IRISR recommendations and SSSC activity March 2024

IRISR Recommendation	Activity
1. It is recommended that inspection, scrutiny, and regulatory bodies consistently apply a human rights-based approach that places people at the centre of the process.	Fitness to Practise (FTP) are exploring how we can further promote a Human Rights Based Approach (HRBA) in our processes. This includes exploring how we make our work more focused on the needs of people as we conduct investigations. An initial priority is about developing our understanding of registrants' experiences. A sub-group of the SSSC's Equality, Diversity and Inclusion Group (EDIG) is considering what a HRBA means more generally for us. This includes developing a better understanding of what HRBA means to staff and an internal audit of our approach. The FTP review and our EDIG sub-group will identify further improvements to our approach. We are reviewing the impact of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. The Act aims to ensure that public bodies respect and protect children's rights in their work.
2. It is recommended that matters of trust, respect, relationships, ethos and culture be placed at the heart of inspection, scrutiny, and regulation and should be reflected in reports.	We have reviewed the Codes of Practice for Social Service Workers and Employers (the Codes) based on consultation with the sector. The new Codes launch in May 2024. The revised Codes reflect current thinking on several areas around relationship-based practice, kindness and compassion. We are developing an easy read version of the Codes. The easy read version will provide a summary of the purpose of the Codes and the key points. We will launch the new Codes in May 2024. We are also exploring how we make the Codes more accessible to young people

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	in support of the Promise.
3. It is recommended that inspection, scrutiny, and regulatory bodies must set out clearly in their annual report how they have led and cultivated a culture of openness and trust.	Through the Future Proofing Programme (FPP) we have improved our approach to involving people and stakeholders in our work. Our annual report will reflect the detail of this activity. We will share further information publicly on our registrants and stakeholder surveys. This will include further information on the results and the steps we are taking to address feedback.
4. It is recommended that inspection, scrutiny, and regulatory bodies make appropriate arrangements to engage people with lived and living experience in co-designing engagement tools and developing the inspection and regulatory frameworks.	People who use services and carers contributed to recent and ongoing activity such as the FPP, Review of the Codes, supporting the development of our Continuous Professional Learning (CPL) model (launches June 2024) and quality assurance. We are taking steps to further formalise the way we involve people and registrants in our work. An initial priority is to explore if we can revise the Future Proofing Programme's Stakeholder Advisory Group (SAG) to support consultation and engagement. We are developing a policy for paying people to participate in our work.
5. It is recommended that a strengthened system be put in place for people to have a formal role as lay inspectors in the process of inspection, scrutiny, and regulation, including young people with care experience. An appropriate level of remuneration should be made available.	Not directly relevant to SSSC.
6. It is recommended that inspection bodies' approach to engagement must be flexible, inclusive and appropriate.	We have accessibility guidance for our employees. We are considering accessibility as part of activities such as promoting a HRBA and reviewing the impact of the United Nations Convention on the Rights of the Child

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This includes allowing sufficient time for responses to be made and making suitable arrangements for conversations to take place with individuals, family members and staff, ensuring consistency and accessible information is available.	(Incorporation) (Scotland) Act 2024. See Recommendation one for further information.
7. It is recommended that independent advocacy is available for people to help them exercise their rights, and when necessary, to provide support to navigate complaints and any escalation process.	The National Care Service (NCS) Complaints Workstream is looking at the provision of advocacy services to support people through the complaints and escalation process. We work with law clinics to support registered workers to access free representation when they are involved in our FTP investigations and hearings.
8. It is recommended that a co-produced and bespoke scheme of registration for Personal Assistants (PAs) which recognises their skills and role, and opens up access to training and development, should be developed. Such a scheme would expressly seek to not create barriers, and through coproduction, would create positive opportunities for both the Personal Assistant and their employer.	The Scottish Government (SG) will not consider further steps to implement recommendation eight until work with Disclosure Scotland (on implementation of Disclosure Scotland Act 2020) and the PA Programme Board work plan activities have been progressed. We are in favour of exploring the registration of PAs. PAs can be carrying out the same role as regulated staff, and we think it is important for the protection of service users. There are challenges with how PA registration with the SSSC – if the SG chose to progress this - would fit our current system of regulation. We set out these challenges in our response to the IRISR and as part of the development of the NCS. We continue to contribute to the work of the PA Programme Board and Steering group. We specifically support two of the Boards sub groups on

