

NORTH LANARKSHIRE COUNCIL

REPORT

TO: Social Work Committee	Subject:
FROM: Jim Dickie, Director of Social Work	<b>CONSULTATION PAPER "REGULATING CARE AND THE SOCIAL SERVICES WORKFORCE"</b>
DATE OF COMMITTEE: 7 March 2000	
REF: DOD/LB	

**1 PURPOSE OF REPORT**

1.1 To inform Committee of the Department's response to the Consultation Document produced by the Scottish Executive entitled "Regulating Care and the Social Work Workforce".

**2 BACKGROUND**

2.1 The White Paper entitled "Aiming for Excellence - Modernising Social Work Services in Scotland" was issued in March 1999. This outlined future changes in Care Regulation and Workforce Regulation intended to address criticisms of current arrangements.

**Regulation of social care**

2.2 The current system of care regulation has been criticised in that it is perceived to lack:

- ◆ **independence** - as local authorities are purchasers and providers as well as regulators;
- ◆ **consistency** - variable standards have developed nationally;
- ◆ **integration** - separate regulatory regimes exist for nursing and residential services; regulation of services for under 8s services lies with Education Services in some authorities, and with Social Work Departments in others.

2.3 In addition the lack of statutory regulation of home care and other services for vulnerable people were considered to be major omissions in the current system.

2.4 An independent public body the Scottish Commission for the Regulation of Care, is to be established to address these concerns The Commission will be accountable to the Scottish Executive.

## **Regulation of the Workforce**

- 2.5 Over 100 000 people are employed in social services in Scotland. Except in certain senior manager posts and through the general restriction of social work posts to holders of a recognised qualification, there is no statutory regulation of the workforce.
- 2.6 The current system of workforce regulation can be criticised in that:
- ◆ the majority of the social care workforce undertaking personal and complex social care tasks for the most vulnerable people in society are largely unregulated;
  - ◆ standards and expectations of staffs' practice and conduct are unclear.
- 2.7 The Central Council for Education and Training in Social Work (CCETSW), the organisation previously responsible for developing and regulating training in Social Work, will withdraw from this area at 31 March 2000.
- 2.8 A public body, the Scottish Social Services Council, is to be established to address the issues of registering and regulating the social care workforce and to regulate training in all areas of social care. It is envisaged that this will bolster public confidence in the social work profession and lead to cohesive and clearer training arrangements for the social work workforce. The Council will be accountable to the Scottish Executive.

## **Links between the new Bodies**

- 2.9 The two new bodies, the Scottish Commission for the Regulation of Care and the Scottish Social Services Council will have a duty to cooperate with each other to
- ◆ maximise the joint use of resources,
  - ◆ avoid duplication of effort,
  - ◆ co-ordinate planning and review of progress,
  - ◆ share information about behaviour and practices of individuals and services,
  - ◆ review and co-ordinate approaches to enforcement and sanctions.
- 2.10 The establishment of the Commission and the Council are envisaged as the means to strengthen the protection of children and vulnerable adults and address criticisms outlined above.

## **3 RESPONSE TO THE CONSULTATION**

- 3.1 The Social Work Department's detailed comments to the Consultation are given in Appendix 1 (Comments on Regulation of Care) and Appendix 2 (Regulation of the Workforce).
- 3.2 The Director of Education's comments on the Regulation of Services for the under 8s will be the subject of a separate report to Education Committee.

3.3 The proposed changes in regulatory arrangements are broadly welcomed.

3.4 Members should particularly note the Department's concerns that:

- ◆ the proposal to fund regulation wholly from income generated by fees is considered unrealistic. Unless this is reconsidered, it is liable to undermine and weaken future regulatory arrangements;
- ◆ in implementing national care standards it is essential that standards are realistic and achievable. Transitional arrangements must take into account potential resource and service implications for service providers and purchasing authorities;
- ◆ the interests of current staff employed in this area should be carefully considered and information should be made available at the earliest possible opportunity to allow for staff planning to take place;
- ◆ better regard should be given to the role of Advisory Committees and to local representation in the new structures;
- ◆ proposed legislative changes should address concerns that the interests of service users should be the paramount consideration in establishing regulatory arrangements.

