

PERSONNEL ADVISORY BULLETIN NO 75

SCOTTISH SOCIAL SERVICES COUNCIL (SSSC) EMPLOYEE REGISTRATION POLICY

1. PURPOSE & SCOPE OF POLICY

- 1.1 There is a range of professional and occupational groups for whom professional/regulatory body registration is a requirement for employment in the council.
- 1.2 We have a duty to ensure that new and existing employees are registered and maintain registration with the relevant professional/regulatory body in order to comply with the terms and conditions of their employment and the law.
- 1.3 The purpose of this policy is to detail responsibilities and procedures in relation to professional registration status with the Scottish Social Services Council (SSSC) of employees at various stages of employment and in the event of a failure to obtain or maintain registration. A [flow chart](#) summarising the stages is available.
- 1.4 The council cannot employ someone as a Social Service Worker in the provision of a care service, unless that person is fit to be so employed and that person is unfit unless registered with the SSSC within the relevant registration category. Employees who fail to gain registration, meet the standards required for registration or maintain registration are likely to be dismissed on the basis of 'statutory restriction'. This action is taken within the terms of the Registration of Social Workers and Social Service Workers in Care Services (Scotland) Regulations 2013.
- 1.5 This policy applies to all council employees for whom professional registration with the SSSC is a requirement. This policy also applies to agency staff who are engaged for short-term appointments.

2. STATEMENT OF POLICY

- 2.1 This policy aims to:
 - Ensure that employees who require registration with the SSSC for employment are fully aware of their obligation to demonstrate fitness to practice through professional/regulatory registration with their regulatory body.
 - Set out the procedural steps necessary for checking of professional registration status during recruitment and selection.
 - Set out management and employee responsibility for professional registration.
 - Set out how the council will deal with employees who fail to gain or maintain registration.
 - Set out how the council will deal with employees failing to meet the standards required for registration or maintaining registration.
- 2.2 This policy emphasises that it is each employee's responsibility to ensure his or her registration with the SSSC remains current at all times.
- 2.3 The council will use the employer confirmation service at SSSC to confirm proof of registration.

- 2.4 Where there are concerns about a registered employee's conduct, competence and/or suitability to remain on the relevant register, the council has a duty to make or consider making a formal referral to the SSSC. <http://www.sssc.uk.com/employers-referral-guidance>.

3. RECRUITMENT AND SELECTION

- 3.1 It is the recruiting manager's responsibility to verify existing registration with regulatory bodies and to support new employees to gain registration.
- 3.2 Person specifications contain any requirements for registration and the application form includes a request for details of existing professional and regulatory body memberships.
- 3.3 Candidates are required to provide documentary evidence of existing professional and regulatory body membership as part of the recruitment process.

It is the recruiting manager's responsibility to inspect this and confirm the candidate's registration status with the appropriate on-line register.

<https://www.sssc.uk.com/search-the-register/>

This includes checking of any SSSC or other council e.g NMC investigations, temporary orders, sanctions and warnings.

- 3.4 The recruiting manager must also ensure that the original professional registration documentation is checked, a photocopy is taken of the document and a copy is forwarded to staffing (centralstaffing@angus.gov.uk) for retention on the employees personal file.

4. MANAGER'S RESPONSIBILITIES

- 4.1 Every manager of SSSC registered employees must ensure that arrangements are in place for systematic, regular review to ensure that renewal of registration is carried out for the relevant employees for whom they are responsible.
- 4.2 Managers must ensure that:
- they apply the procedures outlined in this policy fairly and equitably.
 - Forward a copy of registration documentation to staffing (centralstaffing@angus.gov.uk) for retention on the employee's personal file.
 - the employees they have management responsibility for, including agency workers, hold the appropriate current registration during employment.
 - they support employees with SSSC registration requirements when new parts of the register open.
 - they refer to employer referral guidelines and make a referral if required. <https://www.sssc.uk.com/knowledgebase/article/KA-02101/en-us>

5. EMPLOYEE'S RESPONSIBILITIES

- 5.1 All employees (including supply/agency staff) for whom registration with the SSSC is a requirement have a duty to maintain their registration status during the course of their employment. This includes during periods of sickness absence, maternity and adoption leave.

