

**Changes to legislation:** Regulation and Inspection of Social Care (Wales) Act 2016, Cross Heading: Care Standards Act 2000 is up to date with all changes known to be in force on or before 14 August 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULE 3

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 2

#### SOCIAL CARE WALES

##### *Care Standards Act 2000*

40 The Care Standards Act 2000 (c.14) is amended as follows.

#### Commencement Information

**II** Sch. 3 para. 40 in force at 3.4.2017 by S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

41 The following provisions are repealed—

- (a) sections 56 (the register) to 66 (visitors for certain social work courses);
- (b) sections 68 (appeals to the tribunal), 69 (publication etc. of register) and 71 (rules);
- (c) section 113 (default powers of appropriate Minister);
- (d) the entry for the Welsh Council in the table in section 121(13) (general interpretation etc.);
- (e) Schedule 1 (the Welsh Council).

#### Commencement Information

**I2** Sch. 3 para. 41 in force at 3.4.2017 by S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

42 In section 55 (interpretation)—

- (a) for subsections (2), (3) and (4) substitute—
  - “(2) “Social care worker” means a person (other than a person excepted by regulations) who—
  - (a) engages in social work which is required in connection with any health, education or social services provided in England (referred to in this Part as a “social worker”),
  - (b) is employed at a children's home in England, a care home in England or a residential family centre in England,
  - (c) manages a home or centre of a kind mentioned in paragraph (b),
  - (d) is employed for the purposes of a domiciliary care agency, a fostering agency, a voluntary adoption agency or an adoption support agency, in so far as the agency provides services to persons in England,
  - (e) manages an agency of the kind mentioned in paragraph (d), or
  - (f) is supplied by a domiciliary care agency to provide personal care in their own homes for persons in England

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who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.

(3) Regulations may provide that persons of any of the following descriptions shall be treated as social care workers—

- (a) a person engaged in work for the purposes of a local authority in England's social services functions;
- (b) a person engaged in work in England comprising the provision of services similar to services which may or must be provided by a local authority in England in the exercise of its social services functions;
- (c) a person engaged in the provision of personal care for any person in England;
- (d) a person who is employed 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 to persons in England;
- (e) a person who manages an undertaking of the kind mentioned in paragraph (d);
- (f) a person who is employed in connection with the discharge of the functions of the Secretary of State under section 80 of the 1989 Act (inspection of children's homes etc.);
- (g) a person who is employed 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 1989 Act (welfare of children accommodated in independent schools and colleges),
  - (ii) section 31 of this Act (inspection of establishments and agencies by persons authorised by registration authority), or
  - (iii) section 139 of the Education and Inspections Act 2006 (inspection by Chief Inspector);
- (h) a person who is employed 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);
- (i) a person who manages employees mentioned in paragraph (g) or (h);
- (j) a person employed in a day centre in England;
- (k) a person participating 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 become social workers.”, and

(b) omit subsections (6), (7) and (8).

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#### Commencement Information

**I3** Sch. 3 para. 42 in force at 3.4.2017 by S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

- 43 In section 67 (functions of the appropriate Minister)—
- (a) in subsection (1), for “appropriate Minister” substitute “ Secretary of State ”,
  - (b) for subsection (2) substitute—
    - “(2) The Secretary of State shall encourage persons to take part in—
    - (a) courses approved by the Health and Social Care Professions Council under article 15 or by virtue of article 19(4) of the Health and Social Care Work Professions Order 2001 for persons who are or wish to become social workers, and
    - (b) other courses relevant to the training of persons who are or wish to become social care workers.”;
  - (c) in subsection (3)—
    - (i) for “appropriate Minister” at the first place it appears substitute “ Secretary of State ”, and
    - (ii) for “appropriate Minister” at the second place it appears substitute “ Secretary of State ”;
  - (d) in subsection (4)—
    - (i) for “appropriate Minister” at the first place it appears substitute “ Secretary of State ”,
    - (ii) for “the Minister” substitute “ he or she ”, and
    - (iii) in paragraph (a), omit “and Wales,”;
  - (e) omit subsection (6);
  - (f) in subsection (7)—
    - (i) in paragraph (a), omit “or (6)(b)”,
    - (ii) in paragraph (b), for “appropriate Minister” substitute “ Secretary of State ”, and
    - (iii) in the words after paragraph (b), for “and, in respect of an authorisation given by the Assembly, references to a Minister included the Assembly; and in subsection (5)(b) and (6)(b)” substitute “ and in subsection (5)(b) ”;
  - (g) for the heading, substitute “ Functions of the Secretary of State ”.

#### Commencement Information

**I4** Sch. 3 para. 43 in force at 3.4.2017 by S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

- 44 In Schedule 2A (persons subject to review by the Children's Commissioner for Wales), in paragraph 14, for “The Care Council for Wales” substitute “ Social Care Wales ”.

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#### Commencement Information

**I5** [Sch. 3 para. 44](#) in force at 3.4.2017 by [S.I. 2017/309](#), [art. 2\(j\)](#) (with [arts. 3, 4](#), [Sch.](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(1)(d) omitted by [S.I. 2019/761 reg. 5](#)
- s. 80(2)(d) omitted by [S.I. 2019/761 reg. 5](#)
- s. 80(3)(d) omitted by [S.I. 2019/761 reg. 5](#)
- s. 84(aa)(ii) omitted by [S.I. 2019/761 reg. 6](#)
- s. 85A omitted by [S.I. 2019/761 reg. 8](#)
- s. 90A omitted by [S.I. 2019/761 reg. 10](#)
- Sch. 1 para. 7(4A) inserted by [S.I. 2019/761 reg. 14\(b\)](#)
- Sch. 1 para. 7(4)(b)(c) substituted for Sch. 1 para. 7(4)(b) by [S.I. 2019/761 reg. 14\(a\)\(ii\)](#)
- Sch. 1 para. 7(4A) words omitted by [S.I. 2019/761 reg. 14\(2\)](#)