

<b>Title of report</b>	Authorised Officer – Registration Requirements
<b>Public/Confidential</b>	Public
<b>Summary/purpose of report</b>	This report sets out proposed changes to the registration requirements of authorised officers.
<b>Recommendations</b>	<p>The Council is asked to approve</p> <ol style="list-style-type: none"> <li>1. primary and secondary level registration for authorised officers</li> <li>2. the proposed qualification requirements for primary and secondary authorised officers.</li> </ol>
<b>Author and responsible officer</b>	<p>Laura Lamb</p> <p>Acting Director of Workforce, Education and Standards</p>
<b>Link to Strategic Plan</b>	<p>The information in this report links to:</p> <p>Outcome 1: <b>Trusted</b> People who use services are protected by a workforce that is fit to practise.</p> <p>Outcome 2: <b>Skilled</b> Our work supports the workforce to deliver high standards of professional practice.</p> <p>Outcome 3: <b>Confident</b> Our work enhances the confidence, competence and wellbeing of the workforce.</p>
<b>Link to Risk Register</b>	<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>

<b>Impact assessments</b>	<ol style="list-style-type: none"> <li>1. An Equalities Impact Assessment (EIA) was developed.</li> <li>2. A Data Protection Impact Assessment (DPIA) was not required.</li> <li>3. A Sustainability Impact Assessment (SIA) was not required.</li> </ol>
<b>Documents attached</b>	None
<b>Background papers</b>	None

## **EXECUTIVE SUMMARY**

1. All Care Inspectorate authorised officers carrying out inspection of care services or social work services must be registered with the SSSC, unless they are registered with another professional body, such as the NMC, GTCS or HCPC.
2. The SSSC as regulator sets the qualification requirements for authorised officers.
3. Responsibility for exercising the Care Inspectorate's inspection powers varies significantly by role, both in terms of the specific nature of responsibilities and the frequency of application of these powers. Currently there are three Care Inspectorate roles that are recognised as requiring authorised officer status and therefore must register as such with this SSSC. These roles are regulated service inspector, strategic inspector and team manager.
4. It is proposed that the current authorised officer registration category be further defined into two levels - primary and secondary authorised officers with defined qualification requirements for each level.
5. Council is asked to approve the new primary and secondary authorised officer levels and proposed qualification requirements for each level.

## **INFORMATION**

### **Authorised Officer Role**

6. As required by the Public Services Reform (Scotland) Act 2010 ('the Act'), the Care Inspectorate authorises staff across a number of roles to exercise the organisation's inspection powers through a broad range of regulatory, scrutiny and improvement activities, as defined by the Act. Section 56 of the Act makes provision in relation to inspections.
7. Authorised Officers are required to be registered with the SSSC or with another professional regulator in order to lawfully carry out inspections of care services as defined in Section 47 of, and Schedule 12 to, the Act.
8. All Care Inspectorate authorised officers carrying out inspection of care services or social work services must be registered with the SSSC, unless they are registered with another professional body, such as the NMC, GTC or HCPC. 'Inspection' covers both strategic inspection and the regulation of registered services, with registration, complaints and enforcement interventions all based on the Care Inspectorate's inspection powers under the legislation.
9. In response to the Register for the Future formal consultation the SSSC was asked by the Care Inspectorate to consider the possibility of defining different levels of authorised officer registration in line with other register parts. The rationale being that responsibility for exercising the Care

Inspectorate's inspection powers varies significantly by role, both in terms of the specific nature of responsibilities and the frequency of application of these powers. Currently there are three Care Inspectorate roles that are recognised as requiring authorised officer status. These roles are regulated service inspector, strategic inspector and team manager.

### **Proposed definition of Primary and Secondary Authorised Officers**

10. The SSSC and Care Inspectorate have worked in partnership to undertake a review of the current roles that fall within the remit of authorised officer registration with the SSSC in order to identify the core role and function of the roles, how they differ from one another and to undertake a skills matrix mapping exercise to understand the skills requirements of each role.
11. The review identified that there was a significant difference between the roles and the frequency in exercising the authorised officer powers.
12. It is proposed that the current authorised officer registration be further defined into two levels - primary and secondary authorised officers. This would bring the registration of authorised officers in line with the approved changes to the Register structure as part of the Future Proofing Programme as give recognition to the different role and function of those in the Care Inspectorate who carry out authorised officer duties.
13. Primary authorised officers would be defined as authorised officers who lead on regulatory scrutiny activity on behalf of the Care Inspectorate. Their core role purpose is to exercise the organisation's inspection powers through a broad range of regulatory and scrutiny activities. The main responsibilities of the role align directly to the activities defined in the Public Services Reform (Scotland) Act 2010 in services defined under section 47. Regulation Service Inspectors would be considered primary authorised officers.
14. Secondary authorised officers would be defined as authorised officers who undertake a range of roles that support or carry out regulatory or strategic scrutiny activity on behalf of the Care Inspectorate. While the roles align to the Public Services Reform (Scotland) Act 2010, secondary authorised officers undertake a broader range of activities than primary authorised officers. The core role purpose for secondary authorised officers is aligned to one of the following areas:
  - a) Regulatory scrutiny activities in services defined under sec 47 of the act:
    - Leading and managing primary authorised officers
    - Leading and managing regulatory scrutiny activities
    - Quality assurance of scrutiny/regulatory activities

- Providing specialist advice and support for primary authorised officers to undertake regulatory activities
- Direct advice and support for scrutiny/regulatory activity, including observation of staff practice
- Support/ undertake regulatory scrutiny activity as required.

b) Strategic inspection of social work services as defined under section 48 of the Act:

- Leading and managing strategic scrutiny activities
- Undertake strategic inspection of social work services
- Direct advice and support for strategic scrutiny activity
- Quality assurance of strategic scrutiny activities.

