



# Care Standards Act 2000

## 2000 CHAPTER 14

### PART IV

#### SOCIAL CARE WORKERS

##### *Preliminary*

#### **54 Care Councils.**

- (1) There shall be—
  - (a) a body corporate to be known as the General Social Care Council (referred to in this Act as “the English Council”); and
  - (b) a body corporate to be known as the Care Council for Wales or Cyngor Gofal Cymru (referred to in this Act as “the Welsh Council”),which shall have the functions conferred on them by or under this Act or any other enactment.
- (2) It shall be the duty of the English Council to promote in relation to England—
  - (a) high standards of conduct and practice among social care workers; and
  - (b) high standards in their training.
- (3) It shall be the duty of the Welsh Council to promote in relation to Wales—
  - (a) high standards of conduct and practice among social care workers; and
  - (b) high standards in their training.
- (4) Each Council shall, in the exercise of its functions, act—
  - (a) in accordance with any directions given to it by the appropriate Minister; and
  - (b) under the general guidance of the appropriate Minister.
- (5) Directions under subsection (4) shall be given in writing.
- (6) Schedule 1 shall have effect with respect to a Council.
- (7) In this Act, references to a Council are—

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- (a) in relation to England, a reference to the General Social Care Council,
- (b) in relation to Wales, a reference to the Care Council for Wales.

#### Commencement Information

- II** S. 54 partly in force; s. 54 not in force at Royal Assent see s. 122; s. 54(1)(3)(7) in force for W. at 1.4.2001 for certain purposes by S.I. 2000/2992, art. 2(2), Sch. 2; s. 54(6) in force for E. for certain purposes at 10.4.2001 by S.I. 2001/1536, arts. 1(3), 2(1); s. 54(1)(a)(4)(5)(6)(7)(a) in force for E. for certain purposes at 7.5.2001 by S.I. 2001/1536, arts. 1(3), 2(2)(a)(i)(ii); s. 54(2) in force for E. at 25.3.2002 by S.I. 2002/1245, arts. 1(3), 2(1)(a)

## 55 Interpretation.

- (1) This section has effect for the purposes of this Part.
- (2) “Social care worker” means a person (other than a person excepted by regulations) who—
  - (a) engages in relevant social work (referred to in this Part as a “social worker”);
  - (b) is employed at a children’s home, care home or residential family centre or for the purposes of a domiciliary care agency, a fostering agency [<sup>F1</sup>, a voluntary adoption agency or an adoption support agency];
  - (c) manages [<sup>F2</sup>a home, centre or agency of a kind] mentioned in paragraph (b); or
  - (d) is supplied by a domiciliary care agency to provide personal care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.
- (3) Regulations may provide that persons of any of the following descriptions shall be treated as social care workers—
  - (a) a person engaged in work for the purposes of a local authority’s social services functions, or in the provision of services similar to services which may or must be provided by local authorities in the exercise of those functions;
  - (b) a person engaged in the provision of personal care for any person;
  - (c) a person who manages, or is employed in, an undertaking (other than an establishment or agency) which consists of or includes supplying, or providing services for the purpose of supplying, persons to provide personal care;
  - (d) a person employed in connection with the discharge of functions of the appropriate Minister under section 80 of the 1989 Act (inspection of children’s homes etc.);
  - (e) staff of [<sup>F3</sup>. . . [<sup>F4</sup>, the Office for Standards in Education, Children's Services and Skills] or the Assembly] who—
    - (i) inspect premises under section 87 of the 1989 Act (welfare of children accommodated in independent schools and colleges) or [<sup>F5</sup>section 31 of this Act [<sup>F6</sup>, section 88] or 98 of the Health and Social Care (Community Health and Standards) Act 2003][<sup>F7</sup>or section 139 of the Education and Inspections Act 2006]; or
    - (ii) are responsible for persons who do so;
 and staff of the Assembly who inspect premises under section 79T of that Act (inspection of child minding and day care in Wales) or are responsible for persons who do so;

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- [<sup>F8</sup>(ea) staff of the Care Quality Commission who inspect premises under Part 1 of the Health and Social Care Act 2008 used for or in connection with the provision of social care (within the meaning of that Part) or who are responsible for persons who do so;]
- (f) a person employed in a day centre;
- (g) a person participating in a course approved by a Council under section 63 for persons wishing to become social workers.
- (4) “Relevant social work” means social work which is required in connection with any health, education or social services provided by any person.
- (5) “Day centre” means a place where nursing or personal care (but not accommodation) is provided wholly or mainly for persons mentioned in section 3(2).
- [<sup>F9</sup>(6) “The General Systems Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I. 2007/2781).
- (7) “Relevant European State” means an EEA State or Switzerland.
- (8) “Exempt person” means—
- (a) a national of a relevant European State other than the United Kingdom,
- (b) a national of the United Kingdom who is seeking to engage in relevant social work by virtue of an enforceable Community right, or
- (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable Community right, entitled to be treated, as regards the right to engage in relevant social work, no less favourably than a national of a relevant European State;
- and in this subsection, “national”, in relation to a relevant European State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and the Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services.]

#### Textual Amendments

- F1** Words in s. 55(2)(b) substituted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 139, 148, [Sch. 3 para. 115](#) (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, {art. 3}
- F2** Words in s. 55(2)(c) substituted (21.7.2008 for certain purposes and 1.4.2009 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(1)(b)(3), [Sch. 5 para. 29\(2\)](#); S.I. 2009/462, [art. 2](#), [Sch. 1 para. 35](#)
- F3** Words in s. 55(2)(e) repealed (21.7.2008 for certain purposes and 1.4.2009 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 166, 170(1)(b)(3), [Sch. 5 para. 29\(3\)\(a\)](#), [Sch. 15 Pt. 1](#); S.I. 2009/462, [art. 2](#), [Sch. 1 paras. 35, 36](#)
- F4** Words in s. 55(3)(e) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 52\(a\)](#); S.I. 2007/935, [art. 5](#)
- F5** Words in s. 55(3)(e) substituted (20.11.2003 for certain purposes and 1.4.2004 for E. otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 147, 199, [Sch. 9 para. 28\(b\)](#); S.I. 2004/759, [art. 4\(2\)](#)
- F6** Words in s. 55(3)(e) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 52\(b\)](#); S.I. 2007/935, [art. 5](#)
- F7** Words in s. 55(3)(e) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 52\(c\)](#); S.I. 2007/935, [art. 5](#)

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- F8** S. 55(3)(ea) inserted (21.7.2008 for certain purposes and 1.4.2009 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(1)(b)(3), **Sch. 5 para. 29(3)(b)**; S.I. 2009/462, **art. 2**, Sch. 1 para. 35
- F9** S. 55(6)-(8) added (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), **reg. 231**

#### Commencement Information

- I2** S. 55 partly in force; s. 55 not in force at Royal Assent see s. 122; s. 55 in force for W. at 1.4.2001 by S.I. 2000/2992, **art. 2(2)**, **Sch. 2**; s. 55 in force for E. for certain purposes at 7.5.2001 by S.I. 2001/1536, arts. 1(3), 2(2)(b); s. 55 in force for E. for certain purposes at 25.3.2002 by S.I. 2002/1245, arts. 1(3), **2(1)(d)**; s. 55(1)(2)(a)(4) in force for E. for certain purposes at 7.3.2003 by S.I. 2003/933, **art. 2**; s. 55(3)(g) in force for E. for certain purposes at 1.3.2004 by S.I. 2004/484, **art. 2**

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