

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 3: Conduct of inspections

13. Subsection (1) provides for regulations to make provision as to the following:
 - (a) the production and sharing of information for the purposes of the joint inspection, including medical records (defined in section 7 to mean records relating to the physical or mental health of an individual);
 - (b) the giving to an authorised person (defined in subsection (3)) participating in a joint inspection of an explanation of the information produced;
 - (c) requiring that information, including personal information, which has been produced to an authorised person participating in a joint inspection, be shared and handled in accordance with prescribed conditions;
 - (d) empowering authorised persons participating in a joint inspection to enter premises for the purposes of the inspection;
 - (e) empowering authorised persons participating in a joint inspection holding specified types of information obtained in the course of the inspection to share that information with other prescribed persons; and
 - (f) creating criminal offences for failure to comply with the regulations, such offences being punishable on summary conviction by a fine not exceeding level 4 on the standard scale (currently £2,500).
14. Subsection (2) makes further provision regarding the use of confidential information which an authorised person participating in a joint inspection has obtained for the purposes of that inspection. Such information can not be used or disclosed other than for the purposes of the inspection unless disclosure is required to comply with an enactment or court order, to protect the welfare of a child or to prevent or detect crime.
15. *Subsection (3) provides as to who is an "authorised person" for the purpose of section 3 and therefore empowered to act in accordance with regulations made under subsection (1). "Authorised person" means an individual responsible for conducting an inspection under section 1 of the Act or, where a body has been required to conduct the inspection, an individual authorised by that body. It also includes an individual directed to participate in an inspection under section 2(1) of the Act or again where the direction was to a body, an individual authorised by that body.*