

EXECUTIVE NOTE

THE REGULATION OF CARE (REQUIREMENTS AS TO LIMITED REGISTRATION SERVICES) (SCOTLAND) AMENDMENT REGULATIONS 2009 (SSI 2009/90)

1. This instrument was made in exercise of the powers conferred by section 29 of the Regulation of Care (Scotland) Act 2001 (“the Act”). The instrument is subject to the negative resolution procedure.

Policy Objectives

2. The purpose of these regulations is to amend the provisions relating to fitness of individuals to manage or work in limited registration services. These are services registered with the Care Commission for the purpose of managing the finances of those who are incapable of doing so for themselves. The provisions are set out in the Regulation of Care (Requirements as to Limited Registration Services) (Scotland) Regulations 2003 (SSI 2003/150).

3. Providers of limited registration services are required consider the fitness of managers and employees of such services. The policy intention is to bring the requirements on these providers into line with the provisions on providers of all other services regulated by the Care Commission. This will allow providers to consider any conviction which potential managers and employees may have and to decide whether that conviction renders that person unfit.

4. An associated set of regulations ‘The Regulation of Care (Fitness to Register, Provide and Manage Care Services (Scotland) Amendment Regulations was laid in Parliament on 31 January 2009. These regulations give the Care Commission the power to consider the convictions of potential care service providers and decide whether any convictions render them unfit to provide a care service including a limited registration service.

Consultation

5. In accordance with the requirements of section 28 of the Act a public consultation was carried out on the proposed regulations. Recipients of the consultation paper included all registered care service providers, local authorities, health boards, umbrella and representative organisations; and the Care Commission. Recipients were invited to bring the paper to the attention of any other interested organisations or individuals that they were aware of. The paper was published on the Consultations section of the Scottish Government website.

Scottish Government
Primary and Community Care Directorate
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