Draft Order laid before the Scottish Parliament under section 104(2) of the Public Services Reform (Scotland) Act 2010, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

SOCIAL CARE

The Regulation of Care (Child Contact Services) (Scotland) Order 2025

Made - - - - 2025

Coming into force in accordance with article 1(2)

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 49(a) and 104(1) of the Public Services Reform (Scotland) Act 2010(**a**) and all other powers enabling them to do so.

In accordance with section 49 of that Act they have consulted with such persons (or groups of persons) as they consider appropriate.

In accordance with section 104(2) of that Act(**b**), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Regulation of Care (Child Contact Services) (Scotland) Order 2025.

(2) It comes into force—

(a) for the purpose of making subordinate legislation, as soon as it is made,

(b) for the purpose mentioned in paragraph (3), on the day after the day on which it is made, and

(c) for all other purposes, on 1 April 2027.

(3) The purpose referred to in paragraph (2)(b) is SCSWIS doing anything it considers necessary or expedient to give full effect to this Order on or after 1 April 2027.

(4) In this Order—

"the Act" means the Public Services Reform (Scotland) Act 2010,

"SCSWIS" means Social Care and Social Work Improvement Scotland, constituted under section 44 of the Act.

(**a**) 2010 asp 8.

(**b**) Section 104(2) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), and by the Health and Care (Staffing) (Scotland) Act 2019 (asp 6), section 13(1)(b). It will be modified by the Children (Care and Justice) (Scotland) Act 2024 (asp 5), section 27(3), but that provision is not yet in force.

Modification of the Public Services Reform (Scotland) Act 2010

2.—(1) The Act is modified as follows.

(2) In section 47(1) (care services), at the end, insert—

"(n) a child contact service.".

(3) In section 74 (conditions as to numbers)—

(a) in paragraph (d), at the end, omit "and", and

(b) after paragraph (e), insert—

", and

(f) in the case of a child contact service, limit the number of persons in respect of whom the service may facilitate contact.".

(4) In section 105(1) (interpretation of Part 5 of the Act), after the definition of "child care agency", insert—

""child contact service" has the meaning given by paragraph 19A of that schedule;".

(5) In schedule 12 (care services: definitions), after paragraph 19, insert—

"**19A.** A "child contact service" is a service which has as its sole or main purpose the facilitation of contact between a child and a person with whom the child is not, or will not be, living (including the handover of the child to that person); but the expression does not include a social work service.".

Transitional provision

3.—(1) Where immediately before 1 April 2027 a person was providing a child contact service, and continues to provide that service on that date—

(a) the service is treated for all purposes as if it had been registered under section 60(**a**) of the Act (grant or refusal of registration) at the beginning of that date, and

(b) the person is treated as if that person had been registered to provide the service.

(2) Subject to paragraph (3), the service ceases to be treated as registered by paragraph (1)—

(a) where the person providing the service has on or before 30 September 2027 applied for registration of the service under section 59 of the Act (registration of care services), at the end of the date on which the decision of SCSWIS to grant or refuse the application under section 60 of the Act takes effect, or

(b) in any other case, at the end of 30 September 2027.

(3) The service ceases to be treated as registered by paragraph (1) before the date mentioned in paragraph (2)(a) or, as the case may be, (b) when the first of the following occurs—

(a) a decision of SCSWIS to cancel the registration of the service under section 64 of the Act(**b**) (cancellation of registration) takes effect,

(b) a decision of SCSWIS to cancel the registration of the service on an application under section 70(1)(b) of the Act (application for cancellation) takes effect,

(c) the person ceases to provide the service,

(d) an order under section 65 of the Act (emergency cancellation of registration) takes effect (but see paragraph (4)).

(4) Paragraph (3)(d) does not apply if the order is—

(a) revoked under section 65(9)(b) of the Act(**c**), or

(**a**) Section 60 was amended by the Health and Care (Staffing) (Scotland) Act 2019 (asp 6), section 13(1)(a).

(**b**) Section 64 will be modified by the Care Reform (Scotland) Act 2025 (asp 9), section 22, but that provision is not yet in force.

(**c**) Section 65(9) is modified by the Courts Reform (Scotland) Act 2014 (asp 19), section 109.

(b) modified under section 65(9)(c) of the Act and the sheriff appeal court orders that paragraph (3)(d) is not to apply.

(5) The following provisions do not apply to a service treated as registered by paragraph (1) in relation to it being so treated—

(a) in the Act—

(i) section 60(4) and (5) (certificate of registration),

(ii) in section 70(4) (grant of applications under Chapter 3 of the Act in respect of conditions), the words "and issue a new certificate of registration",

(iii) section 73(1) and (2) (notice of SCSWIS's decision under Chapter 3 of the Act),

(iv) section 76(2)(b) (fees in respect of annual continuation of registration),

(v) section 101(2)(**a**) (definition of "manager" for giving of notice),

(b) in the Health and Care (Staffing) (Scotland) Act 2019(**b**), section 7(2)(c) (regard to be had to aims and objectives),

(c) in the Social Care and Social Work Improvement Scotland (Registration) Regulations 2011(**c**)—

(i) regulation 4 (records, notifications and returns),

(ii) regulation 5 (registers),

(d) in the Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011(**d**), regulation 17(2) (notification of appointment of manager).

(6) In its application to a service treated as registered by paragraph (1), regulation 10 of the Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 (fitness of premises) applies as if for its paragraph (2)(a) there were substituted—

"(a) are suitable for the provision of a child contact service;".

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

(**a**) Section 101 was substituted by the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), section 38(2).
(**b**) 2019 asp 6.
(**c**) S.S.I. 2011/28.
(**d**) S.S.I. 2011/210, to which there are amendments not relevant to this instrument.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Public Services Reform (Scotland) Act 2010 ("the Act") to add "child contact service" as a category of care services regulated by Social Care and Social Work Improvement Scotland (commonly known as the Care Inspectorate).

Article 2 makes amendments to Part 5 of the Act, including adding a definition of "child contact service" to schedule 12 of the Act.

Article 3 makes transitional provision for child contact services which are already operating when the Order comes fully into force on 1 April 2027. Such a service is temporarily deemed to have been registered by the Care Inspectorate at that time. The deeming will end if one of the events specified in article 3(3) occurs. Otherwise, if an application for registration is made to the Care Inspectorate in the 6 months following the Order coming fully into force, the deeming will continue until that application is determined. If no application is made during those 6 months, the deeming will end and the service will cease to be registered at the end of that period.

For services deemed to be registered during the transitional period mentioned above, article 3(5) disapplies technical provisions (in the Act and elsewhere) which would ordinarily depend on the service having gone through the registration process.

Article 1(2)(a) allows related regulations to be signed and laid at the same time as this Order. Article 1(2)(b) allows the Care Inspectorate to make preparations to give effect to this Order. Under article 1(2)(c) the Order comes fully into force on 1 April 2027.

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