15. The main responsibilities of secondary authorised officer roles are distinct from, and do not align directly to, the activities defined in the Public Services Reform (Scotland) Act 2010.
16. Team managers and strategic inspectors would be considered secondary authorised officers.

### **Qualification requirements**

17. The SSSC currently set two qualification requirements for authorised officers. They must have a practice qualification plus a regulator award. The main qualifications accepted are listed below:

#### Practice

- PDA Childhood Practice SCQF level 9
- BA Childhood Practice
- Postgraduate Diploma Childhood Practice
- BA (Hons) Social Work
- SVQ Social Services (Children and Young People) SCQF Level 9
- SVQ Social Services and Healthcare SCQF Level 9
- BA Social Pedagogy

#### Regulator's award

- Regulation of Care Award
- PDA Scrutiny and Improvement Practice (Social Services) SCQF level 10

18. Prior to the development of the PDA in 2015 (which was developed to replace the Regulation of Care Award) Council agreed in January 2012 that, in the interim, the European Foundation for Quality Management (EFQM) or the Public Service Improvement Framework (PSIF) should

become the required regulatory qualification for authorised officers while the PDA was being developed.

19. There is no proposed change to the qualification requirements for primary authorised officers.
20. It is proposed that for secondary authorised officers that the practice qualification requirement remain the same but that for the regulatory requirement the accepted list of qualifications should be broadened out to include the EFQM and PSIF awards previously accepted as these awards reflective the broader skills set required of strategic inspectors and team managers. The SSSC and Care Inspectorate have mapped the core purpose of secondary authorised officer roles against the EFQM and PSIF criterion/models and they closely align, and EFQM/PSIF represents a single qualification that is of relevance to both distinct roles within the secondary authorised officer level.
21. Currently, Care Inspectorate Inspectors are the only inspectors who have an additional regulatory qualification requirement. Inspectors within Healthcare Improvement Scotland and Education Scotland require to be registered with their professional regulator ie NMC, HCPC, GTSC but do not have additional registration as an inspector or have additional qualification requirements. The Independent Review of Inspection, Scrutiny and Regulation concluded that there is a need, for instance, for inspectors and regulators to have the necessary skills, training, qualifications, and expertise, to be supportive in improvement and improvement methodology.

## **CONSULTATION**

22. Consultation has taken place with the Care Inspectorate, Health Care Improvement Scotland and Education Scotland. There has been extensive consultation with the Care Inspectorate to inform the proposed changes. Health Care Improvement Scotland and Education did not identify any concern or challenges that the proposed changes would have for their organisations and did not believe the changes would impact on joint inspection with the Care Inspectorate.

## **RISKS**

23. Developing and setting the standards for practice, setting the qualification requirements, and quality assuring the education and training are part of our regulatory function. There are principles and criteria, established rules and requirements set around assessment and standards that we must adhere too. When the guidance allows, we take a proportionate approach, however we are bound by the legislative framework that exists therefore we have a cautious risk appetite.

24. The proposed changes are low risk and a proportionate response to bring the registration of authorised officers into line with other register groups and gives recognition to the different roles and responsibilities of those exercising the authorised officer powers while still ensuring they meet an acceptable regulatory qualification requirement to maintain standards of practice.

## **IMPLICATIONS**

### **Resourcing**

25. There are no resource implications for the SSSC.

### **Compliance**

26. Section 56 of the Public Services Reform (Scotland) Act 2010 sets out that an inspection must be carried out by an authorised officer. Whilst this Act does not expressly define what the registration requirements of said officers are, the Regulation of Care (Scotland) Act 2001 s44(1)(b) makes clear that the SSSC shall maintain a register of social service workers of any other description prescribed. Article 2(a) of the Regulation of Care (Social Service Workers) (Scotland) Order 2005 further states that an employee of the Care Inspectorate who is an authorised officer is a social service worker. In practice, this means that an authorised officer of the Care Inspectorate requires to be registered with SSSC.
27. The Care Inspectorate is also responsible for carrying joint inspections under Part 8 of the 2010 Act. There is no obligation to register authorised persons with the SSSC for scrutiny activities carried out under Part 8 of the 2010 Act.

## **IMPACT ASSESSMENTS**

### **Equalities**

28. The EQIA did not identify any negative impacts on any protected characteristics. Given the age profile of the Care Inspectorate workforce there may be a positive impact from broadening the accepted qualifications for secondary authorised officers as this will reduce the number of workers who will be required to gain the current PDA qualification as the majority of strategic inspections and team managers already hold an EFQM/PSIF qualification however those who joined the register after these qualifications were no longer accepted as the regulatory requirement currently have to gain an additional qualification whereas those who joined in the interim period when these qualifications were accepted do not.

## **CONCLUSION**

29. Council is asked to approve the new primary and secondary authorised officer registration levels and the proposed qualification requirements for each level.