

**2011 No. 27**

**SOCIAL CARE**

**The Social Care and Social Work Improvement Scotland (Fees)  
Order 2011**

*Made* - - - - *20th January 2011*  
*Laid before the Scottish Parliament* *24th January 2011*  
*Coming into force* - - *1st April 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 76 of the Public Services Reform (Scotland) Act 2010(a), and all other powers enabling them to do so.

In accordance with section 76(1) of that Act they have consulted such persons, or groups of persons, as they consider appropriate.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Social Care and Social Work Improvement Scotland (Fees) Order 2011 and comes into force on 1st April 2011.

(2) In this Order—

“the Act” means the Public Services Reform (Scotland) Act 2010;

“care at home service” means a support service(b) which provides personal care or personal support(c) to a person (“the recipient”) within the recipient’s home;

“day care service” means a support service which is not a care at home service;

“large school care accommodation service” means a school care accommodation service(d) which provides residential accommodation to more than 100 pupils;

“medium adoption service” means an adoption service(e) which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

“medium adult placement service” means an adult placement service(f) which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

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(a) 2010 asp 8. See section 105(1) for the definition of “prescribed”.  
(b) “support service” is defined in paragraph 1 of schedule 12 to the Public Services Reform (Scotland) Act 2010 (asp 8), (“the 2010 Act”).  
(c) “personal care” and “personal support” are defined in paragraph 20 of schedule 12 to the 2010 Act.  
(d) “school care accommodation service” is defined in paragraph 3 of schedule 12 to the 2010 Act.  
(e) “adoption service” is defined in paragraph 8 of schedule 12 to the 2010 Act.  
(f) “adult placement service” is defined in paragraph 11 of schedule 12 to the 2010 Act.

“medium care at home service” means a care at home service which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

“medium fostering service” means a fostering service(a) which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

“medium housing support service” means a housing support service(b) which employs more than three whole-time equivalent persons but does not employ more than fifteen whole-time equivalent persons to provide and manage the service;

“medium school care accommodation service” means a school care accommodation service which provides residential accommodation to more than 40 pupils but not more than 100;

“other adoption service” means an adoption service which is neither a small adoption service nor a medium adoption service;

“other adult placement service” means an adult placement service which is neither a small adult placement service nor a medium adult placement service;

“other care at home service” means a care at home service which is neither a small care at home service nor a medium care at home service;

“other child care agency” means a child care agency(c) which is not a small child care agency;

“other day care of children” means day care of children(d) which is not small day care of children;

“other day care service” means a day care service which is not a small day care service;

“other fostering service” means a fostering service which is neither a small fostering service nor a medium fostering service;

“other housing support service” means a housing support service which is neither a small housing support service nor a medium housing support service;

“other limited registration service” means a limited registration service(e) which is not a small limited registration service;

“SCSWIS” means Social Care and Social Work Improvement Scotland(f);

“small adoption service” means an adoption service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small adult placement service” means an adult placement service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small care at home service” means a care at home service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small child care agency” means a child care agency which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small day care of children” means day care of children which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small day care service” means a day care service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small fostering service” means a fostering service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small housing support service” means a housing support service which does not employ more than three whole-time equivalent persons to provide and manage the service;

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- (a) “fostering service” is defined in paragraph 9 of schedule 12 to the 2010 Act.  
(b) “housing support service” is defined in paragraph 19 of schedule 12 to the 2010 Act.  
(c) “child care agency” is defined in paragraph 5 of schedule 12 to the 2010 Act.  
(d) “day care of children” is defined in paragraph 13 of schedule 12 to the 2010 Act.  
(e) “limited registration service” is defined in section 61 of the 2010 Act.  
(f) Social Care and Social Work Improvement Scotland is established under section 44 of the 2010 Act.

“small limited registration service” means a limited registration service which does not employ more than three whole-time equivalent persons to provide and manage the service;

“small school care accommodation service” means a school care accommodation service which provides residential accommodation to no more than 40 pupils;

where a fee is expressed to be payable “per place”, the total fee payable in respect of a particular care service shall be the sum shown multiplied by the maximum number of persons to whom the care service may be provided in accordance with any condition for the time being in force in relation to registration of that care service under the Act.

