

**SCOTTISH SOCIAL SERVICES COUNCIL**

**Confirmed minute of the Education and Workforce Regulation Policy Committee held on 14 September 2011 in Compass House, Dundee.**

**Present:** Mr Garry Coutts, Chair  
Ms Maureen O'Neill, Vice Chair  
Ms Elizabeth Carmichael, Vice Chair  
Mrs Margaret McKay, Council Member  
Dr Anne Haddow, Council Member  
Mr Michael Cairns, Council Member  
Mr Ian Doig, Council Member  
Mr Kingsley Thomas, Council Member

**In attendance:** Ms Anna Fowlie, Chief Executive  
Ms Geraldine Doherty, Registrar  
Ms Val Murray, Legal Adviser  
Mr Bryan Healy, Workforce Intelligence Manager  
Ms Frances Scott, Qualifications and Standards Manager  
Ms Lorraine Gray, Policy and Public Affairs Manager  
Ms Nicola Gilray, Communications Manager  
Mr Neil MacLeod, EWD Adviser  
Ms Julie Thomson, EWD Adviser  
Ms Caroline Sturgeon, EWD Adviser  
Ms Anne Reid (minute taker)

**1. Welcome**

- 1.1 The Chair welcomed everyone to the meeting in particular Julie Thomson and Caroline Sturgeon, Education and Workforce Development Advisers, who were attending as part of their induction.

**2. Apologies for absence**

- 2.1 Apologies were submitted by Bart McGettrick, Karen Croan and Stan Smith, Council Members.

**3. Declarations of interest**

- 3.1 As Chair of NHS Highland and Rector of University of the Highlands and Islands, Garry Coutts declared interest in all agenda items. Margaret McKay declared interest as a registered social worker.

**4. Action list from previous meeting**

- 4.1 Committee noted that Actions had been completed.

## **5. Matters arising from the previous meeting:**

### **5.1 Sector Skills Assessment and Workforce Skills Report, 2011/12:**

Neil Macleod, Education and Workforce Development Adviser, updated Committee on the implementation of the Sector Skills Assessment (SSA) 2010/11 and future work in this area. The SSA was published in May 2011. As part of the implementation a communications strategy was developed. This strategy includes the publication of themed summaries which will highlight key messages for employers, SSSC staff and other stakeholders. Implementation of the action plan is also underway. The action plan includes a research project which will examine data on migrant workers in Care at Home / Care Home / Housing support services and work to improve the SSSC's knowledge of the numbers of volunteers and personal assistants.

- 5.2 Since the last Committee meeting the UK Commission for Employment and Skills (UKCES) have indicated that they will require an SSA for the Scottish social services sector after all. The UKCES are very prescriptive about the SSA's content in 2011/12 and will provide standardised tables for inclusion in the report. The intention is to develop brief SSAs which are comparable with other sectors. The SSA 2011/12 is due for submission to UKCES in January 2012. The timetable for submitting this SSA is not compatible with the Committee timetable. It was therefore agreed that a Chair's Action will be used to finalise the SSA 2011/12. The Committee will receive a draft of the SSA for comment prior to this stage.
- 5.3 Work is continuing on plans to develop a more detailed report which will explore key workforce intelligence issues in greater detail, including data on training provision and numbers of registered workers. This work is provisionally entitled The Workforce Skills Report (WSR) and is primarily undertaken as part of the SSSC's responsibilities under the Regulation of Care (Scotland) Act 2001. The WSR will follow a similar format to the SSA 2010/11.
- 5.4 The Convener queried the value of producing the SSA and the WSR. Neil Macleod noted that the SSA is required by UKCES, while the WSR is primarily about focusing on the SSSC's workforce data responsibilities. The WSR examines data that cannot be covered within the new SSA format. Ian Doig queried the potential for contradictory findings in the reports. Neil Macleod explained that the SSSC would be the final author of both documents so would address any apparent contradictions. Bryan Healy pointed out that data from the SSA 2011/12 will feed into the WSR. The draft WSR will be circulated to Committee in early 2012/13.
- 5.5 Finally, it was noted that the development of SSAs from 2012/13 onwards will be subject to a tendering process. Committee accepted the recommendations and welcomed the plans to develop the WSR. Committee queried the purpose and added value of the SSA. Committee noted that officers are engaged in ongoing discussions with SfCD, UKCES and Scottish Government about these issues.