The onus is on the employee to ensure that they:

- Apply for registration on commencement of employment. A new worker can work whilst SSSC are processing their application and must achieve registration within six months. It can take up to 60 working days for the SSSC to process an application.
- Produce suitable evidence of up to date professional registration and ensure that documentary evidence relating to registration/re-registration is kept in a safe place.
- On request by line manager, provide evidence that SSSC registration has been renewed in accordance with the regulations.
- Adhere to the SSSC registration requirements as laid down in the Regulation of Care (Scotland) Act 2001 and subsequent Rules. This includes keeping the SSSC informed of changes of address, status, etc. in order that internal records are accurate and up to date and routine renewal advice is received.
- Pay the fees associated with new/renewal of registration.
- On receipt of/or renewal of registration, ensure that the counter signatory manager is shown original documentation so that the registration can be verified and copies taken for their personal file.
- Report any problems with registration with SSSC to their line manager immediately. For example, difficulty in getting application endorsed by a counter signatory.

6. EMPLOYEES FAILING TO GAIN REGISTRATION

- 6.1 An employee failing to comply with the process for registration is considered a serious matter by the council. If an employee is not registered, the council cannot legally continue to employ them in certain jobs.
- 6.2 If an employee indicates that they are not willing to go through the registration process, their line manager will discuss this with the individual and ensure that they are aware of the implications of not being registered. The council cannot continue to employ the individual after the date by which they must be registered has passed.
- 6.3 If the employee fails to progress towards registration, the line manager will hold a meeting with the employee to discuss the matter. A HR Adviser will be present, and the employee will have the right to be accompanied by a work

colleague, a representative of a trade union or an official employed by a trade union.

- 6.4 This meeting should be held at an appropriate time with reference to the requirement to achieve registration within 6 months of commencing employment.
- 6.5 Following the meeting the line manager will confirm the outcomes from the meeting in writing, reminding the employee of the implications of not being registered.
- 6.6 If the employee continues to fail to progress towards registration, they will be invited to a registration hearing, chaired by a senior manager within the service along with a HR Adviser. The employee will be given at least five working days' notice of the hearing and will have the opportunity to present their case at the hearing. They will also have the right to be accompanied by a work colleague, a representative of a trade union or an official employed by a trade union.
- 6.7 The line manager will prepare a [management report](#) in advance of the hearing, outlining the concerns along with a chronology of events including detail regarding the support provided to the employee and the employee's response to the matter as determined from previous stages.
- 6.8 Dismissal with notice may be an outcome of the hearing and the employee has the right of appeal against a decision of dismissal. Any appeal should be in writing using the Appeal Against Dismissal form to the appropriate Service Director or to the Chief Officer, Angus Health & Social Care Partnership
- 6.9 Appeals against dismissal will be heard by an Appeals Sub Committee comprising elected members. The employee will have the right to be accompanied by a work colleague, trade union representative, or an official employed by a trade union at the appeal hearing. It is the employee's responsibility to arrange any such representation.
- 6.10 The decision reached at an appeal hearing is final; however, any right to make a claim to an employment tribunal is unaffected by this procedure. In the event of any dismissal being reconsidered and withdrawn, any written reference to the action and to the proceedings will be deleted and the employee will be advised accordingly.
- 6.11 Please refer to Letter 1 – for a sample letter for an employee who has failed to gain registration.

7. EMPLOYEES FAILING TO MEET THE REQUIREMENTS FOR REGISTRATION

- 7.1 Employees who do not meet the requirements for registration will be offered reasonable support to achieve these standards/qualifications.
- 7.2 The line manager will invite the employee to a meeting to consider the gaps that exist, to ensure that the employee is aware of the

standards/qualifications required, to establish reasons for the gaps existing (e.g. lack of ability, conduct, medical reasons) and to outline an action plan including timescales and support measures to provide every reasonable opportunity for the employee to become registered. Please refer to Letter 2 – for a sample invite letter.

