



Health and Social Care Act 2008

2008 CHAPTER 14

PART 2

REGULATION OF HEALTH PROFESSIONS AND HEALTH AND SOCIAL CARE WORKFORCE

Regulation of social care workforce

124 Regulation of social care workers

- (1) The appropriate Minister may by regulations make provision modifying the regulation of social care workers, so far as appears to the appropriate Minister to be necessary or expedient for the purpose of securing or improving their regulation or the services which they provide or to which they contribute.
- (2) Schedule 9 (which makes further provision about regulations under this section) has effect.
- (3) In this section and that Schedule—
 - “the appropriate Minister” means—
 - (a) in relation to England, the Secretary of State, and
 - (b) in relation to Wales, the Welsh Ministers;
 - “social care worker” means a person who falls within any of paragraphs (a) to (d) of subsection (2) of, or paragraphs (a) to (g) of subsection (3) of, section 55 of the Care Standards Act 2000 (c. 14) (which sets out the persons who are, or may by virtue of regulations be treated as, social care workers for the purposes of Part 4 of that Act).
- (4) The references in subsection (1) to the regulation of social care workers include references to—
 - (a) the regulation of social care workers of a description in relation to which no provision for registration for the time being applies,
 - (b) the regulation of those seeking registration as social care workers of any description or of persons who were, but are no longer, registered as social care workers of any description, and

- (c) the regulation of activities carried on by persons who are not social care workers but which are carried on in connection with the activities carried on by social care workers.

125 Standard of proof in proceedings relating to registration of social care worker

- (1) The standard of proof applicable to any proceedings to which this subsection applies is that applicable to civil proceedings.
- (2) Subsection (1) applies to any proceedings before a committee of a Council, a Council itself or any officer of a Council which relate to a person's suitability to be or remain registered as a social care worker of any description.
- (3) In subsection (2)—
 - (a) references to a Council are references to the General Social Care Council or the Care Council for Wales, and
 - (b) “social care worker” has the same meaning as in section 124.
- (4) Regulations under section 124 may not—
 - (a) amend this section, or
 - (b) make any provision that is inconsistent with subsection (1).