#### 4 RECOMMENDATION

4.1 Members are asked to approve the attached comments for inclusion in a Council response to the Scottish Executive.



**Jim Dickie**  
**Director of Social Work**  
**29 February 2000**

*For further information on this report please contact Dennis O'Donnell, Principal Officer (Registration/Inspection)*  
*(TEL: 01698 332058)*

## **RESPONSE TO THE SCOTTISH EXECUTIVES CONSULTATION DOCUMENT ENTITLED “REGULATING CARE AND THE SOCIAL WORK WORKFORCE”.**

### **BACKGROUND**

In March 1999 the Scottish Executive issued a White Paper entitled Aiming for Excellence, which included in its proposals reform of the regulatory system for social and nursing care, the creation of an independent Scottish Commission for the Regulation of Care and an extension to wider regulation of social services, for the better protection of vulnerable people.

In December 1999 a consultation document entitled Regulating Care and the Social Service Workforce was issued by the Executive. Both specific and general comments were sought on that document’s content.

In North Lanarkshire the Social Work Department is responsible for the Regulation of Social Care services, services for under 8’s being the responsibility of the Education Department. It is understood that the Education Department will be preparing a separate response to this consultation.

### **SECTION 1**

#### **Paras 1 - 14 Introduction**

Outlines broadly held views on the background to the proposed changes to the regulation of care services and the social services workforce. It rightly emphasises “strengthening protection of children and vulnerable adults” as a key objective of the Commission and the Council.

#### **Para 15 Index of unsuitable adults**

Proposed future consultation on the provision of a national index to allow checks to be undertaken which assist in identifying people deemed unsuitable to work with vulnerable groups is welcomed and will add weight to future regulatory measures.

### **SECTION 2 - REGULATION OF SOCIAL CARE**

#### **Paras 16 -19 National standards**

The development of national standards is welcomed. When agreed and published these will go some way to addressing concerns about consistency and should reduce uncertainty for service providers in different parts of the country. It is premature to comment on standards at this stage, other than to re-emphasise that these need to be realistic and achievable.

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The reference to further proposed consultation opportunities on the resourcing and implementation implications of national standards is welcomed.

### Para 23 Adequacy of current legislation

#### Sections 61(1) and 61(A) of the Social Work (Scotland) Act 1968.

The current definition of establishment will be inadequate for future purpose in that it fails to take into account the wider range of services liable to registration and inspection. In future it may be more appropriate to register a care provider or care service. Extension of the current description could be expanded to emphasise “residential and other establishments **and services**”, so allowing for the proposed expansion into the regulation of home care and other services.

It is suggested that consideration is given to the potential in linking national standards to Regulations, so allowing different requirements to be placed on registered providers in different types of service. For example, requirements for residential care settings would be quite different from home care services.

The definition of “substantial levels of personal care and support” as outlined in the legislation and refined in Guidance currently allows for wide interpretation on whether or not services fall within the scope of registration. Wording which outlines criteria which identify where residential, home or day services would fall into the scope of registration would be more beneficial. Wording would have to distinguish between “personal care” and “domestic care”, both of which are commonly provided through home care services.

Given the thrust of the White Paper was protection of vulnerable people it would be inappropriate that certain grant aided and independent residential schools continue have the opportunity to opt in or out of the regulatory framework.

Other suggested legislative considerations include:

- ◆ Clearer reference made to the unacceptability of owners/managers engaging in activities which may constitute a conflict of interests;
- ◆ Reference to systems for dealing with managers deemed unfit at the point of application or at a later date and measures for handling appeals against such decisions;
- ◆ Reduction in time scales from 14 days to 7 days in serving of notices of intention to cancel and to these being put into effect;
- ◆ Time limiting the Appeals process;
- ◆ Shorter time scales being set for the Commission being notified of management changes;
- ◆ Specifying that temporary absences of 4 weeks or more be brought to the Commission’s attention; and
- ◆ reviewing the impact changes in registration (and proposed partial registration) will have on related legislation such as that pertaining to Housing Benefit.

