

Title of report	Future Proofing Programme – proposals for delivery of revised structure of the register and revised qualifications
Public/Confidential	Public
Summary/purpose of report	To seek approval for future proofing proposals related to the structure of the Register and to qualifications and skills.
Recommendations	<p>The Council is asked to approve:</p> <ol style="list-style-type: none"> 1. reduction in the number of register parts from 23 to 4 2. asking for a change to legislation to introduce a requirement that workers apply for registration within three months of starting a new role, and be registered within six months 3. publishing additional information on the public facing register 4. introduction of ongoing registration 5. acceptance of our main benchmark qualifications for additional register parts with the same SCQF level requirements 6. reduction in the timescales for achieving a required qualification from five years to three years for function-based register parts, with exceptions as specified 7. design of a new model of continuous professional learning (CPL) in consultation with the sector 8. delegating authority to the future proofing programme sponsor group to sign off the agreed new model of CPL when complete 9. development of a return to practice standard for social workers 10. inclusion of return to practice requirements for function-based workers within the revised CPL requirements 11. delegating authority to the future proofing programme sponsor group to sign off the agreed return to practice standard when complete

	12. creation of a new practitioner level on the register for housing support/care at home, with the qualification requirement being Social Service and Healthcare SCQF level 7.
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Responsible Officer	Chris Weir, Acting Director, Regulation
Link to Strategic Plan	<p>The information in this report links to:</p> <p>Outcome 1: People who use services are protected by ensuring the regulated workforce is fit to practise.</p> <p>Outcome 2: The SSSC supports and enhances the development of the registered workforce to deliver high standards of practice and drive improvement.</p> <p>Outcome 3: Our workforce planning activities support employers, commissioners and policy makers to deliver a sustainable, integrated and innovative workforce.</p> <p>Outcome 4: 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.</p>
Link to Risk Register	<p>Risk 1: We fail to ensure that our system of regulation meets the needs of people who use services and workers.</p> <p>Risk 2: We fail to ensure that our workforce development function supports the workforce and employers to achieve the rights standards and qualifications to gain and maintain registration.</p> <p>Risk 4: We fail to provide value to stakeholders and demonstrate our impact.</p>
Impact assessments	<ol style="list-style-type: none"> 1. An Equalities Impact Assessment (EIA) was developed. 2. A Data Protection Impact Assessment (DPIA) was developed. 3. A Sustainability Impact Assessment (SIA) was not required.
Documents attached	<p>Appendix 1 – Proposals for delivery of revised structure of the register and revised qualifications</p> <p>Appendix 2 – Scottish Government independent assurance review action plan</p> <p>Appendix 3 – Internal audit of action plan</p>

	<p>Appendix 4 – Consultation and focus group responses</p> <p>Appendix 5 – The Consultation Institute impact assessment</p> <p>Appendix 6 - Equality impact assessment (Register)</p> <p>Appendix 7 – Equality impact assessment (Qualifications)</p>
Background papers	<p>Council meeting of 18 February 2021: Link to Report 07/2021 - Regulation Review Programme</p> <p>Council meeting of 27 May 2021: Link to Report 22/2021 – Future Proofing Programme Governance Arrangements</p> <p>Council meeting of 25 November 2021: Link to Report 50/2021 – Future Proofing Programme Consultation Report</p>

EXECUTIVE SUMMARY

1. In February 2021 Council approved the establishment of a programme to revise our key regulatory functions. In May 2021 Council approved the governance structures of the future proofing programme. In November 2021 Council gave authority to consult.
2. The future proofing programme focuses on three main workstreams:
 1. the structure of the register
 2. qualifications and skills
 3. review of the Codes of Practice.
3. We have done consultation and development work and commissioned external governance and impact assessments to inform the proposals which are presented in this report. The proposals relate to the first two workstreams described above. Work on the third is ongoing and we will bring proposals to the Council for that project in 2023/24 after further consultation with the sector.
4. We won't be able to implement the proposed changes until April 2024 at the earliest because we need changes to our rules and legislation. This will need to fit in with the government's work around the National Care Service Bill.

PROPOSALS

5. Summarised proposals are set out in this report. These reflect the feedback and discussion from the consultation and external impact assessment. We made some changes to our original proposals because of this.
6. Full details of the proposals, including rationale, consultation information, concerns/risks and mitigation, and benefits are set out in Appendix 1.

