



Public Services Reform (Scotland) Act 2010

2010 asp 8

PART 5

SOCIAL CARE AND SOCIAL WORK: SCRUTINY AND IMPROVEMENT

CHAPTER 4

LOCAL AUTHORITY ADOPTION AND FOSTERING SERVICES ETC.

91 Report to Scottish Ministers

- (1) Where SCSWIS has given an improvement notice to a local authority in respect of a care service provided by it and registered under this Chapter, SCSWIS must without delay—
 - (a) report that fact, and
 - (b) give a copy of the improvement notice,to the Scottish Ministers.
- (2) Within 14 days after the expiry of the period specified in the improvement notice, SCSWIS must report to the Scottish Ministers—
 - (a) where the improvement notice has been complied with, that it has been, or
 - (b) where the improvement notice has not been complied with, the respect in which it has not been,and must give to the Scottish Ministers such other information as they may reasonably require in relation to the compliance or failure to comply, as the case may be.
- (3) Where—
 - (a) any person has been convicted of a relevant offence in relation to the service provided by the authority, or
 - (b) it appears to SCSWIS that that service is being, or has at any time been, carried on other than in accordance with the relevant requirements,

Changes to legislation: Public Services Reform (Scotland) Act 2010, Section 91 is up to date with all changes known to be in force on or before 10 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCSWIS must report that matter to the Scottish Ministers and give them such other information as they may reasonably require in relation to the matter.

- (4) For the purposes of subsection (3)(a), the following are relevant offences—
- (a) an offence under this Part,
 - (b) an offence under regulations made under this Part, or
 - (c) an offence which, in the opinion of SCSWIS makes it appropriate that there should be a report to the Scottish Ministers under that subsection.
- (5) For the purposes of subsection (3)(b) and section 92, the following are relevant requirements—
- (a) any requirements (or conditions) imposed by or under this Part,
 - (b) the requirements of regulations made under this Part, or
 - (c) any requirements (or conditions) imposed by, under or by virtue of such other Act as may be prescribed.
- (6) SCSWIS must report and provide information to the Scottish Ministers on such other matters in relation to a care service registered under this Chapter as may be prescribed.

Commencement Information

- I1** S. 91 in force at 1.10.2010 for specified purposes by S.S.I. 2010/321, art. 3, Sch.
I2 S. 91 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\(2\)](#)