

JOINT INSPECTION OF CHILDREN'S SERVICES AND INSPECTION OF SOCIAL WORK SERVICES (SCOTLAND) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Children's Services

Section 1: Joint inspection of children's services

5. *Subsection (1) requires two or more of the persons or bodies specified in subsection (7), on being requested to do so by the Scottish Ministers, to conduct jointly an inspection of the provision of children's services. "Child" is defined in [section 7](#) to mean a person under the age of 18. "Children's services" are also defined in [section 7](#) to mean services provided predominantly to, or for the benefit of, children to which the provisions of section 15(1) of the [Local Government in Scotland Act 2003 \(asp 1\)](#) apply. Section 15(1) of that Act makes provision regarding community planning by local authorities. The services to which the community planning process may apply are all public services provided in the area of the local authority. These public services may be provided by public bodies or community bodies as defined in section 15(4) of that Act.*
6. *Subsections (2) and (3) enable the Scottish Ministers to specify the children's services to be jointly inspected by reference to the type of services, to the area in which they are provided (which can be the whole of Scotland or any part of Scotland) or to the child or children to whom they are provided.*
7. *Subsection (4) sets out the purposes of the joint inspection of children's services, namely to review and evaluate their effectiveness and to enable the joint inspection team to submit their report and recommendations to Scottish Ministers following an inspection.*
8. *Subsection (5) requires a joint inspection to be carried out to a timetable approved by, and in accordance with any directions issued by, Scottish Ministers. Such directions might include which person or body is to co-ordinate the arrangements for the joint inspection and the arrangements for the publication of the report.*
9. *Subsection (6) requires persons or bodies participating in a joint inspection to have regard to any code of practice prepared by Scottish Ministers giving practical and general advice and promoting desirable practices. Matters such as access to and the use and destruction of confidential information are examples of the kind of matter which might be dealt with in such a code.*
10. *Subsection (7) lists the persons and bodies which may be required to conduct a joint inspection in terms of a request from the Scottish Ministers under [section 1\(1\)](#). Subsection (7)(g) empowers Scottish Ministers by order to add other persons or bodies to the list.*