- 7.3 Following this initial meeting, review meetings should be held in order to monitor progress against the action plan and to ensure the employee is achieving the specified targets. Timescales, the number and frequency of meetings will be dependent on the length of time that the employee has to register. Outcomes should be recorded and confirmed with the employee. Please refer to Letter 3 – for a sample outcome letter.
- 7.4 It is expected that as a result of the support provided, the employee will achieve the required standards/qualifications. However, should they still be unable to register by the required date, a registration hearing should be convened (following the procedures as stated at paragraphs 6.6- 610).
- 7.5 If it is found that the employee has made insufficient or no progress towards gaining registration, the outcome of the hearing is likely to be a decision to dismiss with notice.
- 7.6 In exceptional cases, if appropriate, and only where it is evident that the employee has made every effort to meet the requirements, the employee will be offered the opportunity to be placed on the redeployment register. The purpose of this will be to assess whether it is possible to avoid dismissal through redeployment to another job within the council. In this case the Redeployment Policy for Capability/Performance would apply.

Should an alternative job not be found within the employee's notice period then the employee will be dismissed.

- 7.7 The employee has the right of appeal against a decision of dismissal. Any appeal will be to the appropriate Service Director or to the Chief Officer, Angus Health & Social Care Partnership. Refer to 6.9 and 6.10 regarding the appeals process.

8. EMPLOYEES WHO FAIL TO MAINTAIN REGISTRATION

- 8.1 It is a responsibility of employees to ensure that they maintain such registration as is necessary to enable them to practise their profession.
- 8.2 Where SSSC registration is a requirement, and an employee allows their registration to lapse, they are not in a position to work in the capacity for which they are employed. If this occurs the manager must investigate the situation fully and it must be explained to the employee that until they are restored to the appropriate register they cannot continue in their job and are not permitted to work. As an alternative to unpaid suspension, attempts will be made to identify a suitable alternative role. Pay in any alternative role

would be commensurate with the salary scale of that job. If there is not a suitable alternative role available; the employee would be suspended without pay. This must be confirmed to the employee in writing including any potential impact on pension that they should check with the pension service. Please refer to Letter 4 – registration lapse.

- 8.3 During the course of investigating the circumstances, the manager will fully explore the reason for the registration having lapsed. Disciplinary action may be appropriate in some cases and advice should be sought from Human Resources. The subsequent return to work of the employee and the resumption of pay will be subject to the employee producing evidence of satisfactory registration. Pay will be reinstated from the date on which the employee's name appears on the SSSC register.
- 8.4 If for any reason the employee is not allowed to re-register due to the lapse, an Employee Registration Hearing should be convened (following the procedures as stated at paragraphs 6.6- 6.10).

9. TEMPORARY ORDERS/FITNESS TO PRACTICE

- 9.1 Temporary Orders suspend an employee's registration and/or impose condition on their registration until allegations against them are investigated.
- 9.2 Being under investigation by the SSSC does not automatically make an employee unsuitable for employment.
- 9.3 The purpose of the SSSC investigation is to make sure the employee is suitable to be on the Register. At any stage during an investigation, the SSSC can refer a case to a Fitness to Practise Panel hearing to consider a Temporary Order. This would be applied if the SSSC think there is a risk to public protection, it is in the public interest or in the interest of the employee.
- 9.4 If an employee's registration is suspended by the SSSC, they cannot work in a registerable role during the suspension period. Attempts will therefore be made to identify a suitable alternative role. Pay in any alternative role would be commensurate with the salary scale of that job. If there is not a suitable alternative role available; the employee would be suspended without pay.
- 9.5 During the period of the temporary order, the line manager will maintain regular contact. In addition, the line manager will gather information relating to the temporary order and arrange an investigatory meeting. A HR Adviser will be present at investigatory meetings, and the employee will have the right to be accompanied by a work colleague, a representative of a trade union or an official employed by a trade union during the investigation. At the conclusion of an investigation, the line manager will submit the [management report](#) to an appropriate senior manager. The senior manager will review the report and advise if the matter will be considered at an Employee Registration Hearing. (following the procedures as stated at paragraphs 6.6- 6.10).
- 9.6 If conditions are imposed on an employee's registration, the employee is responsible for making sure they are met. Senior management will determine if the conditions of the registration can be accommodated within the service or if they require to consider other measures e.g. redeployment.

