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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 274**

**SOCIAL CARE**

**The Regulation of Care (Requirements as to Care Services) (Scotland) Amendment Regulations 2006**

<i>Made</i>	- - - -	<i>19th May 2006</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>22nd May 2006</i>
<i>Coming into force</i>	- -	<i>20th June 2006</i>

The Scottish Ministers, in exercise of the powers conferred by section 29(1), (2)(c) and (e) and (7) (c) and (o) of the Regulation of Care (Scotland) Act 2001<sup>(1)</sup> and of all other powers enabling them in that behalf, and having consulted such persons and groups of persons as they consider appropriate in accordance with section 29(12) of that Act, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Regulation of Care (Requirements as to Care Services) (Scotland) Amendment Regulations 2006 and shall come into force on 20th June 2006.

**Amendment of the principal Regulations**

2.—(1) The Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002<sup>(2)</sup> are amended as follows.

(2) In regulation 1(2) (interpretation) insert after the definition of “health care professional”–  
““personal plan” shall be construed in accordance with regulation 5(1);”.

(3) In regulation 1(5) (interpretation)<sup>(3)</sup>, after “nurse agency” insert “or an adult placement service.”.

(4) In regulation 4(4) (welfare of users)<sup>(4)</sup>, for “or a fostering service” substitute “, a fostering service or an adult placement service”.

(5) After regulation 11 (fitness in relation to child minding)<sup>(5)</sup> insert–

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(1) 2001 asp 8; see section 77(1) for the definition of “regulations”.

(2) S.S.I. 2002/114, as relevantly amended by S.S.I. 2003/149, 572 and 2004/94.

(3) Regulation 1(5) was inserted by S.S.I. 2003/572, regulation 2(2).

(4) Regulation 4 was amended by S.S.I. 2003/149, regulation 2(3) and S.S.I. 2004/94, regulation 2(2).

(5) Regulation 11 was amended by S.S.I. 2003/572, regulation 2(6).

**“Fitness in relation to adult placement services**

**11A.** A provider of an adult placement service shall not place any service user in premises in which there is any person living who is unfit to be in the proximity of the service user.”

(6) For regulation 15 (quality of independent healthcare) substitute–

“**15.**—(1) A provider of an independent health care service shall ensure that they provide a care service which is appropriate to and meets the service user’s needs as set out in the personal plan.

(2) Such provider is also required to–

- (a) introduce and maintain a system to manage risk associated with or arising from the care and treatment and to review the quality of treatment and other services provided by the care service , which review shall involve consultation with service users; and
- (b) produce a written record of the outcome of the review carried out under sub-paragraph (a) above and make this record available to the Commission and service users.”.

(7) After regulation 19(6) (records)(6) insert–

“(7) The requirements in paragraph (3)(h), (j) and (k) shall not apply to the provider of an adult placement service.”.

St Andrew’s House,  
Edinburgh  
19th May 2006

*LEWIS MACDONALD*  
Authorised to sign by the Scottish Ministers

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(6) Regulation 19 was amended by [S.S.I. 2003/149](#), regulation 2(5), [S.S.I. 2003/572](#), regulation 2(7) and [S.S.I. 2004/94](#), regulation 2(5).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002 (“the principal Regulations”).

Regulation 2(2) defines personal plans by reference to regulation 5.

Regulation 2(3) amends regulation 1 of the principal Regulations as respects the definition of a person employed and associated expressions in the case of a care service which is an adult placement service. This will ensure that persons introduced to a service user by adult placement services are covered by references to “employed” and “positions held” in regulations 9 (fitness of employees) and 19(2)(a) to (d) (record of persons employed in the provision of a care service) of the principal Regulations.

Regulation 2(4) and (7) disapplies from adult placement services certain requirements of regulations 4 (welfare of users) and 19 (records) of the principal Regulations.

Regulation 2(5) inserts a new regulation 11A into the principal Regulations. It prevents the provider of an adult placement service from placing a service user in premises if there is any person living in those premises who is unfit to be in the proximity of the service user.

Regulation 2(6) substitutes a new regulation 15 which relates to the quality of treatment and services provided by independent health care services. The new Regulation 15 requires providers of independent health care services to provide a service which is appropriate to and meets the service user’s needs reflected in the personal plan. Providers must also maintain a system to manage risk associated with the care and treatment of the user.

Providers are also required to introduce and maintain a system of review, in consultation with service users, of the quality of their services and to report the outcome of such review to the Commission and service users.