



Public Services Reform (Scotland) Act 2010 2010 asp 8

PART 5

SOCIAL CARE AND SOCIAL WORK: SCRUTINY AND IMPROVEMENT

CHAPTER 3

CARE SERVICES

Complaints

79 Complaints about care services

- (1) SCSWIS must establish a procedure by which a person, or someone acting on a person's behalf, may make complaints (or other representations) in relation to the provision to the person of a care service or about the provision of a care service generally.
- (2) The procedure must provide for it to be available whether or not procedures established by the provider of the service for making complaints (or other representations) about that service have been or are being pursued.
- (3) Before establishing a procedure under subsection (1), SCSWIS must consult the Scottish Public Services Ombudsman, all local authorities and such other persons, or groups of persons, as it considers appropriate on its proposals for such a procedure.
- (4) SCSWIS must keep the procedure under review and must vary it whenever, after such consultation, it considers it appropriate to do so.
- (5) SCSWIS must give such publicity to the procedure (including the procedure as varied under subsection (4)) as it considers appropriate and must give a copy of the procedure to any person who requests it.

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Public Services Reform (Scotland) Act 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I1** S. 79 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321](#), [art. 3](#), [Sch.](#)
I2 S. 79 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122](#), [art. 2](#), [Sch.](#)

[^{F1}79A Reporting on coronavirus deaths in care homes

- (1) Any person who provides a care home service must make a report to SCSWIS every day on—
 - (a) the number of deaths of residents in the care home from coronavirus since the relevant date,
 - (b) the number of deaths of residents in the care home, since the relevant date, that are suspected to be attributable to coronavirus,
 - (c) the total number of deaths in the care home, since the relevant date, irrespective of whether or not they are attributable to coronavirus.
- (2) As soon as practicable after the end of each 7 day period during which SCSWIS has been receiving reports under subsection (1), using the information in those reports, SCSWIS must make a report to the Scottish Ministers on—
 - (a) the total number of deaths in care homes in Scotland from coronavirus since the relevant date,
 - (b) the total number of deaths of residents in care homes in Scotland, since the relevant date, that are suspected to be attributable to coronavirus,
 - (c) the total number of deaths in care homes in Scotland, since the relevant date, irrespective of whether or not they are attributable to coronavirus.
- (3) The Scottish Ministers must lay each report from SCSWIS under subsection (2) before the Parliament as soon as practicable and in any event no later than 7 days after they have received it.
- (4) In this section—

“coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,

“relevant date” means the day before the date on which paragraph 23 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 comes into force.]

Textual Amendments

- F1** [S. 79A](#) inserted (temp.) (27.5.2020) by virtue of [Coronavirus \(Scotland\) \(No.2\) Act 2020 \(asp 10\)](#), s. 16(1), [sch. 1 para. 23\(2\)](#) (with s. 9)

Status:

Point in time view as at 27/05/2020.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Public Services Reform (Scotland) Act 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations.