

# **REGULATION OF CARE (SCOTLAND) ACT 2001**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on sections*

#### **Part 1: the Commission and Care Services**

#### **Improvement Notices**

##### *Section 10: Improvement notices*

56. This section gives the Commission the power to serve an improvement notice on a care service. Such a notice will specify the improvements required to bring a care service up to the standards required and the timescale for meeting these standards.
57. For services registered under Part 1, subsection (1)(a) provides for the Commission to warn that if the necessary improvements are not made within the time allowed the Commission intends to begin procedures under section 12 to cancel a service's registration. Subsection (1)(b) provides for the Commission to warn that if improvement notices served on local authority adoption and fostering services and other services registered under Part 2 are not complied with the Commission intends to make a report to Scottish Ministers under section 41.
58. There may be cases where a voluntary or private sector service commissioned by a local authority is essential to the fulfilment of a local authority duty. Local authorities ought to have warning of the possibility of the registration of such services being cancelled. Subsection (2) therefore provides that when an improvement notice is given to a non-local authority service, the local authority should be informed.
59. Improvement notices do not form part of the urgent cancellation procedure set out in section 18.