

2018 No. 346 (C. 30)

CHILDREN AND YOUNG PERSONS, ENGLAND

SOCIAL WORK, ENGLAND

**The Children and Social Work Act 2017 (Commencement No.
3) Regulations 2018**

Made - - - -

1st March 2018

The Secretary of State, in exercise of the powers conferred by sections 70(2) and 70(3) of the Children and Social Work Act 2017(a), makes the following Regulations:

Citation and interpretation

1. These Regulations may be cited as the Children and Social Work Act 2017 (Commencement No. 3) Regulations 2018.
2. “The Act” means the Children and Social Work Act 2017 and “the 2004 Act” means the Children Act 2004(b).

Provisions coming into force on 19th March 2018

3. The following provisions of the Act come into force on 19th March 2018—
 - (a) section 13 (functions of the Panel), to the extent that it inserts sections 16B(1) and 16B(6) into the 2004 Act;
 - (b) section 16 (local arrangements for safeguarding and promoting welfare of children), to the extent that it inserts section 16E(3) into the 2004 Act;
 - (c) section 17 (local child safeguarding practice reviews), to the extent that it inserts section 16F(6) into the 2004 Act;
 - (d) section 18 (further provision about arrangements), to the extent that it inserts sections 16G(5) and 16G(6) of the 2004 Act;
 - (e) section 29 (which amends section 66(3) of the 2004 Act).

Provisions coming into force on 1st April 2018

4. The following provisions of the Act come into force on 1st April 2018—
 - (a) section 1 (corporate parenting principles);
 - (b) section 2 (local offer for care leavers);
 - (c) section 3 (advice and support);

(a) 2017 c. 16
(b) 2004 c. 31

- (d) section 11 (chapter 1: consequential amendments);
- (e) section 34 (education relating to relationships and sex);
- (f) section 35 (other personal, social, health and economic education);
- (g) sections 36(1), (2), (4) and (5) (Social Work England);
- (h) section 36(3) (Social Work England) so far as it relates to the provisions brought into force by sub-paragraph (bb);
- (i) section 38 (advisers);
- (j) sections 39(2) to (4) (registration);
- (k) section 40 (restrictions on practice and protected titles);
- (l) sections 41(3) and (4) (professional standards);
- (m) sections 43(2) to (6) (education and training);
- (n) sections 44(2) to (5) (discipline and fitness to practise);
- (o) section 45 (offences);
- (p) section 48 (approval of courses for approved mental health professionals);
- (q) section 49 (approval of courses for best interests assessors);
- (r) sections 50(1) and (3) to (7) (fees);
- (s) section 51 (grants);
- (t) section 52(2) (information and advice);
- (u) section 53(1) (duty to co-operate) for the purpose of making regulations;
- (v) sections 55(2) and (3) (default powers);
- (w) section 56 (oversight by the Professional Standards Authority for Health and Social Care), so far as it relates to the provisions brought into force by sub-paragraph (cc);
- (x) section 57 (conferral of functions and sub-delegation);
- (y) section 59 (parliamentary procedure for regulations under Part 2);
- (z) section 60 (transfer scheme);
- (aa) Part 1 of Schedule 2 (amendment relating to Chapter 1);
- (bb) paragraphs 1 to 12 and paragraphs 21 to 24 of Schedule 3 (Social Work England);
- (cc) in Schedule 4 (oversight by the Professional Standards Authority for Health and Social Care)—
 - (i) paragraph 1, so far as it relates to the provisions brought into force by sub-paragraphs (ii) to (v);
 - (ii) paragraph 4;
 - (iii) paragraph 15(1), so far as it relates to paragraph 15(2);
 - (iv) paragraph 15(2) for the purpose of making regulations; and
 - (v) paragraph 16.

1st March 2018

Nadhim Zahawi
Parliamentary Under Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the third commencement regulations made under the Children and Social Work Act 2017 (c.16) (“the Act”). Section 10, Schedule 1 and Part 3 of the Act came into force when the Act was passed.

Regulation 3 brings into force on 19th March 2018 various provisions of the Act which enable regulations to be made under sections 16B(1) and (6), 16E(3), 16F(6) of the Children Act 2004, relating to national and local reviews and relevant agencies. This regulation also brings into force on the same date sections 16G(5) and (6). Sections 16G(5) and (6) enable regulations to make provision for the enforcement against a relevant agency of the duty (in section 16G(4)) to act in accordance with arrangements, if the Secretary of State considers there would be no other appropriate means of enforcing that duty. Regulation 3 also brings into force on the same date, section 29 of the Act (which amends section 66(3) of the 2004 Act (regulations subject to affirmative procedure)) to add reference to sections 16B and 16E, meaning that regulations under these sections must be made subject to the affirmative procedure. This amendment also allows for regulations under section 16F (which can be made subject to the negative procedure) to be combined in the same instrument as regulations made under section 16B and therefore subject to the affirmative procedure.

