

**SCOTTISH SOCIAL SERVICES COUNCIL**  
**(REGISTRATION) RULES 2012**

The Scottish Social Services Council, In exercise of its powers under sections 49 and 57 of the Regulation of Care (Scotland) Act 2001 and of all other powers enabling the Council in that behalf, and having consulted such persons as appear to the Council to be appropriate, and with the consent of the Scottish Ministers, hereby makes the Scottish Social Services Council (Registration) Rules 2012.

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**PART I**  
**INTRODUCTION**

**1. Citation, commencement, saving and extent**

- (1) These Rules may be cited as the Scottish Social Services Council (Registration) Rules 2012 and shall come into force on the day that they are signed on behalf of the Council.
- (2) The Scottish Social Services Council (Registration) Rules 2011 are hereby revoked, and these Rules shall be substituted and shall apply to any case whether initiated before or after the coming into force of these Rules, save that the Scottish Social Services Council (Registration) Rules 2011 shall continue to apply in relation to applications for registration or restoration received by the Council prior to 27 March 2012.
- (3) The Council, the Registration Committee or any Registration Sub-Committee, as may be, may relieve any Party from the consequences of a failure to comply with a provision in these Rules, which is shown to be due to a mistake, oversight or other excusable cause, on such conditions, if any, as it thinks fit.

- (4) For the avoidance of doubt these Rules do not apply to visiting social workers from relevant European states as defined in section 77 of the Act.

## **2. Interpretation**

- (1) In these Rules, unless the context otherwise requires –

**"the Act"** means the Regulation of Care (Scotland) Act 2001;

**" Annual Fee"** means the fee to be paid by a Registrant in respect of the retention in the Register of any Registration in any year following the year in which the Registration was first made in terms of Rule 35;

**"Applicant"** means a person applying for Registration (or renewal or restoration of Registration) with the Council in the parts of the Register for Social Workers, Social Service Workers of any other description, or Students;

**"Application Fee"** means the fee to be paid by an Applicant in respect of the application for Registration in the Register in terms of Rule 34;

**"Approved Application Form"** means the form approved by the Council, as amended from time to time, for the purposes of applying for Registration with the Council;

**"Approved Course"** means a course for persons wishing to become Social Workers, approved by the Council;

**“Approved Guidance”** means the guidance approved by the Council, as amended from time to time, to assist Applicants to complete the Approved Application Forms when applying for Registration with the Council;

**“Approved Renewal Application Form”** means the form approved by the Council, as amended from time to time, for the purposes of applying for renewal of Registration with the Council;

**“Bank Authority”** means any form of authority which a person may give to a bank including a letter of authority, banker’s order, standing order or variable direct debit to pay to the Council, any fees on the date on which such fees are due;

**“Care Council”** means the Care Council for Wales, the General Social Care Council (or any equivalent body carrying out its statutory functions) or the Northern Ireland Social Care Council;

**“Care Services”** has the meaning ascribed by Section 2 of the Act;

**“Certificate of Compliance”** means a certificate prepared by the Clerk certifying that the notification and service requirements have been complied with by the Clerk and the Council;

**“Clerk”** means the officer responsible for the administrative arrangements in connection with the hearings and other procedures under these Rules, in terms of Rule 33;

**“Code/Code of Practice for Social Service Workers”** means the code of practice laying down the standards of conduct and

practice expected of Social Service Workers published by the Council under section 53(1) (a) of the Act, as amended from time to time;

**"Conduct"** means behaviour which meets the standards of conduct and practice expected of Social Service Workers as laid down in the Code of Practice for Social Service Workers;

**"Conduct Sub-committee"** means the sub-committee constituted in accordance with the Council's Conduct Rules;

**"Council"** means the Scottish Social Services Council;

**"Council's Conduct Rules"** means the Scottish Social Services Council (Conduct) Rules 2011 and the Scottish Social Services Council (Conduct) Rules 2012 published by the Council, as amended or substituted from time to time;

**"Credit Card or Debit Card Authority"** means any form of authority which a person may give to a credit or debit card agency to pay to the Council any fees on the date on which such fees are due;

**"Day Care of Children Service Worker"** means a Manager of a Day Care of Children Service, a Practitioner in a Day Care of Children Service or a Support Worker in a Day Care of Children Service;

**"Degree Course"** means a course leading to the honours degree in social work, or postgraduate qualification which has been approved by the Council in accordance with The Scottish Social



Services Council Rules for Social Work Training 2003, as amended or substituted from time to time;

**"Employer"** means the present or most recent employer/s or employment agency/ies, of any employed or self-employed Social Service Worker working for that Employer in the capacity of a Social Service Worker, of whom the Council is aware;

**"Endorsement"** is confirmation of the competence, good character and suitability for Registration of the Applicant, in terms of the Approved Guidance issued by the Council from time to time;

**"Entitling Qualification"** means a qualification which, if the person holding it also satisfies the requirements of subsection 2 (a) and (b) of section 46 of the Act and, except where section 46B(b) of the Act applies, the requirements as to education imposed as mentioned in subsection 2 (c) (i) of that section, entitles that person to be registered in the part of the Register for Social Workers;

**"Entry"** means the particulars entered on the Register as specified in Rule 40 of these Rules;

**"Independent School"** has the same meaning as the term 'independent school' referred to in article 1(2) of The Regulation of Care (Social Service Workers) (Scotland) Order 2005;

**"Interim Suspension Order"** means an order for interim suspension of a Registrant's Registration imposed by the

Preliminary Proceedings Sub-committee under the Council's  
Conduct Rules;

**"Lay Person"** means a person who is not, and has not within 5  
years of an appointment to the Registration Sub-committee, been

- (a) a Social Service Worker or a Student; or
- (b) involved in the training, education, appointment,  
employment, supply, supervision, monitoring or  
representation of Social Service Workers or Students;

**"Legal Adviser"** means an advocate or solicitor who has been  
qualified to practise in Scotland, for not less than 10 years, and as  
referred to in Rule 32;

**"Letter of Verification"** means a letter issued by the Central  
Council for Education and Training in Social Work (CCETSW) or the  
General Social Care Council between 1990 and 18 May 2004,  
confirming that a qualification obtained outside of Scotland,  
England, Wales or Northern Ireland was a professional social work  
qualification in the Country where the Applicant trained and  
studied;

**"Manager of an Adult Day Care Service"** means a social service  
worker, of the description prescribed for the purposes of section  
44(1)(b) of the Act under Article 2 (e) of The Regulation of Care  
(Social Service Workers) (Scotland) Order 2005;

**"Manager of a Care at Home service"** means a social service  
worker, of the description prescribed for the purposes of section

44(1)(b) of the Act under Article 2(p) of The Regulation of Care (Social Service Workers)(Scotland) Order 2005;

**“Manager of a Care Home Service for Adults”** means a social service worker, of the description prescribed for the purposes of section 44(1)(b) of the Act under Article 2 (f) of The Regulation of Care (Social Service Workers) (Scotland) Order 2005;

**“Manager of a Day Care of Children Service”** means a social service worker of the description prescribed for the purposes of section 44(1)(b) of the Act under Article 2 (g) of The Regulation of Care (Social Service Workers)(Scotland) Order 2005;

**“Manager of a Housing Support Service”** means a social service worker of the description prescribed for the purposes of section 44(1)(b) of the Act under Article 2(q) of the Regulation of Care (Social Service Workers)(Scotland) Order 2005;

**“Manager of a Residential School Care Accommodation Service”** means a social service worker of the description prescribed for the purposes of section 44(1)(b) of the Act under Article 2(m) of the Regulation of Care (Social Service Workers)(Scotland) Order 2005

**“Misconduct”** means conduct, whether by act or omission, which falls short of the standard of conduct expected of a person registered with the Council, having particular regard to the Code of Practice for Social Service Workers Issued by the Council under

section 53(1)(a) of the Act and these Rules, both as amended or substituted from time to time;

**"Newly Qualified Social Worker"** means a person, who has obtained an Entitling Qualification on or after 1 April 2006, and does not otherwise possess an Entitling Qualification and is in their first period of Registration with the Council;

**"Notice of Decision"** means the notice used to inform of the Registration Sub-committee's decision or the notice used to inform of the Council's decision;

**"Notice of Expiry of Registration"** means the notice described in Rule 5 and issued at the end of a period of Registration;

**"Notice of Reconvened Hearing"** means the notice described in Rule 23(18) used to advise of a reconvened hearing by a Registration Sub-committee;

**"Notice of Referral"** means the notice described in Rule 22(1) and (2), used when an application is referred to the Registration Sub-committee;

**"Notice of Resumed Hearing"** means the notice described in Rule 28(4) and (5) used to advise of a resumed hearing by a Registration Sub-committee;

**"part of the Register"** means a part of the Register in terms of section 44(2) of the Act;

**"part of the Register for Students"** means the part of the Register for persons participating in a Degree Course approved by

the Council under section 54(1) of the Act for those wishing to become Social Workers;

**"Parties"** means the Council and the Applicant or Registrant and/or their Representatives;

**"Practitioner in a Care Home Service for Adults"** means a social service worker, of the description prescribed for the purposes of section 44(1)(b) of the Act under Article 2(j) of the Regulation of Care (Social Service Workers) (Scotland) Order 2005;

**"Practitioner in a Day Care of Children Service"** means a social service worker, of the description prescribed for the purposes of section 44(1)(b) of the Act under Article 2(h) of the Regulation of Care (Social Service Workers)(Scotland) Order 2005;

**"Pre-hearing Review Form"** means the form issued by the Clerk to both Parties as part of the Pre-hearing Review Stage;

**"Pre-hearing Review Meeting"** means the meeting at which the matters set out at Rule 19 are considered.

**"Pre-hearing Review Stage"** means the point in proceedings at which the matters set out in Rule 18 are considered;

**"Register"** means the register maintained by the Council under section 44 of the Act;

**"Registrant"** means a person registered in the Register;

**"Registration"** means the Entry in the Register relating to a particular Registrant;

**"Registration Sub-committee"** means the sub-committee constituted in accordance with Rule 30(1) of these Rules;

**"Regulation of Care Award (Scotland)"** means the course of that name provided for SCSWIS Authorised Officers and designed on behalf of the Council;

**"Relevant Employer"** means a person who has demonstrated to the satisfaction of the Council that the person employs or proposes to employ a Social Service Worker or Student and will use the information obtained only in connection with such employment or proposed employment;

**"Removed Persons Register"** means the register maintained by the Council under section 49 of the Act;

**"the Renewal Fee"** means the fee to be paid by a Registrant in respect of the renewal in the Register of any Registration, in terms of Rule 34;

**"Representative"** means a Solicitor, Counsel, Trade Union representative or representative from a professional body or other person permitted by the Convener of a Registration Sub-committee;

**"Requirements"** means such training and qualification requirements as the Council may impose in terms of Section 46(2)(c)(i) or (ii) or section 46B of the Act for persons wishing to become Social Service Workers of the description in relation to

which Registration is sought, and published by the Council from time to time, or otherwise required by the Council;

**“Residential Child Care Worker”** means a social service worker, of the description prescribed for the purposes of section 44(1)(b) of the Act by Article 2(b) (c) or (d) of the Regulation of Care (Social Service Workers) (Scotland) Order 2005;

**“Residential School Care Accommodation Service”** means a service which is provided to a child as part of a school care accommodation service which consists of the provision of residential accommodation where it is-

- (i) provided by or under arrangements made by the managers of an Independent school and does not provide personal care or support;
- (ii) provided by an education authority with respect to a special school within the meaning of the Education (Scotland) Act 1980; or
- (iii) a hostel provided by the local authority for the use of children to enable them to attend a school;

