

# **REGULATION AND INSPECTION OF SOCIAL CARE (WALES) ACT 2016**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 5 – Social Care Workers: Standards of Conduct, Education Etc.**

##### ***Section 112 - Codes of practice***

161. The development of codes of practice is an important aspect of workforce regulation as the codes set out and describe the standards of practice expected of social care workers. The Council currently produces codes under section 62 of the 2000 Act. This function has been retained. The codes will be relevant where complaints have been made about a social care worker's fitness to practise; a failure to comply with a standard in a code may be evidence of a person being unfit to practise. Codes could set standards for social care workers generally or SCW could make specific codes relevant to particular categories of social care workers only, for example a code of practice for managers of regulated services.
162. SCW will also be able to produce codes of practice for approved mental health professionals (AMHP). AMHPs exercise functions under the Mental Health Act 1983 ("the 1983 Act"). Those functions relate to decisions made about individuals with mental disorders, including the decision to apply for compulsory admission to hospital. Social workers can train to become AMHPs and therefore SCW is able to set out the standards expected of such social workers. The Council had the function of approving courses for AMHPs under section 114A of the 1983 Act. SCW have retained this function.
163. The performance of workers is influenced by their employment environment and it will be important for SCW to be able to set out standards expected of those employing social care workers; section 112 allows for these standards to be set. Such standards might require employers to ensure that employees are required only to carry out work which is appropriate or suitable for them by having regard to their qualifications and experience. All of the codes of practice will need to be kept up to date so that they reflect the latest developments in what can be a quickly changing industry; to that end, SCW will be required to keep the codes under review and vary them where appropriate.