

Regulation of Care (Scotland) Act 2001

REGULATION OF CARE (SCOTLAND) ACT 2001

PART 1

THE COMMISSION AND CARE SERVICES

Constitution of Commission

1 Constitution of Scottish Commission for the Regulation of Care

Care services

- 2 Care services
- 3 Power to amend the definition of "care service"
- 4 Information and advice

National care standards

5 National care standards

Complaints

6 Complaints about care services

Registration

- 7 Applications for registration under Part 1
- 8 Limited registration
- 9 Grant or refusal of registration under Part 1

Improvement notices

- 10 Improvement notices
- 11 Special provision for certain care services provided by local authorities

Proposals and applications in relation to registered care services

12 Cancellation of registration

Document Generated: 2023-05-25

Changes to legislation: Regulation of Care (Scotland) Act 2001 is up to date with all changes known to be in force on or before 25 May 2023. 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

- 13 Condition notices
- 14 Applications under Part 1 in respect of conditions
- 15 Further provision as respects notice of proposals
- Right to make representations to Commission as respects proposals under Part 1
- 17 Notice of Commission's decision under Part 1
- 18 Urgent procedures for cancellation of registration etc.
- 19 Conditions as to numbers
- 20 Appeal against decision to implement proposal

Offences

- 21 Offences in relation to registration under Part 1
- 22 False statements in applications under Part 1
- 23 Offences by bodies corporate etc.

Fees

24 Registration fees

Inspections

- 25 Inspections
- 26 Integrated inspections
- Further provision as regards inspections

Regulations

- Regulations relating to the Commission, to registration and to registers 28
- 29 Regulations relating to care services

Transfer of staff

30 Transfer of staff

Miscellaneous

- 31 Arrangements entered into by local authority or health body: services to be registered
- 32 Giving of notice

PART 2

LOCAL AUTHORITY ADOPTION AND FOSTERING SERVICES ETC.

- 33 Local authority applications for registration under Part 2
- 34 Grant of local authority application under Part 2
- 35 Condition notices: services registered under Part 2
- Applications under Part 2 in respect of conditions 36
- 37 Right to make representations to Commission under Part 2 as respects
- 38 Notice of Commission's decision under Part 2
- 39 Appeal against decision under Part 2
- 40 Offences under Part 2
- 41 Report to Scottish Ministers
- 42 Default powers of Scottish Ministers

Document Generated: 2023-05-25

Changes to legislation: Regulation of Care (Scotland) Act 2001 is up to date with all changes known to be in force on or before 25 May 2023. 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

PART 3

THE COUNCIL

Constitution

43 Constitution of Scottish Social Services Council

Registration

- 44 Register of social workers and of other social service workers
- 45 Applications for registration under Part 3
- 46 Grant or refusal of registration under Part 3
- 46A Visiting social workers from relevant European States
- 46B Qualifications gained outside Scotland
 - 47 Variation etc. of conditions in relation to registration under Part 3
 - 48 Right to make representations to Council as respects decision under section 47
 - 49 Removal etc. from the Council's register
 - 50 Notice of Council's decision under rules under section 49

Appeal

51 Appeal against decision of Council

Offence

52 Use of title "social worker" etc.

Codes of practice

53 Codes of practice

Training

- 54 Approval of courses etc.
- 55 Grants and allowances for social service workers' training

Regulations and rules

- 56 Regulations relating to the Council
- 57 Power of Council to make rules

Notification of dismissal etc. for misconduct and provision of other information to Council

- 57A Notification of dismissal etc. to Council
- 57B Provision of other information to Council by employer

Functions of the Scottish Ministers

58 Functions of the Scottish Ministers under this Part

PART 4

GENERAL PRINCIPLES

59 General principles

Changes to legislation: Regulation of Care (Scotland) Act 2001 is up to date with all changes known to be in force on or before 25 May 2023. 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

PART 5

PROVISIONS COMMON TO COMMISSION AND COUNCIL

Grants and guarantees

- 60 Grants
- 61 Guarantees

Duty to consult

- 62 Duty of Commission and Council to consult each other
- 63 Guidance as to consultation

Complaints, inquiries and maladministration

- 64 Complaints procedure
- 65 Inquiries
- 66 Maladministration

PART 6

MISCELLANEOUS

Central Council for Education and Training in Social Work: cessation of Scottish functions

