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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**

**Fitness of employees**

9.—(1) A provider must not employ any person in the provision of a care service unless that person is fit to be so employed.

(2) The following persons are unfit to be employed in the provision of a care service:—

- (a) any person who has been convicted whether in the United Kingdom or elsewhere of any offence which is punishable by a period of imprisonment of not less than 3 months and has been sentenced to imprisonment (whether or not suspended or deferred) for any period without the option of a fine and who, in the reasonable opinion of the manager of the care service having regard to the circumstances of the conviction, is unsuitable to work in a care service;
- (b) a person who does not have the qualifications, skills and experience necessary for the work that the person is to perform; and
- (c) any person to whom regulations 6(2)(a) or 7(2)(d) apply.