



Children and Social Work Act 2017

2017 CHAPTER 16

PART 2

SOCIAL WORKERS ETC IN ENGLAND

Approval of courses in relation to mental health professionals

48 Approval of courses for approved mental health professionals

- (1) The Secretary of State may by regulations amend section 114ZA of the Mental Health Act 1983 (approval of courses for approved mental health professionals in England) for the purposes of—
 - (a) transferring the functions of the Health and Care Professions Council under that section to the regulator;
 - (b) giving the regulator power to charge fees for approving courses under that section.
- (2) The regulations may include further provision in connection with the approval of courses or charging of fees by the regulator under that section.
- (3) For example, the regulations may—
 - (a) authorise the regulator to arrange for another person to exercise functions on the regulator's behalf;
 - (b) make provision about the setting of criteria for the approval or continued approval of courses;
 - (c) make provision about inspections in connection with the approval or continued approval of courses (including provision for the appointment of people to carry out inspections);
 - (d) make provision about the procedure for approval or renewal of approval;
 - (e) make provision about duties to provide information;
 - (f) make provision about appeals against decisions in connection with approval;

- (g) make provision limiting the regulator’s power to approve courses run outside the United Kingdom to those run by institutions approved by the regulator or approved by a person with whom the regulator has made arrangements.
- (4) The provision that may be made under the regulations about the appointment of people to carry out inspections includes provision about—
- (a) payments to be made to those appointed;
 - (b) staff, facilities or other assistance.
- (5) If the regulations give the regulator power to charge fees, section 50(2) to (7) apply for the purposes of this section as they apply for the purposes of that section.

49 Approval of courses for best interests assessors

- (1) Paragraph 130 of Schedule A1 to the Mental Capacity Act 2005 (assessments in connection with deprivation of liberty: regulations about selection, and eligibility, of persons to carry out assessments) is amended as follows.
- (2) After sub-paragraph (2) insert—
- “(2A) In relation to England—
 - (a) the provision that the regulations may make in relation to a person’s training in connection with best interests assessments includes provision for particular training to be specified by Social Work England or the Secretary of State otherwise than in the regulations;
 - (b) the provision that the regulations may make in relation to a person’s training in connection with other assessments includes provision for particular training to be specified by the Secretary of State otherwise than in the regulations.
 - (2B) The regulations may give Social Work England power to charge fees for specifying any training as mentioned in sub-paragraph (2A)(a).
 - (2C) If the regulations give Social Work England power to charge fees, section 50(2) to (7) of the Children and Social Work Act 2017 apply for the purposes of sub-paragraph (2B) as they apply for the purposes of that section.”
- (3) In sub-paragraph (3)—
- (a) at the beginning insert “In relation to Wales”;
 - (b) for “the appropriate authority” substitute “the Welsh Ministers”.
- (4) Omit sub-paragraph (4).