



Public Services Reform (Scotland) Act 2010

2010 asp 8

PART 5

SOCIAL CARE AND SOCIAL WORK: SCRUTINY AND IMPROVEMENT

CHAPTER 1

SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND

Social Care and Social Work Improvement Scotland

44 Social Care and Social Work Improvement Scotland

- (1) There is established a body to be known as Social Care and Social Work Improvement Scotland (in this Part referred to as “SCSWIS”), which—
 - (a) is to exercise the functions conferred on it by this Act or any other enactment, and
 - (b) has the general duty of furthering improvement in the quality of social services.
- (2) SCSWIS must, in the exercise of its functions, act—
 - (a) in accordance with any directions given to it by the Scottish Ministers, and
 - (b) under the general guidance of the Scottish Ministers.
- (3) The Scottish Ministers may vary or revoke any direction given under subsection (2)(a).
- (4) Schedule 11 (which makes further provision about the status, constitution, proceedings etc. of Social Care and Social Work Improvement Scotland) has effect.

Commencement Information

- I1 S. 44 in force at 1.8.2010 for specified purposes by S.S.I. 2010/221, art. 3(2)(3), Sch.
- I2 S. 44 in force at 1.10.2010 for specified purposes by S.S.I. 2010/321, art. 3, Sch.

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I3 [S. 44](#) in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122, art. 2, Sch.](#)

45 General principles

- (1) SCSWIS must exercise its functions in accordance with the principles set out in the following subsections.
- (2) The safety and wellbeing of all persons who use, or are eligible to use, any social service are to be protected and enhanced.
- (3) The independence of those persons is to be promoted.
- (4) Diversity in the provision of social services is to be promoted with a view to those persons being afforded choice.
- (5) Good practice in the provision of social services is to be identified, promulgated and promoted.

Commencement Information

- I4** [S. 45](#) in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321, art. 3, Sch.](#)
I5 [S. 45](#) in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122, art. 2, Sch.](#)

Key definitions

46 Social services

- (1) In this Part, “social services” means—
 - (a) care services, and
 - (b) social work services.
- (2) Any reference to a “social service” in this Part means any care service or social work service.

Commencement Information

- I6** [S. 46](#) in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321, art. 3, Sch.](#)
I7 [S. 46](#) in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122, art. 2, Sch.](#)

47 Care services

- (1) In this Part, a “care service” is any of the following—
 - (a) a support service,
 - (b) a care home service,
 - (c) a school care accommodation service,
 - (d) a nurse agency,
 - (e) a child care agency,
 - (f) a secure accommodation service,
 - (g) an offender accommodation service,
 - (h) an adoption service,

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- (i) a fostering service,
- (j) an adult placement service,
- (k) child minding,
- (l) day care of children,
- (m) a housing support service.

(2) Schedule 12 (which provides definitions for the purposes of subsection (1)) has effect.

Commencement Information

- I8** S. 47 in force at 1.10.2010 for specified purposes by S.S.I. 2010/321, art. 3, Sch.
- I9** S. 47 in force at 1.4.2011 in so far as not already in force by S.S.I. 2011/122, art. 2, Sch.

48 Social work services

In this Part—

“social work services” means—

- (a) services which are provided by a local authority in the exercise of any of its social work services functions, or
- (b) services which are provided by another person pursuant to arrangements made by a local authority in the exercise of its social work services functions;

“social work services functions” means functions under the enactments specified in schedule 13.

Commencement Information

- I10** S. 48 in force at 1.10.2010 for specified purposes by S.S.I. 2010/321, art. 3, Sch.
- I11** S. 48 in force at 1.4.2011 in so far as not already in force by S.S.I. 2011/122, art. 2, Sch.

49 Power to modify key definitions

The Scottish Ministers, after consulting such persons (or groups of persons) as they consider appropriate, may by order—

- (a) modify—
 - (i) section 47(1),
 - (ii) schedule 12,
- (b) modify—
 - (i) the definition of social work services in section 48,
 - (ii) the definition of social work services functions by adding an entry to or removing any entry from schedule 13.

Commencement Information

- I12** S. 49 in force at 1.10.2010 for specified purposes by S.S.I. 2010/321, art. 3, Sch.
- I13** S. 49 in force at 1.4.2011 in so far as not already in force by S.S.I. 2011/122, art. 2, Sch.

