



# Public Services Reform (Scotland) Act 2010

2010 asp 8

## PART 5

### SOCIAL CARE AND SOCIAL WORK: SCRUTINY AND IMPROVEMENT

#### CHAPTER 1

##### SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND

###### *Miscellaneous*

#### **50 Standards and outcomes**

- (1) The Scottish Ministers must prepare and publish standards and outcomes applicable to—
  - (a) care services,
  - (b) social work services.
- (2) The Scottish Ministers must keep any standards and outcomes so published under review and may under subsection (1) publish amended standards and outcomes whenever they consider it appropriate to do so.
- (3) Before publishing under subsection (1) any—
  - (a) standards and outcomes,
  - (b) amended standards and outcomes which in the opinion of the Scottish Ministers are substantially different from the standards and outcomes (or amended standards and outcomes) last so published,the Scottish Ministers must consult such persons, or groups of persons, as they consider appropriate.
- (4) In relation to a care service other than one mentioned in subsection (5), any applicable standards and outcomes published under subsection (1) and the Scottish Social Services Council's codes of practice (that is to say, the codes of practice published by

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the Council under section 53 of Regulation of Care (Scotland) Act 2001 (asp 8)) must be taken into account—

- (a) by SCSWIS in making any decision under this Chapter or Chapter 2 or 3,
  - (b) in any proceedings on an appeal under section 75(1), and
  - (c) in any proceedings for an offence in relation to registration under Chapter 3.
- (5) In relation to an adoption service mentioned in paragraph 8(1)(a) of schedule 12, a fostering service mentioned in paragraph 9(a) or (c) of that schedule or any other care service registered under Chapter 4, any applicable standards and outcomes published under subsection (1) and the codes of practice mentioned in subsection (4) must be taken into account—
- (a) by SCSWIS in making any decision under this Chapter or Chapter 2, 3 or 4,
  - (b) in any proceedings on an appeal under section 89,
  - (c) in any proceedings for an offence in relation to registration under Chapter 4.
- (6) In relation to a social work service, any applicable standards and outcomes published under subsection (1) and the codes of practice mentioned in subsection (4) must be taken into account by SCSWIS in making any decision under this Chapter or Chapter 2.
- (7) The Scottish Ministers may make different provision for different services under subsection (1).
- (8) The Scottish Ministers may delegate their functions under subsections (1) to (3) to SCSWIS or such other persons as they consider appropriate.

#### Commencement Information

- I1** S. 50 in force at 1.10.2010 for specified purposes by S.S.I. 2010/321, art. 3, Sch.
- I2** S. 50 in force at 1.4.2011 in so far as not already in force by S.S.I. 2011/122, art. 2, Sch.

## 51 Information and advice

- (1) SCSWIS must provide information to the public about the availability and quality of social services.
- (2) A person requesting from SCSWIS information to be provided under subsection (1) is entitled to receive it in such form as that person may reasonably request.
- (3) SCSWIS—
  - (a) may at any time, and must when asked to do so, provide advice to the Scottish Ministers,
  - (b) must when asked to do so provide advice to—
    - (i) persons who provide, seek to provide or may seek to provide social services,
    - (ii) persons, or groups of persons, representing those who use, or are eligible to use, social services,
    - (iii) persons, or groups of persons, representing those who care for those who use, or are eligible to use, social services,
    - (iv) local authorities,
    - (v) health bodies,<sup>F1</sup> ...

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- [<sup>F2</sup>(va) integration joint boards established under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014, and]
- (vi) such other persons, or groups of persons, as may be prescribed, about any matter relevant to the functions of SCSWIS,
- (c) may disseminate such information as it considers relevant of general or specific application arising out of or in connection with the discharge of its functions.
- (4) SCSWIS may charge a reasonable fee determined by it for any advice, forms or documents provided for the assistance of any person, authority or body mentioned in subsection (3)(b).

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#### Textual Amendments

- F1** Word in s. 51(3)(b) repealed (1.4.2015) by [The Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(Consequential Modifications and Saving\) Order 2015 \(S.S.I. 2015/157\)](#), art. 1(1), **Sch. para. 10(2)(a)**
- F2** S. 51(3)(b)(va) inserted (1.4.2015) by [The Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(Consequential Modifications and Saving\) Order 2015 \(S.S.I. 2015/157\)](#), art. 1(1), **Sch. para. 10(2)(b)**

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#### Commencement Information

- I3** S. 51 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321](#), art. 3, **Sch.**
- I4** S. 51 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122](#), art. 2, **Sch.**

## 52 Dissolution of Scottish Commission for the Regulation of Care

The Scottish Commission for the Regulation of Care is dissolved.

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#### Commencement Information

- I5** [S. 52](#) in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321](#), art. 3, **Sch.**
- I6** [S. 52](#) in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122](#), art. 2, **Sch.**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)