

SCOTTISH SOCIAL SERVICES COUNCIL

**Confirmed minutes of the Scottish Social Services Council held on
Tuesday 23 October 2018 at 1:30 pm in Compass House, Dundee.**

Present: Professor James McGoldrick, Convener
Theresa Allison, Council Member
Professor Alan Baird, Council Member
Audrey Cowie, Council Member
Paul Dumbleton, Council Member
Linda Lennie, Council Member
Forbes Mitchell, Council Member
Keith Redpath, Council Member
Andrew Rome, Council Member

In attendance: Lorraine Gray, Chief Executive
Maree Allison, Director of Regulation
Phillip Gillespie, Director of Development and Innovation
Kenny Dick, Head of Shared Services
Liz MacKinnon, Head of Performance and Improvement
Chris Weir, Head of Legal and Corporate Governance
Gordon Mason, Scottish Government
Audrey Wallace (minute taker)

Observing: One member of the public and seven members of staff

1. Welcome

- 1.1 Jim McGoldrick welcomed all Council members to the meeting, particularly the three members who were appointed in September 2018, this was their first meeting of the full Council. Professor McGoldrick also welcomed the member of the public and the SSSC staff who were observing.

2. Apologies for absence

- 2.1 Apologies for absence were received from Council members Dame Anne Begg, and Paul Edie. Jim McGoldrick told members that, unfortunately, Dame Anne Begg had intimated that she would not be taking up the offer of a second term in office and that her appointment would expire at the end of this year.
- 2.2 Members expressed their disappointment that Dame Anne was unable to continue her work at the SSSC and that her insight and contributions would be missed.

3. Declarations of interest

- 3.1 Alan Baird declared an interest as President of Scottish Care and as Co-chair of the Independent Care Review.
Linda Lennie declared an interest in items 17 and 18, as a registered worker.
Keith Redpath declared a possible interest as a member of the board of the

Care Inspectorate (CI).

4. Minutes of previous meetings

- 4.1 The minutes of the Council meeting of 26 June 2018 were approved as a correct record.
- 4.2 The minutes of the Council meeting of 7 August 2018 were approved as a correct record.

5. Matters arising

- 5.1 There were no matters arising which were not included elsewhere on the agenda.

6. Consideration of the 2017/18 Annual Report and Accounts

6.1 Draft Annual Report and Accounts

- 6.1.1 Kenny Dick introduced this item and presented the draft Annual Report and Accounts 2017/18. He reminded members of the process followed and the timeline for consideration and approval of the document, confirming that all Council members had been invited to consider and offer comment on a previous draft. He confirmed that this version now incorporated comments which had been offered and agreed.

6.2 Combined ISA 260 report to those charged with governance and Annual Report on the Audit

- 6.2.1 Kenny Dick presented the draft External Audit Report to the Accountable Officer and Auditor General for Scotland for 2017/18. He confirmed that this was still in draft as information on the digital strategy had not yet been completed. Once this has been done, the final version will be circulated to Council members by email and any further consideration dealt with as required.
- 6.2.2 Kenny Dick confirmed that the SSSC would be awarded an unqualified letter from the auditor.
- 6.2.3 Following a question, there was some discussion on whether there was any possible conflict of interest given that the external auditors and internal auditors were also auditors for the CI. Members sought assurance on this and it was agreed that Lorraine Gray and Kenny Dick should fully discuss this matter and give advice to members.

6.3 Audit Committee Annual Report to the Council 2017/18

- 6.3.1 Forbes Mitchell presented the Audit Committee's Annual Report to Council which provided a summary of the work carried out by the Committee during the year 2017/18. He commended the staff of the SSSC for their work in making sure that the organisation was compliant.
- 6.3.2 Forbes Mitchell gave assurance of the high level of scrutiny by the Audit Committee and also that the processes in place are robust. He advised that the

Committee was not slow to challenge aspects which it thinks worthy of questioning, ensuring robust processes.

