



# Children and Social Work Act 2017

## 2017 CHAPTER 16

### PART 2

#### SOCIAL WORKERS ETC IN ENGLAND

##### *Transfer scheme and consequential amendments*

#### **60 Transfer scheme**

- (1) The Secretary of State may make a scheme for the transfer of property, rights and liabilities from the Health and Care Professions Council (the “old regulator”) to Social Work England.
- (2) The things that may be transferred under a transfer scheme include—
  - (a) property, rights and liabilities that could not otherwise be transferred;
  - (b) property acquired, and rights and liabilities arising, after the making of the scheme.
- (3) A transfer scheme may make consequential, supplementary, incidental or transitional provision and may—
  - (a) create rights, or impose liabilities, in relation to property or rights transferred;
  - (b) make provision about the continuing effect of things done by the old regulator in respect of anything transferred;
  - (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the old regulator in respect of anything transferred;
  - (d) make provision for references to the old regulator in an instrument or other document in respect of anything transferred to be treated as references to the transferee;
  - (e) make provision for the shared ownership or use of property;
  - (f) if the TUPE regulations do not apply in relation to the transfer, make provision which is the same or similar.

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*Status: This is the original version (as it was originally enacted).*

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- (4) A transfer scheme may provide—
  - (a) for modification by agreement;
  - (b) for modifications to have effect from the date when the original scheme came into effect.
- (5) In subsection (3)(f), “TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246).
- (6) In this section—
  - (a) references to rights and liabilities include rights and liabilities relating to a contract of employment;
  - (b) references to the transfer of property include the grant of a lease.

## **61 Repeal of existing powers to regulate social workers**

- (1) The Health Act 1999 is amended as follows.
- (2) In section 60 (regulation of health professions, social workers, other care workers etc) —
  - (a) in subsection (1), omit paragraphs (ba) and (bb);
  - (b) in subsection (2), in paragraphs (c) and (d), omit “(other than the social work profession in England)”;
  - (c) omit subsection (2ZA);
  - (d) in subsection (2ZC), omit paragraph (o);
  - (e) for subsection (2ZE) substitute—
    - “(2ZEA) In subsection (2ZC) “social work in England” means social work which is required in connection with any health, education or social services provided in England.”;
  - (f) in the heading, for “, social workers, other care” substitute “and social care”.
- (3) In section 60A (standards of proof in fitness to practise proceedings)—
  - (a) in subsection (2A), omit paragraph (b);
  - (b) in subsection (2A)(c), for “that section” substitute “section 60”;
  - (c) in subsection (3), omit “or the social work profession in England (within the meaning given in section 60(2ZA))”.
- (4) In Schedule 3 (regulation of health care and associated professions)—
  - (a) in paragraph 10, for the definitions of “social care work in England”, “social care workers in England” and “the social work profession in England” substitute—
    - ““social care work in England” and “social care workers in England” have the meaning given by section 60.”;
  - (b) in paragraph 11(2A)(b), for “members of the social work profession in England” substitute “engaging in social work in England”.

## **62 Amendments to do with this Part**

Schedule 5 contains further minor and consequential amendments relating to this Part.