



Health and Social Care Act 2012

2012 CHAPTER 7

PART 7

REGULATION OF HEALTH AND SOCIAL CARE WORKERS

Orders under section 60 of the Health Act 1999

209 Power to regulate social workers etc. in England

- (1) Section 60 of the Health Act 1999 (regulation of health care professions etc.) is amended as follows.
- (2) In subsection (1), after paragraph (b) insert—
 - “(ba) regulating the social work profession in England,
 - (bb) modifying the regulation of the social work profession in England, so far as appears to Her to be necessary or expedient for the purpose of securing or improving the regulation of the profession or the services which it provides or to which it contributes,”.
- (3) In that subsection, after paragraph (bb) insert—
 - “(bc) regulating social care workers in England who appear to Her to require regulation in pursuance of this section,
 - (bd) modifying the regulation of social care workers in England, so far as appears to Her to be necessary or expedient for the purpose of securing or improving their regulation or the services which they provide or to which they contribute,”.
- (4) In subsection (2), at the end of each of paragraphs (c) and (d), insert “(other than the social work profession in England)”.
- (5) After that subsection insert—

“(2ZA) In subsections (1) and (2), “the social work profession in England” means the profession engaged in social work in England; and for the purposes of

Status: This is the original version (as it was originally enacted).

this section, “social work in England” means social work which is required in connection with any health, education or social services provided in England.”

(6) After subsection (2ZA) insert—

“(2ZB) In subsection (1)(bc) and (bd), “social care workers in England” means persons who are engaged in social care work in England.

(2ZC) For that purpose, “social care work in England” means work (other than social work in England) that is of any of the following descriptions—

- (a) employment at a children’s home, care home or residential family centre in England,
- (b) management of a home or centre of a kind mentioned in paragraph (a),
- (c) employment for the purposes of a domiciliary care agency, fostering agency, voluntary adoption agency or adoption support agency, in so far as the agency provides services to persons in England,
- (d) management of an agency of a kind mentioned in paragraph (c),
- (e) work for the purposes of the social services functions of a local authority whose area is in England,
- (f) the provision in England of services similar to services which may or must be provided by a local authority in the exercise of its social services functions,
- (g) the provision of personal care for persons in England,
- (h) employment (in an undertaking other than an establishment or agency) which consists of or includes supplying, or providing services for the purpose of supplying, persons to provide personal care for persons in England,
- (i) management of an undertaking of the kind mentioned in paragraph (h),
- (j) employment in connection with the discharge of functions of the Secretary of State under section 80 of the Children Act 1989 (inspection of children’s homes),
- (k) employment as a member of staff of the Office for Standards in Education, Children’s Services and Skills who inspects premises under—
 - (i) section 87 of the Children Act 1989 (welfare of children accommodated in independent schools and colleges),
 - (ii) section 31 of the Care Standards Act 2000 (inspections by persons authorised by registration authority), or
 - (iii) section 139 of the Education and Inspections Act 2006 (inspection by Chief Inspector),
- (l) employment as a member of staff of the Care Quality Commission who, under Part 1 of the Health and Social Care Act 2008, inspects premises used for or in connection with the provision of social care (within the meaning of that Part),
- (m) management of staff mentioned in paragraph (k) or (l),
- (n) employment at a day centre in England,
- (o) participation in a course approved by the Health and Care Professions Council under article 15 of the Health and Social Work Professions Order 2001 for persons wishing to engage in the social work profession in England.”

(7) After subsection (2ZC) insert—

“(2ZD) An expression used in subsection (2ZC) and in section 55 of the Care Standards Act 2000 has the same meaning in that subsection as it has in that section.”

(8) After subsection (2ZD) insert—

“(2ZE) The exercise of functions of an approved mental health professional by a member of a profession to which subsection (2) applies is not to be regarded as social work of the kind engaged in by the social work profession in England.”

(9) After subsection (2ZE) insert—

“(2ZF) In this section, “approved mental health professional” has the meaning given in section 114 of the Mental Health Act 1983.”

(10) For the title to section 60 of the Health Act 1999 substitute “Regulation of health professions, social workers, other care workers etc.”.

(11) In section 60A of that Act (standard of proof in fitness to practise proceedings), in subsection (2), for “a person’s fitness to practise a profession to which section 60(2) applies” substitute “a matter specified in subsection (2A)”.

(12) After that subsection insert—

“(2A) The matters are—

- (a) a person’s fitness to practise a profession to which section 60(2) applies;
- (b) a person’s fitness to practise the social work profession in England (within the meaning given by section 60);
- (c) a person’s suitability to remain registered as a social care worker in England (within the meaning given by that section).”

(13) In subsection (3) of that section, at the end insert “or the social work profession in England (within the meaning given in section 60(2ZA))”.