

CARE STANDARDS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part IV: Social Care Workers

Miscellaneous and supplemental

Section 68: Appeals to the Tribunal

172. This section gives individuals the right of appeal to an independent Tribunal, defined in *section 121(1)* as the Tribunal established under the Protection of Children Act 1999. Individuals will have a right of appeal against decisions by the Council, in respect of registration, (for example, a decision not to register them or to remove them from the register). Such decisions could affect an individual's ability to secure employment so access to an independent tribunal is essential.

Section 69: Publication etc of the register

173. *Section 69* requires the Council to make its register publicly available. It is intended that the Council will make the register available on the Internet and will also publish it in hard copy annually.

Section 70 Abolition of CCETSW

174. *Section 70* abolishes CCETSW in relation to England and Wales. It enables a scheme to be made under an Order in Council to make provision in consequence of CCETSW ceasing to exercise functions in relation to a part of the United Kingdom. The scheme may provide for the transfer of staff and for disposing of the assets and liabilities of CCETSW. Scotland and Northern Ireland will legislate separately to set up new arrangements for dealing with the functions of CCETSW in those countries.

Section 71 Rules

175. This section refers to the power of the Council to make rules about the issues in Part IV of the Act, allowing the Council flexibility in how far any particular rule may extend. For example, rules may be made in relation to all cases to which a power to make rules extends, or in relation to cases that are specified in the rules. *Subsections (2) and (3)* concern rules about the charging of fees in connection with the Council's functions. For example, fees may be charged for registration, approval of courses, provision of training or providing codes of practice or copies of or extracts from the register. *Subsection (4)* provides that all rules made by the Council under this Part are subject to the approval of the appropriate Minister.