### **Paras 24-26 Size and format of the Commission**

The proposed inclusion of service users on the Commission is welcomed. Within the national context it is known that involvement of service users in Advisory Committee forums has often proved difficult to sustain because of the formality of meetings, reporting procedures and insufficient support being available. The Allies in Change Consortium have recently published a credible Resource Pack targeted at supporting service users in Committee settings.

### **Paras 29-30 Committee Arrangements**

The potential for lack of local influence, as highlighted in paragraph 30 will be of concern to all local authorities and independent sector providers. The consultation document appears to have given little regard to the contributions local Advisory Committees have made in the past 4 years. In North Lanarkshire the Advisory Committee on Inspection has been influential in developing local initiatives and putting forward improvements to the inspection and reporting processes. Opportunities for local views to be heard on the operation of the Commission and on its application of standards are valued. Establishing Regional Advisory Committees which include representation from elected members could address concerns in this regard.

### **Para 31-33 Staffing**

It is concerning that at this stage only limited information has been provided on proposals for staff currently working in the area of regulation. Early information for all staff on proposed organisational structures and location would assist and reassure staff of the Executive's interest in their position. As responsible employers local authorities require information in order that issues of staffing can be appropriately managed.

To a large extent staffing arrangements depend on the nature, frequency and intensity with which regulatory tasks are undertaken. Without early information on these matters the Commission leaves itself exposed to the possibility of staff moving into other areas of work in the intervening period and expertise being lost to them.

The statement on the desirability of ensuring continuity and expertise is welcomed. The complexity of the regulatory tasks requires to be recognised and with this the need for core of expertise to transfer over to the Commission.

Co-option of specialists already play a significant part in the regulatory arrangements of current registered services. The need for Legal services is the most obvious requirement but others including Fire, Environmental Health and Pharmaceutical advice are also commonly sought.

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It is noted that TUPE principles will apply to officers transferring to the new Commission, but concerns remain about other conditions and pension implications. It will also be important to recognise the wide variation in the terms and conditions which currently exist within and between local authorities and health boards. Conditions related to working irregular hours will similarly require to be considered when costing and operational arrangements for the Commission are being planned.

The document makes no reference to staff qualifications sought by the Commission. It should be noted that when local authorities restructured that some staff without recognised social work qualification transferred to registration or inspection posts.

It is notable that staff involved in regulation are not included in the first wave of social work staff to be accredited with the Scottish Social Services Council. It is considered that regulatory staff should be considered as a priority in order to enhance public confidence.

### **Para 34 Lay persons**

The inclusion of lay persons on inspection has been a feature of inspection activity in North Lanarkshire over the past year and is currently subject to research which will be reported upon in the spring. The main thrust of this research is to identify whether lay persons bring “added value” to the inspection or reporting processes. When available, research findings will be passed for the Executive’s consideration. It is notable that lay persons do not operate in isolation and that there are clear staffing and financial implications linked to the support and inclusion of lay persons on inspection.

### **Paras 35 - 39 Resources**

In responding to the Executive’s recent proposal to increase registration fees in the near future this Council considered that the proposal for the Commission to be largely self-funding from fee income was fundamentally flawed and liable to lead to under-resourcing of regulatory arrangements.

Increasing fees would have a major impact on the local authority both as a service provider and purchaser. Increases are also likely to create undue burdens for specific service providers, such as childminders and small residential units, and potentially lead to withdrawal of essential services.

To shape a regulatory service based on fee income alone is considered likely to lead to a minimalist approach to regulation, overly rely on self regulation and unlikely to instil the public confidence in safeguarding vulnerable people which the Commission set out as a main objective. Recent funding precedents, such as that for the Food Commission, may provide an alternative financial model.