**“the Restoration Fee”** means the fee to be paid by a Registrant in respect of an application for restoration to the Register, in terms of Rule 36;

**“SCSWIS”** means **Social Care and Social Work Improvement Scotland;**

**"SCSWIS Authorised Officer"** means a social service worker of the description prescribed for the purposes of section 44(1)(b) of the Act by Article 2(a) of The Regulation of Care (Social Service Workers) (Scotland) Order 2005;

**"Social Service Worker"** has the meaning ascribed by section 77 of the Act;

**"Social Worker"** has the meaning ascribed by section 77 of the Act;

**"Statement of Referral"** means a statement from the Council of the matters which appear to raise the question as to whether the Applicant or Registrant should be registered and sent by the Council to the Clerk at the time the case is referred by the Council to the Registration Sub-committee;

**"Student"** means a person participating in, or who has been offered and has accepted a place on a Degree Course;

**"the Sub-committee"** means the sub-committee constituted in accordance with Rule 30(1) of these Rules;

**"Supervisor in a Care Home Service for Adults"** means a social service worker, of the description prescribed for the purposes of section 44(1)(b) of the Act under Article 2(k) of the Regulation of Care (Social Service Workers) (Scotland) Order 2005;

**"Supervisor of a Residential School Care Accommodation Service"** means a social service worker, of the description



prescribed for the purposes of section 44(1)(b) of the Act under Article 2(n) of the Regulation of Care (Social Service Workers) (Scotland) Order 2005;

**“Support Worker in a Care Home Service for Adults”** means a social service worker, of the description prescribed for the purposes of section 44(1)(b) of the Act under Article 2(l) of the Regulation of Care (Social Service Workers) (Scotland) Order 2005;

**“Support Worker in a Day Care of Children Service”** means a social service worker of the description prescribed for the purposes of section 44(1)(b) of the Act under Article 2(i) of the Regulation of Care (Social Service Workers)(Scotland) Order 2005;

**“Supporter”** means a person who accompanies and advises the Registrant or Applicant, but that person shall not be entitled to address the Sub-committee without permission;

**“Worker in a Residential School Care Accommodation Service where the service is not provided in an Independent School”** means a social service worker of the description prescribed for the purposes of section 44(1)(b) of the Act under Article 2(o) of the Regulation of Care (Social Service Workers)(Scotland) Order 2005 where the service is not provided in an independent school;

**“Worker in a Residential School Care Accommodation Service where the service is provided in an Independent**

**"School"** means a social service worker of the description prescribed for the purposes of section 44(1)(b) of the Act under Article 2(o) of the Regulation of Care (Social Service Workers)(Scotland) Order 2005 where the service is provided in an independent school;

**"Suspension Order"** means an order for suspension of a Registrant's Registration made by the Conduct Sub-committee under the Council's Conduct Rules;

**"University"** means the University or Higher Education Institution providing a Degree Course for a Student;

**"Verification"** is the process of confirming that the Applicant's identity is genuine, in terms of the Approved Guidance issued by the Council from time to time.

- (2) In these Rules, any reference to the date on which the Annual Fee is due is a reference to
- (a) the anniversary of the date on which the Entry was first made in the Register and on that date in every subsequent year and if the Entry was first made on 29th February it shall be treated as having been made on 1st March;
  - (b) where an Entry in the Register has been removed and is subsequently restored, the anniversary of the date on which restoration was made and on that date in every

subsequent year and if restoration was made on 29th February it shall be treated as having been made on 1st March.

- (3) In these Rules, including the Schedules, unless the context otherwise requires:
  - (a) words in the singular include the plural and words in the plural include the singular;
  - (b) any reference to a numbered Rule is a reference to the Rule bearing that number in these Rules and
  - (c) any reference in a Rule to a numbered paragraph, is a reference to the paragraph bearing that number in that Rule.
- (4) These Rules shall be construed and applied in accordance with the Council's obligations under the Human Rights Act 1998 and the Data Protection Act 1998.

### **3. Service of documents**

In these Rules:

- (1) unless the context otherwise specifies, any reference to the sending of a notice to an Applicant or Registrant, is a reference to the sending of a notice by recorded delivery post or by a postal service in which delivery or receipt is recorded, or to delivery by hand by an individual by or on behalf of the Council, to the address of the Applicant or Registrant in the Register or, if different, to the last address known to the Council or by email to an email address provided by the Applicant;
- (2) where any notice is sent to an Applicant or Registrant, it shall be treated as having been served on the day after it was posted, the day it was delivered by hand or the day it was emailed.

**PART II**  
**REGISTRATION PROCEDURES**

**4. Application for Registration**

- (1) An application for Registration shall specify each part of the Register in which Registration is sought and shall be in writing on the Approved Application Form.
- (2) The Approved Application Form shall:
  - (a) contain a warning to the Applicant
    - (i) about the consequences (including criminal sanctions and removal from the Register) of providing false or misleading information;
    - (ii) that failure to inform the Council as soon as reasonably practical of any material changes in the information provided, may be considered Misconduct by the Council; and
    - (iii) that the Applicant must comply with the Code of Practice for Social Service Workers issued by the Council and may be subject to disciplinary action under the Council's Conduct Rules for any breach of the Code;
  - (b) be completed and signed by the Applicant

(c) be verified and endorsed by an appropriate person or persons as specified in the Approved Application Form and Approved Guidance, for the purposes of establishing the identity, good character, Conduct and competence of the Applicant and

(d) be given or sent to the Council.

- (3) Where the Applicant is not already registered in a part of the Register and the Applicant is self-employed, or not employed, or in the case of an application for Registration in the part of the Register for Students, or in any case where the Council requires, the Applicant shall provide a completed Disclosure Scotland application form signed by the Applicant, for countersignature by the Council, together with the appropriate fee, for the purpose of obtaining an enhanced criminal record certificate known as an Enhanced Disclosure, under section 115(1) of the Police Act 1997; or following the commencement of the Protection of Vulnerable Groups Scheme under the Protection of Vulnerable Groups (Scotland) Act 2007 at the discretion of the Council, a Scheme Record or Short Scheme Record as defined in the Protection of Vulnerable Groups (Scotland) Act 2007.

- (4) The Council may, for the purposes of determining the application, seek information additional to that provided by the Applicant from both the Applicant and from any other person or source.
- (5) Where the Council receives information under paragraph (4) above, other than from the Applicant, it shall inform the Applicant of the information received and shall give the Applicant an opportunity of commenting on that information, within the period of 14 days, beginning the day after the information is sent to the Applicant.
- (6) Except where the Council is minded to make a reference to the Registration Sub-committee under Rule 16 below, the Council shall notify the Applicant of its decision on the application for Registration in writing.
- (7) The Council shall not grant an application for Registration until it has received payment of any Application Fee set by the Council for Registration in the part or parts of the Register to which the application relates, and is satisfied:
- (a) as to the Applicant's good character, Conduct, and competence and
  - (b) in the case of an application for Registration in the part of the Register for Social Workers:

- (i) that the Applicant has successfully completed an Approved Course and the courses specified in Schedule 1 to these Rules are hereby approved by the Council in terms of section 46(2)(c)(i) of the Act; or
  - (ii) that the Applicant has successfully completed any other course for persons wishing to become Social Workers approved by:
    - a. the Council under section 54(1) of the Act; or
    - b. a Care Council under Section 63 of the Care Standards Act 2000 or Section 10 of the Health and Personal Social Services Act (Northern Ireland) 2001; or
  - (iii) that the Applicant satisfies the provisions of section 46B of the Act;
- (c) in the case of an application for Registration in the part of the Register for Students that the Applicant has been offered and has accepted a place on a Degree Course;
- (d) In the case of an application for Registration in the part of the Register for SCSWIS Authorised Officers:
  - (i) that the Applicant satisfies the Requirements imposed by the Council, in terms of Section 46(2)(c)(ii) of the Act, for persons wishing to be registered in the part of the Register for SCSWIS



Authorised Officers and set out on the list of such Requirements published by the Council from time to time; or

- (II) that the Applicant satisfies the provisions of section 46B of the Act;

and in respect of an Applicant coming within either (i) or (ii) above

- (III) that, subject to Rule16(1), the Applicant holds either the Regulation of Care Award (Scotland), or the Regulation of Care Services Award as awarded by the General Social Care Council (or any equivalent body carrying out its statutory functions) in England or the Regulation of Care Services Award as awarded by the University of Wales Institute, Cardiff in Wales or that the Applicant has agreed to a condition on their Registration that they commence the Regulation of Care Award (Scotland), or that they commence training in respect of the additional package of qualifications specified by the Council as necessary for SCSWIS Authorised Officers who do not hold one of the Awards referred to in this paragraph, and which qualifications are set out in the list of Requirements published by the Council from time to time within a

period of 24 months and obtain the said Award  
within a period of 36 months, both from the date of  
Registration;

- (e) in the case of an application for Registration in any part of the Register for Social Service Workers other than Social Workers or SCSWIS Authorised Officers that the Applicant satisfies the Requirements imposed by the Council, in terms of section 46(2)(c)(i) or (ii) of the Act in relation to the part of the Register in which Registration is sought or, that subject to Rule 16, the Applicant has agreed to a condition on their Registration that they satisfy the said Requirements within their initial period of Registration or that the Applicant satisfies the requirements in terms of section 46B(b) of the Act.

- (8) The Council shall not grant an application for Registration if the Applicant has been listed on either the adults' list or the children's list or both of those lists in terms of the Protection of Vulnerable Groups (Scotland) Act 2007.

## **5. Duration of Registration**

- (1) Subject to removal from the Register in accordance with these Rules or the Council's Conduct Rules, Registration in the relevant part of the Register will remain effective:

- (a) where the Registrant is a Social Worker, a Newly Qualified Social Worker, a Manager of an Adult Day Care Service, a Manager of a Care Home Service for Adults, a Residential Child Care Worker, a Worker in a Residential School Care Accommodation service, a SCSWIS Authorised Officer, a Manager of a Care at Home Service, a Manager of a Housing Support Service, a Manager of a Residential School Care Accommodation Service or a Supervisor of a Residential School Care accommodation service, for a specified period of up to three years from the date of granting of the application for Registration by the Council, and where the Registrant is any other category of Social Service Worker prescribed for the purposes of section 44(1)(b) of the Act by The Regulation of Care (Social Service Workers) (Scotland) Order 2005 for a specified period of up to five years from the date of granting of the application for Registration by the Council;
- (b) where the Registrant is registered in the part of the Register for Students, provided the Registrant continues to participate in the Degree Course, for the duration of the Registrant's Degree Course, or seven years from the date of granting of the application for Registration by the Council, whichever is the earlier, provided that the

Council may in exceptional circumstances, extend the duration to allow the Registrant to complete the Degree Course;

- (c) where an Interim Suspension Order or Suspension Order has been imposed on the Registrant's Registration, until the later of the periods specified in (a) or (b) above as appropriate and the expiry or revocation of the Interim Suspension Order or Suspension Order;

and will thereafter lapse and the Registrant's name will be removed from the Register.

- (2) Not less than 56 days before the expiry of the periods referred to in (1) above, the Council shall send to the address of the Registrant, as it appears on the Register:

- (a) a Notice of Expiry of Registration; and
- (b) an Approved Renewal Application Form.

- (3) Notwithstanding (1) above, a Registrant's Registration in the relevant part of the Register shall not lapse if the Registrant makes an application for renewal before the end of the period specified in that paragraph or where there is reasonable cause shown for the Registrant's failure to submit an Approved Renewal Application Form before the end of the period specified in that paragraph.

