

Extract Regulation of Care (Scotland) Act 2001

In addition to their responsibilities under the Code of Practice, employers have responsibilities under the Act in relation to any social service worker, whether the worker is registered with the SSSC or not. Please see below.

Regulation of Care (Scotland) Act 2001 (the Act)

Section 53 of the Act states that the employer of a social service worker shall, in making any decision which relates to the conduct of that worker, take into account any code published by the SSSC. Sections 57A and 57B of the Act places a responsibility on social service employers to co-operate with the SSSC.

57A The employer of a social service worker shall-

- a) on dismissing the social service worker on grounds of misconduct; or
- b) on the social service worker resigning or abandoning the worker's position in circumstances where, but for the resignation or abandonment-
 - i. the worker would have been dismissed on the grounds of misconduct; or
 - ii. dismissal on such grounds would have been considered by the employer

forthwith notify the Council of the dismissal, resignation or abandonment; and the employer shall in doing so provide the Council with an account of the circumstances which led to the dismissal or which were present when the resignation or abandonment took place.

57B provides that the employer of a social service worker shall, when requested to do so by the Council, provide it with such information as respects the worker as it may reasonably require in connection with the exercise of the functions assigned to it under this Act or any other enactment.

This legislation was drawn up to ensure that the SSSC receives information on relevant matters in order to allow us to undertake our responsibilities for public protection and to assist us in our responsibility to investigate matters that might affect a worker's suitability for registration.