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	- training - wellbeing. The PA Programme Board has four objectives. One of these is on supporting the development of the PA workforce with recruitment, retention and training. Another area is on developing robust data on the numbers of PAs and estimating future demand.
9. It is recommended that there should be a universal requirement to obtain registration with a regulatory body for all social care support staff appropriate to their role and setting and that this should be a condition upon joining the social care workforce.	The majority of the social care workforce is already regulated by the SSSC. We have submitted a proposal to SG covering other groups such as social work assistants and workers in adult day care services. We are scoping the numbers of sexual offender liaison officers (SOLOs) and Sexual Violence Offender Liaison Officers (SAVOLO) in Scotland. We support the expansion of registration to those, such as healthcare support workers, who are not registered. For us, the issue that those registered with another regulatory body cannot register with the SSSC remains an issue. There is a need to examine a particular situation around non-SSSC registered managers. SSSC registered managers must hold or obtain a management qualification at degree level. This requirement recognises the skill and knowledge necessary for individuals to effectively manage care services. Non-SSSC registered managers are typically in following two roles, although there may be others: • nurse managers working in care homes and registered with the Nursing and Midwifery Council (NMC) • teacher managers working in children's services and registered with the General Teaching Council for Scotland (GTCS).

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	The Care Inspectorate (CI) does not require these managers to hold or be working towards a management qualification. The review also highlights that there are currently not routine inspection, scrutiny or regulatory arrangements in place for drug and alcohol services. We will explore these areas with our Sponsor in Scottish Government, the Office of the Chief Social Work Adviser (OCSWA).
10. It is recommended that inspection, scrutiny, and regulation should be extended to areas not part of the current system, including agencies who provide social care support staff, to help drive continuous improvement and deliver better outcomes.	Social Work and social care staff who are registered with agencies already require to be registered with the SSSC if they are engaged to work in roles subject to required registration. We have a concern that other types of employment types may not fall within the scope of legislation and lead to people falling out of regulation. More work to consider this is welcomed.
11. It is recommended that further development of stronger links between regulatory bodies across all areas within and out with the borders of Scotland should be established to ensure better regulation, transparency and accountability of providers of social care support services.	We have an Alliance with the social work and social care professional regulators across the UK and have strong links with professional health regulators. We have Partnership agreements with NHS Education for Scotland (NES) and the CI. We continue to work closely with other public bodies and partners such as Healthcare Improvement Scotland (HIS), Education Scotland and Skills Development Scotland. We are working with standard setting organisations and sector skills councils on the review of the National Occupational Standards (NOS.)
12. It is recommended that the best practice from other nations' regulatory landscape is explored and considered with a view to enhancing transparency	There are statutory requirements that care services have a manager. If the manager is SSSC registered we can take regulatory action if they fail to ensure that the staff in their service are registered and adhering to the Codes.

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and accountability, particularly in relation to there being a named, accountable link to registration, inspection and local employees.	The CI have statutory powers to enforce the Code of Practice for Employers.
13. It is recommended that The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 be reviewed to ensure consistent, effective and comprehensive applicability of the fit and proper person provisions across social care support services in Scotland.	We would welcome steps to ensure that all managers are registered as this will support professional regulatory oversight.
14. It is recommended that Scottish Ministers make appropriate arrangements for market oversight and sustainability in the social care sector.	We support the CI's position on regulating providers.
15. It is recommended that the list of care service types and set of corresponding definitions as set out in Schedule 12 of the Public Services Reform (Scotland) Act 2010 are assessed for fitness for purpose.	The registered workforce is defined through employment in care services (apart from social workers, students and CI Authorised Officers). Thought must be given to the impact on our regulatory framework if any changes are made to care service definitions.
16. It is recommended that inspection, scrutiny, and regulation processes more fully take account of an individual's experience of service delivery and their overall care journey to understand, follow and evaluate the person's social care	We are doing more to embed lived and learned experience in our work. People already contribute in several ways. For example, nearly 250 people who use services and carers participated in our recent Codes consultation. We have also had significant feedback on the development of the CPL model.

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support experience over time and their impacts.	
17. It is recommended that clear and accessible information about the agencies and their roles, responsibilities and accountabilities is provided for all those who require social care support services.	Further information on our approach to accessibility is covered under recommendation six.
18. It is recommended that Scottish Government work with the regulators to clarify roles and responsibilities between organisations to streamline inspection activity, remove repeat inspections by different agencies and to reduce duplication and omission. This should include reviewing how joint inspections are currently carried out, encouraging more partnership working and joint inspections, and greater involvement of people in receipt of social care support in inspection, scrutiny, and regulation.	Not directly relevant to SSSC as about inspection of services.
19. It is recommended that inspectors and regulators, whilst fulfilling their statutory duty to identify shortcomings in improvement, should also place equal weight on identifying good practice, innovation and improvement across the sector.	Our workforce development function is about improvement and we share good practice and innovative approaches in our learning resources. We specifically support the development of the workforce in respect of quality improvement. We are developing our approach to data to assist us identify and amplify good practice. We continue to develop our partnerships with other regulators to deliver more joined up improvement support.