- 5.6 **Professional Boundaries Guidance:** Geraldine Doherty advised that Elizabeth Carmichael, Margaret McKay, Mike Cairns and Maureen O’Neil met with Ann Moffat, Conduct Case Manager, and her to discuss the development of guidance about maintaining professional boundaries. It was agreed the guidance will be developed for supervisors and managers to assist them to increase the awareness of their staff about professional boundaries and how to recognise and address issues that may emerge about maintaining them in their day to day practice. The guidance will also refer to and reinforce the standards in the SSSC Code of Practice for Social Service Workers.
- 5.7 A group from across various departments within the SSSC has begun drafting the guidance. The Care Council of Wales and the Northern Ireland Social Care Council are interested in this work. A meeting of Four Country CEOs and Directors is scheduled for later this month and Professional Boundaries Guidance is included on the agenda.
- 5.8 **Care at Home and Housing Support Consultation:** Frances Scott provided a brief update on the Care at Home and Housing Support Consultation which ran from 6 June to 26 August 2011. A report on the outcome of the consultation will be submitted to Council in October 2011.
- 5.9 Anne Haddow expressed concern that that the online questionnaire did not allow respondents to designate themselves as carers. This was noted and assurance given that the designation ‘carer’ would be included in future consultation templates.
- 6.0 Consultation on Consolidation of Qualifications for Registration**
- 6.1 Frances Scott gave a presentation on the feedback received through the consultation on Consolidation of Qualifications for Registration and the recommendations that are being made as a result of that feedback. She explained that the proposal was that once required registration commences for a category of worker the current list of acceptable qualifications for registration is consolidated to the main national awards. She advised this consolidated list would only apply to new registrants; existing registrants could continue to depend on predecessor qualifications for maintenance of their registration.
- 6.2 She outlined the key issues that emerged, namely the Camphill Community and other child care organisations argued strongly that the BA Social Pedagogy (BASP) should be retained as an award for registration and specialist groups such as Deaf Blind Scotland, Montessori and Out of School Care and Play work respondents agreed with the proposal but asked that their specialist awards should continue to be recognised. Some Housing Support respondents commented that the proposed range of qualifications for their sector was too narrow and the qualifications were too care orientated.
- 6.3 Nineteen Local Authorities responded with 12 supporting the proposal, the seven Local Authorities who did not support to the proposal raised concerns that the SSSC would be treating social care workers less favourably than

social workers as predecessor awards will continue to be accepted for social workers.

- 6.4 Frances Scott explained that a number of respondents criticised the consultation process and commented that the SSSC had not publicised the consultation enough or given sufficient time for response and had not explained the rationale for the proposed changes sufficiently or tested them out in advance with stakeholders who would be affected by them.
- 6.5 Committee members welcomed the presentation and a general discussion ensued. Committee members agreed with the advice of officers that it should be recommended to Council that the specialist qualifications highlighted in the presentation should be added to the list of consolidated qualifications. It was agreed further discussion was needed with the Housing sector to address their concerns and to reinforce that registration is focused on workers in their services who are providing care not those who are undertaking more general housing administrative work.
- 6.6 Committee considered the concerns that the proposals would mean social care workers would be treated less favourably than social workers. Officers confirmed that social care workers with predecessor qualifications who had been registered prior to the commencement of Required Registration for the relevant part of the Register, even if they were not registered at the point Required Registration commenced, would still be able to depend on their qualification if they applied for registration in the future on the same part of the Register. The individuals who would be affected would be those who had never been registered prior to the commencement of Required Registration who then came forward in future to apply for registration. Committee discussed the need to agree policy based on general expected circumstances rather than circumstances that might affect a small number of people and also the role of employers to ensure that applicants for jobs have current and up to date knowledge.
- 6.7 Committee discussed the comments on the process of the consultation and the lessons learned from it in particular that people value face to face discussion of proposals. The value of testing out proposals was agreed and it was decided that the planned consultation on simplifying the categorisation of the Register should be delayed to allow for discussion with a range of stakeholders. However, Committee agreed that it is important consultations are genuine and not just processes for seeking confirmation of views already gathered.
- 6.8 In response to a question from Kingsley Thomas, Frances Scott advised the "Working It Out "report was a Children in Scotland publication on workforce development. The report provided workforce information and made comparisons with other European countries and recommended that a social pedagogical approach should be adopted to residential child care in Scotland. She confirmed that this recommendation has not been adopted as Scottish Government policy. Geraldine Doherty explained that she was meeting with civil servants and Camphill representatives at the end of the month to discuss the use of pedagogical approaches in child and adult care

