

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2011 No.**

**The Social Care and Social Work Improvement Scotland  
(Requirements for Care Services) Regulations 2011**

**Welfare of users**

4.—(1) A provider must—

- (a) make proper provision for the health, welfare and safety of service users;
- (b) provide services in a manner which respects the privacy and dignity of service users;
- (c) ensure that no service user is subject to restraint, unless it is the only practicable means of securing the welfare and safety of that or any other service user and there are exceptional circumstances; and
- (d) where necessary, have appropriate procedures for the prevention and control of infection.

(2) A provider of a care home service<sup>(1)</sup> must make such arrangements as are necessary for the provision to service users of adequate services from any health care professional.

(3) A provider of day care of children, child minding or a child care agency<sup>(2)</sup> must not administer, or permit any person employed in the provision of the service to administer, physical chastisement or punishment to any child who is looked after or cared for by the service.

(4) In this regulation, health care professional means—

- (a) a registered medical practitioner;
- (b) a registered dentist, or dental practitioner registered with the General Dental Council;
- (c) a registered pharmacist as defined in section 108(1) of the National Health Service (Scotland) Act 1978<sup>(3)</sup>;
- (d) an ophthalmic optician, as defined in section 108(1) of the National Health Service (Scotland) Act 1978 but excluding a body corporate enrolled in the list kept under section 9 of the Opticians Act 1989<sup>(4)</sup>;
- (e) a registered nurse, midwife or health visitor (being a person registered in the register maintained under article 5 of the Nursing and Midwifery Order 2001<sup>(5)</sup>);
- (f) a person who is registered as a member of a profession to which the Health Professions Order 2001<sup>(6)</sup> extends;
- (g) a registered chiropractor as defined in section 43 of the Chiropractors Act 1994<sup>(7)</sup>; or

---

(1) “Care home service” is defined in paragraph 2 of schedule 12 to the Act.

(2) “Day care of children”, “child minding” and “child care agency” are defined in paragraphs 13, 12, and 5 respectively of schedule 12 to the Act.

(3) 1978 c.29. Section 108 was amended by the European Qualifications (Health and Social Care Professions) Regulations S.I. 2007/3101.

(4) 1989 c.44.

(5) S.I. 2002/253, as amended by S.I. 2009/1182.

(6) S.I. 2002/254, as amended by the Health and Social Care (Community Health and Standards) Act 2003 (c.43), the Health Act 2006 c.28 and S.I. 2002/1124, 2003/3148, 2004/2033, 2004/1947, 2007/3101, 2009/1182 and 2010/233, and Health and Social Care (Community Health and Standards) Act 2003.

(7) 1994 c.17.

(h) a registered osteopath as defined in section 41 of the Osteopaths Act 1993<sup>(8)</sup>.

---

<sup>(8)</sup> 1993 c.21.