

SCHEDULE 1
PROTECTION OF THE INDIVIDUAL

PART 8

POWERS TO PURCHASE CARE HOME SERVICES AND CARE AT HOME PROVIDERS

Circumstances in which powers under this Part may be exercised

- 20 (1) This paragraph describes the circumstances in which the powers conferred by paragraph 18 or 19 may be exercised in relation to a relevant provider of care home services or care at home services (“the provider”).
- (2) The circumstances are that, for a reason relating to coronavirus—
- (a) the provider is in serious financial difficulty,
 - (b) the local authority or, as the case may be, the health body is satisfied that there is a threat to the life, health or wellbeing of the persons receiving the services, or
 - (c) the provider has recently ceased to provide the services.
- (3) For the purposes of sub-paragraph (2)(a), a provider is to be regarded as being in serious financial difficulty if it notifies SCSWIS of an insolvency event under regulation 6A, 6B or 6C of the Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 ([S.S.I. 2011/210](#)).
- (4) As soon as practicable after receiving notification of such an insolvency event, SCSWIS is to inform—
- (a) any local authority and Health Board in whose areas the services are being provided,
 - (b) the Common Services Agency, and
 - (c) Healthcare Improvement Scotland,
- that such notification has been received.
- (5) For the purposes of being satisfied as to the threat described in sub-paragraph (2)(b)—
- (a) in a case where the proposed acquisition is by a local authority, it must consult—
 - (i) SCSWIS,
 - (ii) any other local authority in whose area the services are being provided,
 - (iii) any Health Board in whose area the services are being provided,
 - (iv) the Common Services Agency,
 - (v) Healthcare Improvement Scotland,
 - (vi) such other persons or bodies as it considers appropriate (if any),
 - (b) in a case where the proposed acquisition is by a health body, it must consult—
 - (i) SCSWIS,
 - (ii) any local authority in whose area the services are being provided,
 - (iii) any Health Board in whose area the services are being provided,
 - (iv) the Common Services Agency,
 - (v) Healthcare Improvement Scotland,

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(vi) such other persons or bodies as it considers appropriate (if any).