in Scotland. The importance of ensuring that recognised qualifications for registration reflect contemporary practice was agreed.

- 6.9 Questions had arisen during the consultation about the lack of progress on developing the level 9 qualification for residential child care workers recommended in the NRCCI. Anna Fowlie reported that this had been raised many times with the appropriate policy division in Scottish Government, and agreed to escalate the matter to the Director, Mike Foulis.

#### **6.10 Recommendations and actions**

Committee agreed:

- i) To note the report
- ii) To remit the Chief Executive to raise the lack of progress on the NRCCI recommendation on a level 9 qualification for residential child care at a senior level in Scottish Government.

### **7.0 Reimagining Workforce Development and Planning in Social Services - Update**

- 7.1 Anna Fowlie presented this report which summarised the findings of the report from Glasgow School of Art (GSA) concluding phases 1 and 2 of the service redesign project. It described the findings and recommendations and outlined proposed next steps towards implementation. She advised that areas for development are around how we communicate, how we improve our engagement with stakeholders, and how we strengthen our leadership and influencing roles.
- 7.2 She advised that the summary report and full report from GSA were available on Basecamp for Council members and that an abridged version of the report will be produced and distributed to stakeholders in due course.
- 7.3 The report's key findings are broken down into 3 categories: tactical solutions; strategic/aspirational solutions; and commentary. She explained that the "tactical solutions" can be addressed more quickly, but the "strategic solutions" identified may take longer.
- 7.4 She explained that it was apparent from feedback received that stakeholders welcomed the opportunity to engage with the SSSC and to discuss the big issues facing the sector and the role the SSSC should play in addressing them. They were also looking for greater clarity and more information about the work of Education and Workforce Development and how it fits with the other functions of the organisation. It is clear from the discussions with stakeholders that there is particular confusion about the purpose and role of the Sector Skills Council.
- 7.5 Anna Fowlie advised that there are currently no additional resources for this work beyond 31 March 2012, and there are no guarantees that funding will be made available for it in the next financial year so future steps may have

to be achieved through existing or reduced funding. However, discussions would take place with Scottish Government after the Spending Review announcement. Much of what GSA have found relates to how the SSSC does things, rather than what we do.

- 7.6 She outlined to Committee areas which she considers should be focused on:
- Developing local engagement through pilots in the two local areas who have shown a real enthusiasm and proactivity to working with the SSSC.
  - Developing specific links with the voluntary and private sectors
  - Developing mechanisms for employer engagement
  - Systematically reviewing our communication, internally and externally
- 7.7 She advised that following discussion with EMT, she intends to submit a proposal to Council in October about a revised staffing structure to support integrated work and increase and strengthen local engagement about EWD work and how it integrates with and underpins registration and regulation of the workforce.
- 7.8 A general discussion ensued; Committee welcomed the report and were content with the work so far and the proposed way forward. It was agreed that it would be important not to underestimate the time and effort that will be needed to address even the tactical solutions.
- 7.9 Margaret McKay pointed out that the report and the process highlighted the need for stronger linkage with the Institute for Research and Innovation in Social Services (IRISS ) and greater clarity about the respective roles and responsibilities of the new re-shaped IRISS and the SSSC.
- 7.10 Elizabeth Carmichael suggested a joint meeting is held with IRISS and the boards of other key partner agencies to discuss clarity of purpose, the impact of each other's work and the potential for joint work. Geraldine Doherty suggested that it would be a good time for Members of SSSC and the SCSWIS Board to meet to discuss how to progress interfacing and shared agendas.
- 7.11 Committee agreed a rebranding exercise would be an expensive distraction and not a priority and that the focus should be on clarifying what the SSSC can and will do in effective partnership with others and what it cannot do, for example, take on the role of a professional body for the sector.
- 7.12 Anna Fowlie asked for views with regard to appointing a Project Manager to assist with this work. Although recognising the work load implications of progressing next steps and the assistance a Project Manager could provide some members advised that the involvement and oversight of the Chief Executive would be critical. The Convener suggested that further thought should be given to this matter and that any proposal to employ a Project Manager should be put to Council Members for consideration.

