

Title of report	Revised Codes of Practice for approval
Public/Confidential	Public
Summary/purpose of report	This report summarises the methodology and evidence gathered through the Codes of Practice Review and explains the rationale for the final proposed Codes.
Recommendations	Council is asked to approve this final draft of the Codes before it is submitted to Scottish Government.
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Responsible Officer	Laura Lamb, Acting Director, Workforce, Education and Standards
Link to Strategic Plan	The information in this report links to: Outcome 1: Trusted People who use services are protected by a workforce that is fit to practise. Outcome 2: Skilled Our work supports the workforce to deliver high standards of professional practice. Outcome 3: Confident Our work enhances the confidence, competence and wellbeing of the workforce. Outcome 4: Valued The social work, social care and children and young people workforce is valued for the difference it makes to people's lives.
Link to Risk Register Risks as of 01 August 2023	Risk 1: We fail to ensure that our system of regulation meets the needs of people who use services and workers. 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.

	<p>Risk 3: We fail to meet corporate governance, external scrutiny and legal obligations.</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 not required. 3. A Sustainability Impact Assessment (SIA) was not required.
Documents attached	<p>Appendix 1 Overview of Stakeholder Engagement</p> <p>Appendix 2 Codes of Practice for Social Service Workers</p> <p>Appendix 3 Codes of Practice for Employers</p> <p>Appendix 4 Equality Impact Assessment</p> <p>Appendix 5 Comparison of Original and Proposed Revised Codes</p>
Background papers	N/A

EXECUTIVE SUMMARY

1. The Codes of Practice (Codes) for Social Service Workers and Employers set out the standards of practice and behaviour expected of everyone who works in social services in Scotland. The Codes are established through the Regulation of Care (Scotland) Act 2001 and are an important part of regulating and improving the quality of care.
2. There have been significant changes to policy and practice since the Codes were last revised in 2016. The SSSC register has also grown significantly and is likely to continue to do so.
3. As part of the Future Proofing Programme, this review aims to ensure that the Codes continue to reflect the expectations of the SSSC as a regulator, the workforce, employers and people who use services. The review will better align the Codes with the Health and Social Care Standards and support our commitment to the Promise.
4. This paper provides an overview of the approach taken in the review, the key findings at each stage, and the rationale behind the final proposed Codes.
5. Council is asked to approve the Codes before they are submitted to the Scottish Government.

REVIEWING THE CODES OF PRACTICE

Methodology

6. The review began with engagement work and desk research to establish what was working well and what could be improved with the current Codes, before a first draft was developed for consultation. Analysis of the consultation findings, outlined below, informed the final draft.
7. Understanding the needs and experience of registrants and employers, as well as those of SSSC as a regulator, has been central to the Review. Stakeholders have been involved throughout, with a variety of different opportunities to get involved and influence. This included a Stakeholder Short Life Working Group to guide the review, Codes Conversations in services and networks, face to face and online engagement sessions, and various surveys. Further detail of engagement is included in Appendix 1.

Review of evidence

8. Evidence from national policies, developments and events was reviewed to ensure that the revised Codes reflect current thinking.
9. For example:
 - The Adult Social Care Review reinforces the need to work together to promote and ensure human rights, wellbeing, and maintain a focus on involving people in change.
 - The Promise highlights the importance of relationships, the impact of language, and the need to significantly 'declutter and streamline professional codes', and the need for a 'skilled, motivated trauma-informed and resilient workforce'.
 - The implementation of the Health and Social Care Standards clearly articulates values including kindness and compassion.
 - The experience of the pandemic has highlighted the importance of respect, relationships, kindness and compassion, and the impact these values have on services, resilience and wellbeing.
 - The lack of direct regulatory powers to enforce the Employer Code, and the need to address this, was highlighted in the National Care Services Consultation.
 - The Independent Review of Inspection, Scrutiny and Regulation highlights the need to strengthen and review regulation as a whole.