Structure of the register

7. Proposal 1: To reduce the number of register parts.
8. Proposal 2: To introduce a requirement that workers apply for registration within three months of starting a new role and be registered within six months.
9. Proposal 3: To publish additional information on the public facing register (PFR) including:
 - the workers' register part/type and level of registration (as applicable)
 - information on any fitness to practice warnings and/or conditions

- specialist qualifications for social workers.
10. Proposal 4: To introduce ongoing registration, remove the requirement for renewing registration, and introduce an annual declaration to coincide with annual fee payment.

Qualifications and skills

11. Proposal 5: To accept our main benchmark qualifications, in particular Social Services and Healthcare and Children and Young People SVQ qualifications for additional register parts with the same SCQF level requirements, where that requirement is currently one of these suites of qualifications at the same level.
12. Proposal 6: To reduce the timescale for new registrants on a function-based register part to achieve a required qualification from five years to three years, with some exceptions.
13. Proposal 7: To design a new model of continuous professional learning (CPL) in consultation with the sector; to delegate authority to the future proofing programme sponsor group to thereafter sign off the agreed new model of CPL when complete.
14. Proposal 8: To develop a return to practice standards for social workers, in consultation and collaboration with the social work sector, based on the length of time a social worker has been off the register with a tiered approach based on the practice time gap; to include return to practice requirements for function-based workers within the revised CPL requirements under proposal 7; to delegate authority to the future proofing programme sponsor group to thereafter sign off the agreed return to practice standard when complete.
15. Proposal 9: To create a new practitioner level on the register for housing support/care at home, with the qualification requirement being Social Service and Healthcare SCQF level 7.

CONSULTATION

16. We have held consultation events with stakeholders throughout the programme to date. The programme board and sponsor group have been kept informed of the outcome of these events and had opportunity to discuss the outcomes at each stage.
17. The stakeholder advisory group (SAG) is made up of representatives from the sector and meets quarterly. It is designed to ensure effective information sharing between the SSSC's future proofing programme leads and core stakeholders to help shape and steer the programme.

18. We consulted on the structure of the Register and function-based qualifications between 20 December 2021 and 14 March 2022. The consultation survey attracted 6533 responses and overall sentiment was very positive. This was supported by 13 focus group sessions held in January and February 2022 by Registration and Development and Innovation staff, attended by a total of 265 people across all sessions.
19. We invited SAG members and those who had previously engaged with us during the above consultation to attend follow-up sessions and explore some key themes such as timescales for registration and flexibility of qualifications in further detail. An average of 26 people attended each of the twelve virtual sessions which we held over two days in August 2022.
20. We have received positive feedback and validation of our approach from external bodies. In July 2022 we held an independent assurance review of our programme governance facilitated by external consultants, including from Scottish Government. The review feedback report included positive recognition of work to date, particularly around our consultation and engagement with stakeholders and identified areas where we should consider specific actions.
21. We asked Henderson Loggie to provide an internal audit of the subsequent action plan we developed, which resulted in a rating of 'Good' and no recommendations. The Audit and Assurance Committee endorsed the internal audit report at its meeting on 1 November 2022. Their report forms Appendix 3.
22. We intend to continue to consult on aspects of the proposals if approved. Where relevant, these are highlighted within the individual proposal information in Appendix 1.
23. Appendix 4 provides a summary of the responses received during the December 2021 to March 2022 consultation period and the August 2022 focus groups.

RISKS

24. The programme manager maintains a programme risk register. Key risks are reviewed each month with a full review of all risks every two months. The most recent review was held on 19 October 2022.
25. The most recent review identified the following as current high risks relating to the future proofing programme.

Risk	Mitigation	Residual impact score	Residual likelihood score	Residual risk score
As a result of not being able to carry over funding to the next financial year, there is a risk that we are unable to progress the programme as planned, which could result in programme delays or failure.	Mitigation includes properly defined business case, regular engagement with sponsor team, raised during budget planning, ongoing OCSWA support, identification of what can be delivered if no budget approval.	5	4	20
As a result of a highly competitive employment market there is a risk that we are unable to recruit and retain the resources required to deliver programme aims which could result in additional costs and delays to the programme.	Both planned and emerging resource needs will be carefully managed by the SRO, project leads and HR to provide enough time for recruitment exercises pitched at the right remuneration to attract the staff we need for the programme. It may also be required that existing resources are redirected from their BAU work to support the programme as activity increases and we remain unable to successfully attract the right candidates.	4	4	16

IMPLICATIONS

Resourcing

26. Approval of these proposals has resourcing implications in terms of funding and staffing.
27. There is an agreed budget of £884,700 for the current financial year. This includes funding for dedicated staff members.