- 7.13 Anna Fowlie will contact Alison Petch from IRISS regarding holding a joint event with SCSWIS and the SSSC to consider the way forward.
- 7.14 Mike Cairns pointed out that the font size within the main report made it difficult to read. This was noted and will be addressed in the abridged version. However he felt that the proposals were clear and provided a good opportunity to work with SCSWIS and to improve how the SSSC presents itself to and engages with stakeholders.

### **7.15 Recommendations and Actions**

Committee:

- i) Noted the report; and
- ii) Asked the Chief Executive to organise a tripartite meeting between the Boards and senior officers of the SSSC, SCSWIS and IRISS to consider the way forward; and
- iii) Asked the Chief Executive to invite Alison Petch, IRISS Chief Executive to present to a development session on the re-focused IRISS.

### **8.0 SSSC Codes of Practice**

- 8.1 Geraldine Doherty, Registrar, presented this report and advised that the SSSC Code of Practice for Social Service Workers and the SSSC Code of Practice for Employers of Social Service Workers cover workers' responsibilities to identify and report poor and unsafe practice and employers' responsibilities to address such concerns. She outlined the guidance given to registrants about 'whistle-blowing' and that further guidance will be provided in the SSSC newsletter.
- 8.2 She informed Committee members that stake holder surveys undertaken by SSSC and monitoring by the Care Commission and the Social Work Services Inspectorate indicate high levels of awareness about the Codes amongst social service workers and their employers. She explained discussions are underway with the Social Care Social Work Improvement Scotland (SCSWIS) about how it will take account of the Codes of Practice in its inspection work.
- 8.3 The Codes of Practice were issued in September 2002 and Committee was asked to consider whether the 10<sup>th</sup> Anniversary of the launch of the Codes would be an appropriate time to commence a review of them.
- 8.4 The Convener commented that the report was pertinent and gave reassurance that the Codes of Practice are clear and unambiguous and felt that it is important to check how well the codes are understood and acted upon and used by our registrants. Margaret MacKay agreed and said that although we have evidence of awareness of the Codes we need to be sure that workers and employers are implementing the standards set down in them.

- 8.5 It was agreed that a refresh of the Codes would be needed in future but it was not a priority now. The important thing was to ensure the Codes are used properly and adhered to. It was agreed that promotion and enforcement of the Codes would be included in the agenda for the planned joint meeting with SCSWIS and IRISS.

## 8.6 **Recommendations and actions**

Committee:

- i) Noted the report and agreed a refresh of the Codes was not needed at this time.
- ii) Agreed that promotion and enforcement of the Codes would be included in the agenda for the planned joint meeting with SCSWIS and IRISS.

## 9.0 **Registration and Conduct Sub-committee Members: Appointment, Appraisal, Training and Support and Procedure for dealing with Concerns**

- 9.1 Val Murray, Legal Adviser introduced this report. She advised that decisions of the Registration and Conduct Sub-committees are made by the co-opted members of the Registration and Conduct Sub-committees, in the name of the SSSC.
- 9.2 Committee members were asked to review the arrangements for Sub-committees and consider whether Council Members should play a greater role in appointments and whether external consultants should be involved.
- 9.3 The Committee was also asked to agree a procedure for appraisal of Sub-committee members and a procedure for addressing concerns about Sub-committee members.
- 9.4 Val Murray advised that current arrangements for the appointment of Sub-committee members were working well with no particular problems, however it was important in governance terms to look at them again to determine whether they need to be more robust.
- 9.5 Committee discussed the current arrangements and proposed new approach. It was noted that some regulatory bodies use arms-length Appointment Committees to appoint panel members, but that these Committees are themselves appointed by the governing bodies. Members agreed that they were content to leave the current arrangements for the appointment of Sub-committee members in place.
- 9.6 The current arrangements and possible new approach to the appraisal of Sub-committee members was discussed. It is proposed there should be 360 degree appraisal which will in addition to the current arrangements require that:
- Sub-committee members will review the panel's performance as a whole after each hearing

- Each individual will prepare a self-assessment which the Sub-committee Convener will sign off after each hearing
- On an annual basis, each member will be asked to prepare a short reflective account of two hearings from which there were significant learning outcomes
- On an annual basis, each member will be asked to prepare a training and development log and assess their training needs against the core competences.