10. TRAINING/QUALIFICATIONS

- 10.1 If an employee is subject to a Fitness to Practice Investigation by the SSSC, Scottish Qualifications Agency (SQA) guidance states that they should not commence an SVQ program until the matter has been resolved and competence in practice is not in question.
- 10.2 If an employee is subject to any sanctions/warnings from the SSSC, the SQA can suspend the continuation of any SQA qualification e.g. SVQ or HNC.

11. DATA PROTECTION

The council processes personal data at all stages of this policy in accordance with its data protection policy, human resources data protection policy and employee privacy notice. Data collected is held securely and is accessed by, processed by and disclosed to, managers, human resources, trade unions or employee representatives and individuals, only for the purposes of managing the registration of employees and any resultant dismissal and dismissal appeals. Disclosure to professional and other relevant bodies will be made, as required. Further information can be found at Employee Matters - Human Resources – Data Protection or contact Human Resources.

Letter 1 - Sample Letter – failure to gain registration

REF: [EMPLOYEES INITIALS/ PAYNUMBER/ DIRECTORATE]

[DATE]

***Personal - hand delivered at work/emailed
OR sent Recorded Delivery to be signed for by addressee only (*delete as appropriate)**

Recipient's Name

Address 1

Address 2

Address 3

Address 4

Postcode

Dear <name>,

REGISTRATION HEARING

I refer to the registration hearing on **(date)**, also attended by name, HR Adviser. I note you chose to be accompanied/represented (delete as appropriate)

The meeting was arranged to discuss your registration with the Scottish Social Services Council (SSSC). As you have failed to gain registration with the SSSC, the council cannot continue to employ you in the role of (insert post).

I therefore confirm that your employment will be terminated with effect from (insert date) and the council will make a payment in lieu of your notice period, [X] weeks. Should you be entitled to any accrued leave up to and including your dismissal date this will be paid to you on your final payment date on [date].

This action is taken within the terms of The Registration of Social Workers and Social Service Workers in Care Services (Scotland) Regulations 2013. This states that the council cannot employ someone as a social service worker in the provision of a care service, unless that person is fit to be so employed, and that a person is unfit unless registered with the SSSC.

I confirm that you have the right to appeal against my decision. If you wish to appeal, then you must do so, by writing to **(NAME)**, Service Director (job title) **OR**, Head of Community Health and Care Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AX within 14 calendar days of receipt of this letter using the enclosed pro forma. Your written notice should state the grounds for your appeal.

Yours sincerely

<name>
Manager

cc. <name>, HR Adviser, Angus House, Orchardbank Business Park, Forfar

Letter 2 - invite registration meeting

REF: [EMPLOYEES INITIALS/ PAYNUMBER/ DIRECTORATE]

[DATE]

***Personal - hand delivered at work/emailed
OR sent Recorded Delivery to be signed for by addressee only (*delete as appropriate)**

Recipient's Name

Address 1

Address 2

Address 3

Address 4

Postcode

Dear <name>,

SCOTTISH SOCIAL SERVICES COUNCIL (SSSC) REGISTRATION MEETING

As you are aware, registration with the SSSC is a requirement for <job title>.

Your current registration is with condition(s), as applied by the SSSC and the requirement for you to obtain the relevant qualification is by <date>. **or** You have indicated that you are not going to progress with the process for registration.

If you decline to obtain or fail to gain the required qualification to achieve SSSC registration the council will be committing an offence by continuing to employ you. Consequently, your failure to register precludes you from continuing to work.

Therefore, I would like to meet with you to discuss your SSSC registration. <name>, HR Adviser will also attend. The meeting will take place in <insert location> on <insert date> at <insert time>. You have the right to be accompanied by a work colleague, a representative of a trade union or an official employed by a trade union.