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	We continue to support the development and implementation of the National Improvement and Learning Framework for adult social care and community health services. We work with partners to increase access to quality improvement learning and support partnerships, services and workers to drive improvement. We engage with workers and services to promote improvement and innovation via our quality improvement learning network and other development activities.
20. It is recommended that an emphasis on outcomes and continuous improvement becomes a central focus of inspection, scrutiny, and regulation.	We have a workforce development role and we are introducing a new CPL framework in June 2024 which will require registered workers to ensure they develop their practice every year.
21. It is recommended that there should be a duty on the regulator/inspector to work more closely with the provider on agreeing action plans and timescales for continuous improvement recommendations that are additional to regulatory requirements and improvement notices.	We work alongside the CI where appropriate to support services to improve.
22. It is recommended that the Scottish Government updates and clarifies its expectations regarding the National Performance Framework (NPF) in relation to publicly funded delivery bodies, particularly with respect to outcomes for social care support services.	We await further information from Scottish Government on the NPF.
23. It is recommended that Scottish Ministers should review legislation to	We understand that there are already proposals to provide the SSSC with statutory powers to compel recovery of documents and witnesses which will

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ensure that regulatory bodies have adequate enforcement power.	address our challenges with enforcement.
24. It is recommended that a duty to self-report should be reviewed to ensure that self-reporting is inherently linked to continuous improvement, whilst also ensuring the regulatory bodies have appropriate powers to act when issues are identified.	There are statutory requirements on employers to report dismissals for misconduct. Social service workers and employers must adhere to the Codes which requires them to refer themselves or make referrals about staff to us in accordance with our FTP guidance. We do not have a concern about self-reporting of the registered workforce, or employer reporting of dismissals.
25. It is recommended that there is clear and accessible public information about how to raise a concern and systems of complaints. Those systems of complaints should be easy to use, have accessible detail about routes of escalation with clearly defined outcomes that can include redress for people.	There is already a government workstream looking at the complaints process for the NCS, including improving the current process. The SSSC is leading on the workforce strand. To develop a one-stop-shop for complaints, as envisaged for the NCS will require further work beyond improving the existing system.
26. It is recommended that the Scottish Government should make arrangements to ensure appropriate oversight of regulatory provision of social care support and consider whether there should be separate arrangements put in place for Scotland, in this respect.	We do not think that further scrutiny is necessary for the SSSC as the professional regulator of the social service workforce. We are an NDPB (Non Departmental Public Bodies) accountable to government and subject to the remit of the Scottish Public Services Ombudsman.
27. It is recommended that qualitative measures should be codesigned by the regulatory agencies and people with	People who use services and carers have informed the development of the Codes and the Continuous Improvement Model.

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lived and living experience to ensure that they include elements of services that are important to people.	We support the Scottish Government and our partners to develop a trauma informed and trauma responsive workforce and services. We continue to promote National Trauma Training Programme and learning resources. We want to embed trauma informed practice in qualifications, CPL requirements and programme delivery. We want our learning resources to be accessible to all and to make sure the workforce has increased access to wellbeing support. We want to be a trauma informed organisation. We want to use language that is inclusive, welcoming and follows trauma informed practice. FTP staff have had trauma informed training and a session on the Trauma Informed Justice Framework. We have established a Trauma Informed Champions Group. The Group uses a trauma informed lens to consider implications for the SSSC. Panel members have been receiving training and awareness sessions on trauma informed practice since 2021. Members have recently had training on the Trauma Informed Justice Framework and trauma informed questioning. We have renovated our office and hearing rooms, using a trauma informed lens to provide calm, suitable spaces. We are developing a policy in line with SG guidance that will support us to pay for individuals to be involved in shaping the work we do. We will have this in place in 2024/25 and will being to develop the structures required to support people with lived experience to be involved with codesigning the work we do.
28. It is recommended that the sharing of data is examined, with the people at the centre of the process having access to their own data in formats that facilitate their	We have a Data and Intelligence Strategy and delivery plan and are an Office for National Statistics (ONS) provider. We develop data sharing agreements with external stakeholders when required and share our workforce and registration data for specific as well as more general purposes.

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understanding of it in order to support decision making and their involvement in this. This data should also be utilised for service planning and improvement, both strategic and operational.	Our data triage group has managed over 170 data requests from internal and external partners such as NES, SG, HIS, and Public Health Scotland to support the development of services for workers and people who use services. We are part of the Sharing Intelligence for Health and Care Group chaired by HIS.
29. It is recommended that data is utilised for social care planning and individuals, and their advocates, have access to this to inform their choices.	We have a Data and Intelligence Strategy and delivery plan and are an ONS provider. We develop data sharing agreements with external stakeholders when required and share our workforce and registration data for specific as well as more general purposes.
30. It is recommended that the type of data collected, and its purpose, is reviewed to ensure that the right data is collected for the right reasons, with a focus on data supporting performance management and service improvement.	Our data triage groups manage on average 170 requests from external partners in NES, SG, HIS, Public Health to develop data sets and share data to make decisions about the development of services for workers and people who use services. We are part of the Sharing Intelligence for Health and Care Group chaired by HIS. We are also part of several Scottish Government and other key groups such as: • Data Strategy Delivery sub-board • Health and Social Care Data Standards sub-board • Social Work Workforce Data Short Life Working Group (SLWG) to support the development of the National Social Work Agency (NSWA) and implementation of Govt policy • the Children's Services Data SLWG examining children's services data • the Care Home Review Group. • Our Social Services Workforce Data & Planning Group also engage with key stakeholders and connect with the wider data agenda set out in the above groups.
31. It is recommended that the type of data collected, and its purpose, is	Our role is set out under recommendation 30.