### **Paras 39 - 45 Registration**

There is agreement that care services, as distinct from establishments, should be registered.

The document provides minimal detail in its reference to the registration task and to the proposed regulatory links between the registration and inspection.

Revised guidance must take into account the wider range of services liable to fall within the scope of registration and of the need to define differences in the ways in which these will be regulated. Also, at the stage when decisions on whether a service is registrable is removed from local authority scope, there will need for the Commission to have consistent and clear criteria in place for defining registrable services.

There is broad agreement on the content of Sections 41-43 which refers to the current core areas of registration activity and on the requirement for national standards to be met prior to registration being approved. Proposals to define management qualifications are welcomed.

It is agreed that the Commission must be able to grant registration subject to certain conditions. The use of conditions may also provide the Commission with a means of phasing in registration where national standards or qualification requirements are unmet at the point the new regulatory changes.

Recent developments have been made in defining and assessing concepts of fitness in relation to owners, managers, premises and services and it is recommended that these should be further developed in future guidance. In addition to routine checks of criminal records, references, financial checks, etc. it is imperative that service managers are subject to checks of professional knowledge and its applicability to the service being registered.

The proposal that “partial registration” is applied to managers of supported accommodation in managing the funds of incapable adults is welcomed in terms of improving safeguards in that area. However, the need to address the considerable training and workload implications in implementing this area of regulatory activity do not appear to have been fully considered.

### **Paras 46 - 48 Inspection**

The consultation document makes reference to services being subject to an annual inspection and alludes to the possibility of an unannounced inspection. The suggestion of a 50% reduction in the current minimum target of twice yearly inspections is unlikely to instil public confidence. Maintenance of present targets is supported and should not preclude the targeting of problem services/establishments for more frequent inspections.

Whilst self-evaluation is a common component of regulation there would be concern were this to be a mainstay of a regulatory approach. The experience in North Lanarkshire has been that credible providers are most likely to invest in self-evaluation exercises and be prepared to be self-critical, whilst those whose standards are minimalist are more likely to “talk up” their service.

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It is considered that any self-evaluation process should lay greatest emphasis on specific and clearly defined input standards and must not serve as a substitute for external scrutiny. A requirement for Homes to complete a self-evaluation exercise every six months is likely to be onerous. It is suggested that annual self-evaluation would be sufficient in most circumstances. The use of electronic communication as a means of communication is considered unrealistic at this time.

The inspection system in North Lanarkshire, in common with many other authorities, requires owners of inspected services to provide formal action plans indicating measures to be taken following inspection. These evidence owners' intent, provides a basis for follow-up and link to enforcement action where necessary. Adoption of such a measure is recommended.

Para 48 refers to placing legislative requirements on providers to report serious incidents or abuses to the Commission. This is desirable and could more appropriately be dealt with through registration.

#### **Paras 49 & 50 Enforcement of Standards**

Development, maintenance and promotion of good standards will often be achieved through negotiation and partnership. Resort to enforcement should only follow where partnership fails. Enforcement activity is demanding and costly in terms of staff and financial resources. In principle it is critical that enforcement measures are seen as transparent and reasonable. The report of the Better Regulation Task Force provides considered guidance in this area.

A major concern in present enforcement arrangements is that the business interests of a proprietor may appear to be given equal or greater weight than the protection of vulnerable residents.

Importantly the powers laid out in para 49 build on those currently available in dealing with serious breaches and safety matters and are welcomed. Within that same paragraph clarification is sought on a) what is meant by suspension of a registration, particularly when applied to residential settings; and b) what is the distinction between urgent cancellation and emergency de-registration. The common usage of the term de-registration has been to describe circumstances where after negotiation with providers registration is withdrawn.

Whilst in exceptional circumstances the power "to instruct arrangements to be made to assume management of a facility" would seem to be a reasoned interim solution to serious management or staffing difficulties it is unclear on what basis the Commission will derive that power. This aspect of the proposal requires further legal and practical consideration.

