

## **SCOTTISH SOCIAL SERVICES COUNCIL**

**Confirmed minutes of the Scottish Social Services Council held on  
Thursday 18 February 2021 at 10:00 am by video conference.**

**Present:** Sandra Campbell, Convener  
Theresa Allison, Council Member  
Professor Alan Baird, Council Member  
Paul Edie, Council Member  
Julie Grace, Council Member  
Lynne Huckerby, Council Member  
Rona King, Council Member  
Linda Lennie, Council Member  
Peter Murray, Council Member

**In attendance:** Lorraine Gray, Chief Executive  
Maree Allison, Director of Regulation  
Cheryl Glen, Joint Acting Director of Development and Innovation  
Laura Lamb, Joint Acting Director of Development and Innovation  
Lynn Murray, Interim Director of Finance and Resources  
Laura Shepherd, Director of Strategy and Performance  
Nicky Anderson, Head of Finance  
Chris Weir, Head of Legal and Corporate Governance  
Anne Garness, Solicitor  
Audrey Wallace, Corporate Governance coordinator (minute taker)

**Observing:** The meeting was live streamed, and the link shared with SSSC staff and members of the public

### **1. Welcome and apologies for absence**

- 1.1 Sandra Campbell welcomed everyone who attended the meeting which was being held by live streaming.
- 1.2 Apologies were intimated from Russell Pettigrew.
- 1.3 The Convener confirmed that the meeting was quorate.

### **2. Declarations of Interest**

- 2.1 There were no declarations of interest.

### **3. Minutes of previous meetings**

- 3.1 The minutes of the Council meeting of 19 November 2020 were approved as a correct record.

- 3.2 The minutes of the Council meeting of 18 December 2020 were approved as a correct record.

#### **4. Matters arising**

- 4.1 There were no matters arising that weren't included elsewhere on today's agenda.

#### **5. Convener's Report**

- 5.1 Sandra Campbell presented report 01/2020 which summarised her activities as Convener since the last Council meeting when scheduled business was considered. She made mention of the Special Meeting held in December 2020 as well as the annual away days where governance was a topic under discussion.
- 5.2 Some of the other matters mentioned in her report were the meetings and board development meetings of the Care Inspectorate, as well as meetings of other bodies she attended which also address the impact of COVID-19 on the sector.
- 5.3 The Council  
1. noted the summary of key issues and activities reported by the Convener.

#### **6. Chief Executive's Report**

- 6.1 Lorraine Gray presented report 02/2021 which detailed the SSSC's key performances against strategic priorities and the work of the directorates.
- 6.2 Lorraine Gray particularly highlighted the following
- that 45 members of staff were undertaking the Leadership and Management training course
  - the staff conference had gone very well and this was the first virtual staff conference held; feedback from staff was very positive
  - the Minister, Maree Todd had addressed the staff conference and had given a very positive message
  - the Care to Care incentive has been launched
  - the Feeley report on Adult Care Services has now been published and a discussion session on the report was scheduled to take place after this meeting.
- 6.3 Laura Lamb gave an update on the current situation with student placements and the alternatives which had been put in place to allow social work students to continue to progress their training throughout the pandemic. She advised that there was no anticipation of a shortfall in the number of qualified students joining the workforce in the current year. With reference to SQAs, a number of students still had no practice placements and work was continuing with colleges to try to rectify that. There were also alternative solutions being considered for HNC students in childcare and a number of possible solutions were being discussed with Scottish Government. The picture was improving and the SSSC was still hopeful of block placements becoming available.
- 6.4

Julie Grace confirmed that HEIs were working with Scottish Government to find solutions to the issue of practical placements for students.

6.5

Laura Lamb confirmed that the SSSC understood the gap in the practice training aspect and was working closely with partners to ensure that arrangements for practice training over the next 18-24 months were put in place.

6.6

Members raised a number of issues for discussion.