9.7 It was agreed that the Legal Adviser would consult with Sub-committee members about this proposed approach.

9.8 Committee were content with the training provided to Sub-committee members and noted the training in the year to date.

9.9 Committee were also content in principle with the proposed Procedure for dealing with concerns about Sub-committee members. It was noted the Scheme of Delegation would require to be amended by Council to reflect this in due course.

#### 9.10 **Recommendations and actions:**

Committee:

- (i) Agreed the approach to appointments outlined in Paragraph 2 of the report;
- (ii) Agreed the Legal Adviser would consult with Sub-committee members in respect of the proposed new system for appraisal of Sub-committee members and the Procedure for dealing with concerns about Sub-committee members, and report back to the Committee; and
- (iii) Noted the training and support provided in the year to date and the proposals for the year as outlined in paragraph 4;

#### **10.0 Draft responses to Health Professions Council's Consultations on draft standards of proficiency and proposed threshold level qualifications for social workers in England**

10.1 Geraldine Doherty, Registrar introduced this report and advised the Health Professions Council is currently consulting on draft standards of proficiency and proposed threshold level of qualification for social workers in England.

10.2 Officers have drafted responses to the consultations and while content to recommend support for the proposed threshold level of qualification they have some concerns about the draft proficiency standards. She explained that officers were concerned that the passive language used in some of the standards suggested an understanding of required practice standards is sufficient rather than the ability to practise to required standards. They were also concerned, given the high level at which the standards are drafted, about the proposed acceptance that social workers may not be able to demonstrate they meet all the standards of proficiency throughout their careers.

- 10.3 She advised that the threshold level of qualification was more straightforward. A bachelor degree with honours is the threshold level of qualification for social workers in Scotland so officers were recommending that the SSSC should support the setting of this minimum level of qualification for social workers in England. However, they were also recommending that the monitoring teams which will visit a social work course in England in response to a significant change in course provision should include a registered social worker.
- 10.4 She advised that officers are meeting with colleagues from the Care Councils on 15 September 2011 to discuss education and training matters including each Council's draft response to the HPC consultations.
- 10.5 Anne Haddow welcomed the suggestion in the draft response that the standards should be amended to include references to the central role played by carers and suggested that this comment is strengthened to say that where carers are involved in planning the delivery of appropriate services they should be treated as equal partners.
- 10.6 The Convener asked for an indication of the implications and risks if the passive language remains to be added to the draft response.
- 10.7 Final drafts of the consultation responses will be presented to Council for approval at its meeting on 25 October 2011.

#### 10.8 **Recommendations**

Committee agreed:

- i) To note the report and include comments from Committee into the draft responses.

### 11. **Risk Management**

- 11.1 There were no new risks identified.

### 12. **Consultations from 11 May to date**

- 12.1 Lorraine Gray advised that two consultations have been responded to within this period:
- (1) Scottish Government's Consultation on the common core skills, knowledge and understanding and values for the children's workforce in Scotland; and
  - (2) Inquiry into Regulation of care for older people. Both consultation responses are available on basecamp.

### 13. **Any other competent business**

- 13.1 Following the recent success at the European Social Services Conference in Warsaw, Anna Fowlie advised that Frances Scott has been invited, at no cost to the SSSC, to speak at the Creanova Conference in Bilbao on new

ways of learning and working in recognition of the innovative approach  
SSSC has been taking.

**14. Date of next meeting**

30 November 2011 at 10:30 am

Signed: .....  
Garry Coutts, Chair of the Education and Regulation Policy Committee

Date: ..... 22<sup>nd</sup> Feb 11

