
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 27

**The Social Care and Social Work
Improvement Scotland (Fees) Order 2011**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Social Care and Social Work Improvement Scotland (Fees) Order 2011 and comes into force on 1st April 2011.

(2) In this Order—

“the Act” means the Public Services Reform (Scotland) Act 2010;

“care at home service” means a support service⁽¹⁾ which provides personal care or personal support⁽²⁾ to a person (“the recipient”) within the recipient’s home;

“day care service” means a support service which is not a care at home service;

“large school care accommodation service” means a school care accommodation service⁽³⁾ which provides residential accommodation to more than 100 pupils;

“medium adoption service” means an adoption service⁽⁴⁾ which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

“medium adult placement service” means an adult placement service⁽⁵⁾ which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

“medium care at home service” means a care at home service which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

“medium fostering service” means a fostering service⁽⁶⁾ which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

“medium housing support service” means a housing support service⁽⁷⁾ which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

“medium school care accommodation service” means a school care accommodation service which provides residential accommodation to more than 40 pupils but not more than 100;

“other adoption service” means an adoption service which is neither a small adoption service nor a medium adoption service;

(1) “support service” is defined in paragraph 1 of schedule 12 to the [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), (“the 2010 Act”).

(2) “personal care” and “personal support” are defined in paragraph 20 of schedule 12 to the 2010 Act.

(3) “school care accommodation service” is defined in paragraph 3 of schedule 12 to the 2010 Act.

(4) “adoption service” is defined in paragraph 8 of schedule 12 to the 2010 Act.

(5) “adult placement service” is defined in paragraph 11 of schedule 12 to the 2010 Act.

(6) “fostering service” is defined in paragraph 9 of schedule 12 to the 2010 Act.

(7) “housing support service” is defined in paragraph 19 of schedule 12 to the 2010 Act.

“other adult placement service” means an adult placement service which is neither a small adult placement service nor a medium adult placement service;

“other care at home service” means a care at home service which is neither a small care at home service nor a medium care at home service;

“other child care agency” means a child care agency⁽⁸⁾ which is not a small child care agency;

“other day care of children” means day care of children⁽⁹⁾ which is not small day care of children;

“other day care service” means a day care service which is not a small day care service;

“other fostering service” means a fostering service which is neither a small fostering service nor a medium fostering service;

“other housing support service” means a housing support service which is neither a small housing support service nor a medium housing support service;

“other limited registration service” means a limited registration service⁽¹⁰⁾ which is not a small limited registration service;

“SCSWIS” means Social Care and Social Work Improvement Scotland⁽¹¹⁾;

“small adoption service” means an adoption service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small adult placement service” means an adult placement service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small care at home service” means a care at home service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small child care agency” means a child care agency which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small day care of children” means day care of children which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small day care service” means a day care service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small fostering service” means a fostering service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small housing support service” means a housing support service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small limited registration service” means a limited registration service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small school care accommodation service” means a school care accommodation service which provides residential accommodation to no more than 40 pupils;

where a fee is expressed to be payable “per place”, the total fee payable in respect of a particular care service shall be the sum shown multiplied by the maximum number of persons to whom the care service may be provided in accordance with any condition for the time being in force in relation to registration of that care service under the Act.

(3) In this Order, references to employing a person include employing a person who works under a contract of service or a contract for services.

⁽⁸⁾ “child care agency” is defined in paragraph 5 of schedule 12 to the 2010 Act.

⁽⁹⁾ “day care of children” is defined in paragraph 13 of schedule 12 to the 2010 Act.

⁽¹⁰⁾ “limited registration service” is defined in section 61 of the 2010 Act.

⁽¹¹⁾ Social Care and Social Work Improvement Scotland is established under section 44 of the 2010 Act.

Maximum fees

2. For each of the services listed in column 1 of the Schedule, the maximum fee which may be imposed by SCSWIS in respect of—

- (a) any application for registration under Chapter 3 (care services) or Chapter 4 (local authority adoption and fostering services etc.) of Part 5 of the Act is that shown in column 2 of the Schedule;
- (b) the annual continuation of such registration is that shown in column 3 of the Schedule;
- (c) any application made for the variation or removal of a condition for the time being in force in relation to any such registration is that shown in column 4 of the Schedule; and
- (d) any application for cancellation of any registration under Chapter 3 of Part 5, is that shown in column 5 of the Schedule.

Fees for new certificates

3. For each of the services listed in column 1 of the Schedule, the maximum fee which may be imposed by SCSWIS in respect of issuing a new certificate of registration under section 76(2)(d) of the Act is £77.

St Andrew's House,
Edinburgh
20th January 2011

SHONA ROBISON
Authorised to sign by the Scottish Ministers