- Alan Baird expressed concern that the matters relating to the placements for students should form a separate report as there were consequences for the sector in relation to standard of training and, potentially, public protection and fitness to practise issues. There were concerns over the number of hours, quality of placements, safeguards for social workers following the first year of practice and the need to build in support for students post qualifying. Lorraine Gray agreed that a full report would be submitted to the next meeting and that regular updates would be reported. Alan Baird agreed that the report should come to full Council in future and it was noted that any proposals and solutions should indicate if these are short or longer term.
- Referring to the staff conference, Lorraine Gray confirmed that feedback from staff was due to be received within the week and that this could then be evaluated. During the conference, staff were asked to make a pledge as to how they would enforce the values and as a follow up, they would be asked in the future to state what they had done to carry out the pledge made.
- Rona King congratulated staff on maintaining the silver Investors in People (IiP ) award especially in the current circumstances. Comment were made on the office visit aspect of the award. Lorraine Gray agreed to approach the Healthy Lives Group regarding this required visit to the office in order to make an assessment, suggesting it is out of date in the current situation where workers are being asked to work from home wherever possible.
- Peter Murray asked how the care sector would be affected if the senior care workers are not added to the Shortage Occupation List although this was recommended by the Migration Advisory Committee. Cheryl Glen confirmed that arrangements were in place to meet with the Sponsor to discuss the implications for the care sector.
- Laura Shepherd clarified the arrangements for the migration on the MyLearning app, indicating that there were contract terms and assurances in place however, as the actual technical migration was in the hands of an external company, guarantees could not be given that there would be no disruption. The risks have been under discussion at the Digital Programme Board meetings.
- Peter Murray requested some clarification about workers changing from one part of the register to another and are there guarantees in place that the appropriate qualifications will be obtained? Maree Allison advised on the

process for moving across parts of the register and the safeguards in place, eg endorsements etc, required for a worker to move onto another part of the register. Theresa Allison confirmed the employers' obligation to ensure their workers were on the relevant part of the register.

- Alan Baird asked for thanks to be conveyed to all staff who had supported the vaccination programme. He also asked if confirmation could be obtained as to the numbers of workers in care homes and care at home who had taken up the option to receive the vaccination. Lorraine Gray confirmed that these figures would be available through a number of groups in which the SSSC had representation and therefore this information would be requested and sent out to Members.

Lorraine Gray was thanked for the comprehensive report.

6.7 The Council

1. commented upon and noted the information contained in the report.

**7. Audit and Assurance Committee's Report to Council**

- 7.1 Alan Baird presented report 03/2021 from the Audit and Assurance Committee meeting of 2 February 2021, along with the Assurance report which had been submitted to the Committee and the draft minutes of the meeting.

The highlighted areas were the draft budget, which is a separate item on this agenda and the effect that the pandemic was having on staff. As well as the need to reprioritise the workload due to staff working more flexibly, what effect did this have on the community as a whole. Lorraine Gray confirmed that this would form the basis of a further detailed report to the next meeting of the Audit and Assurance Committee and would include references to whether these priority changes would be long or short term and what the risks would be.

- 7.2 Members also noted from the report and discussion that

- the auditor's report on corporate governance was very positive but also included two recommendations to strengthen the governance arrangements. These were being acted upon and arrangements put in place to have further development sessions for members of the Council and EMT
- some time was spent reviewing the risk register with particular interest in risk 6:  
We fail to develop and support SSSC staff appropriately to ensure we have a motivated and skilled workforce to achieve our strategic outcomes and the balance between supporting staff and ensuring that the organisation continued to meet the outcomes in the strategic plan
- there was a revised timetable agreed for considering and approving the Annual Report and Accounts.

7.3 The Council

1. accepted that the assurance report presented a true and fair view of the SSSC's performance towards achievement of strategic objectives, financial management and risk identification and management. In particular that
  - operational performance measured by strategic key indicators gives confidence that the SSSC is delivering as forecasted to meet its strategic objectives as agreed with the Sponsor Department
  - financial performance was consistent with forecasted spend and presents no cause for concern relating to year-end outturn of approved budget
  - operational delivery and financial expenditure were consistent.
2. takes sufficient assurances from the management's audit tracker report, the Q3 report from internal audit and the 2021/22 internal audit plan.
3. accepted that the Committee noted
  - that a budget report would be submitted to the Council in February 2021
  - that work was being undertaken in Fitness to Practise department to improve the ratio of opened to closed cases and the types of referrals received
  - improvements to mylearning experience for sector workers.
4. noted
  - that the Committee agreed that all Members undertake the development session facilitated by On Board along with all members of the Executive Management Team and that afterwards a discussion on the governance of the organisation would be arranged
  - the Committee commented on and agreed that a revised Risk Appetite Statement and Risk Register be presented to Council for approval
  - the Committee took assurances that there were no instances of fraud or corruption detected in the period September to December 2020
  - the Committee considered and commented upon the draft annual report to Council.

