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| <b>COMMUNICATION WITH REGULATORY BODIES</b> |                                  | <b>NO. 52</b>    |
| <b>Date Reviewed:</b><br>October 2019       | <b>Next Due:</b><br>October 2022 | <b>Approved:</b> |

### **Regulatory Bodies Role**

Regulatory bodies publish Codes of Practice / Conduct for registered Workers and Employers. These are standards of conduct and practice which all registered workers and their employers must follow.

Loretto Staff may be eligible to be registered with a regulatory body or required to register within an agreed timescale with the Scottish Social Service Council (SSSC) or the Nursing and Midwifery Council (NMC) or other recognised body.

### **Loretto's Role**

Loretto is committed to working within a variety of regulatory frameworks relating to service provision to safeguard and protect individuals who use our services and to raise and improve standards of practice.

### **Registered Staff Role**

Staff registered with a regulatory body must ensure adherence with the relevant codes of practice / conduct and highlight any practices observed or known to be contrary to these codes to their line manager. Staff will comply with the SSSC codes of Practice as outlined in their contract of employment. Individuals have a responsibility to notify their regulatory body of practice or conduct issues or disciplinary sanctions.

### **Unregistered Staff Role**

Staff who are not currently eligible to be registered but who will be eligible to register with a regulatory body will comply with the SSSC Codes of Practice as outlined within their contract of employment.

As a responsible social services employer, Loretto will strive to ensure high quality services are provided by capable, confident and competent staff.

Loretto will ensure staff are recruited with the skills to undertake the role they are employed to do. New employees will receive induction, preparation for practice support, foundation and statutory training linked to regular supervision and annual appraisal to equip them to meet the ongoing demands of working in social care/ social services.

## **Notifying SSSC / NMC:**

### **Registered Staff**

Where a worker is registered with the SSSC or NMC, Loretto will notify the relevant regulatory body of concerns relating to the individuals' competence to practice or misconduct within their employment.

Loretto will also provide information on former employees on request.

### **Unregistered Staff**

Where a worker is not currently registered with the SSSC or NMC but would be eligible to do so in the future Loretto will notify the regulatory body of concerns relating to individuals practice or misconduct within their employment.

### **Procedure for notification to Regulatory Bodies**

In the event of any issue, concern, conduct or practice issue that could affect the individual employee's suitability to undertake the role of a social service worker or registered nurse the Line manager will notify the employee concerned that the regulatory body is being informed of the Organisation's concerns.

Line Managers must ensure that good employment practices have been followed relating to the Organisation's policies relating to Capability and Disciplinary Procedures.

Loretto will complete the attached notification form and provide the regulatory body with the following information:

- Name
- Last known address
- Date of Birth
- Position held
- Dates of employment
- Details of the conduct issue or occurrence
- Investigation Report
- Copy of the Outcome / Sanction letter sent to the employee
- Other bodies notified e.g. Care Commission, Mental Welfare Commission, Police or Local Authority.
- Loretto as the Regulatory Body may also notify the Protection of Vulnerable Groups Register where necessary.

### **Public Interest Protection**

The SSSC will retain information relating to non registered staff under their non registered workers' policy and send information directly to applicants where the individual attempts to gain entry to the register at a later date.

The SSSC will consider all information in line with their statutory registration requirements and their transparent communication policy.

### **Further Investigation**

The SSSC and the NMC reserve the right to investigate issues relating to conduct or concerns relating to an individual practice and to remove individuals from the SSSC or NMC register as a result of their independent investigation.

### **Removal from Professional Registers**

There is no list of offences that automatically lead to removal from SSSC or NMC registers, however types of misconduct that could have this result include:

- Physical / verbal abuse of service users
- Stealing from service users / organisation
- Failing to adequately support / care for service users
- Failing to maintain proper records or falsifying records
- Committing criminal offences
- Failing to obtain relevant qualification required for your registration

Staff removed from the SSSC or NMC registers, who require this as part of their contract of employment will be dismissed from the Organisation in line with the Disciplinary Policy.

### **Appeals**

Staff must follow the Organisation's Grievance / Appeals Procedure in the first instance if they do not agree with action taken as a result of Capability or Disciplinary.

