



Public Services Reform (Scotland) Act 2010 2010 asp 8

PART 8

SCRUTINY AND COMPLAINTS

Joint inspections

115 Joint inspections

- (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 (a “joint inspection”) in relation to the provision of—
 - (a) children's services,
 - (b) such other services as the Scottish Ministers may specify in respect of which such persons or bodies have inspection functions, or
 - (c) both.
- (2) The Scottish Ministers may specify purposes for any joint inspection.
- (3) The Scottish Ministers may request under subsection (1) that there be conducted a joint inspection of—
 - (a) any services concerned in the relevant area,
 - (b) such of the services concerned provided in the relevant area as they may specify, or
 - (c) such of the services concerned provided to a particular child or other person or particular children or other persons as they may specify.
- (4) In paragraphs (a) and (b) of subsection (3), the “relevant area” is the whole of Scotland or such part of Scotland as the Scottish Ministers specify in their request.
- (5) A joint inspection is to be conducted in accordance with—
 - (a) a timetable approved by the Scottish Ministers,
 - (b) any directions given by the Scottish Ministers.

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- (6) The persons and bodies to which this section applies are—
 Healthcare Improvement Scotland,
 [^{F1}Her Majesty's Inspectors of Constabulary appointed under section 71 of the Police and Fire Reform (Scotland) Act 2012 (asp 8),]
 Her Majesty's Chief Inspector of Prisons for Scotland,
 Her Majesty's Chief Inspector of Prosecution in Scotland,
 Her Majesty's inspectors of schools (that is to say, the inspectors of schools appointed by Her Majesty under the Education (Scotland) Act 1980 (c. 44)),
 Mental Welfare Commission for Scotland,
 [^{F2}Scottish Housing Regulator,]
 Social Care and Social Work Improvement Scotland,
 any Special Health Board.
- (7) Where, in the opinion of any person or body to whom this section applies, a joint inspection would be appropriate, it must bring that to the attention of the Scottish Ministers.
- (8) Those persons or bodies conducting a joint inspection must—
- (a) report to the Scottish Ministers and make any recommendations to them which those conducting the inspection think appropriate,
 - (b) have regard to any code of practice or practice note issued by the Scottish Ministers for the purpose of—
 - (i) 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),
 - (ii) promoting what appear to them to be desirable practices with regard to such matters.
- (9) Subsection (6) may be amended by the Scottish Ministers by order so as to—
- (a) add an entry to it, or
 - (b) remove any entry from it.
- (10) The Scottish Ministers may vary or revoke any direction given under this section.
- (11) For the purposes of subsection (8) of this section and [^{F3}sections 116A(4) and] 117(3), information is “confidential information” where—
- (a) the identity of an individual is ascertainable—
 - (i) from that information, or
 - (ii) from that information and other information which is in the possession of, or is likely to come into the possession of, the person holding that information, and
 - (b) the information was obtained or generated by a person who, in the circumstances, owed an obligation of confidence to that individual.
- (12) In this section, “children's services” [^{F4}is to be construed in accordance with section 7 of the Children and Young People (Scotland) Act 2014.]

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Textual Amendments

- F1** Words in s. 115(6) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 40\(3\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Words in s. 115(6) inserted (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [Sch. 2 para. 15\(2\)](#); S.S.I. 2012/39, art. 2, [Sch. 1](#) (with [Sch. 2](#)) (as amended (1.4.2012) by S.S.I. 2012/91, art. 4)
- F3** Words in s. 115(11) substituted (22.9.2014) by [Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(asp 9\)](#), [ss. 56\(2\)](#), 72(2); S.S.I. 2014/231, art. 2
- F4** Words in s. 115(12) substituted (20.12.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [sch. 4 para. 11](#); S.S.I. 2016/410, art. 2(a)

Commencement Information

- I1** S. 115 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321](#), art. 3, [Sch.](#)
- I2** S. 115 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122](#), art. 2, [Sch.](#)

116 Participation in joint inspections

- (1) The Scottish Ministers may direct a person or body—
- (a) not listed in section 115(6), but
 - (b) which has inspection functions,
- to participate in the conduct of a joint inspection to the extent and for the purposes specified in the direction.
- (2) In directing under subsection (1) a person or body to participate in a joint 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 117 as is specified in the direction; or is to be able to exercise any such power but only to the extent or for the purposes there specified.

