

Please tick ONE of the following boxes

Please tick as appropriate
 Yes No

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

Annex B CONSULTATION QUESTIONNAIRE

This response is from the Scottish Social Services Council (SSSC). The SSSC is a Non Departmental Public Body (NDPB) and was established by the Regulation of Care (Scotland) Act 2001. We are responsible for registering people who work in social services, regulating their education and training and the collation and publication of data on the size and nature of the sector's workforce. We are also the Scottish partner in Skills for Care and Development, the Sector Skills Council for the care sector in the UK.

Our work increases the protection of people who use services by ensuring that the workforce is properly trained, appropriately qualified and effectively regulated. We aim to protect people who use services, raise standards of practice, strengthen and support the professionalism of the workforce and improve the outcomes and experience of people who use social services. The social service workforce provides care and support for some of the most vulnerable people in Scottish society. These workers often deal with complex care needs and make a real difference to

individuals' lives. The social service workforce employs more than 192,000 people in Scotland.

Our vision is that our work means the people of Scotland can count on social services being provided by a trusted, skilled and confident workforce. Our purpose is to raise standards and protect the public through regulation, innovation and continuous improvement in workforce planning and development for the social service workforce.

Question 1 :

Do you agree that the arrangements that should be in place to support an organisational duty of candour should be outlined in legislation?

Yes No

We welcome these proposals. We hope that this legislation will support the ongoing development of a culture of candour within health and social services.

The new arrangements should take account of existing frameworks and processes such as the Codes of Practice for Social Services Workers and Employers. The Codes set out the standards of professional conduct and practice required of social service workers as they go about their daily work. For example, they note that social services workers must

- strive to establish the trust and confidence of service users and carers and;
- uphold public trust and confidence in social services.

The Codes form part of the wider package of legislation, requirements and guidance that relate to the employment of staff. The Codes highlight a number of responsibilities on employers. For example, they note that employers must:

- ensure that people are suitable to enter the workforce and that they are aware of their roles and responsibilities.
- "implement written policies and procedures to deal with dangerous, discriminatory or exploitative behaviour and practice".

The Codes of Practice for Social Services Workers and Employers are available to download from the SSSC's website, www.sssc.uk.com

Question 2:

Do you agree that the organisational duty of candour encompass the requirement that adequate provision be in place to ensure that staff have the support, knowledge and skill required?

Yes No

We agree with these proposals. These responsibilities must sit with the employing organisation. Workers will require appropriate support from their employer.

Social service workers must be accountable and take responsibility for maintaining and improving their knowledge and skills. These responsibilities are set out in the Codes of Practice for Social Service Workers and Employers.

A worker's suitability for registration with the SSSC (if relevant) may be affected if they fail to adhere to the Codes.

Question 3a: Do you agree with the requirement for organisations to publically report on disclosures that have taken place ?

Yes No

There may be a need to undertake some further work to consider the overlaps with current reporting requirements. Many organisations are currently required to report a number of defined and significant events to relevant regulatory bodies. These organisations may make that information available to the public.

Question 3b: Do you agree with the proposed requirements to ensure that people harmed are informed?

Yes No

We welcome these proposals. There may be a need to develop a clear definition of the terms 'discloseable events' and 'harm' before this proposal is enacted.

Question 3c: Do you agree with the proposed requirements to ensure that people are appropriately supported?

Yes No

We welcome this proposal.

Question 4:

What do you think is an appropriate frequency for such reporting?

Quarterly Bi-Annually Annually Other (outline below)

We make no comment on this question.

Question 5:

What staffing and resources would be required to support effective arrangements for the disclosure of instances of harm?

The level of staffing and resources will depend on individual services. It will be important for services to develop internal policies and procedures to comply with the duty. Development of these systems will allow services to promptly review their practices and to make appropriate changes following the occurrence of a 'disclosable' event. There may be a need for additional resources to support the development of consistent systems and to reduce the additional requirements on employers.

Question 6a:

Do you agree with the disclosable events that are proposed?

Yes No

Yes. Please see our answer to Q6b for further information.

Question 6b: Will the disclosable events that are proposed be clearly applicable and identifiable in all care settings?

Yes No

One of the key challenges will be around developing a clear definition of this term within the social services sector. This work needs to be mindful of other legislative initiatives which play a key role and contain definitions which organisations are familiar with, such as the legislation around Protecting Vulnerable Groups (PVG).

There is a need to be clear that the effect of an action on a person may not always provide a clear defining point. Actions or events have differing effects on individuals. For example, a particular action can create psychological harm in some instances but may have a different effect on other individuals. This example reinforces the particular challenges around applying an interpretation for 'disclosable events' within the social services sector.

Question 6c:

What definition should be used for 'disclosable events' in the context of children's social care?

Please see our response to Q6b.

Question 7

What are the main issues that need to be addressed to support effective mechanisms to determine if an instance of disclosable harm has occurred ?

The training implications will be a key priority.

A culture of candour must be encouraged within services. Employees must feel able and supported to identify and report on 'disclosable events'.

Question 8:

How do you think the organisational duty of candour should be monitored ?

We welcome the proposed roles for the Care Inspectorate and Healthcare Improvement Scotland.

Question 9:

What should the consequences be if it is discovered that a disclosable event has not been disclosed to the relevant person?

The SSSC should be notified if a registered worker is involved. This information should also be reported to the Care Inspectorate.

End of Questionnaire