



Care Standards Act 2000

2000 CHAPTER 14

PART IV

SOCIAL CARE WORKERS

Preliminary

54 Care Councils

- (1) There shall be—
 - (a) a body corporate to be known as the General Social Care Council (referred to in this Act as “the English Council”); and
 - (b) a body corporate to be known as the Care Council for Wales or Cyngor Gofal Cymru (referred to in this Act as “the Welsh Council”),which shall have the functions conferred on them by or under this Act or any other enactment.
- (2) It shall be the duty of the English Council to promote in relation to England—
 - (a) high standards of conduct and practice among social care workers; and
 - (b) high standards in their training.
- (3) It shall be the duty of the Welsh Council to promote in relation to Wales—
 - (a) high standards of conduct and practice among social care workers; and
 - (b) high standards in their training.
- (4) Each Council shall, in the exercise of its functions, act—
 - (a) in accordance with any directions given to it by the appropriate Minister; and
 - (b) under the general guidance of the appropriate Minister.
- (5) Directions under subsection (4) shall be given in writing.
- (6) Schedule 1 shall have effect with respect to a Council.
- (7) In this Act, references to a Council are—

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- (a) in relation to England, a reference to the General Social Care Council,
- (b) in relation to Wales, a reference to the Care Council for Wales.

55 Interpretation

- (1) This section has effect for the purposes of this Part.
- (2) “Social care worker” means a person (other than a person excepted by regulations) who—
 - (a) engages in relevant social work (referred to in this Part as a “social worker”);
 - (b) is employed at a children’s home, care home or residential family centre or for the purposes of a domiciliary care agency, a fostering agency or a voluntary adoption agency;
 - (c) manages an establishment, or an agency, of a description mentioned in paragraph (b); or
 - (d) is supplied by a domiciliary care agency to provide personal care in their own homes for persons 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’s social services functions, or in the provision of services similar to services which may or must be provided by local authorities in the exercise of those functions;
 - (b) a person engaged in the provision of personal care for any person;
 - (c) a person who manages, or 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;
 - (d) a person employed in connection with the discharge of functions of the appropriate Minister under section 80 of the 1989 Act (inspection of children’s homes etc.);
 - (e) staff of the Commission or the Assembly who—
 - (i) inspect premises under section 87 of the 1989 Act (welfare of children accommodated in independent schools and colleges) or section 31 or 45 of this Act; or
 - (ii) are responsible for persons who do so;
 and staff of the Assembly who inspect premises under section 79T of that Act (inspection of child minding and day care in Wales) or are responsible for persons who do so;
 - (f) a person employed in a day centre;
 - (g) a person participating in a course approved by a Council under section 63 for persons wishing to become social workers.
- (4) “Relevant social work” means social work which is required in connection with any health, education or social services provided by any person.
- (5) “Day centre” means a place where nursing or personal care (but not accommodation) is provided wholly or mainly for persons mentioned in section 3(2).

Registration

56 The register

- (1) Each Council shall maintain a register of—
 - (a) social workers; and
 - (b) social care workers of any other description specified by the appropriate Minister by order.
- (2) There shall be a separate part of the register for social workers and for each description of social care workers so specified.
- (3) The appropriate Minister may by order provide for a specified part of the register to be closed, as from a date specified by the order, so that on or after that date no further persons can become registered in that part.
- (4) The appropriate Minister shall consult the Council before making, varying or revoking any order under this section.

57 Applications for registration

- (1) An application for registration under this Part shall be made to the Council in accordance with rules made by it.
- (2) An application under subsection (1) shall specify each part of the register in which registration is sought and such other matters as may be required by the rules.

58 Grant or refusal of registration

- (1) If the Council is satisfied that the applicant—
 - (a) is of good character;
 - (b) is physically and mentally fit to perform the whole or part of the work of persons registered in any part of the register to which his application relates; and
 - (c) satisfies the following conditions,it shall grant the application, either unconditionally or subject to such conditions as it thinks fit; and in any other case it shall refuse it.
- (2) The first condition is that—
 - (a) in the case of an applicant for registration as a social worker—
 - (i) he has successfully completed a course approved by the Council under section 63 for persons wishing to become social workers;
 - (ii) he satisfies the requirements of section 64; or
 - (iii) he satisfies any requirements as to training which the Council may by rules impose in relation to social workers;
 - (b) in the case of an applicant for registration as a social care worker of any other description, he satisfies any requirements as to training which the Council may by rules impose in relation to social care workers of that description.
- (3) The second condition is that the applicant satisfies any requirements as to conduct and competence which the Council may by rules impose.

