



Extending temporary justice measures in the Coronavirus (Recovery and Reform) (Scotland) Act 2022: Consultation

The Scottish Social Services Council is the regulator for the social work, social care and children and young people workforce in Scotland. Our work means the people of Scotland can count on social services being provided by a trusted, skilled and confident workforce.

We protect the public by registering social service workers, setting standards for their practice, conduct, training and education and by supporting their professional development. Where people fall below the standards of practice and conduct we can investigate and take action.

We:

- publish the national codes of practice for people working in social services and their employers
- register people working in social services and make sure they adhere to the SSSC Codes of Practice
- promote and regulate the learning and development of the social service workforce
- are the national lead for workforce development and planning for social services in Scotland
- publish data and official statistics on the social work, social care and children and young people workforce.

Questions

Part 1: Courts and tribunals – conduct of business by electronic means

- a. What impact are these provisions having?**
- b. What would be the impact if the provisions expired on 30 November 2024?**
- c. Please share any other feedback on how these provision are operating.**

We believe the provisions concerning electronic signing and delivery of documents should be made permanent.

During the pandemic, there was evidence that alternatives to prosecution were used for behaviour that we would consider serious. Such behaviour would prohibit an individual from gaining inclusion on our register or would prompt an investigation by our fitness to practise department which could result in the removal of the individual from our register. Our ability to thoroughly investigate allegations against social work, social care and early years practitioners is

central to our role in protecting the public and promoting confidence in the workforce.

Should the provisions under part 2, relating to the use of fiscal fines, come to an end on November 30, 2024, this concern would be mitigated.

Part 2: Fiscal fines

a. What impact are these provisions having?

The SSSC is prohibited from asking applicants and registrants about spent alternatives to prosecution in terms of schedule 3, paragraph 2(b) of the Rehabilitation of Offenders Act 1974. Because of this, we are deeply concerned that a continued increase in the use of alternatives to prosecution for matters considered to be minor offences by COPFS could severely limit our ability to respond to concerns by vulnerable people and their families.

b. What would be the impact if the provisions expired on 30 November 2024?

We do not believe that the provisions for Chapter 4 should be extended or made permanent. We are concerned that an increased use of alternatives to prosecution will negatively impact our ability to carry out our public protection function.

c. Please share any other feedback on how these provision are operating.

It is critical that the public protection functions of regulators and other bodies are not diminished by preventing them from accessing information about alternatives to prosecution that may have been applied in cases about which they have an interest.

Our response to this question reiterates what we have previously stated in relation to this point. Should you require any further information from us in relation to this area, we would welcome the opportunity for further correspondence.

Part 4: National jurisdiction for callings from custody etc.

a. What impact are these provisions having?

b. What would be the impact if the provisions expired on 30 November 2024?

c. Please share any other feedback on how these provision are operating.

We have no view on this.

Part 5, Chapter 1: Criminal procedure time limits

- a. **What impact are these provisions having?**
- b. **What would be the impact if the provisions expired on 30 November 2024?**
- c. **Please share any other feedback on how these provision are operating.**

We have no view on this.

Is there any further feedback you would like to provide to the Scottish Government on extending temporary justice measures?

We have no additional comments to make.

Scottish Social Services Council

May 2024