



# Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

## PART 5

SOCIAL CARE WORKERS: STANDARDS OF CONDUCT, EDUCATION ETC.

### 112 Codes of practice

- (1) SCW must prepare and from time to time publish codes of practice setting—
  - (a) standards of conduct and practice expected of social care workers;
  - (b) standards of conduct and practice expected of persons employing or seeking to employ social care workers.
- (2) The codes may make different provision in respect of different categories of social care worker.
- (3) The codes may also set standards of conduct and practice expected of social workers when carrying out the functions of an approved mental health professional (within the meaning of section 114 of the [Mental Health Act 1983 \(c.20\)](#)).
- (4) SCW must—
  - (a) keep the codes under review, and
  - (b) vary their provisions whenever it thinks it appropriate to do so.
- (5) Where a person registered in any part of the register is alleged to have failed to comply with any standard contained in a code made under this section, that failure—
  - (a) is not, of itself, to be taken to constitute deficient performance as a social care worker or serious misconduct for the purposes of section 117 (fitness to practise), but
  - (b) may be taken into account in proceedings under this Act which relate to the person's fitness to practise.

- (6) A local authority making any decision about the conduct of any social care workers it employs must, if directed to do so by the Welsh Ministers, take into account any code published by SCW under this section.

### **113 Continuing professional development**

- (1) SCW may make rules requiring persons registered in any part of the register to undertake further training.
- (2) The rules may, in particular, make provision with respect to persons who fail to comply with any requirements of rules made by SCW under subsection (1), including provision for referrals to a fitness to practise panel.
- (3) Subsection (1), so far as relating to a person (“P”) who is registered as a social worker only in the visiting European part of the register, has effect subject to subsection (4).
- (4) Rules made under subsection (1)—
- (a) may not impose requirements on P if P is required to undertake, in P’s home State, further training in relation to the profession of social worker, but
  - (b) where they impose requirements on P—
    - (i) must take into account of the fact that P is a fully qualified social worker in P’s home State, and
    - (ii) must specify that training which P is required to undertake may be undertaken outside the United Kingdom.
- (5) In subsection (4) “home State”, in relation to P, means the relevant European State in which P is lawfully established as a social worker.

### **114 Approval of courses etc.**

- (1) SCW may, in accordance with rules made by it—
- (a) approve courses in relevant social work for persons who are or wish to become registered in the social worker part of the register;
  - (b) approve courses in the work practised by persons registered in an added part of the register for persons who are or wish to become registered in that part of the register;
  - (c) approve courses in the work practised by persons who are or wish to become social care workers of a description which is not specified in or under section 80(1).
- (2) An approval given under this section may be subject to such conditions as SCW thinks appropriate.
- (3) Rules made by virtue of this section may, in particular, make provision—
- (a) about the content of, and methods of completing, courses;
  - (b) as to the provision of information to SCW about courses;
  - (c) as to the persons who may undertake courses, or parts of courses specified in the rules;
  - (d) as to the numbers of persons who may undertake courses;
  - (e) for the award by SCW of certificates of the successful completion of courses;
  - (f) about the lapse and renewal of approvals;

- (g) about the withdrawal of approvals.
- (4) SCW may—
  - (a) conduct, or make arrangements for the conduct of, examinations in connection with such courses as are mentioned in this section or section 116;
  - (b) carry out, or assist other persons in carrying out, research into matters relevant to training for social care workers of any description.
- (5) A course must not be approved by SCW under this section unless SCW thinks that the course will enable persons completing it to attain the required standard of proficiency in social care work.
- (6) In subsection (5) “the required standard of proficiency in social care work” means the standard described in rules made by SCW.
- (7) SCW must maintain and publish a list of the courses it has approved under this section.

#### **115 Inspections in connection with certain courses**

- (1) SCW may by rules make provision for the inspection of places at which or institutions by which or under whose direction—
  - (a) any relevant course (or part of such a course) is, or is proposed to be, given, or
  - (b) any examination is, or is proposed to be, held in connection with any relevant course.
- (2) The rules may make provision—
  - (a) for the appointment of persons to carry out inspections (“inspectors”);
  - (b) for reports to be made by inspectors on—
    - (i) the nature and quality of the instruction given, or to be given, and the facilities provided, or to be provided, at the place or by the institution visited;
    - (ii) such other matters as may be specified in the rules;
  - (c) for the payment by SCW of fees, allowances and expenses to persons appointed as inspectors;
  - (d) for such persons to be treated, for the purposes of Schedule 2, as members of the SCW’s staff.
- (3) In subsection (1) “relevant course”, in relation to SCW, means—
  - (a) any course for which approval by SCW has been given, or is being sought, under section 114, or
  - (b) any training which a person admitted to a part of the register may, by virtue of rules made under section 113(1), be required to undergo after registration.

#### **116 Other functions of SCW in respect of education and training**

- (1) If it appears to SCW that adequate provision is not being made for training persons who are or wish to become social care workers of any description, SCW may provide, or secure the provision of, courses for that purpose.
- (2) SCW may also, upon such terms and subject to such conditions as it thinks appropriate—

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

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- (a) make grants, and pay travelling and other allowances, to persons resident in Wales in order to secure their training in the work of social care workers of any description;
- (b) make grants to organisations providing training in the work of social care workers of any description.