

Health and Social Care Act 2012

2012 CHAPTER 7

PART 7

REGULATION OF HEALTH AND SOCIAL CARE WORKERS

The Professional Standards Authority for Health and Social Care

Functions of the Authority

- (1) In section 25 of the National Health Service Reform and Health Care Professions Act 2002 (the Professional Standards Authority), in subsection (2)(a), for "patients" substitute "users of health care, users of social care in England, users of social work services in England".
- (2) In subsection (2A) of that section, for "patients" substitute "users of health care, users of social care in England, users of social work services in England".
- (3) In section 26A of that Act (powers of Secretary of State etc. to request the Authority for advice), after subsection (1) insert—
 - "(1A) The Secretary of State may request the Authority for advice on any matter connected with the social work profession, or social care workers, in England; and the Authority must comply with such a request."
- (4) After subsection (2) of that section insert—
 - "(2A) A person to whom the Authority gives advice, or for whom it investigates and reports on a matter, under this section must pay such fee as the Authority determines; and the fee may be charged by reference to the advice or the investigation and report concerned or on a periodic basis."
- (5) In subsection (3) of that section, after "this section" insert "—

health care profession" means a profession (whether or not regulated by or by virtue of any enactment) which is concerned (wholly or partly) with the physical or mental health of individuals; and".

Changes to legislation: Health and Social Care Act 2012, Section 223 is up to date with all changes known to be in force on or before 01 June 2024. 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

- (6) In section 26B of that Act (duty to inform and consult the public), in subsection (4) (b), for "patients" substitute "users of health care, users of social care in England or users of social work services in England".
- (7) In section 27 of that Act (the Authority and regulatory bodies), in subsections (5) and (13), for "Secretary of State" substitute "Privy Council".
- (8) In subsection (7) of that section—
 - (a) for "Secretary of State" substitute "Privy Council", and
 - (b) in paragraph (a), omit "he or".
- (9) In section 29 of that Act (reference of disciplinary cases to court by the Authority), in subsection (5), after "subsection (4)" insert "(subject to subsection (5A))".
- (10) After subsection (5) of that section insert—
 - "(5A) In the case of a social worker in England, the "relevant court" means the High Court of Justice in England and Wales."
- (11) In section 38 of that Act (regulations and orders), in subsection (2), omit "27".
- (12) In subsection (3) of that section, for "the Secretary of State" substitute "the Privy Council".
- (13) After subsection (3D) of that section (inserted by section 224(3)) insert—
 - "(3E) A statutory instrument containing regulations made by the Privy Council under section 27 is subject to annulment in pursuance of a resolution of either House of Parliament."
- (14) In paragraph 16 of Schedule 7 to that Act (reports and other information), in subparagraph (1A)(a) for "patients" substitute "users of health care, users of social care in England, users of social work services in England".

Commencement Information

- II S. 223(1)(2)(5)(9)(10)(14) in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)
- I2 S. 223(3)(6) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2) (with art. 8)
- I3 S. 223(4) in force at 1.2.2016 by S.I. 2016/81, art. 2
- I4 S. 223(7)(8)(11)-(13) in force at 4.6.2018 by S.I. 2018/617, art. 2(a)

Changes to legislation:

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Changes and effects yet to be applied to:

 specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by S.I. 2012/2657 art. 15

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):

- Pt. 9 Ch. 1B inserted by 2022 c. 31 s. 96
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by S.I. 2019/1245 reg. 28 (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by 2013 c. 24 Sch. 14 para. 21
- s. 106(3A)(3B) inserted by 2013 c. 24 Sch. 14 para. 22
- s. 250(2)-(2B) substituted for s. 250(2) by 2022 c. 31 s. 95(2)(a)
- s. 250(6)-(6D) substituted for s. 250(6) by 2022 c. 31 s. 95(2)(d)
- s. 251251ZA substituted for s. 251 by 2022 c. 31 s. 95(3)
- s. 251C(6A) inserted by 2022 c. 31 s. 95(4)(a)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by 2022 c. 31 s. 98(b)
- s. 259(1)(aa) words substituted by S.I. 2023/98 Sch. para. 17(11)(a)(iii) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by 2022 c. 31 s. 98(h)
- s. 304(5)(ja) inserted by 2022 c. 31 s. 95(5)