### **Paras 51 & 52 Appeals**

The present Appeals arrangements are considered to be time consuming, cumbersome, expensive, largely favour the interests of the proprietor and give poor regard for the welfare of residents or service users. Proprietors are not penalised where withdrawal from appeal takes place at a late stage and this can be a tactic used to defer action necessary to protect residents.

The concept of arbitration to allow officers' decisions reviewed by a local review board would go some way to resolving current difficulties with first stage appeals. Members could be drawn from regional advisory groups and disputes dealt with at an early stage. The description of second stage appeals does not appear significantly different from current arrangements. The commitment to speed up that process is supported.

Alongside the appeals processes relevant to refusal or withdrawal registration there is a need to devise a process which deals with appeals against decisions on individual fitness to manage a registered service. Current arrangements rely heavily on localised arrangements which, if tested, would be considered unreasonable and non compliant with Human Rights legislation.

### **Para 53 - 55 Complaints**

The White Paper and the consultation document are limited in their description of proposals for handling complaints. The experience of receiving, investigating and handling complaints is that this area is critical in the protection of service users' interests. As this work is often time consuming and challenging it needs to be undertaken by experienced and trained officers.

Complainants in existing registered services currently have recourse to using options outwith the procedure of the service provider's own procedures. This already creates confusion between providers, Social Work Departments and Health Boards. Future complaints handling processes must be underpinned by clear protocols and procedures if potential for further confusion is to be avoided.

It is agreed that social work's function in dealing with complaints about their own services should not pass to the Commission. Current practice supports the principles that wherever possible, complaints should in the first instance be investigated close to source by the service provider.

It is considered that generally complaints are best handled by officers responsible for the local regulation of the service rather than through a centralised/separate complaints handling arrangement. Such an arrangement ensures that complaints findings can link directly to other regulatory activity. The downside of such an arrangement is that the unpredictable nature of complaints can be disruptive to routine regulatory activity.

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The concept of a confidential help-line for receiving complaints may prove beneficial in the long term but less necessary if the role of the Commission in this area is clear and well publicised. On the one hand such an arrangement may be accessible to all, whilst on the other it could distance complainants from the local investigatory process. The resourcing of helpline is a considerable undertaking and may be best considered at a later stage.

In dealing with complaints about its own activities and staff conduct the Commission should, at an early date, publish and make widely available a code of conduct for officers and information about the regulatory and reporting processes. Complaints will have to be distinguished from disagreements about findings and appeals/decisions relating to registration matters. As in other spheres it is suggested that complaints are initially addressed at local management level with recourse to regional committees and then the Ombudsman where complainants remain dissatisfied.

### **Paras 56 & 57 Development Work**

The current position is that many providers require direction, guidance and support to enable standards to be achieved and to maintain these. This can arise from new developments in practice or the absence of development staff within many of the organisations who currently provide registered services. It is arguable that if an organisation meets registered requirements it is then reasonable to expect a commitment to development, self-improvement and quality assurance.

The concept of promoting development through publishing papers, planned seminars or commissioning training are considered as a sufficiently supportive means of addressing providers needs without creating over-dependencies on the Commission. Such involvements would help officers avoid taking on responsibilities akin to line managing registered services.

The provision of advice at the pre-registration stage and within the inspection processes may reduce the Commission's commitment to development work and allow this to be better quantified. However, there will remain a need for the Commission to adopt a developmental approach through local links with providers, planners and user groups.

### **Paras 58 - 80 Services to be Regulated**

Development of the concept of a single framework for residential and nursing homes is welcomed and reflects the now commonly held view that there are more similarities than differences between the two types of care. Current work on the development of joint standards will be critical in underpinning the operations of joint regulation.

