

CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

PE1857: Regulate the role of curator ad litem

The Scottish Social Services Council (SSSC) is the regulator for the social work, social care and early years workforces in Scotland. Our work means the people of Scotland can count on social work, social care and early years services being provided by a trusted, skilled and confident workforce.

We protect the public by registering social work, social care and early years 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 work, social care and early years services and their employers
- register people working in social work, social care and early years and make sure they adhere to our codes of practice
- promote and regulate their learning and development
- are the national lead for workforce development and planning for the social work, social care and early years workforce in Scotland.

We are also part of Skills for Care and Development, the Sector Skills Council for adult social care and children and young people's services in the UK. Sector Skills Councils are employer-led organisations that have responsibility for skills and workforce development in the UK.

We produce workforce data, information and intelligence for employers and other stakeholders. We also develop and publish official and national statistics on the social work, social care and early years workforce.

Our response

Our response to the present petition is split into two parts. Part one will provide information on the legislative basis for the SSSC, while the second part will give our views on and our role in the registration of curators ad litem.

1. The Regulation of Care (Scotland) Act 2001

The Scottish Social Services Council was established by the Regulation of Care (Scotland) Act 2001 (ROCA) s.43. Our role of registering social work, social care and early years practitioners was laid out in s.44 as follows:

44 Register of social workers and of other social service workers

- (1) The Council shall maintain a register of—
- (a) social workers;
 - (b) social service workers of any other description prescribed; and
 - (c) persons—
 - (i) participating in a course, approved by it under section 54(1) of this Act, for those wishing to become; or
 - (ii) employed in positions probationary to their becoming, social workers or social service workers of such other description.
- (2) There shall be a separate part of the register for social workers, for each description of social service workers prescribed by virtue of paragraph (b) of subsection (1) above and for such persons as are mentioned in paragraph (c) of that subsection.
- (3) It may be prescribed that as from a specified date a specified part of the register shall be closed, so that on and after that date no further persons shall be registered in that part.
- (4) The Scottish Ministers shall consult the Council and such other persons, or groups of persons, as they consider appropriate before making, varying or revoking an order by virtue of this section.

The role of curator ad litem is not considered as falling within the remit of the SSSC's register. The inclusion of curators ad litem on our register would require consultation with Scottish Ministers.

2. Curators ad litem

The SSSC does not have any role in the regulation of curators ad litem. We have previously responded to consultations in relation to the establishment of a register for [child welfare reporters \(CWRs\), curators ad litem, and solicitors appointed by the court when a person is prohibited from conducting their own case](#).¹ We do not feel it is appropriate for us to register curators ad litem appointed under such circumstances.

¹ also our response to the consultation on the Children (Scotland) Bill, as attached

Our understanding is that the majority of curators ad litem are solicitors with a small number being social workers. Requiring those individuals to register with the SSSC would amount to dual registration as solicitors are already be registered with the Law Society of Scotland. We note from the Scottish Government's submission the role of the Office of the Public Guardian and the Mental Welfare Commission in addressing any concerns about a curator ad litem acting inappropriately in relation to an adult lacking capacity.

Scottish Social Services Council

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