
Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 36

SOCIAL WORK ENGLAND

Status

- 1 (1) The regulator is not to be regarded—
 - (a) as a servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The members and staff of the regulator are not to be regarded as Crown servants.

Commencement Information

11 Sch. 3 para. 1 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

Members

- 2 The regulator is to consist of—
 - (a) a chair appointed by the Secretary of State, and
 - (b) such other members as the Secretary of State may appoint.

Commencement Information

12 Sch. 3 para. 2 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

Term of office

- 3 A member holds and vacates office in accordance with the terms of the member's appointment (subject as follows).

Commencement Information

13 Sch. 3 para. 3 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

- 4 A member may resign by giving written notice to the Secretary of State.

Commencement Information

14 Sch. 3 para. 4 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

- 5 The Secretary of State may by notice in writing remove a member who—

Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 3. (See end of Document for details)

- (a) has without reasonable excuse failed to discharge the functions of his or her office, or
- (b) in the opinion of the Secretary of State is otherwise unable or unfit to carry out his or her duties.

Commencement Information

I5 Sch. 3 para. 5 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

Remuneration and pensions

- 6 The regulator may pay to the members such remuneration, allowances and expenses as the Secretary of State may decide.

Commencement Information

I6 Sch. 3 para. 6 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

- 7 If required to do so by the Secretary of State, the regulator must—
- (a) pay such pensions or gratuities to or in respect of any member as the Secretary of State may decide;
 - (b) pay such sums as the Secretary of State may decide towards provision for the payment of pensions or gratuities to or in respect of any member.

Commencement Information

I7 Sch. 3 para. 7 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

Staff

- 8 (1) The regulator must appoint a person to be chief executive, but may only appoint a person who has been approved by the Secretary of State.
- (2) The chief executive is an employee of the regulator.
- (3) The Secretary of State may appoint the first chief executive.

Commencement Information

I8 Sch. 3 para. 8 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

- 9 The regulator may appoint other staff.

Commencement Information

I9 Sch. 3 para. 9 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

- 10 (1) The regulator's staff may be appointed on such terms, including relating to remuneration and pension arrangements, as the regulator may decide.

Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 3. (See end of Document for details)

- (2) The regulator must obtain the Secretary of State's approval for any terms relating to remuneration or pension arrangements.

Commencement Information

I10 Sch. 3 para. 10 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

Procedure

- 11 The regulator may determine its own procedure (including quorum).

Commencement Information

I11 Sch. 3 para. 11 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

- 12 No proceeding is invalidated by—
- (a) a vacancy in the office of chair, or
 - (b) a defect in the appointment of any member.

Commencement Information

I12 Sch. 3 para. 12 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

Delegation

- 13 (1) The regulator may delegate functions to a committee, sub-committee, member or member of staff.
- (2) The functions that may be delegated under sub-paragraph (1)—
- (a) include the power conferred by that sub-paragraph, but
 - (b) do not include any power or duty to make rules.

Commencement Information

I13 Sch. 3 para. 13 in force at 1.9.2018 by [S.I. 2018/945](#), [reg. 3\(b\)](#)

- 14 (1) The regulator may delegate functions to any other person if—
- (a) the regulator considers that the delegation is likely to lead to an improvement in the exercise of its functions, and
 - (b) the person has agreed to the terms of the delegation.
- (2) The functions that may be delegated under sub-paragraph (1) do not include—
- (a) the power conferred by that sub-paragraph, or
 - (b) any power or duty to make rules.
- (3) The terms of a delegation under sub-paragraph (1) may include terms requiring payments by the regulator.

Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 3. (See end of Document for details)

Commencement Information

I14 Sch. 3 para. 14 in force at 1.9.2018 by [S.I. 2018/945](#), [reg. 3\(b\)](#)

- 15 (1) A function may be delegated under paragraph 13 or 14—
- (a) wholly or partly;
 - (b) generally or only in specified circumstances;
 - (c) unconditionally or subject to specified conditions.
- (2) A delegation does not prevent the regulator (or the person making the delegation, if different) from exercising the function or making other arrangements for its exercise.
- (3) A delegation does not affect any liability or responsibility of the regulator for the exercise of its functions.

Commencement Information

I15 Sch. 3 para. 15 in force at 1.9.2018 by [S.I. 2018/945](#), [reg. 3\(b\)](#)

Membership of committees and sub-committees

- 16 (1) A committee or sub-committee of the regulator may include persons who are not members of the regulator.
- (2) The regulator may pay such remuneration and allowances as the Secretary of State may determine to any person who—
- (a) is a member of a committee or sub-committee, but
 - (b) is not a member or member of staff of the regulator.

Commencement Information

I16 Sch. 3 para. 16 in force at 1.9.2018 by [S.I. 2018/945](#), [reg. 3\(b\)](#)

Annual reports and accounts

- 17 As soon as possible after the end of each financial year, the regulator must send the Secretary of State a report on the exercise of its functions during the year.

Commencement Information

I17 Sch. 3 para. 17 in force at 1.9.2018 by [S.I. 2018/945](#), [reg. 3\(b\)](#)

- 18 (1) The regulator must keep proper accounts and proper records in relation to the accounts.
- (2) The regulator must prepare a statement of accounts for each financial year.
- (3) The statement must be in such form as the Secretary of State may direct.
- (4) The regulator must send a copy of the statement to —
- (a) the Secretary of State, and

Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 3. (See end of Document for details)

(b) the Comptroller and Auditor General,
within the time period directed by the Secretary of State.

- (5) The Comptroller and Auditor General must—
- (a) examine, certify and report on the statement of accounts, and
 - (b) send a copy of the certified statement and of the report to the Secretary of State as soon as possible.

Commencement Information

I18 Sch. 3 para. 18 in force at 1.9.2018 by [S.I. 2018/945](#), [reg. 3\(b\)](#)

- 19 The Secretary of State must, in respect of each financial year, lay before Parliament a document consisting of—
- (a) the annual report sent under paragraph 17, and
 - (b) the certified statement of accounts and report sent under paragraph 18(5)(b).

Commencement Information

I19 Sch. 3 para. 19 in force at 1.9.2018 by [S.I. 2018/945](#), [reg. 3\(b\)](#)

- 20 In paragraphs 17 to 19 “financial year” means—
- (a) the period beginning with the day on which this Schedule comes fully into force and ending with the following 31 March, and
 - (b) every subsequent period of 12 months ending with 31 March.

Commencement Information

I20 Sch. 3 para. 20 in force at 1.9.2018 by [S.I. 2018/945](#), [reg. 3\(b\)](#)

Application of seal and evidence

- 21 The application of the regulator's seal must be authenticated by the signature of—
- (a) a member of the regulator, or
 - (b) any other person who is authorised (generally or specially) for that purpose.

Commencement Information

I21 Sch. 3 para. 21 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

- 22 A document purporting to be duly executed under the seal of the regulator—
- (a) is to be received in evidence, and
 - (b) is to be treated as so executed unless the contrary is shown.

Commencement Information

I22 Sch. 3 para. 22 in force at 1.4.2018 by [S.I. 2018/346](#), [reg. 4\(bb\)](#)

Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, SCHEDULE 3. (See end of Document for details)

Disqualification

- 23 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert— “ Social Work England. ”

Commencement Information

I23 Sch. 3 para. 23 in force at 1.4.2018 by [S.I. 2018/346](#), **reg. 4(bb)**

Freedom of information

- 24 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), at the appropriate place insert— “ Social Work England. ”

Commencement Information

I24 Sch. 3 para. 24 in force at 1.4.2018 by [S.I. 2018/346](#), **reg. 4(bb)**

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