



Health and Social Care Act 2012

2012 CHAPTER 7

PART 7

REGULATION OF HEALTH AND SOCIAL CARE WORKERS

The Professional Standards Authority for Health and Social Care

223 Functions of the Authority

- (1) In section 25 of the National Health Service Reform and Health Care Professions Act 2002 (the Professional Standards Authority), in subsection (2)(a), for “patients” substitute “users of health care, users of social care in England, users of social work services in England”.
- (2) In subsection (2A) of that section, for “patients” substitute “users of health care, users of social care in England, users of social work services in England”.
- (3) In section 26A of that Act (powers of Secretary of State etc. to request the Authority for advice), after subsection (1) insert—

“(1A) The Secretary of State may request the Authority for advice on any matter connected with the social work profession, or social care workers, in England; and the Authority must comply with such a request.”
- (4) After subsection (2) of that section insert—

“(2A) A person to whom the Authority gives advice, or for whom it investigates and reports on a matter, under this section must pay such fee as the Authority determines; and the fee may be charged by reference to the advice or the investigation and report concerned or on a periodic basis.”
- (5) In subsection (3) of that section, after “this section” insert “—
health care profession” means a profession (whether or not regulated by or by virtue of any enactment) which is concerned (wholly or partly) with the physical or mental health of individuals; and”.

Status: This is the original version (as it was originally enacted).

- (6) In section 26B of that Act (duty to inform and consult the public), in subsection (4) (b), for “patients” substitute “users of health care, users of social care in England or users of social work services in England”.
- (7) In section 27 of that Act (the Authority and regulatory bodies), in subsections (5) and (13), for “Secretary of State” substitute “Privy Council”.
- (8) In subsection (7) of that section—
 - (a) for “Secretary of State” substitute “Privy Council”, and
 - (b) in paragraph (a), omit “he or”.
- (9) In section 29 of that Act (reference of disciplinary cases to court by the Authority), in subsection (5), after “subsection (4)” insert “(subject to subsection (5A))”.
- (10) After subsection (5) of that section insert—

“(5A) In the case of a social worker in England, the “relevant court” means the High Court of Justice in England and Wales.”
- (11) In section 38 of that Act (regulations and orders), in subsection (2), omit “27”.
- (12) In subsection (3) of that section, for “the Secretary of State” substitute “the Privy Council”.
- (13) After subsection (3D) of that section (inserted by section 224(3)) insert—

“(3E) A statutory instrument containing regulations made by the Privy Council under section 27 is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (14) In paragraph 16 of Schedule 7 to that Act (reports and other information), in subparagraph (1A)(a) for “patients” substitute “users of health care, users of social care in England, users of social work services in England”.