Regulation 4 brings into force on 1st April 2018 various provisions of the Act:

- section 1 which introduces the corporate parenting principles which local authorities in England must have regard to when exercising functions in relation to looked after children, relevant children and former relevant children. Looked after children are those within the meaning given by section 22(1) of the Children Act 1989 (c.41) (“the 1989 Act”); relevant children are those within the meaning given by section 23A(2) of the 1989 Act and former relevant children are those within the meaning given by section 23C(1) of the 1989 Act;
- section 2 which requires local authorities in England to publish information about the services which it will offer to care leavers as a result of its duties under the 1989 Act and other services which it offers to everyone, that may assist care leavers in or in preparing for adulthood and independent living;
- section 3 which amends the 1989 Act and extends existing duties which a local authority has under section 23CA of the 1989 Act towards former relevant children to former relevant children up to the age of 25 regardless of whether the young person intends to pursue a course of education and training;
- section 11 and Part 1 of Schedule 2 to the Act which makes consequential amendments in relation to sections 2 and 3;
- section 34 which places a duty on the Secretary of State to make regulations that require schools in England to provide relationships education to pupils of compulsory school age receiving primary education and relationships and sex education to pupils receiving secondary education;
- section 35 which provides a power for the Secretary of State to make regulations that would require schools in England to provide personal, social, health and economic education to pupils of compulsory school age receiving primary education and pupils receiving secondary education;
- section 36, which establishes a body corporate called Social Work England, introduces Schedule 3 of the Act and gives power to the Secretary of State to make regulations to rename Social Work England. Section 36(3) is only commenced so far as it relates to the commencement of paragraphs 1-12 and 21-24 of Schedule 3, which make further provision about Social Work England;
- section 51 which makes provision for the Secretary of State to issue grants to Social Work England;
- section 60 which makes provision for the Secretary of State to make a scheme for the transfer of property, rights and liabilities from the current regulator of social workers in England, the Health and Care Professions Council, to Social Work England;

- sections 41(3), 43(2) and 50(3) which require Social Work England to consult persons it considers appropriate and to obtain the approval of the Secretary of State before determining standards under sections 41 or 43 and before determining the level of any fees that may be charged by Social Work England in accordance with regulations, which may be made under section 50;
- provisions which empower the Secretary of State to make regulations in respect of the functions of Social Work England and which makes further provision as to the content of such regulations;
- paragraph 4 of Schedule 4, which inserts new section 25AA into the National Health Service Reform and Health Care Professions Act 2002 (“the 2002 Act”) (c.17). Section 25AA of the 2002 Act places a duty on the Secretary of State to make regulations to require Social Work England to pay periodic fees to the Professional Standards Authority for Health and Social Care and establishes a procedure for calculating such fees;
- Paragraph 15(2) of Schedule 4, for the purpose of making regulations to provide for the steps or decisions taken by Social Work England in connection with fitness to practise or discipline to which section 29 of the 2002 Act is to apply (and paragraph 15(1) of Schedule 4 so far as it relates to paragraph 15(2));
- section 59 and paragraph 16 of Schedule 4, which set the parliamentary procedure for regulations made under Part 2 of the Act and under sections 25AA and 29(2A) of the 2002 Act;
- paragraph 1 of Schedule 4 and section 56 are also commenced so far as they relate to the provisions otherwise commenced in Schedule 4.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Act were brought into force by commencement regulations before these Regulations were made:

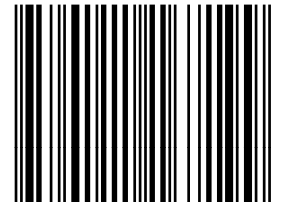
<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 8 (England and Wales)	31.10.17	2017/918 (C.76)
Section 9 (England and Wales)	31.10.17	2017/918 (C.76)
Section 33 (England)	31.10.17	2017/918 (C.76)
Section 42 (England)	31.10.17	2017/918 (C.76)
Section 56 (partially) (England)	15.01.18	2017/1217 (C.114)
Paragraph 1, Schedule 4 (partially) (England)	15.01.18	2017/1217 (C.114)
Paragraph 4, Schedule 4 (partially) (England)	15.01.18	2017/1217 (C.114)
Section 58 (England)	15.01.18	2017/1217 (C.114)

£4.25

UK201803081003 03/2018 19585

<http://www.legislation.gov.uk/id/uksi/2018/346>

ISBN 978-0-11-116719-9



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