



# Regulation of Care (Scotland) Act 2001

## 2001 asp 8

### PART 3

#### THE COUNCIL

#### *Codes of practice*

#### 53 Codes of practice

- (1) The Council shall prepare, and from time to time publish, codes of practice laying down standards of conduct and practice expected—
  - (a) of social service workers; or
  - (b) in relation to social service workers, of persons employing or seeking to employ such workers.
- (2) Before publishing a code, the Council shall—
  - (a) obtain the consent of the Scottish Ministers to the provisions of that code; and
  - (b) consult [<sup>F1</sup>Social Care and Social Work Improvement Scotland], any person, or group of persons, prescribed by the Scottish Ministers and any other person, or group of persons, the Council considers it appropriate to consult.
- (3) The Council shall keep the codes under review and shall vary the provisions of a code whenever, after such consultation, it considers it appropriate to do so.
- [<sup>F2</sup>(3A) A social service worker shall, so far as relevant, have regard to any code published under subsection (1) by the Council.
- (3B) An employer of a social service worker, or a person seeking to employ such workers, shall, so far as relevant, have regard to any code published under subsection (1) by the Council.]
- (4) The employer of a social service worker shall, in making any decision which relates to the conduct of that worker, take into account any code published under subsection (1) above by the Council.
- (5) The Council shall give a copy of a code so published to any person who requests such copy.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation of Care (Scotland) Act 2001, Cross Heading: Codes of practice. (See end of Document for details)

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- [<sup>F3</sup>(6) The Scottish Ministers may give directions (of a general or specific nature) to—
- (a) the persons mentioned in paragraph (a) or (b) of subsection (1);
  - (b) the Council,
- in relation to any code so published; and such directions must be complied with.
- (7) The Scottish Ministers may vary or revoke any direction given under subsection (6).]

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#### Textual Amendments

- F1** Words in s. 53(2)(b) substituted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 14 para. 3**; S.S.I. 2010/321, art. 3, sch.; S.S.I. 2011/122, art. 2, sch.
- F2** S. 53(3A)(3B) inserted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 15 para. 10(a)**; S.S.I. 2010/221, art. 3(2), sch.
- F3** S. 53(6)(7) inserted (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7), **sch. 15 para. 10(b)**; S.S.I. 2010/221, art. 3(2), sch.

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