findings in a significant report by the Fair Work Convention for social care. The report indicates that many workers find it difficult to fulfil the Codes of

Practice, to access the right training and supervision to meet the new demands being placed on them.

- The introduction of a new methodology for inspecting care and support services with a focus on outcomes and supporting improvement.
- The ongoing expansion of Early Learning and Childcare which has a sustained focus on recruitment and career pathways.
- COVID-19 has arguably led to a significantly greater understanding of the sector and its critical economic contribution. The Scottish Government is also exploring the lessons from the pandemic including the role of new delivery models such as social care co-operatives.
- The introduction of the Health and Care (Staffing) Scotland Act. The Act places a statutory duty on care providers to ensure that they always have the appropriate numbers of suitably qualified and competent staff to provide high-quality care.
- The commitment to incorporate the UN Convention on the Rights of the Child (UNCRC) into Scots law. The Scottish Government will bring forward legislation before the end of the current parliamentary session.
- The introduction of Community Justice Scotland and the SSSC's ongoing contribution to the Youth Justice Strategy 2015-2020.

3. LEARNING FROM THE 2016 REVIEW OF CODES OF PRACTICE

- 3.1 The focus of the 2016 review was ensuring that the Codes remained fit for purpose. High levels of satisfaction with the Worker Codes were identified through consultation. Many participants felt that the Codes were well embedded in their organisational policies and learning, and suggested caution in making too radical a change. As a result, relatively minor changes to wording and content were made, primarily to reflect updated policy and practice, and to refresh outdated language.
- 3.2 Issues were identified in the Employer Codes, most notably in relation to their use in practice and how they fit into the regulatory system (essentially, do the Employer Codes have teeth). While some changes to the wording were made, the scope of the review did not include addressing the bigger question of purpose, value and how the Employer Codes are applied or enforced through the scrutiny and inspection of services. These questions will be an integral part of the review and will be undertaken in partnership with the Care Inspectorate.
- 3.3 The 2016 Codes review highlighted the different ways that the Codes are used across SSSC (e.g. Development and Innovation focus on learning and development support; Fitness to Practice focus on regulatory use). A cross organisational approach to reviewing the Codes is therefore essential to ensure all needs are reflected. This will also be informed by the data and intelligence we hold on our registrants and the profile of the workforce.

4. PROPOSED SCOPE FOR 2021 REVIEW OF THE CODES OF PRACTICE

- 4.1 The key objective is to review the Codes of Practice and identify options for improvement. The review would take a collaborative based approach to identify what works well with the current Codes and what areas could be improved. Tasks for the review would include:
- Reviewing the purpose, content and strategic fit of the Codes within the regulatory framework, particularly in relation to the employer Codes.
 - Identifying options for decluttering and streamlining the Codes – as set out in 'The Promise'. To achieve this, the review will work closely with other workforce regulators (e.g. Nursing and Midwifery Council, General Teaching Council for Scotland and others). This will include consideration of how the Codes fit within an increasingly integrated workforce. This review will also align with work being carried out by the SSSC to support development of, and futureproof, qualifications across social care.
 - Working with the Care Inspectorate to consider whether closer alignment of the Codes (both employer and worker) with the Health and Social Care Standards could support a more streamlined approach across service and workforce regulation.
- 4.2 Involving people with lived experience of care, and those who work in the sector, to consider the values, behaviours and language used in the Codes, and how this can support effective, supportive and compassionate relationships will be essential to this work. This review will provide the opportunity to build on some of the work begun by the Care Review in considering the central importance of relationships and reflect the Health and Social Care Standards articulation of principles such as compassion.

5. RECOMMENDATIONS

- 5.1 Council is asked to approve a review of the Codes of Practice. An overview of the project plan is attached. (Appendix 1)

6. RESOURCE IMPLICATIONS

- 6.1 A review would take 12 months to complete, followed by an implementation period. A project team will be established and will be supported by the SSSC programme management office. Quarterly updates will be provided to Council in the Chief Executive's report.

7. LEGAL IMPLICATIONS

- 7.1 The requirement for the SSSC to publish Codes of Practice is set out in the Regulation of Care (Scotland) Act 2001, section 53.

8. STAKEHOLDER ENGAGEMENT

- 8.1 This review will require close collaboration with Care Inspectorate and other workforce regulators. Involvement of the workforce and of people with experience of using care services will be an essential part of the review. This will link with SSSC Involving People Strategy, the Care Inspectorate Involving People Group, and existing user and carer forums. A communications plan will be developed as part of the project plan. Communications and engagement planning will assess the potential impact of the ongoing COVID-19 restrictions on how we most effectively engage with stakeholders.

9. IMPACT ON PEOPLE USING SOCIAL SERVICES AND CARERS

- 9.1 The Codes set out the behaviours and practice expected of the workforce and have a direct impact on in protecting those use services and those who support them. Involvement of people who use services and their carers is essential to the success of this project and will be supported through our Involving People Strategy.

10. CONCLUSION

- 10.1 Council is asked to approve a review of the SSSC Codes of Practice and the establishment of a project team supported by the SSSC project management office to ensure that they meet to the needs of the regulating and developing the social services sector.