**6. Renewal of Registration for Social Workers and other Social Service Workers**

- (1) This rule shall not apply to Registrations in the part of the Register for Students.
- (2) Where the Registrant Is a Social Worker, a Manager of an Adult Day Care Service, a Manager of a Care Home Service for Adults, a Residential Child Care Worker, a Worker in a Residential School Care Accommodation service, a SCSWIS Authorised Officer, a Manager of a Care at Home Service, a Manager of a Housing Support Service, a Manager of a Residential School Care Accommodation Service or a Supervisor of a Residential School Care Accommodation service, for a specified period of up to three years from the date of granting of the application for Registration by the Council, and where the Registrant is any other category of Social Service Worker prescribed for the purposes of section 44(1)(b) of the Act by The Regulation of Care (Social Service Workers) (Scotland) Order 2005 for a specified period of up to five years from the date of granting of the application for Registration by the Council;

- (3) Applications for renewal of Registration shall be made on the Approved Renewal Application Form.
- (4) The Council shall only grant an application to renew Registration where:
- (a) It is satisfied that the Registrant is of good character, conduct and competence, has satisfactorily fulfilled any condition or conditions attached to the Registrant's Registration in the relevant part of the Register; and
  - (b) it has received:
    - (i) where the application relates to any part or parts of the Register satisfactory assurances that an Applicant has completed the Post Registration Training and Learning Requirements set out in SCHEDULE 3 and the Council may at its discretion require evidence that the Post Registration Training and Learning Requirements have been completed in accordance with its published guidance; provided that if a Social Service Worker is registered for less than a Registration period of three years, that Social Service Worker shall be required during that period of Registration to undertake a period of study, training, courses, seminars, reading, teaching or other activities referred to in the paragraphs of SCHEDULE

3 which relate to that category of Social Service Worker which shall be completed in the same proportion to the requirements in SCHEDULE 3 that the period of Registration in months bears to 36;

- (ii) Where the Applicant is not already registered in a part of the Register and the Applicant is self-employed, or not employed, or in any case where the Council requires, the Applicant shall provide a completed Disclosure Scotland application form signed by the Applicant, for countersignature by the Council, together with the appropriate fee, for the purpose of obtaining an enhanced criminal record certificate known as an Enhanced Disclosure, under section 115(1) of the Police Act 1997; or following the commencement of the Protection of Vulnerable Groups Scheme under the Protection of Vulnerable Groups (Scotland) Act 2007; at the discretion of the Council a Scheme Record or Short Scheme Record as defined in the Protection of Vulnerable Groups (Scotland) Act 2007; and
- (iii) payment of any Renewal Fee for the relevant part or parts of the Register set by the Council.

- (c) The provisions of Rule 4 shall apply for the purposes of determining a renewal application.
- (d) Except where the Council is minded to make a reference to the Registration Sub-committee under Rule 16 below, the Council shall notify the Applicant of its decision on the application in writing.

**7. Listing under Protection of Vulnerable Groups (Scotland) Act 2007**

- (1) This Rule is without prejudice to the Council's right to proceed under the Conduct Rules.
- (2) If a Registrant is listed on either the adults' list or the children's list or both of those lists in terms of the Protection of Vulnerable Groups (Scotland) Act 2007 then the Council shall remove the Registrant's Registration without referral to a Registration Sub-committee, or a Conduct Sub-Committee in terms of the Council's Conduct Rules.
- (3) A Notice of Decision in Implementation of Rule 7(2) shall inform the Registrant of the right of appeal to the Sheriff set out in Section 51 of the Act.



**8. Removal from the Register of non-Students**

- (1) This Rule shall not apply to Registrations in the part of the Register for Students.
- (2) Notwithstanding any provisions for removal of a Registrant's Entry from the Register set out in the Council's Conduct Rules, the Council shall refer to the Registration Sub-committee, the question of whether a Registrant's Registration should be removed from the Register or from a part of the Register, upon any of the following:
  - (a) subject to Rule 16, a decision by the Council not to grant an application for renewal;
  - (b) a decision by the Council to grant an application for renewal subject to a condition or conditions, where the Registrant does not accept the condition or conditions;
  - (c) application by the Registrant, in writing, for removal from the Register, except where (5), (6) and (7) below apply;
- (3) Where a matter is referred to it, the Registration Sub-committee shall decide whether or not to remove the Registrant's Entry in the Register in accordance with the procedures set out in Part III below.

- (4) The Council shall not refer to the Registration Sub-committee any application by a Registrant for removal from the Register, where that Registrant is the subject of current or pending enquiries, investigation or disciplinary proceedings under the Council's Conduct Rules.
- (5) The Council shall remove a Registrant's Registration from a relevant part of the Register without referring the matter to a Registration Sub-committee in the following circumstances: -
- (a) where a Registrant is registered in a part of the Register and where that Registrant is no longer employed in the provision of a Care Service to which that part of the Register relates except where the Registrant is registered in the part of the Register for Social Workers;
  - (b) where a Registrant is registered in the part of the Register for Social Workers and that Registrant has applied for Registration in a part of the Register for any prescribed description of Social Service Worker, except SCSWIS Authorised Officers,
  - (c) where a Registrant fails to make an application for renewal of Registration before the expiry of the period specified in Rule 6(1)

unless that Registrant is subject to current or pending enquiries, investigation, or disciplinary proceedings under the Council's Conduct Rules.

(6) The Council may at its discretion remove a Registrant's Registration at a Registrant's request, where the Registrant is registered with a Care Council, or where that Registrant requests in writing that they be so removed, without referring the request to a Registration Sub-committee provided that the Council knows of no good reason why the Registrant's Registration should not be removed;

(7) The Council may at its discretion remove a Registrant's Registration without referring the request to a Registration Sub-committee where circumstances have arisen not regulated by these Rules and where the Council, acting reasonably and lawfully, deems removal to be appropriate.

## **9. Entry of Student names on to the Register**

(1) Where an application for Registration in the part of the Register for Students has been granted by the Council in respect of a Student, that Student's name shall not be entered on to the Register unless-

- (a) the Council is satisfied that the Student has begun participating in a Degree Course; and
  - (b) all fees owed to the Council in respect of that Student's Registration are paid.
- (2) Where an application for Registration has been granted by the Council and that Applicant has not, within 2 years of the date of granting the application, begun participating in a Degree Course, the Council shall not enter the name of the Applicant on the Register. During the 2 year period following the granting of the application, the Council shall only enter the name of the Applicant on the Register if It remains satisfied as to the Applicant's good character, Conduct and competence and has received satisfactory, up-to-date evidence of the Applicant's suitability to be registered in the part of the Register for Students.

**10. Application for Registration upon completion of Degree Course**

- (1) A Registrant who has completed a Degree Course and who wishes to be registered in the part of the Register for Social Workers shall apply to the Council for Registration in accordance with these Rules.

- (2) An application for Registration under (1) above shall be treated as a new application for Registration and the provisions of Rule 4 shall apply.

**11. Removal from the Register for non participation by a Student in a Degree Course**

- (1) Where, for academic, health or personal reasons, a Registrant in the part of the Register for Students is no longer participating in a Degree Course, the Council may remove the Registrant's Entry from the Register without reference to the Registration Sub-committee.
- (2) Where a person's name has been removed from the Register under (1) above and that person wishes to resume participation in the same or another Degree Course, the former Registrant shall make an application for restoration to the Register in accordance with Rule 13.
- (3) The Council shall not remove a Registrant's Entry from the Register in accordance with (1) above, where that Registrant is the subject of current or pending enquiries, investigation or disciplinary proceedings under the Council's Conduct Rules.

## **12. Alteration of the Register**

- (1) Where the Registration Sub-committee decides that the Registrant's Entry should be removed from the Register or part of the Register, the Register shall not be so amended until the period of 14 days after notice of that decision provided to the Registrant by the Council has elapsed, or any appeal to the Sheriff is finally determined or abandoned, whichever is the later.
- (2) Where the Council receives written notification of the death of a Registrant, as may be evidenced by an original or certified true copy of a death certificate or other documentation satisfactory to the Council the Entry relating to that Registrant shall be removed from the Register.
- (3) On removal of an Entry by the Council the Council shall make a corresponding Entry in the Removed Persons Register.

## **13. Application for restoration to the Register**

- (1) Save where removal from the Register or part of the Register was as a result of a refusal by the Registration Sub-committee to grant an application for renewal of Registration, or a determination made by the Council's Conduct Sub-committee, an application for restoration may be made to the Council in terms of these Rules.

- (2) An application for restoration shall be accompanied by payment of the Restoration Fee for the relevant part or parts of the Register, set by the Council.
- (3) The Council shall treat an application for restoration as an initial application for Registration and the procedure set out in Rule 4 shall apply.
- (4) An application for restoration, where removal from the Register was as a result of a determination made by the Council's Conduct Sub-committee, shall be made in accordance with the procedure set out in the Council's Conduct Rules.

#### **14. Time limit for repeat applications**

- (1) Where an Applicant has made an unsuccessful application for Registration, renewal of Registration or restoration to the Register in respect of a part of the Register, the Council shall not consider any further applications from that Applicant in respect of that part of the Register until the expiry of 2 years from the date of rejection of the application unless, in the opinion of the Council, acting reasonably, there has been a material change in circumstances.

**15. Requirement to provide Disclosure Application form/Protection of Vulnerable Groups Scheme Membership**

- (1) At any time the Council may require a Registrant to provide the Council with a completed Disclosure Scotland application form signed by the Applicant, for countersignature by the Council, together with the appropriate fee, for the purpose of obtaining an enhanced criminal record certificate known as an Enhanced Disclosure, under section 115(1) of the Police Act 1997 or following the commencement of the Protection of Vulnerable Groups Scheme under the Protection of Vulnerable Groups (Scotland) Act 2007 at the discretion of the Council a Scheme Record or Short Scheme Record as defined In the Protection of Vulnerable Groups (Scotland) Act 2007.



**PART III**  
**REGISTRATION SUB-COMMITTEES**

**16. Reference to the Registration Sub-committee**

- (1) The Council shall refer to the Registration Sub-committee established in accordance with Part IV:
- (a) any application for Registration, or renewal of Registration, which it is not minded to grant, unless the sole reason for the Council not being minded to grant the application is that the Applicant has not, in the case for an application for Registration in any part of the Register, satisfied the terms of Rule 4(7) as they relate to Requirements. In this case the Council shall issue a Notice of Decision, in terms of section 46 of the Act which shall:
    - (i) set out the decision that the Council is not minded to grant the application;
    - (ii) specify the reasons for the decision; and
    - (iii) set out the Applicant's right of appeal in terms of section 51 of the Act;
  - (b) any application for Registration, or renewal of Registration, which it is minded to grant subject to conditions, unless a Notice of Decision, in terms of (2) below and in terms of section 46 of the Act has been sent

to the Applicant and the Applicant does not make written representations to the Council in terms of section 46(2E) of the Act and confirms in writing that the Applicant agrees to the condition or conditions and its or their imposition;

- (c) any decision under section 47 of the Act to impose, vary or remove conditions on an existing Registration unless a Notice of Decision, in terms of (2) below and in terms of section 47 of the Act has been sent to the Registrant and the Registrant does not make written representations to the Council in terms of section 48(1) of the Act and confirms in writing that the Registrant agrees to the condition or conditions and its or their imposition, variation or removal; and
- (d) any proposal to remove a Registrant's Entry in the Register, other than in accordance with the Council's Conduct Rules, or, for the avoidance of doubt, any decision to remove in accordance with Rules 8,11 or 38 of these Rules giving the reasons therefor.

