

CARE STANDARDS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part IV: Social Care Workers

Preliminary

Section 54 and Schedule 1: Care Councils

145. *Section 54* establishes the GSCC for England and the CCW for Wales. The constitution of the Councils is set out in *Schedule 1*, which as indicated in paragraph 43 of these notes is a combined schedule setting out the arrangements for the National Care Standards Commission in England in addition to both of the Councils. The following points in Schedule 1 are of particular note with respect to the Councils:
146. *Paragraph 3: General powers.* This paragraph gives the Councils general powers, which may be subject to direction by the appropriate Minister. These include an express power for the Councils to co-operate with other public authorities in the United Kingdom. If the Councils are to undertake their functions properly and protect the public the English and Welsh Councils must be able to co-operate with each other, and also with equivalent bodies that might be established in Scotland and Northern Ireland. The sort of area in which the Councils would be expected to co-operate would be in exchanging information about people who had been refused registration, removed from a register or allowed qualified registration. Co-operation will be especially important where a person dealt with by one Council moves to another part of the UK. The power to co-operate with other public authorities will also give the Councils scope to co-operate with public regulatory bodies on other fields, such as the United Kingdom Central Council for Nursing, Midwifery and Health Visiting (the UKCC), where this can further the performance of their functions.
147. *Paragraph 5: Membership* The appropriate Minister will appoint the Chairman and members of each Council. In England, for example, it is intended that the GSCC will be only as big as is needed to secure the cost-effective discharge of its business, and is unlikely to exceed 25 people. The intention is that the Council will be composed of people representing all the key interests. Members will be appointed so that service users and lay members will be the majority of the Council. Appointments will be made after consultation with service user interests and by inviting applications from members of the public.
148. *Paragraph 7: Remuneration and allowances.* Remuneration and allowances for each Council will be matters for the appropriate Minister. For the GSCC, for example, it is intended to remunerate the chairman only. All members will be entitled to travel expenses and other costs associated with membership of the Council. It is not intended to make provision for pensions for the chairman or members of the Council.
149. *Paragraph 8: Chief officer.* The appropriate Minister will appoint the first chief officer of each of the Councils as this post will be filled ahead of the organisations being fully established to allow the first chief officers to assist their Chairmen with preparatory

work including appointments of key staff. The Councils will appoint future chief officers themselves.

150. *Paragraph 13: Delegation of functions.* This gives the Council flexibility to discharge its business in the most efficient way, through the Council itself, its staff or others brought in for the purpose. Examples of outside assistance the Council might use are contracting with suitable outside bodies, using consultants or temporary staff on fixed term contracts depending on the work to be done. *Paragraph 14 (Arrangements for the use of staff)*, enables the Council to make arrangements with other bodies for use of their staff and *vice versa*.
151. *Paragraph 16: Payments to authorities.* The appropriate Minister can fund each Council from public money. Both Councils will be funded wholly through this route initially, although in time it is intended that once the registers of social care staff are established fees from registration will contribute to the cost of the registration function, taking into account a suitable registration fee to charge a generally low paid workforce.

Section 55 Interpretation

152. This section introduces terms used in this part of the Act. It provides a definition of “social care worker” for the purposes of the Councils, and allows for regulations to be made to include certain other classes of persons in this description. Social care worker is used as a generic term encompassing the majority of people who are employed in social care work.
153. The section also defines “relevant social work”, introduces the term social worker and provides a definition of a day centre. (See also notes on Part II – Registration).