6.3.3 Forbes Mitchell thereafter thanked staff for their work and the Audit Committee Vice-chair, Andy Rome, for taking over the chair of the meetings during his period of absence.

6.3.4 The Council:

1. noted the work of the Audit Committee
2. noted the Committee's assessment of its performance and the plans to address development areas
3. approved the draft 2017/18 Annual Report and Accounts
4. noted the position with regard to the external audit annual report to the Accountable Officer and the Auditor General for Scotland
5. agreed that it is appropriate for the Chief Executive as Accountable Officer to sign the Performance Report, Accountability Report and Statement of the Financial Position.

7. Corporate governance report

7.1 Chris Weir presented report 34/2018 which addressed a number of corporate governance issues including the urgent business dealt with since the last meeting of the Council in June, the appointment of members to the Audit and Resources Committees, the change of dates for some of the Council and Committee meetings for 2019 and the updated Register of Interests.

7.2 Linda Lennie asked that it be noted that Council members who were not committee members could attend committee meetings as observers. It was also noted that where necessary or practical, committee members could attend meetings by video or tele-conferencing and this provision had been used in order to ensure meetings of the Audit Committee had taken place.

7.3 Following a request by the Convener, three notes of interest were given to join the joint SSSC/NES working group and it was agreed that Theresa Allison, Alan Baird and Audrey Cowie be appointed to the membership, taking it up to five members from the SSSC.

7.4 The Council:

1. noted the urgent business considered by the Convener and Chief Executive and the outcome
2. approved the appointment of Council members to the Audit and Resources Committees and to the joint SSSC/NES working group
3. approved the revised schedule of Council and Committee meetings for 2019
4. noted that the Register of Interests had been updated to include the new

Council members and that this would be available for the public on the website following the meeting.

8. Budget monitoring report as at 31 August 2018

8.1 Kenny Dick presented the budget monitoring report as at 31 August 2018. He highlighted that this had been an unusual year with a planned overspend in order to accommodate the Digital Transformation Strategy.

8.2 The main issues of concern which were discussed were:

- the planned outturn would leave the general reserve at 1.4% and the SSSC was hoping to make savings of £142k in order to bring the general reserve back to 2%
- the projected overspend of £1102k on digital transformation does not include any unknown costs, however it is thought that most costs had now been captured
- the areas of significant risks which included the income from registration coming in £100k less than expected. This is unusual and will be closely monitored and reported on to the next meeting of the Resources Committee
- presentation of figures in appendix c to be revised to make costs and unknown costs clearer.

8.3 The Council:

1. considered and approved the budget monitoring report for submission to the Sponsor.

9. Consolidation of qualifications

9.1 Phillip Gillespie presented report 36/2018 which asked Council to consider the requirement for a temporary adjustment to the consolidation of qualifications. This has arisen because of the many parts to the register, the need for workers to register under more than one part and the qualifications criteria for each part.

9.2 Maree Allison outlined the technical and legal background to how the register is set up and the issues with making changes to it. It was noted that the Chief Executive had written to the Scottish Government on this matter.

9.3 Members discussed and agreed that clarification on the issue would be helpful and perhaps a development session would be appropriate, however this should not delay progress with the issue for registrants.

9.4 Clarification was given that registrants were only required to pay one fee, even if their work required them to register on more than one part of the register. An assurance was given that all lines of communication would be used in order to communicate the position to stakeholders.

