
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out requirements which must be complied with by providers of care services under Part 5 of the Public Services Reform (Scotland) Act 2010. A care service must be provided in accordance with the general principles set out in regulation 3. Regulation 4 imposes requirements on providers which relate to the welfare of service users. In accordance with regulation 5, the provider is required to prepare a personal plan for each service user setting out how the service user's health, welfare and safety needs will be met.

The Regulations specify persons who are not fit to provide (regulation 6), manage (regulation 7) or be employed in a care service (regulation 9). They also make provision as to fitness of premises (regulation 10) and fitness in relation to adult placement services (regulation 11). A provider of child minding is required by regulation 12 not to allow persons unfit to be in the proximity of children to live on the premises and requires notification to SCSWIS of certain changes to persons living at the premises.

Regulation 13 concerns the impact of a listing in the children's or adults' list in the Protection of Vulnerable Groups Act 2007. Regulation 14 makes provision as to the facilities required in care homes and regulation 15 concerns the staffing in care services.

Regulation 16 imposes a prohibition on any person having a financial interest in a care home from acting as a medical practitioner for any user of that service.

Regulation 17 makes provision as to the appointment of a manager of a care service and regulation 18 obliges a care service to establish and operate a complaints procedure. Regulation 19 provides that contravening or failing to comply with certain provisions of the Regulations is an offence. A person who commits an offence under these Regulations is liable on summary conviction to a fine not exceeding level 5 on the standard scale.