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Miscellaneous

50 Standards and outcomes

- (1) The Scottish Ministers must prepare and publish standards and outcomes applicable to—
 - (a) care services,
 - (b) social work services.
- (2) The Scottish Ministers must keep any standards and outcomes so published under review and may under subsection (1) publish amended standards and outcomes whenever they consider it appropriate to do so.
- (3) Before publishing under subsection (1) any—
 - (a) standards and outcomes,
 - (b) amended standards and outcomes which in the opinion of the Scottish Ministers are substantially different from the standards and outcomes (or amended standards and outcomes) last so published,
 the Scottish Ministers must consult such persons, or groups of persons, as they consider appropriate.
- (4) In relation to a care service other than one mentioned in subsection (5), any applicable standards and outcomes published under subsection (1) and the Scottish Social Services Council's codes of practice (that is to say, the codes of practice published by the Council under section 53 of Regulation of Care (Scotland) Act 2001 (asp 8)) must be taken into account—
 - (a) by SCSWIS in making any decision under this Chapter or Chapter 2 or 3,
 - (b) in any proceedings on an appeal under section 75(1), and
 - (c) in any proceedings for an offence in relation to registration under Chapter 3.
- (5) In relation to an adoption service mentioned in paragraph 8(1)(a) of schedule 12, a fostering service mentioned in paragraph 9(a) or (c) of that schedule or any other care service registered under Chapter 4, any applicable standards and outcomes published under subsection (1) and the codes of practice mentioned in subsection (4) must be taken into account—
 - (a) by SCSWIS in making any decision under this Chapter or Chapter 2, 3 or 4,
 - (b) in any proceedings on an appeal under section 89,
 - (c) in any proceedings for an offence in relation to registration under Chapter 4.
- (6) In relation to a social work service, any applicable standards and outcomes published under subsection (1) and the codes of practice mentioned in subsection (4) must be taken into account by SCSWIS in making any decision under this Chapter or Chapter 2.
- (7) The Scottish Ministers may make different provision for different services under subsection (1).
- (8) The Scottish Ministers may delegate their functions under subsections (1) to (3) to SCSWIS or such other persons as they consider appropriate.

Commencement Information

I14 S. 50 in force at 1.10.2010 for specified purposes by S.S.I. 2010/321, art. 3, Sch.

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I15 S. 50 in force at 1.4.2011 in so far as not already in force by S.S.I. 2011/122, art. 2, Sch.

51 Information and advice

- (1) SCSWIS must provide information to the public about the availability and quality of social services.
- (2) A person requesting from SCSWIS information to be provided under subsection (1) is entitled to receive it in such form as that person may reasonably request.
- (3) SCSWIS—
 - (a) may at any time, and must when asked to do so, provide advice to the Scottish Ministers,
 - (b) must when asked to do so provide advice to—
 - (i) persons who provide, seek to provide or may seek to provide social services,
 - (ii) persons, or groups of persons, representing those who use, or are eligible to use, social services,
 - (iii) persons, or groups of persons, representing those who care for those who use, or are eligible to use, social services,
 - (iv) local authorities,
 - (v) health bodies, ^{F1}...
 - [^{F2}(va) integration joint boards established under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014, and]
 - (vi) such other persons, or groups of persons, as may be prescribed, about any matter relevant to the functions of SCSWIS,
 - (c) may disseminate such information as it considers relevant of general or specific application arising out of or in connection with the discharge of its functions.
- (4) SCSWIS may charge a reasonable fee determined by it for any advice, forms or documents provided for the assistance of any person, authority or body mentioned in subsection (3)(b).

Textual Amendments

- F1** Word in s. 51(3)(b) repealed (1.4.2015) by The Public Bodies (Joint Working) (Scotland) Act 2014 (Consequential Modifications and Saving) Order 2015 (S.S.I. 2015/157), art. 1(1), Sch. para. 10(2)(a)
- F2** S. 51(3)(b)(va) inserted (1.4.2015) by The Public Bodies (Joint Working) (Scotland) Act 2014 (Consequential Modifications and Saving) Order 2015 (S.S.I. 2015/157), art. 1(1), Sch. para. 10(2)(b)

Commencement Information

- I16** S. 51 in force at 1.10.2010 for specified purposes by S.S.I. 2010/321, art. 3, Sch.
- I17** S. 51 in force at 1.4.2011 in so far as not already in force by S.S.I. 2011/122, art. 2, Sch.

52 Dissolution of Scottish Commission for the Regulation of Care

The Scottish Commission for the Regulation of Care is dissolved.

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Commencement Information

I18 S. 52 in force at 1.10.2010 for specified purposes by S.S.I. 2010/321, art. 3, **Sch.**

I19 S. 52 in force at 1.4.2011 in so far as not already in force by S.S.I. 2011/122, art. 2, **Sch.**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)