Loretto will notify Regulatory Bodies within the timescales outlined in the regulations policy relating to Disciplinary Procedures. It should be noted this may occur prior to the conclusion of any appeal process.

Appeals directly to the regulatory body can be made by the individual concerned in line with their Appeals Process.

## APPENDIX - NOTIFICATION AND REFERRALS BY REGULATORY BODY

| Body                                    | Referral Requirements  | Timescale  |
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| Disclosure Scotland                     | <p>An employer must make a referral where an employee carrying out regulated work has:</p> <ul style="list-style-type: none"> <li>(a) done something to harm a child or protected adult <b>and</b></li> <li>(b) the impact is so serious that the organisation has or would permanently remove the individual from regulated work.</li> </ul> <p>Referral grounds are:</p> <ul style="list-style-type: none"> <li>• harmed a child or protected adult</li> <li>• placed a child or protected adult at risk of harm</li> <li>• engaged in inappropriate conduct involving pornography</li> <li>• engaged in inappropriate conduct of a sexual nature involving a child or protected adult</li> <li>• given inappropriate medical treatment to a child or protected adult</li> </ul> | Referral must be made within 3 months of the criteria for referral being met. It is an offence not to do so. |
| Scottish Social Services Council (SSSC) | <p>An employer must make a referral to the SSSC about the conduct of a <b>registered social service worker</b> in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Disciplinary matters should be referred regardless of outcome, with the following exceptions; sickness absence and smoking tobacco contrary</li> </ul>   | For serious matters, such as dishonesty, violence or cases involving detriment or harm to vulnerable people, |

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| <p>Scottish Social Services Council (SSSC) (Continued)</p> | <p>to an employer's policy.</p> <ul style="list-style-type: none"> <li>• An investigation by the police and any charges brought must be notified to the SSSC</li> <li>• Any matter about a registered worker you would consider referring to Disclosure Scotland (PVG).</li> </ul> <p>Where a settlement agreement is entered into, the SSSC should be informed, unless there are no conduct or competence issues involved. The agreement must make clear any confidentiality clause does not include information being passed to the SSSC. Agreement should not compromise responsibilities as an employer to provide reliable references.</p> <p>An employer of an unregistered <b>social service worker</b> (i.e. is not yet registered due to staged registration dates in the lead up to 2017) has a responsibility to notify the SSSC in the following circumstances:</p> | <p>as soon as the investigation starts.</p> <p>For other matters where there is no risk to the public, service users or registrant, when the final outcome of the disciplinary process is known.</p> <p>The suspension of a registered worker must be advised immediately.</p> <p>When a registered worker has been charged with committing a criminal offence immediately.</p> <p>Immediately.</p> |
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| <p>Scottish Social Services Council (SSSC) (Continued)</p> | <ul style="list-style-type: none"> <li>• On dismissing the social service worker on grounds of misconduct or</li> <li>• On the social service worker resigning or abandoning the worker's position in circumstances where, but for the resignation or abandonment the worker would have been             <ul style="list-style-type: none"> <li>(a) dismissed on grounds of misconduct or</li> <li>(b) dismissal on such grounds would have been considered by the employer.</li> </ul> <p><b>NB in this latter case please contact HR for advice on whether notification is appropriate.</b></p> </li> </ul> <p>Employers of social services workers shall when requested to do by the SSSC provide it with information about a worker as it may reasonably require in connection with the exercise of its functions under the Regulation of Care (Scotland) Act 2001.</p> |                    |
| <p>Care Inspectorate</p>                                   | <p>Employers must notify the following:</p> <ul style="list-style-type: none"> <li>• Accidents, incidents or injury to a person using the service</li> <li>• Outbreak of infectious disease</li> <li>• Unexpected death of a person using a care service</li> <li>• Allegation of abuse in relation to a person using the service</li> </ul>  | <p>Immediately</p> |



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|  | <p>Violent incident directed against service user by another service user<br/>Incidents of actual or intended emotional abuse<br/>Incidents of actual or intended physical abuse<br/>Incidents of actual or intended sexual abuse<br/>Medication errors<br/>Maladministration of service user's funds or property<br/>Incidents of financial exploitation<br/>Serious loss or damage to property<br/>Illegal restraint or restrictions on liberty<br/>Missing persons<br/>Breaches of Data Protection and/or Information Security laws.</p> |  |
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