

EXPLANATORY NOTES

REGULATION OF CARE (SCOTLAND) ACT 2001

INTRODUCTION

SUMMARY

Regulation of care services

Regulation of the workforce

Other provisions

THE ACT

Overview

Commentary on sections

PART 1: THE COMMISSION AND CARE SERVICES

Constitution of Commission

Section 1: Constitution of Scottish Commission for the Regulation of Care

Care Services

Section 2: Care services

Section 3: Power to amend the definition of “care service”

Section 4: Information and advice

National care standards

Section 5: National care standards

Complaints

Section 6: Complaints about care services

Registration

Section 7: Applications for registration under Part 1

Section 8: Limited registration

Section 9: Grant or refusal of registration under Part 1

Improvement Notices

Section 10: Improvement notices

Section 11: Special provision for certain care services provided by local authorities

Proposals and applications in relation to registered care services

Section 12: Cancellation of registration

Section 13: Condition notices

Section 14: Applications under Part 1 in respect of conditions

Section 15: Further provision as respects notice of proposals

Section 16: Right to make representations to Commission as respects proposals under Part 1

Section 17: Notice of Commission's decision under Part 1

Section 18: Urgent procedures for cancellation of registration

Section 19: Conditions as to numbers

Section 20: Appeal against decision to implement proposal

Offences

Section 21: Offences in relation to registration under Part 1

Section 22: False statements in applications under Part 1

Section 23: Offences by bodies corporate

Fees

Section 24: Registration fees

Inspections

Section 25: Inspections

Section 26: Integrated inspections

Section 27: Further provision as regards inspections

Regulations

Section 28: Regulations relating to the Commission, to registration and to registers

Section 29: Regulations relating to care services

Transfer of staff

Section 30: Transfer of staff

Miscellaneous

Section 31: Arrangements entered into by local authority or health body: services to be registered

Section 32: Giving of notice

PART 2: LOCAL AUTHORITY ADOPTION AND FOSTERING SERVICES ETC

Section 33: Local authority applications for registration under Part 2

Section 34: Grant of local authority application under Part 2

Section 35: Condition notices: services registered under Part 2

Section 36: Applications under Part 2 in respect of conditions

Section 37: Right to make representations to Commission under Part 2 as respects conditions

Section 38: Notice of Commission's decision under Part 2

Section 39: Appeal against decision under Part 2

Section 40: Offences under Part 2

Section 41: Report to Scottish Ministers

Section 42: Default powers of Scottish Ministers

PART 3: THE COUNCIL

Constitution

Section 43: Constitution of Scottish Social Services Council

Registration

Section 44: Register of social workers and of other social service workers

Section 45: Applications for registration under Part 3

Section 46: Grant or refusal of registration under Part 3

Section 47: Variation of conditions in relation to registration under Part 3

Section 48: Right to make representations to Council as respects proposals

Section 49: Removal from the Council's register

Section 50: Notice of Council's decision

Section 51: Appeal against decision of the Council

Offence

Section 52: Use of title "social worker"

Codes of practice

Section 53: Codes of practice

Training

Section 54: Approval of courses

Section 55: Grants and allowances for social service workers' training

Regulations and rules

Section 56: Regulations relating to the Council

Section 57: Power of Council to make rules

Functions of the Scottish Ministers

Section 58: Functions of the Scottish Ministers under this part

PART 4: GENERAL PRINCIPLES

Section 59: General principles

PART 5: PROVISIONS COMMON TO THE COMMISSION AND COUNCIL

Grants and guarantees

Section 60: Grants

Section 61: Guarantees

Duty to consult

Section 62: Duty of Commission and Council to consult each other

Section 63: Guidance as to consultation

Complaints, inquiries and maladministration

Section 64: Complaints procedure

Section 65: Inquiries

Section 66: Maladministration

PART 6: MISCELLANEOUS

Central Council for Education and Training in Social Work: cessation of Scottish functions

Section 67: Cessation of exercise of certain functions by Central Council for Education and Training in Social Work

Grants, loans and other payments

Section 68: Grants in respect of activities relating to child care and family support

Section 69: Amendment of Social Work (Scotland) Act 1968: delegation of power to make grants and loans to certain voluntary organisations

Section 70: Amendment of Social Work (Scotland) Act 1968: direct payments to children for care services

Section 71: Amendment of Children Act 1975: maintenance payments to children

Nursing in local authority residential accommodation

Section 72: Provision by local authorities of residential accommodation in which nursing is provided

Aftercare

Section 73: Amendment of Children (Scotland) Act 1995: after-care

Place of safety

Section 74: Amendment of Children (Scotland) Act 1995: “place of safety”

Panels

Section 75: Panels for curators , reporting officers and safeguarders

Section 76: Amendment of Children (Scotland) Act 1995: Children’s Panel Advisory Committees

PART 7: GENERAL

Section 80: Repeals and transitional provisions

Section 81: Short title and commencement

The Scottish Commission for the Regulation of Care and the Scottish Social Services Council

Minor and consequential amendments

Repeals