There is broad agreement with the view put forward that supported accommodation and other similar services should not be subject to registration and instead that is **the services provided** to people in their homes that should be regulated. In such circumstances it will be imperative that the Commission can be satisfied that home care providers can evidence that there are explicit systems in place to elicit and record service users' views on the support provided to them.

The expansion of regulation into a wider range of services is broadly welcomed but there remains ambiguity regarding the future regulatory arrangements for childrens' services, particularly day care services for children. The consultation document acknowledges the diversity nationally in arrangements for the regulation of Early Years Services. It is difficult to make meaningful additions to this pending the Executive's imminent announcement on the separate document entitled Regulation of Early Years Education and Childcare.

For pragmatic reasons it is considered that the Commission should not phase in the transfer of any currently regulated services. To do so is considered likely undermine the Commission's objectives of retaining expertise and of current regulatory staff shaping the operation of the Commission. It would also create difficulties for local authorities and Boards in sustaining partial regulatory functions. Full transfer of existing regulatory responsibilities is likely to allow for a reasonable period of consolidation prior to developing regulatory arrangements in new areas, such as home care and fostering.

It is considered that all residential schools should be regulated both to protect children and raise standards, and that the concept of voluntary registration should be withdrawn. In addition there may be other residential services, such as boarding hostels for children, which are infrequently inspected by HMI, which should legitimately be drawn into the responsibilities of the Commission.

The expansion of regulation into services hitherto unregulated is welcomed but must be underpinned by agreement on standards, piloting of regulatory methods in these services and by defining clear timescales for phasing these services into the regulatory framework. The Commission should only regulate areas in which enforcement can be reasonably applied. The proposed exclusion of certain services at this stage, such as au pairs and informal care provided by friends is supported.

The proposal in Para 71 that it is the organisations which provide homecare that will be expected to meet required criteria and standards is supported. Regulatory experience in North Lanarkshire has demonstrated that assessment of home care services needs to be underpinned by robust initial assessment and subsequent regular inspection of home care organisations. The need for a well publicised complaints procedure and systematic care management monitoring and review arrangements has been evident in the regulation of homecare. With regards to standards in homecare the need for each accredited organisation to evidence their own quality assurance measures in evaluating their services through client contact should be compulsory.

**APPENDIX ONE****Paras 81 - 83 Links with Scottish Social Services Council**

It is agreed that co-operation between the Commission and the Council will be critical in developing appropriate codes of conduct for workers and employers and in monitoring compliance with these. Whilst some work has been undertaken in developing codes of practice these need to be further developed and agreed. Measures to monitor adherence to codes of practice has not been undertaken on a wide scale and will require further refinement.

It is unclear whether the responsibility for investigation of serious breaches of the code or malpractices will fall to officers of the Commission or the Council.

**Paras 84 - 85 Information**

Questions are raised elsewhere in this response regarding the abilities of many service providers to meet the Commission's requirements for transferring data electronically. Whilst acknowledging the uniqueness of the Commission's position to gather in and analyse data relevant to the services regulated it will nonetheless require to be committed to working closely with other stakeholders involved in the planning and reviewing of community care services in analysing and evaluating data collected.

**Para 86 - 89 Transitional arrangements and the Scope of the Commission**

Paragraph 86 summarises transitional arrangements through the establishment of a Shadow Board early in 2001, prior to the commencement of the Care Commission in April 2001. Further clarification and guidance will be required to deal with interim arrangements between April 2001 and September 2001, when it is anticipated the Commission will fully take over the regulatory responsibilities of local authorities. A particular concern will be in identifying responsibility where, during the transitional period, local authorities are engaged in legal actions against providers.

The remaining paragraphs in this section seeks views on whether the proposed Care Commission can meet the recommendations set out in Report of the Royal Commission on Long Term Care. It is agreed that the Care Commission can fulfil the major elements of its role in advising of trends, informing standards and ensuring improved and consistent safeguards are in place for the protection of vulnerable people. It is welcomed that the scope of the Care Commissions work will expand beyond residential services, and beyond services for older people, which were the original focus of the Royal Commissions deliberations.

