



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 7

#### REGULATION OF HEALTH AND SOCIAL CARE WORKERS

##### *The Professional Standards Authority for Health and Social Care*

#### **229 Accreditation of voluntary registers**

- (1) After section 25F of the National Health Service Reform and Health Care Professions Act 2002 insert—

##### **“25G Power of the Authority to accredit voluntary registers**

- (1) Where a regulatory body or other person maintains a voluntary register, the Authority may, on an application by the body or other person, take such steps as it considers appropriate for the purpose of establishing whether the register meets such criteria as the Authority may from time to time set (“accreditation criteria”).
- (2) Accreditation criteria may, in particular, relate to—
- (a) the provision to the Authority of information in connection with the establishment, operation or maintenance of register;
  - (b) publication of the names of persons included in the register or who have been removed from the register (whether voluntarily or otherwise);
  - (c) the establishment or operation of a procedure for appeals from decisions relating to inclusion in or removal from the register.
- (3) If the Authority is satisfied that a voluntary register meets the accreditation criteria, it may accredit the register.

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- (4) The Authority may carry out periodic reviews of the operation of registers accredited under this section for the purpose of establishing whether they continue to meet the accreditation criteria.
- (5) If, on a review under subsection (4), the Authority is satisfied that a voluntary register no longer meets the accreditation criteria, the Authority may remove or suspend, or impose conditions on, the accreditation of the register.
- (6) The Authority may refuse to accredit a register, or to continue to accredit a register, unless the person who maintains the register pays a fee of such amount as the Authority may determine.
- (7) The Authority must publish such accreditation criteria as it sets.
- (8) The Authority may publish a list of registers accredited under this section.
- (9) “Voluntary register” has the meaning given in section 25E.

#### **25H Accreditation of voluntary register: impact assessment**

- (1) Before accrediting a register under section 25G, the Authority—
  - (a) must make an assessment of the likely impact of doing so, and
  - (b) must consult such persons as it considers appropriate.
- (2) For that purpose, the Authority must have regard to such guidance relating to the preparation of impact assessments as it considers appropriate.
- (3) An assessment under this section must, in particular, include an assessment of the likely impact of accrediting the register on—
  - (a) persons who are, or are eligible to be, included in the register;
  - (b) persons who employ persons who are, or are eligible to be, included in the register;
  - (c) users of health care, users of social care in England and users of social work services in England.
- (4) For the purposes of subsection (3), the Authority may request the person who maintains the register to provide it with such information as it specifies; and if the person refuses to comply with the request, the Authority may refuse to accredit the register.
- (5) The Authority may publish any assessment it makes under this section.
- (6) In deciding whether to accredit a register under section 25G, the Authority must have regard to its assessment under this section in relation to the register.

#### **25I Functions of the Authority in relation to accredited voluntary registers**

- (1) The Authority has the following functions—
  - (a) to promote the interests of users of health care, users of social care in England, users of social work services in England and other members of the public in relation to the performance of voluntary registration functions,

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- (b) to promote best practice in the performance of voluntary registration functions, and
  - (c) to formulate principles of good governance in the performance of voluntary registration functions and to encourage persons who maintain or operate accredited voluntary registers to conform to those principles.
- (2) In this section—
  - (a) a reference to the performance of voluntary registration functions is a reference to the maintenance or operation of an accredited voluntary register, and
  - (b) “accredited voluntary register” means a register accredited under section 25G.”
- (2) In section 26 of that Act (general powers and duties of the Authority), after subsection (2) insert—

“(2A) A reference in subsection (2) to a regulatory body includes a reference to a person other than a regulatory body who has voluntary registration functions; and for that purpose, the only functions that person has are the person’s voluntary registration functions.”
- (3) After subsection (3) of that section insert—

“(3A) A reference in subsection (3) to a regulatory body includes a reference to a person other than a regulatory body in so far as that person has voluntary registration functions.”
- (4) After subsection (4) of that section insert—

“(4A) For the purposes of paragraph (c) of subsection (4), the reference in that subsection to subsection (3) includes a reference to subsection (3) as construed in accordance with subsection (3A).”
- (5) After subsection (12) of that section insert—

“(13) In this section, “voluntary registration functions” is to be construed in accordance with section 25I.”
- (6) In section 26A of that Act (powers of Secretary of State and devolved authorities to request advice etc.), after subsection (1A) (inserted by section 223(3)), insert—

“(1B) The Secretary of State may request the Authority for advice on any matter connected with accreditation of registers under section 25G; and the Authority must comply with such a request.

(1C) The Welsh Ministers, the Scottish Ministers or the relevant Northern Ireland department may request the Authority for advice on any matter connected with accreditation of registers under section 25G other than accreditation of registers referred to in subsection (1D); and the Authority must comply with such a request.

(1D) The registers are registers of persons who are or have been—
  - (a) unregulated social care workers in England,
  - (b) participating in studies for the purpose of becoming a member of the social work profession in England;

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- (c) participating in studies for the purpose of becoming an unregulated social care worker in England.
- (1E) In subsection (1D), “the social work profession in England” and “unregulated social care worker in England” each have the meaning given in section 25E.”
- (7) In section 26B of that Act (duty of the Authority to inform and consult the public), after subsection (1) insert—
- “(1A) The references in subsection (1) to the Authority's functions do not include a reference to its accreditation functions.
- (1B) For the purpose of ensuring that members of the public are informed about the exercise by the Authority of its accreditation functions, the Authority may publish or provide in such manner as it thinks fit information about the exercise of those functions.
- (1C) For the purposes of this section, the Authority's accreditation functions are—
- (a) its functions under sections 25G to 25I,
  - (b) its functions under section 26 that relate to the performance of voluntary registration functions (within the meaning given by section 25I), and
  - (c) its function under section 26A(1B).”
- (8) In subsection (2) of that section, after “subsection (1)” insert “or (1B)”.
- (9) At the end of subsection (4) of that section insert “(other than its accreditation functions)”.

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**Commencement Information**

**II** S. 229 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)