## **8. Draft Budget 2021-222**

- 8.1 Lynn Murray presented report 04/2021 which included the proposed draft budget for 2021/22 showing prioritised spending and staffing proposals. She requested Members' input into the budget in order that a revised final budget proposal could be put to Council at its special meeting on 23 March 2021. Lynn Murray advised that correspondence had been received from Scottish Government confirming amended grant in aid funding of £16.035 million for 2020/2021.
- 8.2 Lynn Murray advised on the process to date which involved operational managers identifying cost savings on business as usual operations as well as costs required for development and improvement activities. The report gave indications of reduced income from fees and modern apprenticeships, which have been affected by the pandemic. The Executive Management Team (EMT) then followed the Must, Should, Could, or Would (MoSCoW) process to prioritise expenditure in terms of the work required to comply with the

Strategic Plan. Appendix C to the report showed items considered, items EMT prioritised and priorities should the budget be cut by 2% or 5%.

8.3 Some discussion around how costs would be prioritised took place.

- Lynn Murray agreed that the £799k allocated to fund one-off projects in 2021/22 would be revisited should the budget be cut by 2% or 5%.
- With reference to item 14 below, it was confirmed that depending on the decision made on the number of outcomes in the strategic plan, the costs would be the same, but spend may need to be relocated across outcomes.
- Posts which were categorised as temporary posts were done so by priority, but in a number of cases these may be requested to be permanent posts in future; this would be assessed by monitoring the difference that these posts make and the risk to the organisation if not made permanent.
- Fitness to practice has been understaffed for some time and the staff numbers, as now requested, were revised due to modelling and benchmarking against other regulators.

8.4 Lynn Murray requested that Members consider the report and appendices and make any suggested changes to her, at the earliest, in order for these to be considered and a finalised budget plan put to Council in March for approval.

8.5 The Council

1. considered the contents of the report and appendices
2. agreed to comment to Lynn Murray on suggested changes at an early date
3. agreed that a revised budget be submitted to the Council meeting on 23 March 2021.

## **9. Strategic Risk Register and Risk Appetite Statement**

### **9.1 Risk Register Review**

9.1.1 Laura Shepherd presented report 05/2021 along with a revised Risk Register. The Audit and Assurance Committee reviewed the Risk Register at its meeting earlier in the month and some amendments made following the comments received.

9.1.2 During discussion, it was agreed that the Development and Innovation department would undertake to engage with third parties where it was agreed that their cooperation would be required in order to mitigate risk 2:  
We fail to ensure that our workforce development function supports the workforce and employers to achieve the right standards and qualifications to gain and maintain registration.

9.1.3 Alan Baird commented that the Audit and Assurance Committee had reviewed the register in great detail and Laura Shepherd commented that his had been a great help to inform EMT in its discussions. She also commented that the advice of the internal auditors had been taken in order to inform the content to

be included within the register and to avoid duplication where information was held in other governance documents.

- 9.1.4 The Council
1. agreed to adopt the revised Strategic Risk Register for 2021/22.

## **9.2 Revised Risk Appetite Statement**

- 9.2.1 Laura Shepherd presented report 06/2021 along with the revised risk appetite statement and advised that this had been part of the January development session with Members and was also given full consideration by the Audit and Assurance Committee at its meeting earlier in the month.
- 9.2.2 During discussion it was agreed that the organisation needs to improve how it demonstrates, in its reporting, the impact that the SSSC makes and that reports are not only about the processes that we follow. This information would assist in the scoring of risks in the quarterly risk register review by the Audit and Assurance Committee.
- 9.2.3 The Council
1. approved the Risk Appetite Statement.

*The Council took a 10 minute break*

## **10. Regulation Review Programme**

- 10.1 Maree Allison presented report 07/2021 which provided information on the programme of review of the Codes of Practice and how this integrated with other key areas of policy development. The report provided a programme of how these key areas integrated with each other and proposed a plan to work through the various projects which were interconnected.
- 10.2 Maree Allison advised on the complexity of organising and scheduling such a wide-ranging programme and the need to include external stakeholders and bodies. This would mean that the timing of this programme would not fall entirely within the control of the SSSC. The project would rely on the outcomes of the review of adult social care as well as implementing recommendations from the Promise. She advised that the plan was to set up a steering group, terms of reference and a high-level outline of outcomes and to report back to Council in May on the progress.
- 10.3 Discussion centred around the size of the project the need to try to timetable key components, engagement and input from stakeholders. Linda Lennie particularly commented on how the Codes of Practice needed to take into account the roles and scope of workers in rural areas as well as those in more urban situations.
- 10.4 The Council
1. endorsed the proposed approach to integrating the key regulatory change projects into one programme
  2. noted that a progress report would be submitted to the Council meeting in May.