(3) In this Order, references to employing a person include employing a person who works under a contract of service or a contract for services.

### **Maximum fees**

2. For each of the services listed in column 1 of the Schedule, the maximum fee which may be imposed by SCSWIS in respect of—

- (a) any application for registration under Chapter 3 (care services) or Chapter 4 (local authority adoption and fostering services etc.) of Part 5 of the Act is that shown in column 2 of the Schedule;
- (b) the annual continuation of such registration is that shown in column 3 of the Schedule;
- (c) any application made for the variation or removal of a condition for the time being in force in relation to any such registration is that shown in column 4 of the Schedule; and
- (d) any application for cancellation of any registration under Chapter 3 of Part 5, is that shown in column 5 of the Schedule.

### **Fees for new certificates**

3. For each of the services listed in column 1 of the Schedule, the maximum fee which may be imposed by SCSWIS in respect of issuing a new certificate of registration under section 76(2)(d) of the Act is £77.

St Andrew’s House,  
Edinburgh  
20th January 2011

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Service</i>	<i>Application for Registration</i>	<i>Annual Continuation</i>	<i>Variation or Removal of Condition</i>	<i>Cancellation of Registration</i>
	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>
Small day care service	1711	856	174	174
Other day care service	3422	1711	174	174
Small care at home service	1261	676	328	328
Medium care at home service	2050	1476	328	328
Other care at home service	2798	2255	328	328
Care home service(a)	3907	165 per place	328	328
Small school care accommodation service	4340	3472	328	328
Medium school care accommodation service	5952	4960	328	328
Large school care accommodation service	8841	7688	328	328
Nurse agency(b)	1399	699	174	174
Small child care agency	1087	676	328	328
Other child care agency	2624	2255	328	328
Secure accommodation service(c)	5544	221 per place	328	328
Offender accommodation service(d)	4510	180 per place	328	328
Small adoption service	2112	1250	328	328
Medium adoption service	3516	3126	328	328

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- (a) “care home service” is defined in paragraph 2 of schedule 12 to the 2010 Act.  
 (b) “nurse agency” is defined in paragraph 4 of schedule 12 to the 2010 Act.  
 (c) “secure accommodation service” is defined in paragraph 6 of schedule 12 to the 2010 Act.  
 (d) “offender accommodation service” is defined in paragraph 7 of schedule 12 to the 2010 Act.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Service</i>	<i>Application for Registration</i>	<i>Annual Continuation</i>	<i>Variation or Removal of Condition</i>	<i>Cancellation of Registration</i>
	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>
Other adoption service	4449	4372	328	328
Small fostering service	2112	1251	328	328
Medium fostering service	3516	3126	328	328
Other fostering service	4449	4372	328	328
Small housing support service	1261	676	328	328
Medium housing support service	2050	1476	328	328
Other housing support service	2798	2255	328	328
Small limited registration service	1087	676	328	328
Other limited registration service	2183	1804	328	328
Child minding(a)	28	17	5	5
Small day care of children	28	17	5	5
Other day care of children	220	165	50	50
Small adult placement service	2112	1250	328	328
Medium adult placement service	3516	3126	328	328
Other adult placement service	4449	4372	328	328

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(a) "child minding" is defined in paragraph 12 of schedule 12 to the 2010 Act.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order prescribes the maximum fees which may be imposed by Social Care and Social Work Improvement Scotland in respect of applications for registration or for cancellation of registration of a care service, the annual continuation of any such registration, and applications for the variation or removal of a condition of registration under the Public Services Reform (Scotland) Act 2010 (article 2 and the Schedule).

It also prescribes the maximum fee for registration or for cancellation of registration of a limited registration service; the annual continuation of any such registration, and applications for variation or removal of a condition of registration (article 2 and the Schedule).

Article 3 prescribes the maximum fee for issuing a new certificate of registration.

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