- 9.5 The Council:
1. agreed to allow a variation of the approach to consolidation of qualifications as an interim measure until September 2020, as detailed in the report
 2. agreed that a development session or policy forum meeting be arranged for Council members.
- 10. Involving people who use social services and carers in our work**
- 10.1 Liz MacKinnon presented report 37/2018 which, following a request by the Resources Committee, confirmed that an appointment had been made to the Involving People Lead post and she set out options for governance and support for the post during the development of the Involving People Plan.
- 10.2 She outlined the plan for a systematic and sustained approach to the proposal to engage more with people with lived experience.
- 10.3 There was discussion on the governance of the initiative and members favoured option 2, to set up a project reference group to oversee the development of the Involving People Plan to include a least one Council member.
- 10.4 In discussions it was agreed that at least 50% of the reference group should comprise people with lived experience and at least one Council member in order to feed back to Council.
- 10.5 Questions were asked about the proposal for staff volunteers to work with people who use services and it was noted that this was a learning/development opportunity and a valuable investment for staff to learn at first hand the difference the SSSC makes to people who use services.
- 10.6 The Council:
1. noted the new appointment to the post of Involving People Lead
 2. considered the options for governance during the development of the Involving people Plan
 3. agreed to option 2 : a project reference group be set up to oversee the development of the involving people plan, to include one or more Council members and at least 50% of the membership to be made up of people with lived experience; quarterly reports will be presented to Council.
- 11. Consultation on change to the fitness to practise process**
- 11.1 Maree Allison presented report 38/2018 which sought authority to begin a consultation exercise on introducing a procedure of holding fitness to practise hearings when a worker requests a hearing.
- 11.2 Maree Allison revisited the history of this request, confirming that, although authorisation was previously sought, consultation did not take place due to the other changes taking place at the time such as moving to a fitness to practise

model of regulation and also introduction of legally qualified chairs.

11.3 The Council considered the updated evidence base, the plan to assist workers to engage in the process and noted that a similar process had been adopted recently by the Nursing and Midwifery Council.

11.4 The Council:

1. granted authority to consult on the proposal
2. noted that a report would come back to Council following the consultation process in March or June 2019, depending on the level of engagement during the consultation.

12. Supporting workers to attend fitness to practise hearings

12.1 Maree Allison presented report 39/2018 which examined the different options available to support workers to attend fitness to practise hearings.

12.2 Members were advised that, although there were no firm statistics, most workers who did not attend hearings, when asked, answered that they would not be able to attend due to costs. The Council was asked to consider five options to help workers overcome this barrier and to encourage workers to attend.

12.3 When asked, Maree Allison advised that it was important to encourage workers to participate in order to allow the hearings panels to have access to information brought out at the hearing that may not otherwise be available to them.

12.4 Members were also made aware of difficulties encountered when organising video conferencing facilities, noting that it could be both difficult and expensive to organise suitable facilities including equipment and waiting space for extended periods of time, sometimes over a number of days. The offer of assistance to workers or witnesses to attend hearings may often prove to be a better solution.

12.5 The Council:

1. considered the options detailed in the report
2. decided to proceed with option 5: we provide travel and subsistence to workers and their representatives /supporters/witnesses irrespective of means
3. agreed to review the decision after a period of six months, when a report would be submitted giving data and information gathered over the trial period.

Alan Baird declared an interest in the following item and took no part in the decision making.

13. Quality Assurance of Approved Specialist Awards for Social Services Workers

- 13.1 Phillip Gillespie presented report 40/2018 which examined the SSSC's statutory duty in relation to the quality assurance of approved specialist social services awards and sought to assure the Council that the awards continued to meet the Council's Rules and Requirements under section 54 of the Regulation of Care (Scotland) Act 2001.
- 13.2 The particular awards reviewed were
- Mental Health Officer (MHO) Awards
 - Practice Learning Qualifications (Social Services)
 - Chief Social Work Officer Award – post Graduate Diploma SCQF 11
 - Residential Childcare Award
 - Professional Development Award in Scrutiny and Improvement Practice (Social Services) SCQF 10.
- 13.3 Members discussed the shortfall in the numbers of MHOs and the age range of those currently practising, noting that there is expected to be a gap in qualified officers when a number of those currently in post will retire and also because of the increased demand for MHO services.
- 13.4 Members also noted that Robert Gordon University was running the BA in Residential Child Care and this course was in a self-reporting year, but would be reviewed by the SSSC in 2020/21.
- 13.5 The Council:
1. approved the recommendations to quality assure the approved specialist awards listed at paragraph 13.2 above
 2. noted that all approved specialist programmes continued to meet the SSSC rules and requirements for specialist training for social service workers in Scotland based on s54 of the Regulation of Care Act 2001
 3. agreed that the report be published on the SSSC website.