## **11. Assessment of non-UK qualifications**

- 11.1 Laura Lamb presented report 08/2021 which set out options for review of non-UK qualifications for function-based workers, following the UK's exit from the European Economic Area (EEA). Previously the legal obligations for assessing qualifications were set out under EU directives and while social worker is a regulated profession, workers under function-based parts of the register are not. Social workers will continue to have their qualifications assessed under the international route as described in the Regulation of Care (Scotland) Act 2001 (ROCA), however there is no comparable solution for function-based workers.
- 11.2 In considering the three options available, the Council discussed whether any of the options available would detrimentally affect workers from outside the UK applying to work in the sector and lead to a shortfall in the workforce.
- 11.3 It was noted that currently the SSSC was looking for an interim option in order to allow time to further assess the situation. This was not a permanent decision and could be reversed at any time should it be found to be detrimental to workers. There was still a risk to be assessed.
- 11.4 Members also discussed that the number of workers affected appeared to be low and this may be as assessment of qualifications was a complex and labour-intensive process. It included assessing all parts of a qualification, both academic and practical. They agreed that some consultation with the sector and stakeholders was required and a discussion session on this would be helpful before bringing a further report back for decision.
- 11.5 The Council
1. endorsed the decision of the EMT to adopt option 2 as set out in the report as an interim measure
  2. that a review and appropriate consultation be carried out over the coming months and a development session with Members be arranged for a date in July
  3. that a further report be submitted to Council in August 2021.

## **12. Quality Assurance Process for Fitness to Practise Panel Members**

- 12.1 Maree Allison presented report 09/2021 which gave Members an update on the progress with regard to implementing quality assurance arrangements for members of the Fitness to Practise panels. She explained that progress on this had been held up by more pressing work to ensure that hearings could continue to take place during the pandemic. Work was now underway to progress the arrangements and a report will be submitted to Council in May which would contain the recommendations for appointments to the Quality Assurance Sub-committee of the Fitness to Practise Committee.
- 12.2 The Council
1. endorsed the revised timetable for creation of a Quality Assurance Sub-committee and recruitment of candidates
  2. noted that a report would be submitted to the next meeting of the Council in May.



### **13. Corporate Governance**

- 13.1 Chris Weir presented report 10/2021 which summarised the outcomes of the recent annual review of effectiveness and provided an update on the next steps to strengthening the organisation's governance arrangements. He advised Members that following the full review in 2019, the internal auditor had carried out a review of the arrangements and reported to the Audit and Assurance Committee on 2 February 2021. The review represented a good report and two recommendations were made which were
- amendments to the Code of Corporate Governance, which are detailed within appendix 1 to the report
  - that a discussion session between Members and chief officers should take place to discuss any further arrangements, or changes to arrangements, which could be made to give further assurance to Members.
- 13.2 Chris Weir advised Members on the improvements to processes which were already in place including the calendar of Council business and the regular agenda meetings between the Convener and the Chief Executive. He confirmed that although some Members had taken part in the Audit and Risk training held in January, the remaining Members and all of the EMT had been invited to attend a similar session to be held on 10 March. This would be followed up by a Member/officer discussion session on the afternoon of 23 March 2021.
- 13.3 Chris Weir also clarified that the PAPLs Committee were looking generally to see what difference the decisions and actions of the committee have made over the years. The SSSC would contribute to that piece of work following its experience of the committee.
- 13.4 Alan Baird commented on the outcome of the effectiveness review, adding that it indicated that there was synergy in the majority of responses which was commendable and indicated that the Council was moving in the right direction.
- 13.5 He thanked Chris Weir for the work over the past two years to bring about the governance improvements and wished him well in his new position within the Fitness to Practise department.
- 13.6 The Council
1. approved the changes to the Code of Corporate Governance
  2. endorsed the summary of outcomes of the effectiveness review
  3. endorsed the proposed next steps in the improvement process.

### **14. Review of Strategic Plan 2020-2023**

- 14.1 Laura Shepherd presented report 11/2021 which set out proposed revisions to the Strategic Plan 2020-2023. She referred to the discussion session with Council Members in January 2021 and this had informed the plan. She also advised that the plan proposed to build on the positive focus given to the sector as a result of the work done during the pandemic.
- 14.2 She advised that work has been carried out with our Skills for Care and Development partners and a national campaign to raise the profile of the social

care workforce was planned. Additionally, in revising the strategic plan, account has been taken of the Feeley report, following the review of Adult Social Care, which highlights the perceived lack of value of the social care workforce.