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reviewed to ensure that the right data is collected for the right reasons, with a focus on data supporting performance management and service improvement.	
32. It is recommended that there is a 'duty to co-operate' placed upon service providers to share data appropriately and equally upon regulatory bodies to work together to avoid duplication in their requests for information.	We understand that the NCS legislation will include powers to compel recovery of documents and witnesses which will address a challenge we have.
33. It is recommended that a review of the Health and Social Care Standards takes place to ensure they are based on human rights, ethical commissioning and are outcomes focused. The Standards should be the basis on which social care support services are inspected, scrutinised and regulated.	We would anticipate a role in the new workstream announced 6 March to review Health and Social Care Standards. We will need to consider any implications for our work, including the Codes. The recently revised Codes are aligned to the current Health and Social Care Standards.
34. It is recommended that Scottish Ministers should review the powers of intervention and enforcement currently in place, where providers fail to meet workforce registration obligations or fail to follow the codes of conduct and consideration be given as to where powers of enforcement should lie.	The CI has the statutory responsibility to take into account the Code of Practice for Employers of Social Service Workers when carrying out its regulatory function. There is also the anomaly where managers of services who are registered with another professional regulator cannot register with the SSSC. See recommendation nine.
35. It is recommended that regulators and providers examine ways in which the workforce can become more actively involved in the inspection process, on a	We are working with CI, NES and HIS to deliver the Care Experience Improvement Model (CEIM) leaders programme. The programme supports teams across health, social work and social care to develop, embed and maintain a process and culture that systematically identifies and makes meaningful

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basis of mutual trust and respect.	improvements based on the feedback of people who use their services. People who use services and carers have and continue to support the development of our CPL Model. This includes our testing the new model ahead of the launch in June 2024.
36. It is recommended that Scottish Ministers align the social care workforce in a coherent model, based on fair work, to support the sustainability of the workforce and to help drive continuous improvement.	We contribute to work streams under the Fair Work agenda to improve outcomes of workers in the sector. We have made available relevant learning resources to support the delivery of the Effective Voice (EV) pilot in which employers and workers are testing the implementation of EV standards. We contribute to the Adult Social Care Ethical Commissioning Group, led by the Institute for Research and Innovation in Social Services (IRISS). The group is establishing an agreed set of principles underpinning ethical commissioning and corresponding implementation plan.
37. It is recommended that Scottish Ministers should review the sufficiency, quality and availability of resources for training, development and improvement.	Whilst we are not a training provider we set the standards for qualification and we monitor progress in qualifying the registered workforce. The qualification level in adult social care is below 50% and access to and funding for qualifications is a concern. We have a workforce development role and in June 2024 we are introducing a new CPL framework which will require registered workers to ensure they develop their practice every year. As part of this approach we will be able to direct and mandate training and development on particular topics. In June 2024 we are introducing Return to Practice (RTP) requirements for social workers who have been out of practice and not registered for over two years. We want to make sure that social workers can update their knowledge, skills and competence while building their confidence to practice. Social workers would demonstrate learning across four themes as part of their registration application.

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	The next steps for the implementation of the FPP are a key priority. The changes take effect from June 2024. A key change will include requiring workers to apply for registration within three months of starting their role.
38. It is recommended that steps are taken to ensure that nationally recognised qualifications that reflect the skills required to work in the social care sector are developed and are portable across the social care sector.	We are working with our UK sector skills partners to undertake a review of the National Occupational Standards (NOS). The NOS describe the knowledge, skills and understanding that a worker needs to be competent at their job. All qualifications accepted by the SSSC to meet qualification requirements are underpinned by the NOS. The review will identify current skills gaps such as trauma informed practice. The review will revise the language and strengthen elements of the current qualifications to meet ambitions in the Promise such as upholding and promoting rights and compassionate care. We will consider children's views as part of the review. The review will be complete by December 2025. We work with Scottish Government and others to promote career pathways. We continue to scope graduate apprenticeship routes and new pathways for senior phase pupils. We are consulting on a new health and social care integrated qualification to reflect the skills needed for an integrated workforce.