



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

211 Orders regulating social care workers in England: further provision

(1) Schedule 3 to the Health Act 1999 (further provision as to power to make Orders in Council under section 60 of that Act) is amended as follows.

(2) After paragraph 1 (matters generally within the scope of the Orders) insert—

“1A An Order may make provision, in relation to any social care workers in England, for any of the following matters (among others)—

- (a) the establishment and continuance of a regulatory body,
- (b) the functions of the Health and Care Professions Council or of another regulatory body,
- (c) keeping registers of social care workers in England of any description,
- (d) privileges of registered persons,
- (e) education and training,
- (f) standards of conduct and performance,
- (g) discipline,
- (h) removal or suspension from registration or the imposition of conditions on registration,
- (i) investigation and enforcement by or on behalf of the Health and Care Professions Council or another regulatory body,
- (j) appeals,
- (k) default powers exercisable by a person other than the Health and Care Professions Council or another regulatory body.”

Status: This is the original version (as it was originally enacted).

(3) After paragraph 1A insert—

“1B The provision that may be made by virtue of paragraph 1(e) or 1A(f) includes provision for standards of conduct and performance of members of a profession, or social care workers in England, carrying out the functions of an approved mental health professional.”

(4) In paragraph 7 (prohibition on Orders abolishing regulatory bodies), in sub-paragraph (1), for paragraph (c) substitute—

“(c) the Health and Care Professions Council.”

(5) In paragraph 8 (matters outside the scope of the Orders), after sub-paragraph (2) insert—

“(2ZA) Where an enactment provides for any function mentioned in sub-paragraph (2ZB) to be exercised by the Health and Care Professions Council or another regulatory body, or any of its committees or officers, an Order may not provide for any person other than that body or any of its committees or officers to exercise that function.

(2ZB) The functions are—

- (a) keeping the registers of social care workers in England of any description,
- (b) determining standards of education and training required as a condition of registration,
- (c) giving advice about standards of conduct and performance.”

(6) In paragraph 9 (preliminary procedure for making Orders), in sub-paragraph (1)(b)—

- (a) after “represent any profession” insert “or any social care workers in England”, and
- (b) after “by any profession” insert “or any social care workers in England”.

(7) In paragraph 10 (interpretation)—

- (a) at the appropriate place insert the following—
 - ““social care work in England”, “social care workers in England” and “the social work profession in England” have the meaning given by section 60,”, and
- (b) in the definition of “regulatory body”—
 - (i) after “any profession” insert “or any social care workers in England”, and
 - (ii) after “the profession” insert “or the social care workers in England concerned”.

(8) In paragraph 11 (application), after sub-paragraph (2) insert—

“(2A) References in section 60 and this Schedule to regulation, in relation to social care workers in England, include—

- (a) the regulation of persons seeking to be registered or who were, but are no longer, allowed to be registered as social care workers in England,
- (b) the regulation of activities carried on by persons who are not social care workers in England (or members of the social work profession

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in England) but which are carried on in connection with social care work in England.”