Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 4

SOCIAL CARE WORKERS

Meaning of "social care worker" etc.

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(1) In Parts 3 to 8 of this Act "social care worker" means a person who—

(a) engages in relevant social work (referred to in those Parts as a "social worker");

(b) manages a place at or from which a regulated service is provided;

(c) in the course of his or her employment with a service provider, provides care and support to any person in Wales in connection with a regulated service provided by that provider;

(d) under a contract for services, provides care and support to any person in Wales in connection with a regulated service provided by a service provider.

(2) The Welsh Ministers may by regulations—

(a) except persons of a specified description from the definition of social care worker in subsection (1);

(b) provide that persons of any of the descriptions in subsection (3), or categories of person falling within any of those descriptions, are to be treated as social care workers.

(3) The descriptions of person are—

(a) a person designated under Chapter 2 of Part 1 (registration etc. of service providers) as a responsible individual in respect of a place at, from or in relation to which a regulated service is provided;

(b) a person engaged in work for the purposes of a local authority's social services functions (within the meaning of the 2014 Act), or in the provision of services similar to services which may or must be provided by local authorities in the exercise of those functions;

(c) a person providing care and support which would, but for paragraph 8(2)(a) of Schedule 1, constitute the provision of a domiciliary support service;

(d) a person registered under Part 2 of the Children and Families (Wales) Measure 2010 (nawm 1) as—

(i) a child minder, or

(ii) a provider of day care for children;

(e) a person who manages, or is employed in, an undertaking carrying on an employment business (within the meaning of section 13 of the Employment Agencies Act 1973 (c.35)) which supplies persons to provide care and support to any person in Wales;

(f) a person who manages, or is employed in, an undertaking carrying on an employment agency (within the meaning of the section mentioned in paragraph (e)) which provides services for the purpose of supplying persons to provide care and support to any person in Wales;

(g) a person undertaking a course approved by SCW under section 114 (courses for persons who are or wish to become social care workers);

(h) an inspector carrying out inspections of regulated services on behalf of the Welsh Ministers under Chapter 3 of Part 1 of this Act (information and inspections);

(i) an inspector carrying out inspections under section 161 of the 2014 Act (inspections in connection with local authority social services functions);

(j) a person employed in connection with the discharge of the functions of the Welsh Ministers under section 80 of the Children Act 1989 (c.41) (inspection of children's homes etc.);

(k) staff of the Welsh Government who inspect premises under—

(i) section 87 of the Children Act 1989 (welfare of children accommodated in independent schools and colleges), or

(ii) section 40 of the Children and Families (Wales) Measure 2010 (inspection of child minding and day care in Wales);

(l) a person who manages staff mentioned in paragraph (j) or (k).

(4) For the purposes of Parts 3 to 8 of this Act "relevant social work" means social work which is required in connection with any health, education or social services provided in Wales.

(5) See section 2 for the meaning of "regulated service" and section 3 for the meaning of "service provider" and "care and support".