28. We are developing our budget to make sure there is enough to fund the programme. We are requesting £1,058,300 for financial year 2023/24 to complete this programme of work, including staff costs and external systems changes costs. Detailed budget proposals will come to the Council as part of our budget setting process.
29. If we have to keep going with the programme but funding is not available then we will need to re-allocate existing staff. There is a significant risk in doing this as it would impact on other areas of work.
30. There are areas of work that we can't do internally as we don't have the expertise to do so. These mainly relate to changing our digital systems to match the new proposals.

Compliance

31. The proposals need changes to our legislation and rules which must be approved by Scottish Parliament or Scottish Ministers. If these proposals are approved then we will move to the implementation phase of the programme. This will include specific timescales and milestones for work under each proposal and progress will be reported and overseen via programme board and sponsor group.
32. Consultation on the proposals followed all legislative requirements and practice as outlined by Scottish Government.

IMPACT ASSESSMENTS

33. We produced an equality impact assessment for each of the projects listed. Both of these are included at Appendix 6. We know from our consultation that these proposals may have a business impact on the sector.
34. We therefore asked The Consultation Institute to do an independent business impact assessment as well as considering equality impacts of our proposals in conjunction with our existing EIAs. The consultant based their approach on the Scottish Government's Business Regulatory Impact Assessment (BRIA) approach. This approach aims to identify areas of impact on regulated businesses, to explain why these impacts are necessary and to define mitigation where appropriate.
35. The consultant met with project leads, programme manager and staff in the Strategic Communications and Policy department and also attended the stakeholder events in August 2022 to observe discussions.
36. The consultant commented positively on our consultation process. He said that that it was well conducted and strongly focused on making sure we

took account of the wide range of views including those of stakeholders and groups who are not heard very often.

37. The consultant identified issues which are set out below. We have responded to each issue with examples of mitigation and thought about these when developing the relevant proposals. Further detail is in Appendix 1.
38. The Consultation Institute's impact assessment report is included at Appendix 5.

Issue identified	Explanation and mitigation
There needs to be a clear statement about the mapping of stakeholders.	Advised consultant about the stakeholder mapping we undertake and that this is regularly reviewed.
If the information (on fitness to practise) is to be provided on the register there needs to be a clear explanation of why the interests of users supersede the interests of registrants. If it is not then the reverse needs to be clear.	This information is already published on a separate area of our website. The proposed change will bring us in line with other equivalent regulators and enhance public clarity and visibility.
The equality impact on those in receipt of social care [regarding changes to qualification requirements] should be analysed, particularly the impact on sex, disability and age.	Our EQIA relating to qualifications and skills provides further clarity and information on this.
The equality and socio-economic impact of the proposed changes [to qualification requirements] on gender and pregnancy/maternity for the care workforce should be analysed.	We already have processes in place to allow extensions to requirements, for example for maternity leave.
There must be a clear response to the concerns about remuneration, retention, and recruitment consequences of any change to the level of qualification required.	We have taken on board concerns from consultation and focus groups that not all staff are working at higher level and would not be able to evidence this and that moving SCQF level 6 as entry level qualification to register for adult social care roles would be a barrier to career pathways. We now propose to introduce a practitioner level at SCQFG level 7 to address this.
The intersection of the equality impact and business impact of pressure on remuneration, recruitment and retention must be considered and analysed,	All roles and register parts have a qualification requirement - the level does not in itself present a barrier to recruitment/retention.

particularly given current and ongoing labour market conditions.	The proposal is for people new to the register, not existing staff. No evidence to suggest this will make it harder to recruit people already need to get a qualification.
The impact on care training providers should be evaluated to identify potential issues.	We surveyed 212 training providers and found that of the 27% who responded, 82% could adapt and change which awards they were delivering to meet demand. There will be a process to monitor and feed back to key stakeholders including providers and funding routes what the likely supply and demand will be for qualifications to support registration. This will be based on data from the Workforce Skills report projections and registration data modelling.
The funding landscape for SCQF Level 7 qualifications should be mapped and appropriate synergies identified to smooth the transition to a more qualified workforce.	<p>We are able to provide key partners such as the Scottish Funding Council and Skills Development Scotland with key trend, supply and demand data to inform priority groups for funding.</p> <p>We also administer the Voluntary Sector Development Fund on behalf of Scottish Government and can prioritise what qualifications/register groups can access the funding.</p>

Equalities

39. We developed EQIAs for the each of the structure of the register and qualifications projects. These are included as Appendices 6 and 7.

Data protection

40. A DPIA was developed for the structure of the register project. This will be reviewed regularly throughout the life of the programme.

CONCLUSION

41. The proposals detailed above are key for successful delivery of the future proofing programme. Council is asked to give its approval to each proposal which will then inform the work of the programme into 2023/24.