59 Removal etc. from register

- (1) Each Council shall by rules determine circumstances in which, and the means by which—
 - (a) a person may be removed from a part of the register, whether or not for a specified period;
 - (b) a person who has been removed from a part of the register may be restored to that part;
 - (c) a person’s registration in a part of the register may be suspended for a specified period;
 - (d) the suspension of a person’s registration in a part of the register may be terminated;
 - (e) an entry in a part of the register may be removed, altered or restored.
- (2) The rules shall make provision as to the procedure to be followed, and the rules of evidence to be observed, in proceedings brought for the purposes of the rules, whether before the Council or any committee of the Council.
- (3) The rules shall provide for such proceedings to be in public except in such cases (if any) as the rules may specify.
- (4) Where a person’s registration in a part of the register is suspended under subsection (1) (c), he shall be treated as not being registered in that part notwithstanding that his name still appears in it.

60 Rules about registration

A Council may by rules make provision about the registration of persons under this Part and, in particular—

- (a) as to the keeping of the register;
- (b) as to the documentary and other evidence to be produced by those applying for registration or for additional qualifications to be recorded, or for any entry in the register to be altered or restored;
- (c) for a person’s registration to remain effective without limitation of time (subject to removal from the register in accordance with rules made by virtue of section 59) or to lapse after a specified period or in specified cases, or to be subject to renewal as and when provided by the rules.

61 Use of title “social worker” etc

- (1) If a person who is not registered as a social worker in any relevant register with intent to deceive another—
 - (a) takes or uses the title of social worker;
 - (b) takes or uses any title or description implying that he is so registered, or in any way holds himself out as so registered,he is guilty of an offence.
- (2) For the purposes of subsection (1), a register is a relevant register if it is—
 - (a) maintained by a Council; or
 - (b) a prescribed register maintained under a provision of the law of Scotland or Northern Ireland which appears to the appropriate Minister to correspond to the provisions of this Part.

- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Codes of practice

62 Codes of practice

- (1) Each Council shall prepare and from time to time publish codes of practice laying down—
- (a) standards of conduct and practice expected of social care workers; and
 - (b) standards of conduct and practice in relation to social care workers, being standards expected of persons employing or seeking to employ them.
- (2) The Council shall—
- (a) keep the codes under review; and
 - (b) vary their provisions whenever it considers it appropriate to do so.
- (3) Before issuing or varying a code, a Council shall consult any persons it considers appropriate to consult.
- (4) A code published by a Council shall be taken into account—
- (a) by the Council in making a decision under this Part; and
 - (b) in any proceedings on an appeal against such a decision.
- (5) Local authorities making any decision about the conduct of any social care workers employed by them shall, if directed to do so by the appropriate Minister, take into account any code published by the Council.
- (6) Any person who asks a Council for a copy of a code shall be entitled to have one.

Training

63 Approval of courses etc

- (1) Each Council may, in accordance with rules made by it, approve courses in relevant social work for persons who are or wish to become social workers.
- (2) An approval given under this section may be either unconditional or subject to such conditions as the Council thinks fit.
- (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 to the Council of information about courses;
 - (c) as to the persons who may participate in courses, or in parts of courses specified in the rules;
 - (d) as to the numbers of persons who may participate in courses;
 - (e) for the award by the Council of certificates of the successful completion of courses;
 - (f) about the lapse and renewal of approvals; and
 - (g) about the withdrawal of approvals.

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- (4) A Council may—
- (a) conduct, or make arrangements for the conduct of, examinations in connection with such courses as are mentioned in this section or section 67; and
 - (b) carry out, or assist other persons in carrying out, research into matters relevant to training for relevant social work.
- (5) A course for persons who wish to become social workers shall not be approved under this section unless the Council considers that it is such as to enable persons completing it to attain the required standard of proficiency in relevant social work.
- (6) In subsection (5) “the required standard of proficiency in relevant social work” means the standard described in rules made by the Council.
- (7) The Council shall from time to time publish a list of the courses which are approved under this section.