67 Cessation of exercise of certain functions by Central Council for Education and Training in Social Work

Grants, loans and other payments

- 68 Grants in respect of activities relating to child care and family support
- Amendment of Social Work (Scotland) Act 1968: delegation of power to make grants and loans to certain voluntary organisations etc.
- Amendment of Social Work (Scotland) Act 1968: direct payments to children for care services
- 71 Amendment of Children Act 1975: maintenance payments to children

Nursing in local authority residential accommodation

72 Provision by local authorities of residential accommodation in which nursing is provided

After-care

73 Amendment of Children (Scotland) Act 1995: after-care

Place of safety

74 Amendment of Children (Scotland) Act 1995: "place of safety"

Panels

- 75 Panels for curators ad litem, reporting officers and safeguarders
- 76 Amendment of Children (Scotland) Act 1995: Children's Panel Advisory Committees

Document Generated: 2023-05-25

Changes to legislation: Regulation of Care (Scotland) Act 2001 is up to date with all changes known to be in force on or before 25 May 2023. 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

PART 7

GENERAL

- 77 Interpretation
- 78 Orders and regulations
- 79 Minor and consequential amendments
- 80 Repeals and transitional provisions etc.
- 81 Short title and commencement

SCHEDULE 1 — THE SCOTTISH COMMISSION FOR THE REGULATION OF CARE

1 Status 2 Membership 3 5 6 General powers 7 Regulations as to appointments, procedure etc. 8 Staff 9 Accounts

SCHEDULE 2 — THE SCOTTISH SOCIAL SERVICES COUNCIL

1 Status

10

2 Membership

Reports

- 3 In making appointments under paragraph 2 above, the Scottish Ministers...
- In making appointments under paragraph 2 above, the Scottish Ministers...
- 5 In paragraph 4 above, "requisite number" means at least two...
- 6 General powers
- 7 Regulations as to appointments, procedure etc.
- 8 Staff
- 9 Accounts
- 10 Reports

SCHEDULE 3 — MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 Human Tissue Act 1961 (c.54)
- 2 Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c.49)
- 3 Sewerage (Scotland) Act 1968 (c.47)
- 4 Social Work (Scotland) Act 1968 (c.49)
- 5 Medicines Act 1968 (c.67)
- 6 Employment Agencies Act 1973 (c.35)
- 7 Adoption (Scotland) Act 1978 (c.28)
- 8 Water (Scotland) Act 1980 (c.45)
- 9 Administration of Justice Act 1982 (c.53)
- 10 Anatomy Act 1984 (c.14)
- 11 Mental Health (Scotland) Act 1984 (c.36)
- 12 Foster Children (Scotland) Act 1984 (c.56)

Changes to legislation: Regulation of Care (Scotland) Act 2001 is up to date with all changes known to be in force on or before 25 May 2023. 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

- Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)
- 14 Income and Corporation Taxes Act 1988 (c.1)
- 15 Children Act 1989 (c.41)
- 16 Opticians Act 1989 (c.44)
- 17 Environmental Protection Act 1990 (c.43)
- 18 Local Government Finance Act 1992 (c.14)
- 19 Children (Scotland) Act 1995 (c.36)
- 20 Criminal Procedure (Scotland) Act 1995 (c.46)
- 21 Police Act 1997 (c.50)
- 22 Adoption (Intercountry Aspects) Act 1999 (c.18)
- 23 Adults with Incapacity (Scotland) Act 2000 (asp 4)
- 24
- 25 Sexual Offences (Amendment) Act 2000 (c.44)

SCHEDULE 4 — REPEALS

Changes to legislation:

Regulation of Care (Scotland) Act 2001 is up to date with all changes known to be in force on or before 25 May 2023. 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. View outstanding changes

Changes and effects yet to be applied to:

- s. 2(5)(b) repealed by 2003 asp 13 Sch. 5 Pt. 1
- s. 77(1) words repealed by 2003 asp 13 Sch. 5 Pt. 1
- s. 77(1) words substituted by 2003 asp 13 Sch. 4 para. 10(a)
- s. 77(1) words substituted by 2004 asp 7 sch. 1 para. 3
- s. 77(2) words repealed by 2003 asp 13 Sch. 5 Pt. 1