
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out requirements which must be complied with by providers of care services under the Regulation of Care (Scotland) Act 2001. A care service must be provided in accordance with the general principles set out in regulation 2. The provider is required by regulation 3 to prepare a written statement of the aims and objectives of the care service. Regulation 4 imposes requirements on providers which relate to the welfare of service users. In accordance with regulation 5, the provider is required to prepare a personal plan for each service user setting out how the service user's health and welfare needs will be met.

The Regulations specify persons who are not fit to provide (regulation 6), manage (regulation 7) or be employed in (regulation 9) a care service. They also make provision as to fitness of premises (regulation 10) and require providers to make certain notifications to the Scottish Commission for the Regulation of Care (regulation 8). A provider of child minding is required by regulation 11 not to permit any person to live on the premises who is not fit to be in the proximity of children.

Regulation 12 imposes requirements as to the equipment and facilities to be provided in a care home service. Regulation 13 imposes requirements as to staffing in all services. Regulation 15 imposes requirements in relation to independent health care services.

Regulation 14 prohibits any person having a financial interest in a care home service from acting as a medical practitioner for any user of that service.

Providers are required to provide the Commission with the information specified in regulation 16 and the returns specified in regulation 20, to give notice of certain events as provided for by regulations 21 to 24, and to keep records as provided for by regulation 19. By regulation 25 they are required to establish and operate a complaints procedure.

Regulation 17 makes provision as to the appointment of a manager of a care service, and regulation 18 specifies what is to happen where a liquidator or similar person is appointed.

Regulation 26 provides that the contravention of specified provisions of these Regulations shall be an offence.