

SCHEDULES

SCHEDULE 3

Section 36

SOCIAL WORK ENGLAND

Status

- 1 (1) The regulator is not to be regarded—
 - (a) as a servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The members and staff of the regulator are not to be regarded as Crown servants.

Members

- 2 The regulator is to consist of—
 - (a) a chair appointed by the Secretary of State, and
 - (b) such other members as the Secretary of State may appoint.

Term of office

- 3 A member holds and vacates office in accordance with the terms of the member's appointment (subject as follows).
- 4 A member may resign by giving written notice to the Secretary of State.
- 5 The Secretary of State may by notice in writing remove a member who—
 - (a) has without reasonable excuse failed to discharge the functions of his or her office, or
 - (b) in the opinion of the Secretary of State is otherwise unable or unfit to carry out his or her duties.

Remuneration and pensions

- 6 The regulator may pay to the members such remuneration, allowances and expenses as the Secretary of State may decide.
- 7 If required to do so by the Secretary of State, the regulator must—
 - (a) pay such pensions or gratuities to or in respect of any member as the Secretary of State may decide;
 - (b) pay such sums as the Secretary of State may decide towards provision for the payment of pensions or gratuities to or in respect of any member.

Staff

- 8 (1) The regulator must appoint a person to be chief executive, but may only appoint a person who has been approved by the Secretary of State.

Status: This is the original version (as it was originally enacted).

- (2) The chief executive is an employee of the regulator.
 - (3) The Secretary of State may appoint the first chief executive.
- 9 The regulator may appoint other staff.
- 10 (1) The regulator's staff may be appointed on such terms, including relating to remuneration and pension arrangements, as the regulator may decide.
- (2) The regulator must obtain the Secretary of State's approval for any terms relating to remuneration or pension arrangements.

Procedure

- 11 The regulator may determine its own procedure (including quorum).
- 12 No proceeding is invalidated by—
- (a) a vacancy in the office of chair, or
 - (b) a defect in the appointment of any member.

Delegation

- 13 (1) The regulator may delegate functions to a committee, sub-committee, member or member of staff.
- (2) The functions that may be delegated under sub-paragraph (1)—
 - (a) include the power conferred by that sub-paragraph, but
 - (b) do not include any power or duty to make rules.
- 14 (1) The regulator may delegate functions to any other person if—
- (a) the regulator considers that the delegation is likely to lead to an improvement in the exercise of its functions, and
 - (b) the person has agreed to the terms of the delegation.
- (2) The functions that may be delegated under sub-paragraph (1) do not include—
 - (a) the power conferred by that sub-paragraph, or
 - (b) any power or duty to make rules.
 - (3) The terms of a delegation under sub-paragraph (1) may include terms requiring payments by the regulator.
- 15 (1) A function may be delegated under paragraph 13 or 14—
- (a) wholly or partly;
 - (b) generally or only in specified circumstances;
 - (c) unconditionally or subject to specified conditions.
- (2) A delegation does not prevent the regulator (or the person making the delegation, if different) from exercising the function or making other arrangements for its exercise.
 - (3) A delegation does not affect any liability or responsibility of the regulator for the exercise of its functions.

Membership of committees and sub-committees

- 16 (1) A committee or sub-committee of the regulator may include persons who are not members of the regulator.
- (2) The regulator may pay such remuneration and allowances as the Secretary of State may determine to any person who—
- (a) is a member of a committee or sub-committee, but
 - (b) is not a member or member of staff of the regulator.

Annual reports and accounts

- 17 As soon as possible after the end of each financial year, the regulator must send the Secretary of State a report on the exercise of its functions during the year.
- 18 (1) The regulator must keep proper accounts and proper records in relation to the accounts.
- (2) The regulator must prepare a statement of accounts for each financial year.
- (3) The statement must be in such form as the Secretary of State may direct.
- (4) The regulator must send a copy of the statement to —
- (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General,
- within the time period directed by the Secretary of State.
- (5) The Comptroller and Auditor General must—
- (a) examine, certify and report on the statement of accounts, and
 - (b) send a copy of the certified statement and of the report to the Secretary of State as soon as possible.
- 19 The Secretary of State must, in respect of each financial year, lay before Parliament a document consisting of—
- (a) the annual report sent under paragraph 17, and
 - (b) the certified statement of accounts and report sent under paragraph 18(5)(b).
- 20 In paragraphs 17 to 19 “financial year” means—
- (a) the period beginning with the day on which this Schedule comes fully into force and ending with the following 31 March, and
 - (b) every subsequent period of 12 months ending with 31 March.

Application of seal and evidence

- 21 The application of the regulator’s seal must be authenticated by the signature of—
- (a) a member of the regulator, or
 - (b) any other person who is authorised (generally or specially) for that purpose.
- 22 A document purporting to be duly executed under the seal of the regulator—
- (a) is to be received in evidence, and
 - (b) is to be treated as so executed unless the contrary is shown.

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

Disqualification

- 23 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert—
“Social Work England.”

Freedom of information

- 24 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), at the appropriate place insert—
“Social Work England.”