64 Qualifications gained outside a Council’s area

- (1) An applicant for registration as a social worker in the register maintained by the English Council satisfies the requirements of this section if—
- (a) being a national of any EEA State—
 - (i) he has professional qualifications, obtained in an EEA State other than the United Kingdom, which the Secretary of State has by order designated as having Community equivalence for the purposes of such registration; and
 - (ii) he satisfies any other requirements which the Council may by rules impose; or
 - (b) he has, elsewhere than in England, undergone training in relevant social work and either—
 - (i) that training is recognised by the Council as being to a standard sufficient for such registration; or
 - (ii) it is not so recognised, but the applicant has undergone in England or elsewhere such additional training as the Council may require.
- (2) An applicant for registration as a social worker in the register maintained by the Welsh Council satisfies the requirements of this section if—
- (a) being a national of any EEA State—
 - (i) he has professional qualifications, obtained in an EEA State other than the United Kingdom, which the Assembly has by order designated as having Community equivalence for the purposes of such registration; and
 - (ii) he satisfies any other requirements which the Council may by rules impose; or
 - (b) he has, elsewhere than in Wales, undergone training in relevant social work and either—
 - (i) that training is recognised by the Council as being to a standard sufficient for such registration; or
 - (ii) it is not so recognised, but the applicant has undergone in Wales or elsewhere such additional training as the Council may require.

(3) An order under subsection (1)(a) or (2)(a) may provide that a professional qualification designated by the order is to be regarded as having Community equivalence for the purposes of registration as a social worker in the register maintained by the English or, as the case may be, Welsh Council only if prescribed conditions required by a directive issued by the Council of the European Communities are fulfilled; and different conditions may be prescribed with respect to the same qualification for different circumstances.

(4) Any person who—

- (a) is not a national of an EEA State; but
- (b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68 (on freedom of movement for workers within the Community) or any other enforceable Community right, entitled to be treated, as regards the right to engage in relevant social work, no less favourably than a national of such a State,

shall be treated for the purposes of subsection (1)(a) or (2)(a) as if he were such a national.

(5) In this section—

“EEA State” means a Contracting Party to the EEA Agreement;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“national”, in relation to an EEA State, means the same as it does for the purposes of the Community Treaties.

65 Post registration training

- (1) A Council may make rules requiring persons registered under this Part 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 the Council, including provision for their registration to cease to have effect.
- (3) Before making, or varying, any rules by virtue of this section the Council shall take such steps as are reasonably practicable to consult the persons who are registered in the relevant part of the register and such other persons as the Council considers appropriate.

66 Visitors for certain social work courses

- (1) A Council may by rules make provision for the visiting 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 visitors;
 - (b) for reports to be made by visitors on—

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- (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; and
 - (ii) such other matters as may be specified in the rules;
 - (c) for the payment by the Council of fees, allowances and expenses to persons appointed as visitors;
 - (d) for such persons to be treated, for the purposes of Schedule 1, as members of the Council's staff.
- (3) In subsection (1) "relevant course", in relation to a Council, means—
- (a) any course for which approval by the Council has been given, or is being sought, under section 63; or
 - (b) any training which a person admitted to the part for social workers of the register maintained by the Council may be required to undergo after registration.

67 Functions of the appropriate Minister

- (1) The appropriate Minister has the function of—
- (a) ascertaining what training is required by persons who are or wish to become social care workers;
 - (b) ascertaining what financial and other assistance is required for promoting such training;
 - (c) encouraging the provision of such assistance;
 - (d) drawing up occupational standards for social care workers.
- (2) The appropriate Minister shall encourage persons to take part in courses approved by a Council under section 63 and other courses relevant to the training of persons who are or wish to become social care workers.
- (3) If it appears to the appropriate Minister that adequate provision is not being made for training persons who are or wish to become social care workers, the appropriate Minister may provide, or secure the provision of, courses for that purpose.
- (4) The appropriate Minister may, upon such terms and subject to such conditions as the Minister considers appropriate—
- (a) make grants, and pay travelling and other allowances, to persons resident in England and Wales, in order to secure their training in the work of social care workers;
 - (b) make grants to organisations providing training in the work of social care workers.
- (5) Any functions of the Secretary of State under this section—
- (a) may be delegated by him to the English Council; or
 - (b) may be exercised by any person, or by employees of any person, authorised to do so by the Secretary of State.
- (6) Any functions of the Assembly under this section—
- (a) may be delegated by the Assembly to the Welsh Council; or
 - (b) may be exercised by any person, or by employees of any person, authorised to do so by the Assembly.

