
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations use consequential amendment powers set out in the Health and Care Act 2022 (“2022 Act”) to amend section 23 of the Health and Social Care Act 2008 (“2008 Act”) and section 7 of the Foster Children (Scotland) Act 1984 (“1984 Act”).

The 2022 Act amended the 2008 Act to place a duty on the Secretary of State to require, by regulations, that service providers ensure that each person working for the purpose of regulated activities receives training on learning disability and autism appropriate to their role. The Care Quality Commission is required under section 23 of the 2008 Act to issue guidance about compliance with those regulations. Regulation 2 amends section 23 of the 2008 Act to create an exemption in the Care Quality Commission’s statutory duty to issue guidance in relation to training on learning disability and autism, as the 2022 Act also amends the 2008 Act to insert a duty on the Secretary of State to issue a code of practice on such training.

Regulation 3 amends section 7 of the 1984 Act to add to the list of matters which disqualify a person in Scotland from fostering a child. These will now include conviction for any of the new offences in the 2022 Act in relation to virginity testing and hymenoplasty when committed against, or in relation to, a child (a person under the age of 18).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An explanatory memorandum has been prepared and is available alongside this instrument on the website, www.legislation.gov.uk.