Yours sincerely

**<name>
Manager**

Cc <name>, HR Adviser, Angus House, Orchardbank Business Park, Forfar

Letter 3 - outcome of registration meeting

REF: [EMPLOYEES INITIALS/ PAYNUMBER/ DIRECTORATE]

[DATE]

***Personal - hand delivered at work/emailed**

OR sent Recorded Delivery to be signed for by addressee only (*delete as appropriate)

Recipient's Name

Address 1

Address 2

Address 3

Postcode

Dear <name>,

SCOTTISH SOCIAL SERVICES COUNCIL (SSSC) REGISTRATION MEETING

I refer to our meeting on (insert date) also attended by (insert name), HR Adviser arranged to discuss your SSSC registration. I note you chose/chose not to be accompanied at the meeting by a representative.

As you are aware, registration with the SSSC is a requirement for the role of <job title>. You currently have conditions on your registration, in that you are required to attain a relevant qualification by <date>. **Or** You have indicated that you are not going to progress with the registration process.

(insert reasons for difficulties in meeting conditions of registration or not progressing)

e.g. at our meeting you confirmed that despite your understanding of the seriousness of failing to gain registration, you had not accepted the support that the council has put in place. You also stated you were unwilling to undertake the necessary course of study that would allow you to gain registration.

In the event that you are unable to gain registration with the SSSC the next stage will be that a hearing will be arranged in accordance with the councils' SSSC Employee Registration Policy, where dismissal is likely to be the outcome.

Or

Managers insert details in relation to what has been agreed in terms of support and outline the action plan required to meet standards.

It is hoped that as a result of the support provided that you will be able to achieve the required standards. I will continue to monitor the situation and hold regular review meetings as detailed in the action plan. However, if you fail to be registered by the required date, then a registration hearing will be held in accordance with the council's SSSC Employee Registration Policy, where dismissal is a probable outcome.

Yours sincerely

<name>

Manager

Cc <name>, HR Adviser, Angus House, Orchardbank Business Park, Forfar

Letter 4 - registration lapse - suspension without pay

REF: [EMPLOYEES INITIALS/ PAYNUMBER/ DIRECTORATE]

[DATE]

***Personal - hand delivered at work/emailed
OR sent Recorded Delivery to be signed for by addressee only (*delete as appropriate)**

Recipient's Name

Address 1

Address 2

Address 3

Postcode

Dear <name>,

SCOTTISH SOCIAL SERVICES COUNCIL (SSSC) REGISTRATION

As you are aware, you have failed to re-register or maintain your registration as a <job title> with the Scottish Social Services Council (SSSC) and your registration is now lapsed.

SSSC Regulations state that an employer will be committing an offence to allow an employee to continue working without the required registration. Therefore, we are left with no alternative but to suspend you from work without pay effective from <insert date>

This action is taken within the terms of The Registration of Social Workers and Social Service Workers in Care Services (Scotland) Regulations 2013 which states that we cannot employ someone as a social service worker in the provision of a care service, unless that person is fit to be so employed, and that person is unfit unless registered with the SSSC.

The suspension will last until you provide evidence of satisfactory registration and your name appears on the SSSC Register.

There will be a requirement to investigate this matter in accordance with the SSSC Employee Registration Policy (copy enclosed for your information). I have appointed **MANAGER, JOB TITLE**, to investigate the matter, and **he/she** would like to meet with you at [**time**] on [**date**] in [**location**]. **NAME**, HR Adviser will also attend the meeting. The purpose of the meeting is to gather further information, establish facts and give you the opportunity to respond.

You have the right to be represented at the meeting by a work colleague or a trade union representative or official employed by a trade union and if you wish to be so, please can you make the necessary arrangements.

It is recognised that this may be a difficult time for you. Support is available from the council's Employee Assistance Programme, PAMassist. PAMassist offer a professional counselling service to council employees 24 hours a day, 365 days a year and can be accessed by calling 0800 882 4102, or visit their website www.pamassist.co.uk.

Finally, in the circumstances, I would advise you to contact the SSSC urgently. The SSSC can be contacted on 0345 60 30 891 or www.sssc.uk.com. In the meantime, if you have any questions or concerns regarding the above, please contact me.

Yours sincerely

<name>
Manager

Cc <name>, HR Adviser, Angus House, Orchardbank Business Park, Forfar