

Draft Regulations laid before the Scottish Parliament under section 104(2) of the Public Services Reform (Scotland) Act 2010, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

SOCIAL CARE

The Public Services Reform (Social Services Inspections) (Scotland) Amendment Regulations 2012

Made - - - -

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 58(1) and 104(1) of the Public Services Reform (Scotland) Act 2010⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 104(2) of that Act⁽²⁾, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Public Services Reform (Social Services Inspections) (Scotland) Amendment Regulations 2012 and come into force on the day after the day on which they are made.

Amendment of the Public Services Reform (Social Services Inspections) (Scotland) Regulations 2011

2. After regulation 3 (authorised persons: qualifications) of the Public Services Reform (Social Services Inspections) (Scotland) Regulations 2011⁽³⁾, insert—

“Type and frequency of inspections

3A.—(1) SCSWIS must inspect the care services listed in paragraph (3) at least once in every year.

(2) SCSWIS must not give any notice of the date or time of an inspection to such a care service.

(1) 2010 asp 8 (“the Act”).

(2) Section 104(2) has been modified by paragraph 5 of schedule 3 to the [Interpretation and Legislative Reform \(Scotland\) Act 2010 \(asp 10\)](#).

(3) [S.S.I. 2011/185](#).

- (3) The care services referred to in paragraph (1) are—
- (a) a care home service(4);
 - (b) a secure accommodation service(5); and
 - (c) a support service(6) which provides personal care or personal support(7) to a person within that person’s home.
- (4) “Year” in paragraph (1) means from 1st February in one calendar year to 31st January in the next.”.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Executive

(4) “Care home service” is defined in paragraph 2 of schedule 12 to the Act.
(5) “Secure accommodation service” is defined in paragraph 6 of schedule 12 to the Act.
(6) “Support service” is defined in paragraph 1 of schedule 12 to the Act.
(7) “Personal care” and “personal support” are defined in paragraph 20 of schedule 12 to the Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Services Reform (Social Services Inspections) (Scotland) Regulations 2011 by making provision for certain types of care services to be inspected at least once in every 12 month period and for these inspections to be unannounced.

The types of care services subject to this minimum frequency of inspection are care home services, secure accommodation services and support services by which personal care and support is provided to an individual in that individual's own home.