

**Social Care and Social Work Improvement Scotland
(SCSWIS)
(former Care Commission)**

Basics	Web site	http://www.scswis.com/
	Geographical coverage	Scotland
Constitutional Aspects	Legal Framework/Basis	<p>Public Services Reform (Scotland) Act 2010. Part 5 Ch 1 sec. 44 Created SCSWIS and Health Improvement Scotland (HIS) http://www.scswis.com/index.php?option=com_docman&task=cat_view&gid=291&Itemid=378 SCSWIS Provider Leaflet V2.pdf available at Site.</p> <p>The Care Commission and the Social Work Inspection Agency (SWIA) no longer exist and responsibility for their work has now passed to the SCSWIS (as of 1 April 2011). The Care Commission was dissolved under Sec 52 of the Public Services Reform (Scotland) Act 2010.</p>
	Independence	<p>Public Services Reform (Scotland) Act 2010 sec 44 Social Care and Social Work Improvement Scotland</p> <p>(2) SCSWIS must, in the exercise of its functions, act—</p> <p>(a) in accordance with any directions given to it by the Scottish Ministers, and</p> <p>(b) under the general guidance of the Scottish Ministers.</p> <p>(3) The Scottish Ministers may vary or revoke any direction given under subsection (2)(a).</p> <p>Therefore accountable to the Ministers of the Scottish government.</p>
	Financial Independence	Funded by the registration fees and continuation fees it charges and by Scottish Government.
Membership	Composition of body	<p>Composed of Board and Executive Team. The Chair of the SCSWIS Board and its nine members are appointed by Scottish Ministers and govern SCSWIS.</p> <p>The Chair of Healthcare Improvement Scotland, the Convener of the Scottish Social Services Council, also sits on the Board. The Board sets the strategic direction of SCSWIS, taking account of legislation and policy guidance from the Scottish Government. The Executive Team is responsible for carrying out the strategic leadership and management of SCSWIS. This involves managing priorities and the strategic use of resources needed to achieve these.</p>
	Appointment	No information
	Expertise	No information

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Visiting Mandate	Places of deprivation of liberty to be visited	<p>Web site: Regulates, inspects and supports improvement of care, social work and child protection services for the benefit of the people who use them. Regulates: local authorities, individuals, businesses, charities and voluntary organisations.</p> <p>Public Services Reform (Scotland) Act 2010 sec 53 Inspections:</p> <p>(1) SCSWIS may inspect—</p> <p>(a) any social service, (b) the organisation or co-ordination of any social services</p> <p>(4) An inspection under this section must be conducted in accordance with a plan—</p> <p>(a) prepared in accordance with Section 54, and (b) approved by the Scottish Ministers.</p> <p>Public Services Reform (Scotland) Act 2010 sec 54 Inspections under section 53: best regulatory practice</p> <p>(1) SCSWIS must prepare a plan for carrying out inspections in accordance with best regulatory practice.</p> <p>(2) The plan—</p> <p>(a) must set out arrangements for inspections to be so carried out (including inspections of those services subject to self evaluation), (b) may make different provision for different purposes.</p> <p>(3) For the purposes of subsection (1), “best regulatory practice” means practice under which (in particular) inspections should be carried out in a way that is transparent, accountable, proportionate and consistent</p> <p>Public Services Reform (Scotland) Act 2010 sec.55 Inspections at request of Scottish Ministers</p> <p>(1) SCSWIS must, at the request of the Scottish Ministers inspect—</p> <p>(a) any social service that they may specify (b) the organisation or co-ordination of any social services that they may specify.</p>
	Frequency of visits	Regular (no further information on web site)
	Types of visits	No information
	Private interviews	No information
	Access to information	Public Services Reform (Scotland) Act 2010

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		<p>Sec 51 Information and advice</p> <p>(1) SCSWIS must provide information to the public about the availability and quality of social services.</p> <p>Sec 53 (6) SCSWIS may at any time require a person providing any social service to supply it with any information relating to the service which it considers necessary or expedient to have for the purposes of its functions under this Part.</p>
	Publication of findings after visits	<p>Public Services Reform (Scotland) Act 2010 sec 57 Inspections: reports</p> <p>(1) Where an inspection under this Part has been completed, SCSWIS—</p> <p>(a) must prepare a report on the matters inspected, and (b) must without delay send a copy of that report to the person providing the service which has been inspected.</p> <p>(2) Before finalising the report, SCSWIS must give the person providing the service an opportunity of commenting on a draft of the report.</p> <p>(3) SCSWIS must make copies of the report available for inspection at its offices by any person at any reasonable time; and it must take such other steps as it considers appropriate for publicising the report.</p>
	Coordination of visits	No information found
Other Aspects of Mandate	Recommendations and suggestions for amendments to legislation	No information found
	Preventive activities	<p>May impose penalties: see Public Services Reform (Scotland) Act 2010 sec 62 Improvement notices: care services</p> <p>(1) SCSWIS may at any time give a notice (in this Part referred to as an “improvement notice”) to the person for the time being providing a care service registered under this Part that, unless within such reasonable period as may be specified in the notice, there is a significant improvement, of such a nature as may be so specified, in the provision of that service, SCSWIS intends—</p> <p>(a) in the case other than that mentioned in paragraph (b), to make a proposal under Section 64 to cancel the registration, or</p> <p>(b) in the case of a local authority providing an adoption service mentioned in para 8(1) (a) of schedule 12, a fostering service</p>

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		mentioned in para 9(a) or (c) of that schedule or any other care service registered under Chapter 4, to make a report to the Scottish Ministers under section 91.
Standards	Legal standards applied	<p>Public Services Reform (Scotland) Act 2010</p> <p>Sec 50 (1) The Scottish Ministers must prepare and publish standards and outcomes applicable to—</p> <p>(a) care services, (b) social work services.</p> <p>And, except in relation to adoption services,</p> <p>(4) any applicable standards and outcomes published under subsection (1) and the Scottish Social Services Council's codes of practice (that is to say, the codes of practice published by the Council under section 53 of Regulation of Care (Scotland) Act 2001 (asp 8)) must be taken into account</p> <p>National Care Standards to be observed- SCSWIS provider V2.pdf at http://www.scswis.com/index.php?option=com_docman&Itemid=713</p> <p>National Care Standards available at http://www.nationalcarestandards.org/</p>
Reports	Annual reports	<p>After inspections (see above).</p> <p>No mention of annual reports on http://www.scswis.com or in Public Services Reform (Scotland) Act 2010</p>