14. Developing a new Continuous Learning Standard: Proposed Policy Position

- 14.1 Phillip Gillespie presented report 41/2018 which outlined the principles for the development of the new Continuous Learning Standard. He advised that five test sites were being utilised to look at how people learn. A replacement for Post Registration Training and Development (PRTL) was being developed as feedback suggested that this was no longer fit for purpose and needed to be updated.
- 14.2 There was some discussion on the current requirements for PRTL and the work undertaken to date in the development of the new Continuous Learning Standard including evidence from other bodies, what we can learn and findings from the PRTL engagement events

14.3 The Council:

1. approved the policy position, in particular, points 2.6 (quality assurance) and 2.8 (reducing amount of PRTL information to be submitted to the SSSC)

15. Convener's Report

15.1 The Convener presented report 42/2018 which summarised his appointments on behalf of the SSSC since the last meeting of the Council in June as well as a summary of the discussion at the Policy Forum held on 17 July 2018. He also verbally advised that he has been involved in making appointments to the first set of independent members for the Scottish Commission on Social Security.

15.2 The Council:

1. noted the content of the report.

16. Chief Executive's Report

16.1 Lorraine Gray presented report 43/2018 which provided members with updates on key developments in the SSSC since the Council met in June 2018.

16.2 During discussion of the work of the SSSC, issues raised were:

- clarification around the legislation surrounding the Protecting Vulnerable Groups (PVG) scheme
- the collaborative work around improving cross-working with the Care Inspectorate (CI) to improve the intelligence we hold
- Lorraine Gray advised members on the popularity of the registration cards with both workers and employers. The cards appeared to promote confidence and pride in the registration process
- members were pleased to see the increase in areas of cross working between departments in the SSSC.

16.3 The Council:

1. considered and noted the information in the report.

17. General Data Protection Regulations (GDPR) Update

17.1 Chris Weir presented this report to update Council on the steps taken by the SSSC to comply with GDPR. During discussion on the steps taken so far and the plan going forward, members asked questions about timescales and actions required to complete and progress items contained in the assessment at appendix 1 to the report.

17.2 He explained that the information in the document was changeable and progression of some matters was dependant on other items completing, including the completion of the digital transformation.

- 17.3 The Council:
1. noted the report
 2. agreed that this should be a standing item on the Council agenda with areas of change being highlighted for attention.
- 18. Update on the delivery of recommendations six and seven from the National Health and Social Care Workforce Plan Part two**
- 18.1 Phillip Gillespie presented report 45/2018 which provided an update on the SSSC's work to support the delivery of recommendation six, career pathways and recommendation seven, training and education, of the National Health and Social Care Workforce Plan Part Two.
- 18.2 The Council:
1. noted the progress outlined in the report
 2. noted that Council would be updated as required.
- 19. Update on progress in implementing the recommendations from the Review of Social Work Education (RSWE)**
- 19.1 Phillip Gillespie spoke to report 46/2018 which updated Council on progress in implementing the recommendations from the RSWE, which included the formation of the Social Work Education Partnership, the development of standards for Newly Qualified Social Workers (NSQWs), review of the existing PRTL requirements and partnership working with Higher Education Institutes to try to minimise barriers to students wishing to access social work education.
- 19.2 Particular mention was made of the three pilot sites which were taking part in the new initiative for NQSWs and it was noted that caseloads for NQSWs were protected in order to allow adequate time for learning and development.
- 19.3 The Council:
1. noted the progress in the five thematic areas of the RSWE.
- 20. Update on Digital Transformation Programme**
- 20.1 Lorraine Gray presented report 47/2018 which summarised the background to and gave an update on the progress of the Digital Transformation Programme. She explained the full process which resulted in the SSSC arriving at the position where it was necessary to enter into the full Digital Transformation Programme, including the need to update aging hardware which was no longer efficient.
- 20.2 The Council also looked at the draft Benefits Realisation Plan noting that this document would continue to be updated as the benefits were realised.
- 20.3 Lorraine Gray also gave members a briefing on the current position and the forthcoming decision on whether the system was ready to go live. She advised

that one of the main issues was uploading the large amounts of data onto the new system. She confirmed that there was a reliable roll-back position.

