



# Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Act 2006

2006 asp 3

## PART 1

### CHILDREN'S SERVICES

#### **1 Joint inspection of children's services**

- (1) Any two or more of the persons and bodies to which this section applies must, at the request of the Scottish Ministers, conduct an inspection relating to the provision of children's services.
- (2) The Scottish Ministers may request under subsection (1) that there be conducted an inspection of the provision of—
  - (a) all children's services in the relevant area;
  - (b) such children's services provided in the relevant area as they may specify; or
  - (c) such children's services provided to a particular child or particular children as they may specify.
- (3) In paragraphs (a) and (b) of subsection (2), the "relevant area" is the whole of Scotland or such part of Scotland as the Scottish Ministers specify in their request.
- (4) The purposes of an inspection under this section are—
  - (a) to review and evaluate the effectiveness of the provision of the services which are the subject of the inspection or, in the case of an inspection referred to in subsection (2)(c), the effectiveness of the provision of those services to the particular child or particular children in question; and
  - (b) to enable those conducting the inspection to report to the Scottish Ministers and to make recommendations to them.
- (5) An inspection under this section is to be conducted in accordance with—
  - (a) a timetable approved by the Scottish Ministers;
  - (b) any directions issued by the Scottish Ministers.

- (6) A person or body conducting an inspection under this section shall have regard to any code of practice prepared and issued by the Scottish Ministers for the purpose of—
- (a) giving practical and general guidance on matters relating to such an inspection (including, without prejudice to that generality, such matters as access to confidential information and the holding, sharing and destruction of such information); and
  - (b) promoting what appear to them to be desirable practices with regard to such matters.
- (7) The persons and bodies to which this section applies are—
- (a) Her Majesty's inspectors of schools (that is to say, the inspectors of schools appointed by Her Majesty on the recommendation of the Scottish Ministers under the Education (Scotland) Act 1980 (c. 44));
  - (b) social work inspectors appointed under section 4 of this Act;
  - (c) the Scottish Commission for the Regulation of Care;
  - (d) Her Majesty's Chief Inspector of Constabulary;
  - (e) Her Majesty's Chief Inspector of Prisons for Scotland;
  - (f) any special Health Board constituted by order under section 2(1)(b) of the National Health Service (Scotland) Act 1978 (c. 29); and
  - (g) any other person or body specified by the Scottish Ministers in an order made by statutory instrument.

## **2 Participation in inspections**

- (1) The Scottish Ministers may direct a person or body not listed in, or specified under, subsection (7) of section 1 to participate in the conduct of an inspection under that section to the extent and for the purposes specified in the direction.
- (2) In directing under subsection (1) a person or body to participate in an inspection, the Scottish Ministers may also direct that the person, or any person authorised by the body, is not to be able to exercise any such power conferred by regulations under section 3 as is specified in the direction or is to be able to exercise any such power only to the extent or for the purposes there specified.

## **3 Conduct of inspections**

- (1) Regulations may make provision—
  - (a) requiring or facilitating the sharing or production of information (including medical records) for the purposes of an inspection under section 1;
  - (b) requiring any person to provide to an authorised person an explanation of information produced to the authorised person;
  - (c) requiring information produced to an authorised person to be held in compliance with prescribed conditions and further disclosures to be made in compliance with such conditions;
  - (d) empowering an authorised person to enter any premises for the purposes of an inspection under section 1;
  - (e) empowering an authorised person to disclose to a person prescribed for the purposes of this paragraph any information of a prescribed nature which the authorised person holds in consequence of such an inspection;

- (f) creating offences punishable on summary conviction by a fine not exceeding level 4 on the standard scale for the purpose of enforcing any provision of the regulations.
- (2) Where an authorised person is in possession of confidential information which has been obtained for the purposes of an inspection under section 1, the authorised person shall not use or disclose that information other than—
- (a) for the purposes of that inspection;
  - (b) so as to comply with an enactment or court order requiring disclosure;
  - (c) to the extent considered necessary by the authorised person for the purpose of protecting the welfare of any child; or
  - (d) to the extent considered necessary by the authorised person for the purpose of the prevention or detection of crime or the apprehension or prosecution of offenders.
- (3) In this section, “authorised person” means an individual responsible for, or authorised by a body responsible for, conducting an inspection under section 1 and, subject to section 2(2), includes an individual directed under section 2(1) to participate in the conduct of an inspection or authorised by a body so directed.