(2) The Notice of Decision referred to in 1 (b) and (c) above shall:

- (a) set out the decision of the Council and state the condition or conditions on Registration as varied, the condition which is removed or the condition which is imposed;

- (b) set out the reasons for the decision;
- (c) set out the Applicant's or Registrant's right to make written representations to the Council concerning any matter that the Applicant or Registrant wishes to dispute, within 14 days of serving of the Notice of Decision.
- (d) explain the right of appeal in terms of Section 51 of the Act.

- (3) The Council may refer any other application for Registration or renewal of Registration to the Registration Sub-committee.

#### **17. Statement of Referral**

A Statement of Referral shall be sent by the Council to the Clerk at the time the case is referred by the Council to the Registration Sub-committee. The Clerk shall then send the Statement of Referral to the Applicant or Registrant.

#### **18. Pre-hearing Review Stage**

- (1) A Pre-hearing Review Stage shall take place before every Registration Sub-committee.
- (2) The Clerk shall, as soon as practicable after the sending of the Statement of Referral, give the parties 7 days to confirm whether the Parties wish to use the written or oral procedure.

- (3) The Clerk shall send the Parties a Pre-hearing Review Form and request the Parties to complete and return the Pre-hearing Review Form within 14 days after the date of service of the Pre-hearing Review Form on them unless either Party requests the oral procedure. The Clerk shall send each Party a copy of the other Party's Pre-hearing Review form as soon as practicable.
- (4) The Council shall authorise a Legal Adviser to conduct the Pre-hearing Review Stage whether in writing or by oral procedure.
- (5) As soon as practicable after the period referred to in (3) above where a Pre-hearing Review Meeting is not to be held, the Clerk shall send the Legal Adviser any completed Pre-hearing Review Forms received. Within 21 days thereafter the Legal Adviser will return the Pre-hearing Review Forms to the Clerk and may also issue directions in respect of the Pre-hearing Review Forms in terms of Rule 21.
- (6) A record of the directions issued by the Legal Adviser and a copy of the Pre-hearing Review Forms shall be sent to the Parties as soon as they are received by the Clerk from the Legal Adviser.

## **19. Pre-hearing Review Meeting**

- (1) If either party requests the oral procedure the Clerk shall arrange a Pre-hearing Review Meeting and inform the Parties of the date time and venue thereof. Members of the Registration Subcommittee shall not attend the Pre-hearing Review Meeting.
- (2) Where a Pre-hearing Review Meeting is to be held, the Clerk shall arrange a Pre-hearing Review Meeting within 6 weeks after the sending of the Statement of Referral, unless there are exceptional circumstances when this period may be extended, and invite the Parties to attend.
- (3) The Pre-hearing Review Meeting may be conducted by telephone conferencing or by such method as is decided by the Legal Adviser, after consultation with the Parties.
- (4) The Legal Adviser may adjourn the Pre-hearing Review Meeting at any point. The Parties may request that the Legal Adviser adjourns the Pre-hearing Review Meeting in exceptional circumstances.
- (5) A record of the directions issued by the Legal Adviser, any admissions, and decisions taken at the Pre-hearing Review

Meeting shall be maintained by the Clerk and sent by the Clerk to the Parties.

- (6) Where either Party wishes the Pre-hearing Review Meeting to be postponed, such application shall be made in writing, to the Clerk of the Sub-committee at least 48 hours before the date of a Pre-hearing Review Meeting, other than in exceptional circumstances.
- (7) The Party making such application shall serve a copy of the application on the other Party, together with any supporting documentation.
- (8) The Party served with the application may submit a written response to the Clerk of the Sub-committee as soon as practicable and shall serve a copy on the other Party at the same time.
- (9) The application shall be sent by the Clerk for consideration by the Legal Adviser of the Sub-committee; the Legal Adviser shall determine the application, taking into account:
  - (a) the submissions of both Parties;
  - (b) any likely prejudice to either Party;
  - (c) the public interest in the expeditious disposal of the case.

(10) In the event that the application for postponement is granted, or the matter has to be re-scheduled for some other reason, the Clerk shall inform the Parties of the new Pre-hearing Review Meeting date, as soon as possible or alternatively, the new date shall be fixed and intimated by the Clerk after the occurrence of a specified event.

**20. Matters to be considered at Pre-hearing Review Stage**

- (1) The following matters shall be considered at the Pre-hearing Review Stage in respect of the Statement of Referral prepared by the Council:
- (a) any admission of facts;
  - (b) whether the Applicant or Registrant wishes to admit any or all of the allegations which form the basis of the referral to the Registration Sub-committee;
  - (c) the names and addresses of any witnesses to be called and of the parties' Representatives;
  - (d) whether particular provisions require to be made for vulnerable witnesses at the hearing;
  - (e) whether expert evidence is to be presented;
  - (f) whether the health of the Applicant or Registrant will be raised as an issue in the proceedings, and if so, whether any reports should be obtained by the Registrant;

- (g) any dates on which the Parties or witnesses would be unable to attend a hearing;
- (h) time estimate for the hearing;
- (i) any request by either Party that any person be directed to produce specified material which would be relevant to the Registration Sub-committee's deliberations; and
- (j) any other relevant matters which the Parties may consider it appropriate to bring to the Legal Adviser's attention.

## **21. Directions**

- (1) The Legal Adviser may issue directions as part of the Pre-hearing Review Stage for the purpose of facilitating the hearing of the matter and regarding the production of material, the timetable for service of evidence, including any medical and expert reports and any admissions.
- (2) Any such directions issued by the Legal Adviser will be complied with by the Party to whom they are addressed. If either Party objects to the directions and that objection cannot be resolved, the matter will be referred to the Registration Sub-committee.
- (3) Where the Applicant or Registrant wishes to admit any or all of the allegations which form the basis of the Statement of Referral



the Parties shall prepare an agreed Statement of Facts within a timescale specified by the Legal Adviser.

- (4) (a) Where either Party wishes to make representations regarding
- (i) the issue of directions; or
  - (ii) directions issued by the Legal Adviser regarding the production of material; or.
  - (iii) any submissions on legal matters;

that Party should submit an application in writing to the Clerk no later than seven days before the hearing setting out their position. The Clerk shall make the applications available to the other Party, the Legal Adviser and the Sub-committee as soon as practicable thereafter.

(b) Where such representations are made to the Sub-committee, Parties will have a right of reply and the Party or person making the representations may respond thereto, before the Sub-committee decide on the matters. If the Sub-committee decide to issue or uphold the directions, a period or further period for compliance may be specified, if reasonable. If necessary the hearing may be adjourned to allow compliance with any such directions.

## **22. Procedure for Referral to a Registration Sub-committee**

- (1) Not less than 28 days before the meeting of a Registration Sub-committee, the Clerk shall send a Notice of Referral to the Applicant or Registrant and shall send a copy of it to the Council, the Employer or other person who countersigned the application form and the University or other party who endorsed the Student's application where relevant. The Clerk shall also send to the Applicant or Registrant a copy of these Rules.
- (2) The Notice of Referral shall:
  - (a) give the date, time and venue of the meeting of the Registration Sub-committee;
  - (b) set out any proposal to:
    - (i) refuse an application for Registration
    - (ii) refuse an application for renewal of Registration
    - (iii) impose, vary or remove a condition or conditions on Registration;
    - (iv) remove a Registrant's Entry from the Register and the reasons therefor.
  - (c) where there is no proposal set out the reasons for the referral to the Registration Sub-committee;
  - (d) set out the Applicant or Registrant's right to make written representations to the Council concerning any matter that

- the Applicant or Registrant wishes to dispute, within 14 days of service of the Notice;
- (e) set out the Applicant or Registrant's right to attend the Registration Sub-committee meeting and to be heard in person or through a Representative and the Applicant's or Registrant's right to call witnesses
  - (f) enclose copies of any material to be put before the Registration Sub-committee, except where the Council considers that the disclosure of such material would be prejudicial to the public interest, provided that where material has been withheld, the Notice of Referral shall inform the Applicant or Registrant of that fact;
  - (g) require the Applicant or Registrant to provide to the Clerk, no later than 14 days before the date of the meeting of the Registration Sub-committee, certified copies of any documents on which the Applicant or Registrant intends to rely.
  - (h) invite the Parties to submit an application stating their position in writing 7 days before the date of the meeting in relation to the matters provided for in Rule 21(4)(a).
- (3) No later than 21 days before the meeting of a Registration Sub-committee, the Applicant or Registrant shall provide the other –

Party, copies of any documents on which the Applicant or Registrant intends to rely.

(4) No later than 14 days before the date of hearing both parties shall lodge all documents and reports upon which they intend to rely with the Clerk to the Sub-committee.

(5) Not less than 7 days before the meeting of a Registration Sub-committee: the Clerk shall send to each Registration Sub-committee member, with a copy to each Party:

- (a) a copy of the Notice of Referral;
- (b) copies of all the documents which the Applicant or Registrant has submitted in connection with the referral;
- (c) copies of all the documents submitted by the Council in connection with the referral;
- (d) any comments submitted by the Applicant or Registrant;
- (e) a Certificate of Compliance.

### **23. Procedure at Registration Sub-committee**

(1) Each Registration Sub-committee will conduct its business according to the rules of natural justice and the requirements of a fair hearing and shall act in accordance with the principle of proportionality. Subject to these Rules and the requirements of natural justice, each Registration Sub-committee may decide its

own procedure but must consider in doing so the requirement to restrict the evidence put before them to that which is relevant to the facts in dispute and to whether submissions are required before they are made and the appropriate length of submissions.

- (2) A Registration Sub-committee shall sit in private.
- (3) Subject to the requirements of a fair hearing and after hearing representations from the Parties, the Registration Sub-committee may at any stage of the hearing, adjourn the proceedings for the purposes of seeking further information or for any other purpose. Where the hearing has been adjourned, the Clerk shall, as soon as practicable, notify the Registration Sub-committee, the Applicant or the Registrant, the Council and where the Registrant is registered in the part of the Register for Students, the University of the date fixed for the hearing to be resumed.
- (4) The Council's case may be presented by an officer of the Council, or by a solicitor or Counsel. Where the Council's case is presented by a solicitor or Counsel, an officer of the Council may be present at the meeting for the purpose of giving instructions.

- (5) The Applicant or Registrant may either appear in person, be represented by a Representative,,and/or be accompanied by a Supporter.
- (6) The Convener of a Registration Sub-committee may permit the Applicant or Registrant to be represented by a person other than a Representative.
- (7) Any Application to be represented by a person other than a Representative shall be given or sent to the Clerk to be received not less than seven days before the meeting of a Registration Sub-committee
- (8) A person who represents or accompanies the Applicant or Registrant shall not be entitled to be called as a witness at the meeting.
- (9) A member of the Registration Committee or staff of the Council may attend the meeting in an observational capacity for the purposes of training. A member of the Committee may also attend the private deliberations in the same capacity and for the same purpose.

