
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 157

**The Public Services Reform (Social Work
Complaints Procedure) (Scotland) Order 2016**

Amendment of the Scottish Public Services Ombudsman Act 2002

3. In section 7 (matters which may be investigated: restrictions), before subsection (3) insert—
- “(2C) Subsection (1) does not apply to the merits of a decision taken by or on behalf of a person mentioned in subsection (2D) in pursuance of a social work function to the extent that the decision was taken in consequence of the exercise of the professional judgment of the social worker or other person discharging the function.
- (2D) The persons are—
- (a) a local authority, or
 - (b) the holder of an office established by or under any enactment to which appointments are made by a local authority.
- (2E) In subsection (2C), “social work function” means a function conferred by or under—
- (a) the Social Work (Scotland) Act 1968(1),
 - (b) an enactment mentioned in section 5(1B) of that Act, or
 - (c) an enactment listed in the schedule to the Public Bodies (Joint Working) (Scotland) Act 2014(2).”.

(1) 1968 c.49. Section 5(1B) was inserted by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 76(3) (b) and amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), Schedule 4, paragraph 6(2); the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(4)(b); the Regulation of Care (Scotland) Act 2001 (asp 8), schedule 4, paragraph 1; the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), schedule 4, paragraph 1(3); the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2 paragraph 2(2)(a) and schedule 3, paragraph 1; the Social Care (Self-directed Support) (Scotland) Act 2013 (asp 1), section 21(b); the Children and Young People (Scotland) Act 2014 (asp 8), schedule 5, paragraph 1(b) and S.S.I. 2013/211.

(2) 2014 asp 9.