Commencement Information

- I3** S. 116 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321](#), art. 3, [Sch.](#)
- I4** S. 116 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122](#), art. 2, [Sch.](#)

[^{F5}116A Joint inspections of social services and health services

- (1) Social Care and Social Work Improvement Scotland (“SCSWIS”) and Healthcare Improvement Scotland (“HIS”) may jointly conduct an inspection in relation to—
- (a) any social services, services provided under the health service or services provided by an independent health care service which are provided in pursuance of an integration scheme approved under section 7 of the Public Bodies (Joint Working) (Scotland) Act 2014 (“the 2014 Act”), or
 - (b) a local authority, Health Board or integration joint board (as defined in section 1(4)(a) of the 2014 Act) which is required by section 29 of the 2014 Act to prepare a strategic plan.

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- (2) The purposes of an inspection under this section may be any of those mentioned in section 10I(1) or (1B) or 10J(2) of the National Health Service (Scotland) Act 1978 or section 53(2) of this Act.
- (3) On the request of SCSWIS and HIS, any other person or body mentioned in section 115(6) may conduct an inspection under subsection (1) jointly with SCSWIS and HIS.
- (4) In conducting an inspection under this section, SCSWIS and HIS must have regard to any code of practice or practice note 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),
 - (b) promoting what appear to them to be desirable practices with regard to such matters.
- (5) After conducting an inspection under this section, SCSWIS and HIS must—
 - (a) prepare a report, and
 - (b) give any person to whom the report relates an opportunity to comment on the report.
- (6) SCSWIS and HIS must—
 - (a) give the report to the Scottish Ministers,
 - (b) give copies of the report to any person to whom the report relates, and
 - (c) make copies of the report available at their offices for inspection by any person at any reasonable time.
- (7) In this section—
 - “independent health care service” has the meaning given by section 10F of the National Health Service (Scotland) Act 1978;
 - “social services” has the meaning given by section 46.]

Textual Amendments

F5 S. 116A inserted (22.9.2014) by [Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(asp 9\)](#), **ss. 56(3), 72(2)**; [S.S.I. 2014/231](#), art. 2

117 Regulations relating to joint inspections

- (1) The Scottish Ministers may by regulations make further provision concerning joint inspections.
- (2) Regulations under subsection (1) may, in particular, make provision—
 - (a) as to seizure and removal of anything found during the course of a joint inspection,
 - (b) as to persons who may be authorised to carry out joint inspections,
 - (c) requiring or facilitating the sharing or production of information (including health records) for the purposes of a joint inspection,

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- (d) as to interviews and examinations (including physical and mental examinations) which may be carried out in connection with the inspections,
 - (e) requiring any person to provide to a person authorised to carry out a joint inspection an explanation of information produced to an authorised person,
 - (f) requiring information produced to a person authorised to carry out a joint inspection to be held in compliance with prescribed conditions and further disclosures to be made in compliance with such conditions,
 - (g) empowering a person authorised to carry out a joint inspection to enter any premises for the purposes of such an inspection,
 - (h) empowering a person authorised to carry out a joint inspection 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,
 - (i) as to reports in relation to a joint inspection,
 - (j) 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.
- (3) Where a person authorised to carry out a joint inspection is in possession of confidential information which has been obtained for the purposes of such an inspection, the person must 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 person for the purpose of protecting the welfare of—
 - (i) any child,
 - (ii) any adult at risk (within the meaning of section 3 of the Adult Support and Protection (Scotland) Act 2007 (asp 10)), or
 - (d) to the extent considered necessary by the person for the purpose of the prevention or detection of crime or the apprehension or prosecution of offenders.
- (4) In subsection (2), “health records” has the same meaning as in Part 5.
- (5) In subsection (2), “prescribed” means prescribed by regulations under subsection (1).
- [^{F6}(6) In this section, “joint inspection” means an inspection conducted under section 115 or 116A.]

Textual Amendments

- F6** S. 117(6) added (22.9.2014) by [Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(asp 9\)](#), ss. **56(4)**, [72\(2\)](#); [S.S.I. 2014/231](#), art. 2

Commencement Information

- I5** S. 117 in force at 1.10.2010 for specified purposes by [S.S.I. 2010/321](#), art. 3, [Sch.](#)
- I6** S. 117 in force at 1.4.2011 in so far as not already in force by [S.S.I. 2011/122](#), art. 2, [Sch.](#)

Changes to legislation:

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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 amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)