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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**The Social Care and Social Work Improvement Scotland  
(Requirements for Care Services) Regulations 2011**

**Personal plans**

5.—(1) Subject to paragraph (3) a provider must, after consultation with each service user and, where it appears to the provider to be appropriate, any representative of the service user, within 28 days of the date on which the service user first received the service prepare a written plan (“the personal plan”) which sets out how the service user’s health, welfare and safety needs are to be met.

(2) Subject to paragraph (3) a provider of a care service must—

- (a) make the personal plan available to the service user and to any representative consulted under paragraph (1);
- (b) review the personal plan—
  - (i) when requested to do so by the service user or any representative;
  - (ii) when there is a significant change in a service user’s health, welfare or safety needs; and
  - (iii) at least once in every six month period whilst the service user is in receipt of the service;
- (c) where appropriate, after any review mentioned in sub-paragraph (b), and after consultation with the service user and, where it appears to the provider to be appropriate, any representative, revise the personal plan; and
- (d) notify the service user and any representative consulted under paragraph (2)(c) of any such revision.

(3) Paragraphs (1) and (2) do not apply to any adoption service or fostering service but the provider of such a service must, after consultation with each service user and, where it appears to the provider to be appropriate, any representative of the service user—

- (a) within one month of the date on which the service user first received the service prepare in writing a plan which confirms—
  - (i) what the care service will provide over the next 12 months;
  - (ii) who the service user is; and
  - (iii) the intended outcome for that service user;
- (b) review that plan at least once in every 12 month period, whilst the service user is in receipt of the service,

and where the provider is a local authority any plan prepared in accordance with this paragraph must be consistent with the plan prepared by that local authority in terms of section 4 of the Adoption and Children (Scotland) Act 2007(1).

(4) In this regulation “representative” includes any person appearing to the provider to act on behalf of the service user or who has an interest in the welfare of the service user.

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:  
*The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 No. 210*

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