- (10) A Registration Sub-Committee may exclude from the whole or any part of the meeting, any person whose conduct, in the opinion of the Registration Sub-committee, has disrupted or is likely to disrupt the meeting.
- (11) Where the Applicant or Registrant is not present or represented at the meeting, a Registration Sub-committee, may determine the matter in the absence of the Applicant or Registrant on production by the Clerk of the Certificate of Compliance.
- (12) The order of proceedings shall be as follows and reference to either the Council or the Applicant or Registrant includes their Representatives, if any:
- (a) the Applicant or Registrant, if present, shall lead evidence in support of the application for Registration;
  - (b) the Council shall produce evidence;
  - (c) where oral testimony is led by either Party, the witness may be cross-examined by the other Party and may be questioned by the Registration Sub-committee and re-examined;
  - (d) the Applicant or Registrant shall be invited to sum-up;
  - (e) the Council shall be invited to sum-up;

- (f) the Registration Sub-committee shall determine the application and shall formulate any conditions that they are minded to impose.
- (13) A Registration Sub-committee may:
- (a) grant the application for Registration or renewal of Registration;
  - (b) refuse the application for Registration or renewal of Registration;
  - (c) impose conditions on Registration for a specified period;
  - (d) vary or remove existing conditions on Registration;
  - (e) direct that the Registrant's Entry be removed from the Register or part of the Register;
  - (f) refer an application for renewal of Registration to the Council's Conduct Sub-committee, where an allegation of Misconduct has been made against a Registrant;
  - (g) adjourn the hearing at any time for the purpose of seeking further information, or for any other purpose.
- (14) Where the Registration Sub-committee is minded to impose a condition or conditions that was not proposed in the Notice of Referral, the Registration Sub-committee may ask the Council to call a witness to give evidence before the Registration Sub-committee and the Parties as to the suitability or workability of



any potential condition or conditions. The Applicant or Registrant shall be entitled to cross examine the witness.

(15) The Registration Sub-Committee's decision shall be announced in the presence of the Parties, if they are in attendance.

(16) Where a Registration Sub-committee has considered the evidence available and is minded to impose a condition or conditions on a registration or renewal of registration:

- (a) the Sub-committee will issue to the Parties a note of the condition or conditions it is minded to impose.
- (b) where the Applicant or Registrant is present at the hearing and the Sub-committee is minded to impose a condition or conditions on the Applicant or Registrant's Registration in a part or parts of the Register, the hearing will be adjourned by the Sub-committee for a reasonable period of time to allow the Applicant or Registrant an opportunity to consider the note of the condition or conditions that the Sub-committee is minded to impose.
- (c) Where the Applicant or Registrant is not present at the hearing and the Sub-committee is minded to impose a condition or conditions on the Applicant or Registrant's Registration in a part or parts of the Register, the hearing will be adjourned by the Sub-committee and the Clerk will

send to the Parties the note of the Sub-committees proposed condition or conditions, within 7 days of the hearing being adjourned.

- (17) The note of the condition or conditions referred to at Rule 23(16)(a) shall:
- (a) set out the condition or conditions which the Sub-committee is minded to impose and the reasons for the condition or conditions; and
  - (b) Inform the Parties of the right to make written representations to the Sub-committee concerning any matter that the Parties wish to dispute, within 14 days of service of the note of the condition or conditions.
- (18) The Sub-committee shall reconvene to consider the matter as soon as practicable in the case of Rule 23(16)(b), or in the case of Rule 23(16)(c) or after the expiry of the 14 day period set out in the note of the Proposed condition(s) in Rule 23(17)(b). At least 7 days prior to the meeting, the Clerk shall send:
- (a) to the Sub-committee and the Council a copy of any written representations submitted by the Parties and
  - (b) to the Sub-committee and to the Parties a Notice of Reconvened Hearing.

(19) At the reconvened hearing, the Registration Sub-committee shall take into account any written representations referred to in Rule 23(17) and may afford the Applicant or the Registrant, the opportunity to make oral representations upon the condition or conditions. The Council will have a right of reply to which the Applicant or Registrant may respond before disposing of the matter.

(20) Where a Registration Sub-committee determines that conditions should be imposed on the Registration of an Applicant or Registrant, it shall at the time of such determination consider whether the Registrant's compliance with such conditions should be reviewed by the Registration Sub-Committee before the end of the period specified for their application, and, if so, shall direct that a resumed hearing be set at a future date.

(21) At the conclusion of the meeting, a Registration Sub-committee shall announce its decision and the reasons for it before the Parties if they are in attendance.

(22) In all cases, within 7 days the Clerk shall send a Notice of Decision under this Rule to the Parties and the Employer or other person who countersigned the application form and the University

or other party who endorsed the Student's application where relevant.

(23) The Notice of Decision shall:

- (a) record any advice given by the Legal Adviser;
- (b) set out the decision of the Registration Sub-committee;
- (c) specify the reasons for the Registration Sub-committee's decision;
- (d) clearly set out any conditions imposed or varied on, or removed from the Registrant's Registration;
- (e) set out any right to make written representations in terms of section 46(2E);
- (f) the right of appeal to the Sheriff, conferred by section 51 of the Act

#### **24. Evidence at a Registration Sub-committee**

- (1) After obtaining the advice of the Legal Adviser, the Registration Sub-committee may admit any evidence that would be regarded as relevant and, in terms of the Civil Evidence (Scotland) Act 1988, admissible in an ordinary civil court in Scotland provided that the Registration Sub-committee can refuse to admit evidence where it does not consider it relevant to the material facts in dispute. Oral evidence may not be admitted where it relates only

to facts which have been agreed by the Parties in a document lodged with the Clerk.

- (2) The Registration Sub-committee may receive oral, documentary or other evidence submitted by the Applicant or Registrant or the Council, which appears to the Registration Sub-committee to be relevant to its consideration of the case.
- (3) The Registration Sub-committee may of its own volition, request the Parties to provide documentation or request any person to provide documentation or to give oral evidence, which it considers might assist it in determining the application and the Registration Sub-committee may receive such evidence.
- (4) The Registration Sub-committee may admit documentary evidence put forward by a Party notwithstanding that such documentary evidence has not been disclosed in advance of the hearing
  - (a) if the other Party consents; or
  - (b) where after consultation with the Legal Adviser, it is satisfied that the admission of such evidence is necessary to ensure the fairness of the proceedings and outweighs any prejudice to the other Party, which has not previously seen that evidence.

- (5) The findings of fact and certification of conviction of any UK Criminal Court shall be conclusive proof of the facts or conviction so found.
- (6) The findings of fact and determination by any of the regulatory bodies set out in SCHEDULE 4, shall be prima facie evidence of the facts so found. The Applicant or Registrant shall be entitled to adduce evidence to the Registration Sub-committee in rebuttal.

## **25. Standard of Proof**

- (1) Where facts are in dispute, the Registration Sub-Committee shall decide the facts on the civil standard of proof.
- (2) The burden of proof shall rest on the Applicant or Registrant.

## **26. Witnesses**

- (1) The Convener shall warn any witnesses of the serious nature of the proceedings and of the requirement to tell the truth at all stages.
- (2) The Registration Sub-committee may, on the application of the Party calling the witness, agree that the witness's personal details shall not be revealed in public.

- (3) Subject to the provisions of Rule 27 relating to vulnerable witnesses, witnesses shall be examined by the Party calling them and may then be cross-examined by the opposing Party. The Party calling the witness may then re-examine.
- (4) Witnesses may also be questioned by Members of the Registration Sub-committee or by the Legal Adviser with the leave of the Convener.
- (5) The Parties may question the witnesses on matters arising out of the Registration Sub-committee or the Legal Adviser's questions. The Party calling the witness shall question the witness last.
- (6) Any further questioning of witnesses shall be at the discretion of the Registration Sub-committee.
- (7) Witnesses (unless the witness is the Registrant or Applicant) shall not be allowed to attend the proceedings until after they have completed giving evidence to the Registration Sub-committee and been formally released by the Convener.

## **27. Vulnerable Witnesses**

- (1) The following shall be treated as vulnerable witnesses:

- (a) any witness under the age of 17;
  - (b) any witness with a mental disorder;
  - (c) any witness who is significantly impaired in relation to intelligence and social functioning;
  - (d) any witness with physical disabilities who requires assistance to give evidence;
  - (e) any individual against whom the Applicant or Registrant's alleged behaviour was directed, where there is an allegation against the Applicant or Registrant of a sexual and/or violent nature;
  - (f) any witnesses who complain of intimidation.
- (2) Subject to the advice of the Legal Adviser and also upon hearing representations from the Parties, the Registration Sub-committee may adopt such measures as it considers necessary to enable it to receive evidence from vulnerable witnesses.
- (3) Measures adopted by the Registration Sub-committee may include, but shall not be limited to:
- (a) use of video links;
  - (b) use of pre-recorded evidence as the evidence in chief of a witness, provided always that such witness is available at the hearing for cross examination and questioning by the Registration Sub-committee;



- (c) use of screens;
- (d) use of interpreters (including signers and translators) or intermediaries.

(4) Where there is an allegation against an Applicant or Registrant which is sexual and/or violent in nature, and where the Applicant or Registrant is acting in person, the Applicant or Registrant shall not be allowed to cross examine any individual against whom the Applicant or Registrant's alleged behaviour was directed, provided that the Applicant or Registrant has attended the Pre-hearing Review Meeting or completed a Pre-hearing Review Form and has indicated the Applicant or Registrant's intention to dispute the facts and where the Applicant or Registrant has demonstrated that the Applicant or Registrant does not have financial resources to instruct a solicitor, the Registration Sub-committee may appoint a solicitor to undertake cross-examination of the relevant individuals on the Applicant or Registrant's behalf.

## **28. Resumed Hearings**

(1) Where conditions have been imposed on a Registrant's Registration, a Registrant may apply through the Clerk to the Registration Sub-committee for a resumed hearing where the

Registrant considers that there has been a material change of circumstances.

- (2) The Registration Sub-committee may, after considering legal advice from the Legal Adviser, and if satisfied that there has been a material change in circumstances, direct that a resumed hearing should take place.
- (3) At the resumed hearing, the Registration Sub-committee may vary or remove any conditions imposed on the Registrant's Registration at the original hearing and/or impose additional conditions.
- (4) Not less than 28 days before the date of the resumed hearing, or sooner if agreed by all Parties the Clerk shall send to the Registrant and the Council a Notice of Resumed Hearing, together with a copy of these Rules.
- (5) The Notice of Resumed Hearing shall be in the same form as the Notice of Referral in terms of Rule 22(2) except that Rules 22(2)(b) and 22(2)(c) shall be replaced by the following Rules: -  
  
"(b) set out the Registrant's application for a review and  
(c) set out the reasons for the application".

- (6) The procedure at the resumed hearing shall be the same as at the original hearing.

**29. Postponement of hearing**

- (1) Where either Party wishes a Registration Sub-committee hearing to be postponed, such application shall be made in writing, to the Clerk of the Registration Sub-committee at least 48 hours before the date of a hearing except in exceptional circumstances.
- (2) The Party making such application shall serve a copy of the application on the other Party, together with any supporting documentation.
- (3) The Party served with the application may submit a written response to the Clerk of the Registration Sub-committee as soon as practicable and shall serve a copy on the other Party at the same time.
- (4) The application shall be sent by the Clerk for determination by the Convener of the Registration Sub-committee who shall take into account:
  - (a) the submissions of both Parties;
  - (b) any likely prejudice to either Party; and

(c) the public interest in the expeditious disposal of the case.

- (5) In the event that the application for postponement is granted, or the matter has to be re-scheduled for some other reason, the Clerk shall inform the Parties of the new hearing date as soon as possible or alternatively, if necessary, a new date shall be fixed and intimated by the Clerk after the occurrence of an event as specified by the Convener.

## **PART IV**

### **REGISTRATION COMMITTEE AND REGISTRATION SUB-COMMITTEES**

#### **30. Constitution, membership and quorum of Registration Committee and Registration Sub-committee**

- (1) The Council shall establish a Registration Committee and Registration Sub-committees. Members of the Registration Committee shall be appointed for a period not exceeding 3 years and shall be eligible for re-appointment for further periods not exceeding 4 years in total, provided that a Member may sit on a Sub-committee which has commenced consideration of a matter prior to the expiry of his/her period of appointment until the final conclusion of the Sub-committee's consideration of any matter before it. No defect in the appointment of a Member shall affect the validity of the proceedings or decisions of the Registration Committee or any of its Registration Sub-committees. Retired Members will not be eligible to re-apply for membership for 5 years from the date of their retirement from being a member of the Committee.
- (2) The Registration Sub-committees considering particular cases shall be selected from the pool of persons appointed by the Council to the Registration Committee.