20.4 Keith Redpath thanked the Chief Executive and officers for the full breakdown and detail in the report. Forbes Mitchell commended the officers for carrying out a robust process and carrying forward a tightly managed project.

20.5 The Council:

1. noted the contents of the report and the progress in relation to the Digital Transformation Programme.

21. Resources Committee Annual Report to Council

21.1 Audrey Cowie presented report 20/2018 which summarised the work of the Resources Committee for the year 2017/18.

21.2 The Council:

1. noted the content of the report and the wide range of work covered by the Committee.

22. Strategic performance report October 2018

22.1 Liz MacKinnon presented report 21/2018 which detailed the progress made in the first half of the year to deliver the SSSC's strategic outcomes and priorities as set out in the Strategic Plan 2017-2020 and Annual Strategic Delivery Plan for 2018-19.

22.2 The areas highlighted were

- increased direct engagement with the sector
- compliance with GDPR
- progress made with the Digital Transformation Strategy.

22.3 Members were advised that it was expected that all projects coloured amber within the progress assessment table would be delivered within the timescales of 2018/19 or 2019/20. It was noted that some projects coloured red had been re assessed in order to allow the Digital Transformation Strategy to take priority.

22.4 The Council:

1. noted the contents of the report and the progress made to date.

Paul Dumbleton left the meeting

23. Unconfirmed Committee minutes

23.1 Audit Committee – 29 August 2018

23.1.1 The Council noted the minutes of the meeting and the note of the discussion held on 29 August 2018.

23.2 Audit Committee – 26 September 2018

- 23.2.1 The Council noted the minutes of the meeting held on 26 September 2018 and particularly noted that the Committee comprised of a number of interim members in order to make sure that where necessary, decisions could be made.

23.3 Resources Committee – 26 September 2018

- 23.3.1 The Council noted the minutes of the meeting of 26 September 2018.

23.4 Fitness to Practise Committee, Registration Committee and Conduct Committee – 27 September 2018

- 23.4.1 Chris Weir presented this item, explaining the governance arrangements for the three committees as well as explaining that, in future, both the Registration Committee and the Conduct Committee would become redundant and all business would be incorporated into the Fitness to Practise Committee.
- 23.4.2 Audrey Cowie briefed the members on the matters discussed at the meetings. This included disposals and outcomes from the hearings which had been held over the past three years, the training that had taken place as well as the future training plans for committee members.
- 23.4.3 It was noted that there had also been discussion on other matters which were of interest to the members present.
- 23.4.4 Following a question about capturing such a large audience, members were advised that throughout the year a number of training and discussion sessions were scheduled as well as regular mailings and newsletters sent out.
- 23.4.5 The Council noted the minutes of the meetings.

24. Identification of Risks

- 24.1 Andy Rome suggested that the decision made at item 12 above - we provide travel and subsistence to workers and their representatives/ supporters/ witnesses, irrespective of means, reduced risk no 1 on the register, that failures in our regime of registration or fitness to practise leads to public protection failure.

25. AOCB

- 25.1 There was no other business raised.

26. Date of next meeting

- 26.1 The date of the next Council meeting is Tuesday 29 January 2019.

27. Confidential item

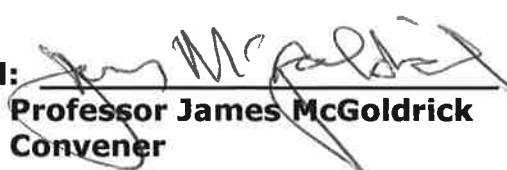
- 27.1 Item 27 was minuted separately.

Council 23 October 2018

Start time: 1.30pm

Finish time: 3.50pm

Signed:


Professor James McGoldrick
Convener

Date:

31/01/19