Findings from Codes Conversations Engagement work

10. Over 400 people gave their views through Codes Conversations events, surveys and local discussions held in Autumn 2022. Additional meetings were held for SSSC teams to gather evidence from within the organisation. Findings were analysed by an independent consultant.
11. Feedback indicated that participants viewed the Codes of Practice positively. Thematic analysis identified what people liked about the Codes. This included:
 - **Clear expectations** and guidance. The Codes were frequently expressed as a 'go to' document; some described it as a 'bible'.
 - **Format.** Participants liked the simple, clear unambiguous and accessible format of the Codes.
 - **Universality.** The Codes apply to the whole sector, and professional identity and status is associated with this.

- Having both **Worker AND Employer** Codes.
 - **Values/ethical base** – supporting reflective practice.
 - Codes support **public trust**, confidence and accountability.
12. While there were few issues with the content and meaning of the Codes, participants were keen to highlight the importance of tone. It was suggested that improving the language would make the Codes more engaging and easier to relate to for encouraging good practice. Areas identified for updating or strengthening included staff wellbeing, professional relationships, risk enablement and trauma informed practice.
13. When considering how the Codes could better support good practice, stakeholders suggested clearer lines of accountability, particularly in relation to the Employer Code; these should be included explicitly in inspections and in commissioning to make employers more accountable. It should be noted that the National Care Services Consultation (2021, page 118) highlighted similar issues: "*Employers are required to adhere to the SSSC's codes of practice, however there is no power for the SSSC to enforce this...*". While this review can strengthen wording of the Employer Code, it should be noted that the wider issue of enforcement is outwith its scope.
14. Reviewing use of the Codes within the SSSC found they worked well from a Fitness to Practise point of view. While some Codes feature more frequently in cases than others, this is not seen to be a problem, as it is important to recognise the role the Codes play in supporting good practice.

First draft Codes for consultation

15. Based on the findings above, radical change was not required. The following areas for improvement were identified and incorporated into the draft for consultation:
- Wording to reflect relationship-based practice, risk enablement, trauma, rights and assets-based approaches.
 - Use of more 'empowering' language (avoiding deficit-based statements).
 - Clearer articulation of the values base, including the importance of kindness, compassion and involvement in decision making.
 - Strengthening accountability through clearer connections to the Health and Social Care Standards, while acknowledging the different core purposes of the Codes and Standards.
 - Revising outdated language (eg 'People who use Services').
 - Strengthening supervision.
 - Removing areas of repetition in the Codes.
 - Strengthening Employer Codes.

Formal consultation findings

16. The formal consultation (April – July 2023) was designed to test:
 - whether the draft Codes are clear and easy to understand
 - whether the proposed changes are appropriate in practice
 - what impact the proposed changes would have on workers, employers and individuals.
17. In total, over 500 people responded to the consultation, either through survey, events or a survey targeted specifically at people who use services and carers. (See Appendix 1 for more detail).
18. Analysis was undertaken by the independent consultant. Overall the vast majority of respondents were extremely positive about the proposed changes. More than 80% felt that the revisions encouraged kindness, compassion, risk enablement, and safety and protection either 'well' or 'very well'.

Rationale for changes to the final draft

19. In response to the findings, areas for further improvement were identified. Issues have been debated by the SSSC Project Team, and all Codes were reviewed to ensure that the wording, meaning, practicality and intention were clear. The following recommendations have been included in the final draft:
 - **Change of term from 'people who use services' to 'individuals'.** This proposal was popular with workers and employers, with strong opinions expressed that 'people who use services' is an outdated term and does not reflect current practice. Concerns were raised within SSSC that 'individuals' is too broad a term (who is not an individual?) and this could cause confusion and ambiguity for Fitness to Practise proceedings, with the potential for legal challenge. If a key term requires explanation or glossary, does this fail our aim to be clear and concise? However, the term 'individual' is used in the Social Care Wales Codes, and has not caused any relevant legal issues, which provides some assurance. To mitigate the risk of ambiguity, a brief definition of the term will be included within the introduction to the Codes. This satisfies the concerns for Fitness to Practise and enables us to use a term that better reflects practice and values.
 - **Terminology – 'workers, employers, social service workers'** and the title "Codes of Practice for Social Service Workers and Employers" will remain. No strong feeling was expressed in the consultation about the use of these terms. While the SSSC is moving to use of the term 'the social work, social care and children and young people workforce

in Scotland', this can be reflected in the introductory material, rather than in the Codes which retain the title established by the Regulation of Care (Scotland) Act 2001. Changing this would have significant legal and resource implications for little real benefit.