- (3) Each Registration Sub-committee shall consist of up to five members and the quorum shall be two.
- (4) The meetings of the Registration Sub-committee shall be held in private.
- (5) Each Sub-committee shall consist of at least one Lay Person and one Due Regard member.
- (6) The Council shall appoint Conveners of Registration Sub-committees. The Conveners shall be Lay Persons.
- (7) Neither the Convener of the Council nor any Members of the Council shall sit as members on any Registration Sub-committee.
- (8) The Council shall endeavour to appoint to each Registration Sub-committee, a member who is registered in the same part of the Register as the Applicant or Registrant whose case is under consideration, unless that person is registered, or has applied to be registered, only in the part of the Register for Students or only in the part of the Register for SCSWIS Authorised Officers.

- (9) Where the Council is unable to appoint such a member as referred to at (8) above, the Council shall ensure wherever possible, that a Registration Sub-committee will include a member who has experience or understanding of the area of social service work and, where appropriate, registration and inspection of social services, relevant to the part of the Register on which the Applicant or Registrant whose case is under consideration is registered or has applied to be registered, unless that person is registered, or has applied to be registered, only in the part of the Register for Students or only in the part of the Register for SCSWIS Authorised Officers.
- (10) No member of any Registration Sub-committee shall sit for the hearing of an Applicant or Registrant's case, if that member has previously been concerned with the case unless that member's involvement had been only on decisions in relation to postponement or adjournment of hearings.
- (11) A member of the Registration Committee or staff of the Council may attend any meeting of a Sub-committee in an observational capacity for the purposes of training. A member of the Committee may also attend the private deliberations in the same capacity and for the same purpose.

### **31. Voting and Decisions**

(1) Decisions of all Sub-committees shall be taken by simple majority, unless the Sub-committee consists of two or four members, in which case the Convener of the Sub-committee may exercise a casting vote. Any abstention shall be deemed to be a vote in favour of the Registrant.

(2) Decisions of the Registration Sub-committees shall be treated as those of the Council.

(1) Where a Sub-committee becomes Inquorate :

- (a) either before the decision of the Sub-committee is read out; or
- (b) where the Sub-committee was minded to impose conditions, after the 14 day period referred to in Rule 23(17) of Part III and before the Sub-committee has reconvened and read out a new decision or confirmed the original decision;

if in the reasonable opinion of the Council, the Sub-committee is unlikely to become quorate within 28 days of the Council becoming aware that a member of the Sub-committee is unavailable, then the Council may put in place arrangements to re-hear the case afresh. If the case is to be re-heard afresh, the Clerk will Issue a Notice of Referral in accordance with Rule 22 of Part III and the provisions of these Rules will apply.



### **32. The Legal Adviser**

- (1) A Legal Adviser shall be present at every meeting of the Registration Sub-committee. The Legal Adviser shall also be present during the deliberations of each Registration Sub-committee.
- (2) The Legal Adviser shall advise each Registration Sub-committee on questions of law and shall endeavour to ensure that the proceedings are conducted fairly, informing a Registration Sub-committee forthwith of any irregularity in the conduct of proceedings before that Registration Sub-committee.
- (3) The Clerk to each Registration Sub-committee shall maintain a record of any advice tendered by the Legal Adviser.
- (4) The advice of the Legal Adviser shall be given before the Parties. Any advice given during the private deliberations of a Registration Sub-committee shall subsequently be repeated in the presence of the Parties. Where legal advice has been provided in writing to the Parties in advance it need not be repeated orally before the Parties by the Legal Adviser.

- (5) The Parties shall have the opportunity to make representations on the contents of advice given by the Legal Adviser. Where representations have been made on the contents of the advice given by the Legal Adviser, the Legal Adviser shall consider whether the advice should be amended and shall advise the Registration Sub-committee accordingly in the presence of the Parties.
- (6) The Legal Adviser shall not participate in the decision making of any Registration Sub-committee and shall not be entitled to vote.

### **33. The Clerk**

- (1) Each Registration Sub-committee shall be assisted by a Clerk who shall be responsible for the administrative arrangements for the hearing and shall keep a record of decisions made by each Registration Sub-committee and the reasons for them.
- (2) The Clerk shall not participate in the decision making of any Registration Sub-committee and shall not be entitled to vote.

## **PART V**

### **FEES**

#### **34. Application Fee and Renewal Fee**

- (1) The Application Fee and the Renewal Fee are as set out in SCHEDULE 2 to these Rules, and shall be non refundable if the application is refused. Where an Applicant is applying to be registered or to renew a Registration in more than one part of the Register the Application Fee or Renewal Fee shall be payable in respect of one part only. Where the Application Fee or Renewal Fee differs between different parts of the Register, the higher of the relevant fees shall apply.
- (2) Subject to Rule 37 the Council shall refuse to make an Entry in the Register in respect of any person who has not paid the relevant Application Fee or Renewal Fee.
- (3) For the avoidance of doubt, Students shall not be required to pay the Renewal Fee.

#### **35. Annual Fee**

- (1) The fee to be paid by a Registrant in respect of the retention in the Register of any Registration in any part of the Register in any year following the year in which the Registration was first made is

as set out in SCHEDULE 2 to these Rules. Where a Registrant is registered in more than one part of the Register, the Annual Fee shall be payable in respect of one part only. Where the Annual Fee differs between different parts of the Register, the higher of the relevant fees shall apply.

- (2) Where a Registrant has not given the Council a Credit Card or Debit Card Authority or a Bank Authority, the Council shall send the Registrant a letter not less than one calendar month before the date on which the Annual Fee is due, which states that the Annual Fee is due and the date on which it is due. If the Annual Fee remains unpaid seven days after the date the Annual Fee is due, the Council shall write to the Registrant requiring payment of the Annual Fee forthwith.

### **36. Restoration Fee**

- (1) The Restoration Fee is as set out in SCHEDULE 2 to these Rules, and shall be non refundable in the event that the application is refused. Where an Applicant is applying for restoration of an Entry to the Register in more than one part of the Register, the Restoration Fee shall be payable in respect of one part only. Where the Restoration Fee differs between different parts of the Register, the higher of the relevant fees shall apply.

- (2) Where a Registrant has applied to be restored to the Register, the Council shall not make an Entry in the Register unless the relevant Restoration Fee has been paid.

### **37. Waiver of Fees**

- (1) Notwithstanding the provisions set out in Rules 34,35 and 36, the Council may choose to waive any fees to be charged to an Applicant or Registrant, where:
- (a) that Applicant or Registrant is already registered with the Council or a Care Council and has paid fees to that Care Council;
  - (b) that Applicant or Registrant is already registered with a Care Council and wishes to undertake a practice placement within the Council's jurisdiction;
  - (c) that Applicant or Registrant wishes to resume participation in a Degree Course;
  - (d) that Registrant's Registration has been suspended by the Council; or
  - (e) that Applicant has previously been refused Registration in the part of the Register to which the application relates on the grounds of a pending criminal charge or pending disciplinary action and that charge or action is dropped.

**38. Failure to Pay Fees**

- (1) Failure by a Registrant to make timeous payment of fees owed to the Council in terms of these Rules may be considered Misconduct by the Council.
- (2) If fees due to the Council are not paid timeously the Council may lapse the Registrant's Registration and the Registrant's name shall be removed from the Register.

**39. Exemption from Payment of Fees**

- (1) Where the circumstances set out in the Rule 37(1)(d) apply the Registrant shall not be liable for payment of fees in relation to the Registrant's Registration during the period in which access to the Registrant's Registration is not given to Relevant Employers or members of the public who are not Relevant Employers.

**PART VI**  
**THE REGISTER**

**40. The Form of the Register**

- (1) The Register shall, in respect of each person whose name is entered in the Register, contain the following information:
- (a) full name and previous name(s) if any and title;
  - (b) date of birth;
  - (c) home address, and in the case of Registration in the part of the Register for Students, term-time address;
  - (d) place of employment or place of participation in Degree Course;
  - (e) the date on which the Registrant was registered;
  - (f) if the Registration is subject to conditions, those conditions;
  - (g) Registration number, and the part or parts of the Register in which the Registrant is registered;
  - (h) qualification, the establishment from which the qualification was obtained and the date on which it was obtained;
  - (i) such other qualifications as the Council has determined may be entered in the Register;
  - (j) if the Registrant is registered in the Register of another Care Council, that fact;

- (k) details of any sanctions imposed in the event of a finding of Misconduct by the Council's Conduct Sub-Committee;
- (l) if the Registrant is subject to suspension, or interim suspension that fact together with the reasons for the suspension or interim suspension, the date the decision came into effect and the length of the suspension;
- (m) a record of any reminder given to the Registrant in terms of the Council's Conduct Rules of the terms of the Code of Practice for Social Service Workers and a record of the reasons for the reminder; and a record of any warning in terms of the Council's Conduct Rules;
- (n) such other detail as is considered appropriate by the Council.

#### **41. Access to the Register**

Access to the Register shall be in accordance with the Scottish Social Services Council (Appointments, Procedure and Access to the Register) Regulations 2001 (SSI 2001 no.303) as amended or substituted from time to time.

#### **42. The Keeping of the Register**

- (1) The Register shall be kept secure in a manner which guards against falsification.



- (2) Where an Interim Suspension Order has been imposed on a Registrant's Registration by a Preliminary Proceedings Sub-committee or a Suspension Order has been Imposed on a Registrant's Registration by the Conduct Sub-committee, the Council shall enter the particulars of the Order against the name of the Registrant in the Register, but shall remove the name of the Registrant from the part of the Register which is made available to persons who are not Relevant Employers.
- (3) Where an Order referred to in (2) above ceases to have effect, is revoked or is replaced by another such Order, the Council shall remove the entry relating to that Order from the Register and, where the Order is replaced by another Order, enter the particulars of that Order in the Register.
- (4) If a Registrant so requests in writing the Council may amend the Registrant's Entry in the Register, if it is factually incorrect. Where a Registrant's Registration is subject to conditions and the conditions are fulfilled or removed, the Council shall amend the Register accordingly.
- (5) Before amending the Register in accordance with an application made under (4) above, the Council shall satisfy itself as to the accuracy of the information to be entered in the Register. It may

require the Registrant to produce an affidavit, a marriage certificate or such other documentary evidence which it considers appropriate.

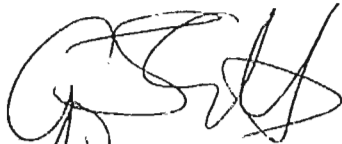
- (6) Where an order for removal of an Entry in the Register has been made under section 49 of the Act, the Council shall remove the Entry in the Register, except to the extent that it discloses the removal and the town that the Registrant was employed in and make a corresponding Entry in the Removed Persons Register.
- (7) The Entry in the Removed Persons Register shall give the details of the removal Order, the duration of such Order and the reasons for removal from the Register.

#### **43. Issue and form of certificates**

- (1) Where the Council enters the name of a Registrant in the Register, it shall issue to the Registrant a certificate of Registration for each Registration.
- (2) A certificate of Registration shall be in the form determined by the Council and shall state the Registrant's -
  - (a) name;
  - (b) Registration number and the part of the Register in which the Registrant is registered; and

- (c) date of Registration;
- (d) It shall also state whether the Registration is subject to conditions and be signed on behalf of the Council.

