



Health and Care Act 2022

2022 CHAPTER 31

PART 6

MISCELLANEOUS

Disability and autism training

181 Mandatory training on learning disability and autism

- (1) The Health and Social Care Act 2008 is amended in accordance with subsections (2) to (6).
- (2) In section 20 (regulation of regulated activities), after subsection (5) insert—

“(5ZA) Regulations under this section must require service providers to ensure that each person working for the purpose of the regulated activities carried on by them receives training on learning disability and autism which is appropriate to the person’s role.”
- (3) After subsection (5C) (as inserted by section 173) insert—

“(5D) In subsection (5ZA)—
“learning disability” has the meaning given by section 1(4) of the Mental Health Act 1983;
“service provider” means a person registered under this Chapter as a service provider in respect of a regulated activity.”
- (4) After section 21 insert—

“21A Learning disability and autism training: code of practice

- (1) The Secretary of State must issue a code of practice about compliance with requirements imposed by virtue of section 20(5ZA) (requirements relating to training on learning disability and autism).

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 181. (See end of Document for details)

- (2) The code must make provision about—
- (a) the content of training;
 - (b) training appropriate to different roles;
 - (c) circumstances in which it is appropriate for training to be delivered in person;
 - (d) the involvement of people with learning disability, autistic people, or their carers, in the provision of training;
 - (e) accreditation of training;
 - (f) procurement of training;
 - (g) monitoring and evaluation of the impact of training;
- (3) The code may make different provision for different cases or circumstances.
- (4) The Secretary of State must, at least once every five years—
- (a) review the code, and
 - (b) lay before Parliament a report setting out the findings of the review.”
- (5) In section 22 (consultation in relation to code of practice under section 21)—
- (a) for the heading substitute “Codes of practice: consultation and Parliamentary scrutiny”;
 - (b) in subsection (1), after “21” insert “or 21A”;
 - (c) in subsection (2), after “21” insert “or 21A”;
 - (d) in subsection (3), after “(2)” insert “in relation to a draft of a code or revised code under section 21”;
 - (e) after subsection (5) insert—
 - “(5A) Where, following consultation under subsection (1) or (2) in relation to a draft of a code or revised code under section 21A, the Secretary of State decides to proceed with the draft (in its original form or with modifications), the Secretary of State must lay a copy of the draft before Parliament.
 - (5B) The Secretary of State may not issue the code or revised code if, within the 40-day period, either House of Parliament resolves not to approve it.
 - (5C) In this section “40-day period” means—
 - (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
 - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
 - (5D) For the purposes of subsection (5C), no account is to be taken of any whole days that fall within a period during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than four days.”
- (6) In section 25 (effect of code under section 21 and guidance under section 23)—
- (a) in the heading, after “s. 21” insert “or 21A”;

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- (b) in subsection (1), for “A code of practice under section 21” substitute “Codes of practice under sections 21 and [21A](#)”;
 - (c) in subsection (2),
 - (i) for “A code of practice under section 21 or” substitute “Codes of practice under sections 21 and [21A](#) and”;
 - (ii) for “is” substitute “are”;
 - (d) in subsection (3), after “21” insert “or [21A](#)”.
- (7) Until the first regulations made by virtue of section 20([5ZA](#)) of the Health and Social Care Act 2008 (as inserted by subsection (2)) come into force—
- (a) the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 ([S.I. 2014/2936](#)) (“the 2014 regulations”), and
 - (b) the Health and Social Care Act 2008,
- are to be read as if regulation 18 of the 2014 regulations contained such requirements.

Commencement Information

I1 S. 181 not in force at Royal Assent, see [s. 186\(6\)](#)

I2 [S. 181](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

Changes to legislation:

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