- **Terminology** – 'care' or 'support'. Some respondents questioned whether the use of the term 'care' was appropriate in all circumstances, particularly in relation to statutory interventions. To address this, the phrase 'care or support' has been included in the final draft.
- **Aligning with the Health and Social Care Standards language of kindness and compassion.** The intention was seen as desirable, however there were strong, opposing opinions about whether terms such as 'kindness' and 'compassion' were helpful in this context. Participants at events felt that these terms are easy to understand and relate to, from your very first day in post, while more technical terms such as 'relationship-based practice' do not have that immediate impact. However, concerns were raised that 'kindness and compassion' cannot be clearly defined, evidenced or measured, and could therefore create tensions when used in disciplinary or Fitness to Practise cases. Given these are key terms in the Health and Social Care Standards; that some level of judgement is required in practically any Code; and that the Codes are used as a tool for reflection and development, not just regulation, 'kindness and compassion' have been retained in the final draft. Ensuring the Codes are easy to understand, reflect the values base, and that the whole of the workforce can relate to them, is essential.
- **Clear wording for "I will not abuse..."**(originally Worker Code 5, now at Code 6). The draft for consultation tested out more positive wording, aiming to turn this section round into positive "I will..." statements. While this was welcomed by many respondents who felt this was less deficit based, concerns were also raised that it was not as clear as the original and could have a negative impact on Fitness to Practise. In the interests of clarity and practicality, the final draft has reverted to "I will not..." for this section only. Given that keeping the Codes clear and easy to understand was a key message at all stages, having a section that highlights clearly what is not acceptable seems appropriate. All other sections retain the positive 'I will...' wording that was suggested to create a more empowering tone.
- **Trauma informed practice – New Code included post-consultation.** In the consultation draft, we had not explicitly mentioned trauma in the worker Codes, as it was felt that this would be highlighting one specific practice approach over others. However, respondents to the consultation highlighted this as an area of

weakness. Given the current national focus on trauma, the following new Code (Worker, 5.8) has been added:

- **5.8** Work in a way that is informed by an understanding of the impact trauma may have on individuals, carers and colleagues.
- **Support for Newly Qualified Social Workers (NQSW) within the Employers Code.** Questions were raised as to why NQSWs should be singled out for support, when our principle is that the Codes are applicable to everyone. However, as the mandatory supported year for NQSWs is a national commitment in Programme for Government and is governed through the Social Work Education Partnership (SWEP), the additional Code aims to ensure national employer support for the effective delivery of this government commitment. Therefore the following new Code has been added:
 - **3.5** Make sure that all newly qualified social workers are provided with the required level of professional learning and development during the mandatory supported year to fully meet their continuous professional learning requirements.

CONSULTATION

20. Extensive engagement has been carried out as part of the review. Details are included in Appendix 1.

RISKS

21. R43: If we fail to engage and communicate the programme aims and rationale properly, there is a risk that the sector doesn't understand the planned changes, which could result in reputational damage. We have engaged extensively with stakeholders throughout the Review.

IMPLICATIONS

Resourcing

22. Implementation of the revised Codes will require significant communication time and resource along with learning and development support to the sector. As part of the implementation, and in support of The Promise, we will co-design a 'child friendly' codes resource. Costings and potential partnerships are currently being explored to progress this.

Compliance

23. The final draft has been reviewed by the SSSC Head of Legal and Corporate Governance.

IMPACT ASSESSMENTS

Equalities

24. Full EQIA is attached (Appendix 4).

CONCLUSION

25. Council is asked to review and approve the final draft Codes for submission to Scottish Government.