**The Scottish Ministers having consented, the Council hereby makes these Rules**



**Convener**

**On behalf of the Scottish Social Services Council**

**Dated** 27 March 2012

## **SCHEDULE 1**

### **APPROVED COURSES FOR SOCIAL WORKERS**

1. A course leading to a Certificate in Child Care or Home Office Letter of Recognition In Child Care (issued by the Home Office Central Training Council in Child Care from 1947 to 1971).
2. A course leading to a Certificate in Social Work (issued by the Council for Training in Social Work from 1962 to 1971).
3. A course leading to a Probation Certificate or satisfactory completion of courses by the Recruitment and Training Committee (issued or recognised as the case may be by the Recruitment and Training Committee of the Advisory Council for Probation and After Care until 1971).
4. A course leading to a Certificate or satisfactory completion of courses recognised by the Institute of Medical Social Workers (previously the Institute of Almoners).
5. A course recognised by the Association of Psychiatric Social Workers and subsequently recognised by CCETSW as an approved course for Social Workers.

6. A course leading to a Certificate of Qualification In Social Work (Issued by the Central Council for Education and Training In Social Work from 1971 to 2002).
7. A course leading to a Letter of Comparability to the Certificate of Qualification in Social Work Issued by the Central Council for Education and Training In Social Work (issued until 1990).
8. A course leading to a Certificate in Social Service (Issued by the Central Council for Education and Training In Social Work from 1975 to 1995).
9. A course leading to a Diploma in Social Work issued by the Central Council for Education and Training In Social Work, a Care Council or the Council (issued from 1991).

**10. Certificate or Diploma in Applied Social Studies:**

University of Aberdeen

Queen's University, Belfast

University of Bristol

University College, Cardiff

University College, Dublin (National University of Ireland)

University of Dundee

University of Glasgow

University of Hull

University of Keele

University of Leicester

University of Liverpool

University of London, Bedford College

University of London, Goldsmiths' College

London School of Economics

University of Newcastle upon Tyne

University of Nottingham

University of Oxford

University of Sheffield

University of Southampton

University of Surrey

University College, Swansea

New University, Ulster

**11. Diploma in Social Work or Diploma in Social Work Studies:**

Queen's University, Belfast

University of Birmingham

University of Edinburgh

Enfield College of Tech

University of Kent, Canterbury

University of Leicester

London School of Economics (from 1970)

University of Sussex

**12. BA (Hons) degree in Applied Social Studies or BA (Hons) degree in Applied Social Science:**

University of Bradford

Enfield College of Tech – with appropriate social work options

Hatfield Polytechnic

University of Keele

Lanchester Polytechnic, Coventry

**13. MA Degree in Applied Social Studies:**

University College, Bangor

University of Nottingham

14. **Diploma for Advanced Studies in Social Administration & Social Work (with appropriate social work options):**

University of Manchester

15. **Diploma in Social & Administrative Studies (with appropriate social work options):**

University of Oxford

16. **Certificate in Social Work:**

University of Exeter

17. **Bachelor of Phil (with appropriate social work options):**

University of Exeter

University of Liverpool

18. **M Phil (with appropriate social work options):**

University of York



19. **Master of Social Science (with appropriate social work options):**

University College, Dublin (National University of Ireland)

20. **Certificate in Medical Social Work:**

University of Edinburgh

Institute of Medical Social Workers

21. **Certificate in Psychiatric Social Work or Diploma in Psychiatric Social Work:**

University of Edinburgh

University of Leeds

University of Manchester

22. **Certificate in Child Care:**

University of Edinburgh

23. **Diploma for Social Workers in Mental Health:**

London School of Economics

**24. MSc in Social Administration & Social Work Studies:**

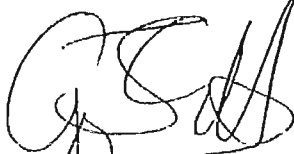
London School of Economics

**25. Masters in Social Work:**

University of Sussex

**26. BA/BSc (Hons) Sociology (with appropriate social work options):**

Bath University of Technology



**Convener**

**On behalf of the Scottish Social Services Council**

**Dated** 27 March 2012

## **SCHEDULE 2**

### **FEES CHARGED BY THE COUNCIL**

#### **1. Fees in relation to the part of the Register for Social Workers**

(1) For Applicants who are not Newly Qualified Social Workers:

- |   |      |
|---|------|
| 1. Application Fee for Applicants who have completed an Approved Course or who hold a Letter of Verification in relation to other qualifications  | £30  |
| 2. Application Fee for Applicants who have not completed an Approved Course and who do not hold a Letter of Verification in relation to other qualifications but who meet the requirements imposed by Rule 4(7)(b)(3) | £155 |
| 3. Renewal Fee  | £30  |
| 4. Annual Fee   | £30  |
| 5. Restoration Fee  | £30  |

(ii) For Applicants who are Newly Qualified Social Workers and are

(a) contracted to work 35 hours or more per week:

1. Application Fee	£30
2. Annual Fee	£30
3. Renewal Fee	£30
4. Annual Fee following Renewal	£30
5. Restoration Fee	£30

(b) contracted to work 35 hours or less per week:

1. Application Fee	£30
2. Renewal Fee	£30
3. Annual Fee	£30
4. Restoration Fee	£30

## **2. Fees in relation to the part of the Register for Students**

(1)	Application Fee	£10
(2)	Annual Fee	£10
(3)	Restoration Fee	£10

## **3. Fees in relation to the part of the Register for SCSWIS Authorised Officers**

(1)	Application Fee for Applicants who satisfy the requirements of Rule 4(7)(d)	£30
(2)	Renewal Fee	£30
(3)	Annual Fee	£30
(4)	Restoration Fee	£30

#### **4. Fees in relation to a part of the Register for residential child care workers**

- |     |   |      |
|-----|---|------|
| (1) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46(2)(c)(i) or (ii) of the Act | £30  |
| (2) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with Section 46B(b) of the Act.             | £155 |
| (3) | Renewal Fee   | £30  |
| (4) | Annual Fee  | £30  |
| (5) | Restoration Fee   | £30  |

#### **5. Fees in relation to the part of the Register for managers of an adult day Care Service**

- |     |   |      |
|-----|---|------|
| (1) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46(2)(c)(i) or (ii) of the Act | £30  |
| (2) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with Section 46B(b) of the Act.             | £155 |

(3)	Renewal Fee	£30
(4)	Annual Fee	£30
(5)	Restoration Fee	£30

**6. Fees in relation to the part of the Register for managers of a care home service for adults**

(1)	Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46(2)(c)(i) or (ii) of the Act	£30
(2)	Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with Section 46B(b) of the Act.	£155
(3)	Renewal Fee	£30
(4)	Annual Fee	£30
(5)	Restoration Fee	£30

**7. Fees in Relation to the Part of the Register for a Manager of a Day Care of Children Service**

- |     |   |      |
|-----|---|------|
| (1) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46(2)(c)(i) or (ii) of the Act | £30  |
| (2) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with Section 46B(b) of the Act.             | £155 |
| (3) | Renewal fee   | £30  |
| (4) | Annual fee  | £30  |
| (5) | Restoration fee   | £30  |

**8. Fees in Relation to the Part of the Register for a Practitioner in a Day Care of Children Service**

- |     |   |      |
|-----|---|------|
| (1) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46(2)(c)(i) or (ii) of the Act | £20  |
| (2) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with Section 46B(b) of the Act.             | £145 |



(3)	Renewal fee	£20
(4)	Annual Fee	£20
(5)	Restoration fee	£20

**9. Fees in Relation to the Part of the Register for a Support Worker in a Day Care of Children Service**

(1)	Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46(2)(c)(i) or (ii) of the Act	£15
(2)	Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with Section 46B(b) of the Act.	£140
(3)	Renewal fee	£15
(4)	Annual fee	£15
(5)	Restoration fee	£15

**10. Fees in Relation to the Part of the Register for a Practitioner in a  
Care Home Service for Adults**

- |     |   |      |
|-----|---|------|
| (1) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46(2)(c)(i) or (ii) of the Act | £20  |
| (2) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with Section 46B(b) of the Act.             | £145 |
| (6) | Renewal fee   | £20  |
| (7) | Annual fee  | £20  |
| (8) | Restoration fee   | £20  |

**11. Fees in Relation to the Part of the Register for a Supervisor in a  
Care Home Service for Adults**

- |     |   |      |
|-----|---|------|
| (1) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46(2)(c)(i) or (ii) of the Act | £20  |
| (2) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with Section 46B(b) of the Act.             | £145 |

(3)	Renewal fee	£20
(4)	Annual fee	£20
(5)	Restoration fee	£20

**12. Fees in Relation to the Part of the Register for a Support Worker  
in a Care Home Service for Adults**

(1)	Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46(2)(c)(i) or (ii) of the Act	£15
(2)	Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with Section 46B(b) of the Act.	£140
(3)	Renewal fee	£15
(4)	Annual fee	£15
(5)	Restoration fee	£15

**13. Fees in Relation to the Parts of the Register for Managers of a Residential School Care Accommodation Service**

- |     |   |      |
|-----|---|------|
| (1) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46(2)(c)(i) or(ii)of the Act | £30  |
| (2) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) In accordance with section 46B(b) of the Act            | £155 |
| (3) | Renewal fee   | £30  |
| (4) | Annual fee  | £30  |
| (5) | Restoration fee   | £30  |

**14. Fees in Relation to the Part of the Register for Supervisors of a Residential School Care Accommodation.**

- |     |   |      |
|-----|---|------|
| (1) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46(2)(c)(i) or (ii) of the Act | £30  |
| (2) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) In accordance with section 46B(b) of the Act              | £155 |

(3)	Renewal fee	£30
(4)	Annual fee	£30
(5)	Restoration fee	£30

**15. Fees in Relation to the Part of the Register for Workers in a Residential School Care Accommodation Service where the service is not provided in an Independent School.**

(1)	Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46(2)(c)(i) or (ii) of the Act	£30
(2)	Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46B(b) of the Act	£155
(3)	Renewal fee	£30
(4)	Annual fee	£30
(5)	Restoration fee	£30

**16. Fees in Relation to the Part of the Register for Workers in a Residential School Care Accommodation Service where the service is provided in an Independent School.**

- |     |   |      |
|-----|---|------|
| (1) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46(2)(c)(i) or(ii)of the Act | £30  |
| (2) | Application Fee for Applicants who satisfy the requirements of Rule 4(7)(e) in accordance with section 46B(b) Act.                  | £155 |
| (3) | Renewal fee   | £30  |
| (4) | Annual fee  | £30  |
| (5) | Restoration fee   | £30  |

**17. Fees in relation to the Part of the Register for Managers of Care at Home Service.**

- |     |  |     |
|-----|--|-----|
| (1) | Application fee for applicants who satisfy the requirements of Rule 4(7)(e) in accordance with Section 46(2)(c) (i) or (ii) of the Act | £30 |
|-----|--|-----|

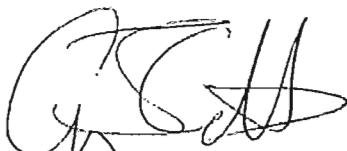
- |     |   |      |
|-----|---|------|
| (2) | Application fee for applicants who satisfy the requirements of Rule 4(7)(e) in accordance with Section 46(B)(b) of the Act, | £155 |
| (3) | Renewal fee   | £30  |
| (4) | Annual fee  | £30  |
| (5) | Restoration fee   | £30  |

**18. Fees in Relation to the Part of the Register for Managers in a Housing Support Service.**

- |      |  |      |
|------|--|------|
| (1)  | Application fee for applicants who satisfy the requirements of Rule 4(7)(e) in accordance with Section 46(2)(c) (i) or (ii) of the Act | £30  |
| (3)  | Application fee for applicants who satisfy the requirements of Rule 4(7)(e) in accordance with Section 46(B)(b) of the Act,            | £155 |
| (4)  | Renewal fee  | £30  |
| (4)- | Annual fee   | £30  |

(5) Restoration fee

£30



**Convener**

**On behalf of the Scottish Social Services Council**

**Dated 27 March 2012**



### **SCHEDULE 3**

#### **POST REGISTRATION TRAINING AND LEARNING REQUIREMENTS**

##### **1. Social Workers**

###### **(1) Social Workers**

- (a)** Every Social Worker registered with the Council, except if that Social Worker is a Newly Qualified Social Worker, shall, within the period of Registration, complete 15 days [90 hours] of study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the Social Worker's professional development, or contribute to the development of the profession as a whole, at least five days [30 hours] of which shall focus on working effectively with colleagues and other professionals to identify, assess and manage risk to vulnerable groups in order to ensure that all Social Workers are assisted to meet their primary responsibility of protecting children and adults from harm.

