



## **The Protection of Vulnerable Groups (Scotland) Act 2007: Section 35(2) and (3)**

### **The Protection of Vulnerable Groups (Scotland) Act 2007 (Removal of barred individuals from regulated work) Regulations 2010**

The Scottish Social Services Council (SSSC) is the regulator for the social service workforce in Scotland. Our work means the people of Scotland can count on social services provided by a trusted, skilled and confident workforce. We protect the public by registering social service workers, setting standards for their practice, conduct, training and education and by supporting their professional development. Where people fall below the standards of practice and conduct we can investigate and take action.

We:

- publish the national codes of practice for people working in social services and their employers
- register people working in social services and make sure they adhere to our codes of practice
- promote and regulate the learning and development of the social service workforce
- are the national lead for workforce development and planning for social services in Scotland.

The social service workforce provides care and support for some of the most vulnerable people in Scottish society. The sector employs approximately 200,000 people<sup>1</sup> in Scotland. This figure includes more than 32,000 workers in day care of children or out of school care settings and more than 5,600 childminders (SSSC, 2015).

Our responses to the questions posed by the Scottish Government are as follows.

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<sup>1</sup> There are a number of groups of workers not captured by this data. These include childminding assistants and personal assistants employed by individuals in receipt of a direct payment (Scottish Government, 2015).

**1. Do you think we should maintain the current provisions?**

No. An individual barred from carrying out regulated work is not eligible for registration with the SSSC. The SSSC relies upon employers to practise safe recruitment which includes confirming that the worker is a PVG Scheme Member by providing the membership number the date the check was carried out. As retrospective checking comes to an end, the current regulations provide a potential loophole whereby employers can rely upon out-of-date Scheme Record checks. This has the potential to put service users at risk.

**2. Do you agree that there is a need for new prohibitions and requirements on organisations employing barred individuals**

Yes. As stated above, it is an essential part of safe recruitment.

**3. Do you agree that either of the options suggested will not impact on any of the protected equality groups**

Yes.

**4. Do you have any concerns that either of these options will have an impact on businesses**

We expect employers in the social service sector to be practising safe recruitment and obtaining up-to-date Scheme Record information at the point of recruitment. It therefore should not have a cost impact on employers in the social service sector.

One of the requirements for registration with the SSSC is that we have confirmation that a PVG has been carried out by the employer. If no PVG information is provided the worker cannot be registered, therefore employers of workers registered with us already carry out the PVG check.

Scottish Social Services Council  
April 2016