- (7) For the purpose of determining—
- (a) the terms and effect of an authorisation under subsection (5)(b) or (6)(b); and
 - (b) the effect of so much of any contract made between the appropriate Minister and the authorised person as relates to the exercise of the function,
- Part II of the Deregulation and Contracting Out Act 1994 shall have effect as if the authorisation were given by virtue of an order under section 69 of that Act 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) “employee” has the same meaning as in that Part.

Miscellaneous and supplemental

68 Appeals to the Tribunal

- (1) An appeal against a decision of a Council under this Part in respect of registration shall lie to the Tribunal.
- (2) On an appeal against a decision, the Tribunal may confirm the decision or direct that it shall not have effect.
- (3) The Tribunal shall also have power on an appeal against a decision—
 - (a) to vary any condition for the time being in force in respect of the person to whom the appeal relates;
 - (b) to direct that any such condition shall cease to have effect; or
 - (c) to direct that any such condition as it thinks fit shall have effect in respect of that person.

69 Publication etc. of register

- (1) A Council shall publish the register maintained by it in such manner, and at such times, as it considers appropriate.
- (2) Any person who asks the Council for a copy of, or of an extract from, the register shall be entitled to have one.

70 Abolition of Central Council for Education and Training in Social Work

- (1) The Central Council for Education and Training in Social Work (referred to in this Act as “CCETSW”) shall cease to exercise in relation to England and Wales the functions conferred on it by or under section 10 of the Health and Social Services and Social Security Adjudications Act 1983.
- (2) Her Majesty may by Order in Council make a scheme under subsection (3), or make any provision under subsection (4), which She considers necessary or expedient in consequence of the functions of CCETSW referred to in subsection (1) ceasing, by virtue of that subsection, an Act of the Scottish Parliament or an Act of the Northern Ireland Assembly, to be exercisable in relation to any part of the United Kingdom.
- (3) A scheme may provide—
 - (a) for the transfer to the new employer of any eligible employee;
 - (b) for the transfer to any person of any property belonging to CCETSW;

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- (c) for any person to have such rights and interests in relation to any property belonging to CCETSW as Her Majesty considers appropriate (whether in connection with a transfer or otherwise);
 - (d) for the transfer to any person of any liabilities of CCETSW.
- (4) The Order in Council may make—
- (a) any supplementary, incidental or consequential provision;
 - (b) any transitory, transitional or saving provision,
- including provision amending Schedule 3 to that Act or repealing that Schedule, section 10 of that Act and any reference in any enactment to CCETSW.
- (5) In this section—
- “eligible employee” means a person who is employed under a contract of employment with the old employer;
 - “new employer” means—
 - (a) in relation to England or Wales, the Council;
 - (b) in relation to Scotland or Northern Ireland, any body established under a provision of the law of Scotland or (as the case may be) Northern Ireland which appears to Her Majesty to perform functions corresponding to those of a Council;
 - “old employer” means CCETSW;
 - “property” includes rights and interests of any description.

71 Rules

- (1) Any power of a Council to make rules under this Part may be exercised—
- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
 - (b) so as to make, as respects the cases in relation to which it is exercised, the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes.
- (2) Rules made by a Council under this Part may make provision for the payment of reasonable fees to the Council in connection with the discharge of the Council’s functions.
- (3) In particular, the rules may make provision for the payment of such fees in connection with—
- (a) registration (including applications for registration or for amendment of the register);
 - (b) the approval of courses under section 63;
 - (c) the provision of training;
 - (d) the provision of copies of codes of practice or copies of, or extracts from, the register,
- including provision requiring persons registered under this Part to pay a periodic fee to the Council of such amount, and at such time, as the rules may specify.
- (4) No rules shall be made by a Council under this Part without the consent of the appropriate Minister.