



Children and Social Work Act 2017

2017 CHAPTER 16

PART 2

SOCIAL WORKERS ETC IN ENGLAND

Regulation and improvement

39 Registration

- (1) The regulator must keep a register of social workers in England.
- (2) The Secretary of State may by regulations require the regulator to keep a register of people who are undertaking education or training in England to become social workers.
- (3) The Secretary of State may by regulations—
 - (a) authorise the regulator to appoint a member of staff as a registrar;
 - (b) make provision about the functions of the registrar;
 - (c) make other provision in connection with the keeping of a register.
- (4) For example, the regulations may make provision about—
 - (a) eligibility for registration or continued registration;
 - (b) the combination of the registers mentioned in subsections (1) and (2);
 - (c) categories of registration;
 - (d) the procedure for dealing with registration applications;
 - (e) expiry and renewal of entries;
 - (f) the content of the register;
 - (g) duties to provide information to the regulator;
 - (h) suspension or removal from the register;
 - (i) restoration of entries;
 - (j) appeals against decisions in connection with registration;
 - (k) publication of, or access to, the register or information contained in it;

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- (l) the procedure for considering, investigating or determining any matter in connection with the register or registration (including standards of proof);
- (m) evidence in legal proceedings of matters contained in the register (including provision for a certificate to be conclusive proof).

Commencement Information

- I1** S. 39(1) in force at 2.12.2019 by S.I. 2019/1436, **reg. 2(b)** (with **reg. 3**)
- I2** S. 39(2)-(4) in force at 1.4.2018 by S.I. 2018/346, **reg. 4(j)**

40 Restrictions on practice and protected titles

The Secretary of State may by regulations impose prohibitions or restrictions in connection with—

- (a) the carrying out of social work in England;
- (b) the use, in relation to social work in England, of titles or descriptions specified in the regulations;
- (c) the holding out of a person as qualified to carry out social work in England.

Commencement Information

- I3** S. 40 in force at 1.4.2018 by S.I. 2018/346, **reg. 4(k)**

41 Professional standards

- (1) The regulator must determine and publish professional standards for social workers in England.
- (2) If the regulator is required to keep a register of students, it must determine and publish standards of conduct or ethics for registered students.
- (3) Before determining a standard under this section the regulator must—
 - (a) consult such persons as the regulator considers appropriate, and
 - (b) obtain the Secretary of State's approval of the standard.
- (4) The Secretary of State may by regulations make provision about arrangements for assessing whether a person meets a professional standard under subsection (1) relating to proficiency.
- (5) If the Secretary of State has made regulations under section 48(1)(a) (transfer to the regulator of functions in connection with approved mental health professionals), the reference in subsection (1) to professional standards for social workers in England includes professional standards relating to their work as approved mental health professionals.

Commencement Information

- I4** S. 41(1)(2)(5) in force at 2.12.2019 by S.I. 2019/1436, **reg. 2(e)**
- I5** S. 41(3)(4) in force at 1.4.2018 by S.I. 2018/346, **reg. 4(l)**

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42 Improvement standards

- (1) The Secretary of State may—
 - (a) determine and publish improvement standards for social workers in England;
 - (b) carry out assessments of whether people meet improvement standards under paragraph (a).
- (2) The Secretary of State may make arrangements for another person to do any or all of those things (and may make payments to that person).
- (3) The Secretary of State must consult such persons as the Secretary of State considers appropriate before determining a standard under subsection (1)(a).
- (4) In this section “improvement standard” means a professional standard the attainment of which demonstrates particular expertise or specialisation.
- (5) Nothing in this section limits anything in section 41.

Commencement Information

I6 S. 42 in force at 31.10.2017 by S.I. 2017/918, reg. 2(d)

43 Education and training

- (1) The regulator must, in relation to people who are or who wish to become social workers in England, determine and publish standards of education or training.
- (2) Before determining a standard under this section the regulator must—
 - (a) consult such persons as the regulator considers appropriate, and
 - (b) obtain the Secretary of State's approval of the standard.
- (3) The Secretary of State may by regulations make provision for the regulator to operate a scheme for the approval of—
 - (a) courses of education or training for people who are or who wish to become social workers in England;
 - (b) qualifications for people who are or who wish to become social workers in England.
- (4) The regulations may make provision in connection with the approval scheme.
- (5) For example, the regulations may make provision about—
 - (a) the criteria for approval or continued approval;
 - (b) the procedure for approval or renewal of approval;
 - (c) duties to provide information to the regulator;
 - (d) inspections in connection with the approval or continued approval of courses or qualifications (including provision for the appointment of people to carry out inspections);
 - (e) appeals against decisions in connection with approval;
 - (f) the publication of the scheme.
- (6) 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;

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- (b) staff, facilities or other assistance.

Commencement Information

- I7** S. 43(1) in force at 2.12.2019 by S.I. 2019/1436, **reg. 2(d)**
I8 S. 43(2)-(6) in force at 1.4.2018 by S.I. 2018/346, **reg. 4(m)**

44 Discipline and fitness to practise

- (1) The regulator must—
- (a) make arrangements for protecting the public from social workers in England whose fitness to practise is impaired, and
 - (b) make arrangements for taking other disciplinary action against social workers in England.
- (2) The Secretary of State may by regulations require the regulator to make arrangements for taking disciplinary action against registered students.
- (3) The Secretary of State may by regulations make further provision about—
- (a) fitness to practise as a social worker in England,
 - (b) discipline of social workers in England or registered students, and
 - (c) the arrangements to be made under subsection (1) or (2).
- (4) For example, the regulations may make provision about—
- (a) the person by whom decisions about discipline or fitness to practise are to be taken on behalf of the regulator;
 - (b) the appointment of assessors, examiners or legal or other advisers;
 - (c) the circumstances in which disciplinary action may be taken or the circumstances in which a person's fitness to practise is impaired;
 - (d) the procedure for considering, investigating or determining disciplinary matters or fitness to practise (including standard of proof);
 - (e) powers to obtain information;
 - (f) temporary measures that may be taken against a person pending the outcome of an investigation;
 - (g) sanctions;
 - (h) appeals against decisions;
 - (i) publication of decisions.
- (5) The provision that may be made about persons appointed under the regulations includes provision about—
- (a) payments to those persons;
 - (b) staff, facilities or other assistance.

Commencement Information

- I9** S. 44(1) in force at 2.12.2019 by S.I. 2019/1436, **reg. 2(e)**
I10 S. 44(2)-(5) in force at 1.4.2018 by S.I. 2018/346, **reg. 4(n)**

Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, Cross Heading: Regulation and improvement. (See end of Document for details)

45 Offences

- (1) The Secretary of State may by regulations create offences in connection with—
- (a) registration in a register mentioned in section 39;
 - (b) prohibitions or restrictions imposed under section 40 (restrictions on practice and protected titles);
 - (c) failing to comply with a requirement to provide documents or other information or to attend and give evidence under regulations under section 39 or 44;
 - (d) providing false or misleading information or evidence in response to a requirement under regulations under section 39 or 44.
- (2) The regulations—
- (a) must provide for the offences to be triable summarily only, and
 - (b) may not provide for the offences to be punishable with imprisonment.

Commencement Information

III S. 45 in force at 1.4.2018 by S.I. 2018/346, reg. 4(o)

Changes to legislation:

There are currently no known outstanding effects for the Children and Social Work Act 2017,
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