



CORONAVIRUS (SCOTLAND)(NO.2) BILL

Summary of Provisions Affecting the Care Inspectorate

1. Emergency power to direct care home services during the coronavirus pandemic

- Health boards given power to direct care home providers to take steps to reduce the health risk of people at the care home (for example, by requiring specified cleaning to take place).
- If the provider does not comply, the health board may take entry to the care home (with a warrant from the court if entry is refused) and take the necessary steps itself.

2. Care homes: emergency intervention orders

- Scottish Ministers can apply to court for an emergency intervention order in respect of a care home service.
- The order will authorise them to nominate an officer to enter the care home, direct the provision of the care home service and do anything necessary to ensure the service is provided to an appropriate standard.
- If essential to prevent a serious risk to the life or health of persons at the care home, Ministers can exercise this power provided they make the court application within the following 24 hours.

3. Power of local authorities and health bodies to purchase distressed care home or care at home service provider

- A local authority or health body may acquire (by agreement), a provider of a care home service, care at home service, or any assets or liabilities of such a provider.
- This can happen if, the provider is in serious financial difficulty, the local authority or health body is satisfied there is a threat to the life, health or wellbeing of service users or the provider has recently ceased to provide the service.

4. Duties of the Care Inspectorate

- The Care Inspectorate must lay a report before Parliament every two weeks, setting out:
 - (a) which care home services it inspected during those two weeks
 - (b) the findings of those inspections.

5. Reporting on coronavirus deaths in care homes

- Care home providers must report daily to the Care Inspectorate on:
 - (a) the number of deaths of residents from coronavirus
 - (b) the number of deaths of residents suspected to be attributable to coronavirus
 - (c) the total number of deaths irrespective of whether they are attributable to coronavirus.
- The Care Inspectorate must report the information back to Scottish Ministers every seven days.

6. Giving of Notice

- Formal notices issued by the Care Inspectorate to providers, can now be transmitted electronically.
- Notices are taken to have been received on the day of transmission unless the contrary is shown.