(2) Newly Qualified Social Workers

- (a) Where a Social Worker is a Newly Qualified Social Worker, that Newly Qualified Social Worker shall within the period of 12 months following the entry of that Newly Qualified Social Worker's name in any part of the Register, complete 24 days [144 hours] of study, training courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the Newly Qualified Social Worker's professional development or contribute to the development of the profession as a whole, at least five days [30 hours] of which shall focus on working effectively with colleagues and other professionals to identify, assess and manage risk to vulnerable groups in order to ensure that all Social Workers are assisted to meet their primary responsibility of protecting children and adults from harm, except where that Newly Qualified Social Worker is contracted to work less than 35 hours per week. In such circumstances that Newly Qualified Social Worker will require to undertake the foregoing activities within the period of 18 months following the entry of that Newly Qualified Social Worker's name on any part of the Register. Within 14 months of the Newly Qualified Social Worker's name being entered on any part of the Register,

that Newly Qualified Social Worker will be required to submit a pro forma (detailing the foregoing activities and commenting on how these have assisted the Newly Qualified Social Worker to consolidate their social work knowledge, skills and values and how, in particular, the activities have developed their ability to contribute to child protection and adult protection) in accordance with the form approved by the Council for this purpose, except where that Newly Qualified Social Worker is contracted to work less than 35 hours per week and in such circumstance that Newly Qualified Social Worker will require to submit the pro forma within 20 months of their name being entered on any part of the Register. Within years two and three of the Newly Qualified Social Workers period of Registration on any part of the Register the Newly Qualified Social Worker shall complete 10 days [60 hours] of study, training courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the Newly Qualified Social Worker's professional development or contribute to the development of the profession as a whole;

- (b) Every Newly Qualified Social Worker registered with the Council shall keep a record of Post Registration Training and Learning undertaken.

- (c) Failure to meet the foregoing Post Registration Training and Learning requirements may be considered Misconduct by the Council.

## **2. SCSWIS Authorised Officers**

- (1) Every SCSWIS Authorised Officer registered with the Council shall within the period of Registration, complete 15 days [90 hours] of study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the SCSWIS Authorised Officer's professional development, or inform their practice.
- (2) Every SCSWIS Authorised Officer registered with the Council shall keep a record of Post Registration Training and Learning undertaken.
- (3) Failure to meet the foregoing Post Registration Training and Learning Requirements may be considered Misconduct by the Council.

## **3. Residential Child Care Workers**

- (1) Every Residential Child Care Worker registered with the Council shall within the period of Registration, complete 15 days [90 hours] of study, training, courses, seminars, reading, teaching

or other activities which could reasonably be expected to advance the Residential Child Care Worker's professional development, or inform their practice.

- (2) Every Residential Child Care Worker registered with the Council shall keep a record of Post Registration Training and Learning undertaken.
- (3) Failure to meet the foregoing Post Registration Training and Learning Requirements may be considered Misconduct by the Council.

#### **4. Managers of an Adult Day Care Service**

- (1) Every Manager of an Adult Day Care Service registered with the Council shall within the period of Registration, complete 15 days [90 hours] of study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the Manager's professional development, or inform their practice.
- (2) Every Manager of an Adult Day Care Service registered with the Council shall keep a record of Post Registration Training and Learning undertaken.

- (3) Failure to meet the foregoing Post Registration Training and Learning Requirements may be considered Misconduct by the Council.

## **5. Managers of a Care Home Service for Adults**

- (1) Every Manager of a Care Home Service for Adults registered with the Council shall within the period of Registration, complete 15 days [90 hours] of study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the Manager's professional development, or inform their practice.
- (2) Every Manager of a Care Home Service for Adults registered with the Council shall keep a record of Post Registration Training and Learning undertaken.
- (3) Failure to meet the foregoing Post Registration Training and Learning Requirements may be considered Misconduct by the Council.

## **6. Day Care of Children Service Workers**

- (1) Every Day Care of Children Service Worker registered with the Council shall within the period of Registration, complete 10 days [60 hours] of study, training, courses, seminars, reading,

teaching or other activities which could reasonably be expected to advance the worker's professional development, or inform their practice.

- (2) Every Day Care of Children Service Worker registered with the Council shall keep a record of Post Registration Training and Learning undertaken.
- (3) Failure to meet the foregoing Post Registration Training and Learning Requirements may be considered Misconduct by the Council.

## **7. Practitioners in a Care Home Service for Adults**

- (1) Every Practitioner in a Care Home Service for Adults registered with the Council shall within the period of Registration, complete 10 days [60 hours] of study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the Practitioner's professional development, or inform their practice.
- (2) Every Practitioner in a Care Home Service for Adults registered with the Council shall keep a record of Post Registration Training and Learning undertaken.

- (3) Failure to meet the foregoing Post Registration Training and Learning Requirements may be considered Misconduct by the Council.

#### **8. Supervisors in a Care Home Service for Adults**

- (1) Every Supervisor in a Care Home Service for Adults registered with the Council shall within the period of Registration, complete 10 days [60 hours] of study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the Supervisor's professional development, or inform their practice.
- (2) Every Supervisor In a Care Home Service for Adults registered with the Council shall keep a record of Post Registration Training and Learning undertaken.
- (3) Failure to meet the foregoing Post Registration Training and Learning Requirements may be considered Misconduct by the Council.

#### **9. Support Worker in a Care Home Service for Adults**

- (1) Every Support Worker in a Care Home Service for Adults registered with the Council shall within the period of Registration, complete 10 days [60 hours] of study, training,



courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the Worker's professional development, or inform their practice.

- (2) Every Support Worker in a Care Home Service for Adults registered with the Council shall keep a record of Post Registration Training and Learning undertaken.
- (3) Failure to meet the foregoing Post Registration Training and Learning Requirements may be considered Misconduct by the Council.

**10. Managers of a Residential School Care Accommodation Service**

- (1) Every Manager of a Residential School Care Accommodation Service registered with the Council shall within the period of Registration, complete 15 days [90 hours] of study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the Residential School Care Worker's professional development, or inform their practice.
- (2) Every Manager of a Residential School Care Accommodation to Service registered with the Council shall keep a record of Post Registration Training and Learning undertaken.

- (3) Failure to meet the foregoing Post Registration Training and Learning Requirements may be considered Misconduct by the Council.

**11. Supervisors of a Residential School Care Accommodation Service**

- (1) Every Supervisor of a Residential School Care Accommodation Service registered with the Council shall within the period of Registration, complete 15 days [90 hours] of study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the Residential School Care Worker's professional development, or inform their practice.
- (2) Every Supervisor of a Residential School Care Accommodation Service registered with the Council shall keep a record of Post Registration Training and Learning undertaken.
- (3) Failure to meet the foregoing Post Registration Training and Learning Requirements may be considered Misconduct by the Council.

**12. Workers in a Residential School Care Accommodation Service where the service is not provided in an Independent School**

- (1) Every Worker in a Residential School Care Accommodation Service where the service is not provided in an Independent School registered with the Council shall within the period of Registration, complete 15 days [90 hours] of study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the Residential School Care Worker's professional development, or inform their practice.
- (2) Every worker in a Residential School Care Accommodation Service where the service is not provided in an Independent School registered with the Council shall keep a record of Post Registration Training and Learning undertaken.
- (3) Failure to meet the foregoing Post Registration Training and Learning Requirements may be considered Misconduct by the Council.

**13. Workers in a Residential School Care Accommodation Service where the service is provided in an Independent School**

- (1) Every Worker in a Residential School Care Accommodation Service where the service is provided in an Independent School registered with the Council shall within the period of Registration, complete 15 days [90 hours] of study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the Residential School Care Worker's professional development, or inform their practice.
- (2) Every worker in a Residential School Care Accommodation Service where the service is provided in an Independent School registered with the Council shall keep a record of Post Registration Training and Learning undertaken.
- (3) Failure to meet the foregoing Post Registration Training and Learning Requirements may be considered Misconduct by the Council.

**14. Manager of a Care at Home Service**

- (1) A manager of a care at home service registered with the Council shall within their period of registration complete 15 days [90

hours] of study, training, courses, seminars teaching or other activities which could reasonably be expected to advance the manager's professional development or inform their practice.

(2) Every manager of a care at home service registered with the Council shall keep a record of post registration training and learning undertaken.

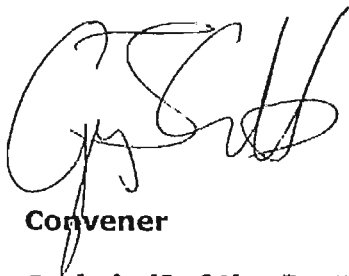
(3) Failure to meet the foregoing Post Registration Training and Learning requirements may be considered misconduct by the Council.

#### **15. Manager in a Housing Support Service**

(1) A manager of a housing support service registered with the Council shall within their period of registration complete 15 days [90 hours] of study, training, courses, seminars teaching or other activities which could reasonably be expected to advance the manager's professional development or inform their practice.

(2) Every manager of a housing support service registered with the Council shall keep a record of post registration training and learning undertaken.

- (3) Failure to meet the foregoing Post Registration Training and Learning requirements may be considered misconduct by the Council.



**Convener**

**On behalf of the Scottish Social Services Council**

**Dated** 27 March 2012

## **SCHEDULE 4**

### **DETERMINATIONS OF REGULATORY BODIES WHICH MAY BE CONSIDERED BY A REGISTRATION SUB-COMMITTEE IN TERMS OF RULE 24**

1. The Nursing and Midwifery Council
2. The General Teaching Council for England
3. The General Teaching Council for Northern Ireland
4. The General Teaching Council for Scotland
5. The General Teaching Council for Wales
6. The Health Professions Council
7. The General Medical Council
8. The General Dental Council
9. The British Psychological Society
10. The General Social Care Council (or any equivalent body carrying out its statutory functions)

11. The Care Council for Wales
12. The Northern Ireland Social Care Council
13. Social Care and Social Work Improvement Scotland
14. The Commission for Social Care Inspection
15. The Care Inspectorate for Wales
16. The Health and Personal Services Regulation and Improvement Authority
17. Royal Pharmaceutical Society of Great Britain
18. Employment Tribunals (Scotland)
19. Employment Tribunals (England and Wales)
20. The office of Industrial Tribunals and the Fair Employment Tribunal in Northern Ireland



**Convenor**

**On behalf of the Scottish Social Services Council**

**Dated** 27 March 2012