
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 25(5) of the Regulation of Care (Scotland) Act 2001 (“the Act”). It amends the minimum frequency within which the Scottish Commission for the Regulation of Care (“the Care Commission”) must carry out inspections of certain care services under the Act.

Section 25(3) and (5) of the Act provide for two inspection regimes. The first covers care home services, school care accommodation services, secure accommodation services and independent healthcare services which provide overnight accommodation registered under Part 1 or Part 2 of the Act. Under the first regime, the Care Commission must secure that those services are inspected (i) at least twice in the period of 12 months immediately following registration, and (ii) at least twice in each subsequent period of 12 months. At least one inspection in each of those two periods must be without prior notification.

The second regime applies to any other care service registered under Part 1 or 2 of the Act. Under the second regime, the Care Commission must inspect such a care service (i) at least once in the period of 12 months which immediately follows registration and, (ii) for subsequent periods after that, must ensure that no greater period than 12 months elapses before the care service is inspected again.

Article 2 of this Order amends the periods in the second regime. Both 12 month periods are extended as follows for the following care services (and so reducing the frequency within which the Care Commission must inspect those services):

- (a) to 36 months for housing support services provided by registered social landlords;
- (b) to 24 months for—
 - day care of children provided for children aged 3 years or over only;
 - child care agencies; and
 - nurse agencies.

The minimum periods for inspecting all other care services under the second regime remain at 12 months.