# EXECUTIVE NOTE

# DRAFT : THE PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010 (CONSEQUENTIAL MODIFICATIONS) ORDER 2011

The above instrument will, if approved, be made in exercise of the powers conferred on the Scottish Ministers by section 132 of the Public Services Reform (Scotland) Act 2010. The instrument is subject to affirmative resolution procedure.

## Policy Objectives

The purpose of the Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011 is to amend certain pieces of primary and secondary legislation in consequence of the coming into force of Parts 5, 6 and 8 of the Public Services Reform (Scotland) Act 2010 ("the Act") on 1 April 2011.

Part 5 of the Act establishes Social Care and Social Work Improvement ("SCSWIS") as the national scrutiny and improvement body for care services and social work services in Scotland. From 1 April 2011, SCSWIS will take on the functions of the existing scrutiny bodies; the Scottish Commission for the Regulation of Care ("the Care Commission") (except in relation to independent healthcare services) and the Social Work Inspection Agency ("SWIA").

Part 6 of the Act establishes Healthcare Improvement Scotland ("HIS") as the national scrutiny and improvement body for NHS services and independent healthcare services in Scotland. From 1 April 2011, HIS will take on the functions of the existing scrutiny bodies; NHS Quality Improvement Scotland ("NHS QIS") and the Care Commission (in relation to independent healthcare services).

Upon establishment of these new scrutiny bodies, the Care Commission, NHS QIS and SWIA will be dissolved.

Part 8 of the Act establishes a new regime of joint inspections. From 1 April 2011, SCSWIS will have lead responsibility for the joint inspection of all social services. At present, joint inspections are undertaken only in respect of children's services, with lead responsibility held by Her Majesty's Inspectorate of Education.

This Order amends a number of enactments to provide for the establishment of SCSWIS and HIS and the new regime of joint inspections. Schedule 1 makes modifications relevant to SCSWIS, Schedule 2 makes modifications relevant to HIS and Schedule 3 makes modifications relevant to joint inspections.

## Consultation

As these are technical/legal changes to legislative provisions no formal public consultation has been undertaken on this Order.

**Financial effects**

These consequential modifications are not expected to have any financial effects in themselves. The financial effects of the creation of the new bodies and the dissolutions which have necessitated this Order are covered in the Financial Memorandum accompanying the Bill.

**Scottish Government**
**Directorate of Health and Social Care Integration**
**February 2011**