### **SECTION 3 - REGULATION OF THE WORKFORCE**

Two main questions are raised in this section.

#### **1. WE INVITE YOUR VIEWS ABOUT THE MEMBERSHIP OF THE SCOTTISH SOCIAL SERVICES COUNCIL**

##### **Para 97 - 98**

It is felt that further clarity about the criteria for the selection of representatives to the Council is required and these criteria should be made public.

##### **Para 98**

Regarding appointment of members of the Council it is suggested that in appointing the one-third representatives of registrants, account is taken of the diversity of registrants in terms of age, gender, ethnicity and disability rather than the distribution of the above in people using care services. It is suggested that appointments should include disability as a criterion in addition to age, gender and ethnicity. There is concern that employers and educational providers should be adequately represented within the Council to ensure any decision concerning registration and standards can be fully informed.

##### **Para 102**

It is suggested that the criteria by which the Council appoints members of committees is made public.

##### **Para 105**

Clarity is required concerning the source of continuing funding for the Council.

##### **Para 106**

A clear view of the remit and scope of TOPSS should also be made public.

#### **2. WE INVITE YOUR VIEWS ABOUT THE APPROACH WHICH SHOULD BE ADOPTED WITH STAFF CURRENTLY REGISTERED BY EXISTING BODIES**

##### **Para 108**

It is suggested that consideration is given to the registration of individual providers of home care in addition to registration under the Commission. This would highlight the need for providers of such care to have some form of recognised qualification. A graduated scale of registration fees could be used.

**APPENDIX TWO****Para 109**

The option of multiple registration is possible, but it would be imperative that provision be made to ensure individuals also subscribed to the codes of conduct and codes of practice of the Scottish Social Services Council, which may differ from that of the primary regulatory body. Consideration would need to be given to the consistent application of sanctions between different regulatory bodies. It may therefore be preferable that all staff employed in social services are required to register with the Social Services Council to ensure ease of administration.

**ADDITIONAL COMMENTS ON WORKFORCE REGULATION**

Although views are not specifically invited about the undernoted, it seems important to draw these aspects to the attention of the Scottish Executive.

**Para 110 –112 Codes of conduct and practice and enforcement**

Clarity is required as to how the codes of practice would be enforced. Consultation on the development and implementation of all codes of practice should be mandatory.

**Para 111**

In drafting the code attention should be given to further determining continuing professional development for staff within social services. Criteria which are specific, measurable and achievable should be determined as an objective measure of CPD. Consideration should be given to the use of the current post qualifying framework for social workers as criteria.

It is suggested that the term "whistle blowing" implies a negative connotation and that this could be rephrased to include a duty to report items of bad practice.

**Para 115 Registration of staff**

There is concern about the use of a health check for registration, particularly in light of disability discrimination legislation.

**Para 116**

The timetable for achievement of required qualifications must be flexible to take account of any need to develop additional training, and the delivery of this training while maintaining service to the public. Consideration should perhaps be given to the possibility of employers issuing a certificate of "fitness to practice" in the interim.

**Para 117**

Concern again is expressed with the use of health as a criterion for registration. Further clarity would be required on the definition of unsuitability for work in social service.

**Para 118**

It is suggested that appeal should be available against any of the sanctions imposed by the Council, not just removal from the register.

Clarity is required about who has responsibility for discipline. If an employee is de-registered and the employer is therefore required to dismiss, who is then answerable for the dismissal?

There is possible confusion with the role of the commission monitoring compliance with codes of practice, it should be clear who would investigate any alleged malpractice and which body would instigate any sanctions.

**Point 119**

Clarity is needed concerning employer's use of the Index of Unsuitable Adults once the Council is operational.

**Para 120 Periodic re-registration**

Continuous professional development should be defined in order that criteria used are specific and measurable.

**Point 121 Job reservation**

It is suggested that ministers consult with professional bodies to determine the scope and pace of further job reservation.