

*Status: This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 4. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

Section 56

#### OVERSIGHT BY THE PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND SOCIAL CARE

- 1 The National Health Service Reform and Health Care Professions Act 2002 is amended as follows.

#### Annotations:

#### Commencement Information

- I1** Sch. 4 para. 1 in force at 15.1.2018 for specified purposes by S.I. 2017/1217, reg. 2(b)(i)  
**I2** Sch. 4 para. 1 in force at 1.4.2018 for specified purposes by S.I. 2018/346, reg. 4(cc)(i)

#### PROSPECTIVE

- 2 (1) Section 25 (the Professional Standards Authority for Health and Social Care) is amended as follows.
- (2) In subsection (3), after paragraph (gb) (but before the “and” at the end) insert—  
“(gc) Social Work England”.
- (3) For subsection (3A) substitute—  
“(3A) A reference in an enactment to a body mentioned in subsection (3) is not (unless there is express provision to the contrary) to be read as including—  
(a) a reference to Social Work England, or  
(b) a reference to the Health and Care Professions Council, or a regulatory body within subsection (3)(j), so far as it has functions relating to social care workers in England.”
- (4) In subsection (3B) for the definition of “the social work profession in England” and “social care workers in England” substitute—  
““social care workers in England” has the meaning given in section 60 of the 1999 Act.”

#### PROSPECTIVE

- 3 (1) Section 25A (funding of the Authority) is amended as follows.
- (2) In subsection (1), after “regulatory body” insert “, other than Social Work England,”.
- (3) At the end of the heading insert “ by bodies other than Social Work England ”.
- 4 After section 25A insert—

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### **“25AA Funding of the Authority by Social Work England**

- (1) The Secretary of State must by regulations require Social Work England to pay the Authority periodic fees of such amount as the Secretary of State determines in respect of such of the Authority's functions in relation to Social Work England as are specified in the regulations.
- (2) A reference in this section to the Authority's functions does not include a reference to its functions under section 26A.
- (3) The regulations must, in particular, provide for the method of determining the amount of a fee under the regulations.
- (4) Before determining the amount of a fee under the regulations, the Secretary of State must request the Authority to make a proposal as to the amount of funding that it considers it requires in order to perform for the period to which the fee would apply such of its functions in relation to Social Work England as are specified in the regulations.
- (5) The Authority must—
  - (a) comply with a request under subsection (4), but
  - (b) before doing so, consult Social Work England.
- (6) Having received a proposal under subsection (5), the Secretary of State may consult Social Work England.
- (7) Having taken into account any representations from Social Work England, the Secretary of State must—
  - (a) make a proposal as to the amount of funding that the Secretary of State considers the Authority requires in order to perform for the period to which the fee would apply such of its functions in relation to Social Work England as are specified in the regulations, and
  - (b) determine in accordance with the method provided for under subsection (3) the amount of the fee that Social Work England would be required to pay.
- (8) The Secretary of State must—
  - (a) consult the Authority about the proposal under subsection (7)(a) and the determinations under subsection (7)(b), and
  - (b) consult Social Work England about the determination under subsection (7)(b) of the amount it would be required to pay.
- (9) Having taken into account such representations as it receives from consultees, the Secretary of State must—
  - (a) determine the amount of funding that the Authority requires in order to perform for the period to which the fee would apply such of its functions in relation to Social Work England as are specified in the regulations, and
  - (b) determine in accordance with the method provided for under subsection (3) the amount of the fee that Social Work England is to be required to pay.

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- (10) Regulations under this section requiring payment of a fee may make provision—
- (a) requiring the fee to be paid within such period as is specified;
  - (b) requiring interest at such rate as is specified to be paid if the fee is not paid within the period specified under paragraph (a);
  - (c) for the recovery of unpaid fees or interest.
- (11) The regulations may enable the Secretary of State to redetermine the amount of a fee provided for under the regulations, on a request by the Authority or Social Work England or on the Secretary of State's own initiative.
- (12) Before making regulations under this section, the Secretary of State must consult—
- (a) the Authority,
  - (b) Social Work England, and
  - (c) such other persons as the Secretary of State considers appropriate.”

#### Annotations:

#### Commencement Information

**I3** Sch. 4 para. 4 in force at 15.1.2018 for specified purposes by S.I. 2017/1217, reg. 2(b)(ii)

**I4** Sch. 4 para. 4 in force at 1.4.2018 in so far as not already in force by S.I. 2018/346, reg. 4(cc)(ii)

#### PROSPECTIVE

- 5 In section 25C (appointments to regulatory bodies), in subsection (7), after “Northern Ireland” insert “ or Social Work England ”.

#### PROSPECTIVE

- 6 (1) Section 25D (power of regulatory bodies to establish voluntary registers) is amended as follows.
- (2) In subsection (1), after “regulatory body” insert “ other than Social Work England ”.
- (3) In subsection (2), omit paragraph (b) and the “or” before it.

#### PROSPECTIVE

- 7 In section 25E (section 25D: interpretation), omit subsections (10) and (11).

#### PROSPECTIVE

- 8 In section 25F (establishment of voluntary register: impact assessment), in subsection (3)(c), for “, users of social care in England and users of social work services in England” substitute “ and users of social care in England ”.

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PROSPECTIVE

- 9 In section 25G (power of the Authority to accredit voluntary registers), after subsection (9) insert—
- “(10) In this section “regulatory body” does not include Social Work England.”

PROSPECTIVE

- 10 In section 25H (accreditation of voluntary register: impact assessment), in subsection (3)(c), for “, users of social care in England and users of social work services in England” substitute “ and users of social care in England ”.

PROSPECTIVE

- 11 In section 25I (functions of the Authority in relation to accredited voluntary registers), in subsection (1)(a), omit “, users of social work services in England”.

PROSPECTIVE

- 12 (1) Section 26A (powers of Secretary of State and devolved administrations) is amended as follows.
- (2) In subsection (1D), omit paragraph (b).
- (3) For subsection (1E) substitute—
- “(1E) In subsection (1D), “unregulated social care worker in England” has the meaning given in section 25E.”

PROSPECTIVE

- 13 In section 27 (regulatory bodies and the Authority), in subsection (2), after “regulatory body” insert “ other than Social Work England ”.

PROSPECTIVE

- 14 In section 28 (complaints), in subsection (1), after “regulatory body” insert “ other than Social Work England ”.

- 15 (1) Section 29 (reference to disciplinary cases by the Authority to court) is amended as follows.

- (2) After subsection (2) insert—

“(2A) This section also applies to any steps or decisions which are taken by Social Work England (or any of its committees or officers) in connection with fitness to practise or discipline and which are of a description specified in regulations made by the Secretary of State.”

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(3) For subsection (5A) substitute—

“(5A) In relation to something that is a relevant decision as a result of subsection (2A), “the relevant court” means the High Court of Justice in England and Wales.”

**Annotations:**

**Commencement Information**

**I5** Sch. 4 para. 15(1) in force at 1.4.2018 for specified purposes by S.I. 2018/346, reg. 4(cc)(iii)

**I6** Sch. 4 para. 15(2) in force at 1.4.2018 for specified purposes by S.I. 2018/346, reg. 4(cc)(iv)

16 (1) Section 38 (regulations and orders) is amended as follows.

(2) In subsection (2), after “other than” insert “ regulations under 29(2A) or ”.

(3) In subsection (3), after “28” insert “ or 29(2A) ”.

**Annotations:**

**Commencement Information**

**I7** Sch. 4 para. 16 in force at 1.4.2018 by S.I. 2018/346, reg. 4(cc)(v)

**Status:**

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