

## **EXECUTIVE NOTE**

### **DRAFT: THE JOINT INSPECTIONS (SCOTLAND) REGULATIONS 2006**

1. The above instrument is made in exercise of the powers conferred on the Scottish Ministers by sections 3(1) and 6(1) and (2) of the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Act 2006. The instrument is subject to draft affirmative procedure.

#### **POLICY OBJECTIVES**

2. The purpose of these regulations is to enable a Joint Inspection Team to work together and, in so doing, to share information, including personal information, in compliance with the Data Protection Act 1998 and human rights requirements.

3. The regulations set out the powers of the Joint Inspection Team to conduct a Joint Inspection. These powers build on existing legislation and ensure that the range of powers held by the Joint Inspection Team will replicate those held by other inspectorates when working individually. For example, the powers of entry and the creation of offences for non-compliance in these regulations replicate those held by Her Majesty's Inspectorate of Education under the Education (Scotland) Act 1980.

4. The important difference between the powers held by the Joint Inspection Team and single inspectorates is that these regulations empower the joint Inspection Team to work together and, in so doing, to handle and share information both within the Joint Inspection Team and with other inspectorates where, and if, it is relevant to their specific functions. The regulations require that personal information, including confidential health information, must be handled in compliance with data protection human rights rules.

5. These regulations are supported by a Code of Practice that is developed for the specific purpose of the Joint Inspection. In the first instance, the Code of Practice will cover the conduct of Joint Inspections of Child Protection Services. Over time, a further Code of Practice will be developed for the Joint Inspection of wider children's services and, possibly, for other specific aspects of services for children.

#### **CONSULTATION**

6. Draft regulations and the draft Code of Practice were issued in October 2005 to key stakeholders, including the Education Committee. Following Stage 3 of the Bill's parliamentary progress, the draft regulations were issued again and detailed comments were sought for the draft Code of Practice.

#### **FINANCIAL IMPLICATIONS**

7. There are no additional financial implications arising from these regulations that were not anticipated when budgets were allocated for the Joint Inspection of Children's Services for the period 2005-2008.

Scottish Executive Education Department  
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