



Public Services Reform (Scotland) Act 2010

2010 asp 8

PART 8

SCRUTINY AND COMPLAINTS

Joint inspections

115 Joint inspections

- (1) Any two or more of the persons and bodies to which this section applies must, at the request of the Scottish Ministers, conduct an inspection (a “joint inspection”) in relation to the provision of—
 - (a) children's services,
 - (b) such other services as the Scottish Ministers may specify in respect of which such persons or bodies have inspection functions, or
 - (c) both.
- (2) The Scottish Ministers may specify purposes for any joint inspection.
- (3) The Scottish Ministers may request under subsection (1) that there be conducted a joint inspection of—
 - (a) any services concerned in the relevant area,
 - (b) such of the services concerned provided in the relevant area as they may specify, or
 - (c) such of the services concerned provided to a particular child or other person or particular children or other persons as they may specify.
- (4) In paragraphs (a) and (b) of subsection (3), the “relevant area” is the whole of Scotland or such part of Scotland as the Scottish Ministers specify in their request.
- (5) A joint inspection is to be conducted in accordance with—
 - (a) a timetable approved by the Scottish Ministers,
 - (b) any directions given by the Scottish Ministers.

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- (6) The persons and bodies to which this section applies are—
 Healthcare Improvement Scotland,
 [^{F1}Her Majesty's Inspectors of Constabulary appointed under section 71 of the Police and Fire Reform (Scotland) Act 2012 (asp 8),]
 Her Majesty's Chief Inspector of Prisons for Scotland,
 Her Majesty's Chief Inspector of Prosecution in Scotland,
 Her Majesty's inspectors of schools (that is to say, the inspectors of schools appointed by Her Majesty under the Education (Scotland) Act 1980 (c. 44)),
 Mental Welfare Commission for Scotland,
 [^{F2}Scottish Housing Regulator,]
 Social Care and Social Work Improvement Scotland,
 any Special Health Board.
- (7) Where, in the opinion of any person or body to whom this section applies, a joint inspection would be appropriate, it must bring that to the attention of the Scottish Ministers.
- (8) Those persons or bodies conducting a joint inspection must—
- (a) report to the Scottish Ministers and make any recommendations to them which those conducting the inspection think appropriate,
 - (b) have regard to any code of practice or practice note issued by the Scottish Ministers for the purpose of—
 - (i) giving practical and general guidance on matters relating to such an inspection (including, without prejudice to that generality, such matters as access to confidential information and the holding, sharing and destruction of such information),
 - (ii) promoting what appear to them to be desirable practices with regard to such matters.
- (9) Subsection (6) may be amended by the Scottish Ministers by order so as to—
- (a) add an entry to it, or
 - (b) remove any entry from it.
- (10) The Scottish Ministers may vary or revoke any direction given under this section.
- (11) For the purposes of subsection (8) of this section and [^{F3}sections 116A(4) and] 117(3), information is “confidential information” where—
- (a) the identity of an individual is ascertainable—
 - (i) from that information, or
 - (ii) from that information and other information which is in the possession of, or is likely to come into the possession of, the person holding that information, and
 - (b) the information was obtained or generated by a person who, in the circumstances, owed an obligation of confidence to that individual.
- (12) In this section, “children's services” [^{F4}is to be construed in accordance with section 7 of the Children and Young People (Scotland) Act 2014.]

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Textual Amendments

- F1** Words in s. 115(6) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 40\(3\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Words in s. 115(6) inserted (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), [Sch. 2 para. 15\(2\)](#); S.S.I. 2012/39, art. 2, [Sch. 1](#) (with [Sch. 2](#)) (as amended (1.4.2012) by S.S.I. 2012/91, art. 4)
- F3** Words in s. 115(11) substituted (22.9.2014) by [Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(asp 9\)](#), [ss. 56\(2\)](#), 72(2); S.S.I. 2014/231, art. 2
- F4** Words in s. 115(12) substituted (20.12.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [sch. 4 para. 11](#); S.S.I. 2016/410, art. 2(a)

Commencement Information

- I1** S. 115 in force at 1.10.2010 for specified purposes by S.S.I. 2010/321, art. 3, [Sch.](#)
- I2** S. 115 in force at 1.4.2011 in so far as not already in force by S.S.I. 2011/122, art. 2, [Sch.](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)