

SCHEDULE 3

(introduced by section 91)

REGULATED WORK WITH ADULTS

PART 1

PRELIMINARY

Regulated work with adults

- 1 Regulated work with adults is work in—
- (a) a position whose normal duties include carrying out an activity mentioned in Part 2,
 - (b) a position (other than a position mentioned in paragraph (a)) whose normal duties include work in an establishment mentioned in Part 3,
 - (c) a position mentioned in Part 4, or
 - (d) a position whose normal duties include the day to day supervision or management of an individual doing regulated work with adults by virtue of sub-paragraph (a) or (b).

PART 2

ACTIVITIES

Caring for adults

- 2 Caring for protected adults (except caring for protected adults under the age of 18 which is merely incidental to caring for children generally).

Teaching, instructing, training and supervising adults

- 3 Teaching, instructing, training or supervising protected adults (except teaching, instructing, training or supervising protected adults which is merely incidental to teaching, instructing, training or supervising individuals who are not protected adults).

Being in sole charge of adults

- 4 Being in sole charge of protected adults (except being in sole charge of protected adults which is merely incidental to being in sole charge of individuals who are not protected adults).

Providing assistance, advice or guidance to adults

- 5 Providing assistance, advice or guidance to a protected adult or particular protected adults which relates to physical or emotional well-being, education or training (except providing assistance, advice or guidance to a protected adult or protected adults which is merely incidental to providing assistance, advice or guidance to individuals who are not protected adults).

Provision of care home services

- 6 Providing, or working for an organisation which provides, a care home service but only if doing anything permitted or required in connection with the position gives the holder of the position the opportunity to have contact with protected adults (other than contact with protected adults who are under the age of 18 which is merely incidental to contact with children generally).

“Care home service” has the same meaning as in the 2001 Act.

Inspecting care services on behalf of the Scottish Commission for the Regulation of Care

- 7 Inspecting adult care services (including inspecting any premises used for the purposes of providing such services) in pursuance of section 25 of the 2001 Act.

An “adult care service” is—

- (a) a support service,
- (b) an adult placement service,
- (c) a care home service,
- (d) a housing support service, or
- (e) an independent health care service which provides services of the type prescribed under section 94(1)(b),

not provided mainly or exclusively to children.

“Support service”, “adult placement service”, “care home service”, “housing support service”, and “independent health care service” have the same meanings as in the 2001 Act.

PART 3

ESTABLISHMENTS

Care home

- 8 A care home.

“Care home” means accommodation occupied mainly or exclusively by individuals aged 16 or over which is provided by an organisation carrying on a care home service (within the meaning of the 2001 Act).

Residential establishment or accommodation

- 9 A residential establishment or accommodation occupied exclusively or mainly by individuals aged 16 or over which is provided by, or the provision of which is secured by, a council under—

- (a) the Social Work (Scotland) Act 1968 (c. 49), or
- (b) section 25 (provision of care and support services by local authority) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)

Status: This is the original version (as it was originally enacted).

PART 4

POSITIONS

Member of council committee

- 10 Member of a committee (including joint committee) of a council which is concerned with the provision of education, accommodation, social services or health care services to protected adults.

Any reference to a committee includes a reference to any sub-committee which discharges any functions of that committee.

Chief social work officer

- 11 Chief social work officer of a council.

Charity trustee

- 12 Charity trustee of a charity whose—
- (a) workers normally include individuals doing regulated work with adults (other than work that is regulated work with adults by virtue only of this paragraph), or
 - (b) main purpose is the relief of those in need by reason of vulnerability.

An individual works for a charity if the individual works under any arrangements made by the charity (other than arrangements made for purposes which are incidental to the purposes for which the charity is established).

PART 5

GENERAL

Power to amend schedule

- 13 Ministers may by order modify this schedule as they think appropriate.
- 14 An order under paragraph 13 may disapply or otherwise modify the application of sections 34 to 37 in relation to particular kinds of regulated work with adults.