14.3 The Council was asked to consider that these matters should add focus to the Strategic Plan and this would be achieved either by rewording one of the current outcomes or by adding an outcome focussed on recognising the value of the workforce.

14.4 The Council  
1. agreed to add an additional outcome, outcome 4, to the Strategic Plan 2020-23, which would read  
The social work, social care and early years workforce is recognised as professional and regulated and valued for the difference it makes to people's lives.

## **15. People Management Policies**

15.1 Lynn Murray introduced report 12/2021 which included the Whistleblowing Policy and revised versions of the Disciplinary Policy and the Capability Policy for approval. She advised that since the policies were last considered, the Short- life Working Group had met and amendments made to the policies. The working group had also agreed changes to the template for people management policies in order to ensure consistency.

15.2 The report also updated Members on the progress of the Agile Working policy.

### **Whistleblowing Policy**

15.3 During discussion on this policy a few issues were raised and addressed including

- clarification that there is a separate policy for whistleblowing against a Council Member.
- this policy follows NHS guidance as far as possible, however the SSSC does not have access to the helpline.

### **Disciplinary Policy**

15.4 Members discussed the content and wording of the policy and main issues raised were:

- The process when a criminal matter has to be reported in the public interest and it was suggested that factual content be checked and wording around this be rearranged to flow more clearly.
- The use of the word 'sanction' and whether loss of flexi time is appropriate.

15.5 Council was reminded that the policies had been fully reviewed by the Short-life Working Group and queries such as these were questioned and resolved as necessary.

## **Capability Policy**

- 15.6 The Council considered the Capability Policy. There was some discussion on the wording within the policy and Chris Weir advised that the policy had been fully consulted upon including with the Partnership Forum and external legal advisers.
- 15.7 The Council
1. approved the Whistleblowing Policy
  2. approved the Disciplinary Policy subject to checking factual content and rewording as at 15.4 above
  3. approved the Capability Policy.

## **16. Review of Fees and Consultation**

- 16.1 Laura Shepherd presented report 13/2021 which set out the legislation, the background and the proposed approach for undertaking a review of fees and consultation. The last review took place in 2016 with a fees increase imposed from September 2017. This next review was due to take place in June 2020 however due to the re prioritised work required by the pandemic and the impact on the care sector, this review has been delayed.
- 16.2 Following discussion with Scottish Government, it was proposed to bring back a review plan to the Council later in the year with a view to any proposed changes to the current structure being introduced in April 2022. This timetable will also take account of the new financial strategy.
- 16.3 Members discussed the different models of fees revision, including comparisons with other health sector workers and looking at salary levels throughout the sector.
- 16.4 The Council
1. approved the recommendation to defer a review of the fees and consultation as set out in the report, including a proposal for the revision to come back to Council in November 2021.

## **17. Extension of Qualification Conditions**

- 17.1 Maree Allison presented report 14/2021 which presented information about the impact of COVID-19 on completion of required qualifications for registered workers.
- 17.2 Due to the effect of the COVID-19 pandemic on the workforce, a policy decision was made in June 2020 to extend the time allowed to gain qualifications, by twelve months, for those due to achieve qualifications during 2020.
- 17.3 As the situation with the pandemic is ongoing, Council was asked to consider an extension for those due to achieve qualifications by December 2021, either as a whole or on a case by case basis.
- 17.4 The Council

1. endorsed the option to extend the time by twelve months for all registered workers due to achieve their qualification by 31 December 2021.

**18. Council Action Record**

- 18.1 The Council considered and approved the action record and agreed that completed actions C14, C26, C27, C32, C33, C36, C37, C38, C39, C40, C42, C43, C44 and C45 be archived but kept for future reference.

**19. AOCB**

- 19.1 There were no items of additional business.

**20. Date and time of next meeting**

- 20.1 The date of the next Council meeting will be 23 March 2021 at 10 am for budget setting only. The next meeting of the Council for scheduled business will be 27 May 2021 at 10 am.

**Private Session**

Items 21.1 and 21.2 were discussed in private and minuted separately.

**Council 18 February 2021**

**Start time: 10am**

**Finish time: 1pm**



**Signed:** \_\_\_\_\_

14 June 2021

**Date:** \_\_\_\_\_

**Sandra Campbell**

**Convener**