

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, SCHEDULE 9. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 9

Section 124

#### REGULATION OF SOCIAL CARE WORKERS

##### *Interpretation*

- 1 In this Schedule—
- “functions” includes powers and duties;
  - “regulations” means regulations under section 124;
  - “the appropriate Council” means—
    - (a) in relation to regulations made by the Secretary of State, the General Social Care Council, and
    - (b) in relation to regulations made by the Welsh Ministers, the Care Council for Wales.

##### **Commencement Information**

**11** Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

##### *Matters generally within the scope of regulations*

- 2 Regulations may make provision for the following matters (among others)—
- (a) the functions of the appropriate Council;
  - (b) the keeping of registers of social care workers of any description;
  - (c) education and training;
  - (d) privileges of registered persons;
  - (e) standards of conduct and performance (including standards of conduct and performance of social care workers carrying out the functions of an approved mental health professional within the meaning of section 114 of the Mental Health Act 1983 (c. 20));
  - (f) discipline;
  - (g) removal or suspension from registration or the imposition of conditions on registration;
  - (h) investigation and enforcement by or on behalf of the appropriate Council;
  - (i) appeals;
  - (j) codes of practice or guidance for persons employing or seeking to employ social care workers.

##### **Commencement Information**

**12** Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

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*Manner of exercise of power*

- 3 The power to make regulations may be exercised by amending or repealing any provision (other than section 55) of the Care Standards Act 2000 (c. 14) and any other enactment and any other instrument or document.

**Commencement Information**

**I3** [Sch. 9](#) partly in force; [Sch. 9](#) in force for specified purposes at Royal Assent, see [s. 170](#)

- 4 The power may be exercised so as to make provision for the delegation of functions, including provision conferring power to make, confirm or approve subordinate legislation.

**Commencement Information**

**I4** [Sch. 9](#) partly in force; [Sch. 9](#) in force for specified purposes at Royal Assent, see [s. 170](#)

- 5 The power may be exercised so as to make provision—  
 (a) for the charging of fees, and  
 (b) for the making of payments by the appropriate Council.

**Commencement Information**

**I5** [Sch. 9](#) partly in force; [Sch. 9](#) in force for specified purposes at Royal Assent, see [s. 170](#)

- 6 The power may be exercised so as to—  
 (a) confer functions (including power to pay grants) on Ministers of the Crown or, in the case of regulations made by the Welsh Ministers, on the Welsh Ministers, or  
 (b) modify their functions.

**Commencement Information**

**I6** [Sch. 9](#) partly in force; [Sch. 9](#) in force for specified purposes at Royal Assent, see [s. 170](#)

- 7 The power may not be exercised so as to create any criminal offence, except an offence punishable on summary conviction with a fine not exceeding the amount specified as level 5 on the standard scale.

**Commencement Information**

**I7** [Sch. 9](#) partly in force; [Sch. 9](#) in force for specified purposes at Royal Assent, see [s. 170](#)

*Matters outside the scope of regulations*

- 8 (1) Regulations may not abolish the General Social Care Council or the Care Council for Wales.  
 (2) Where the Care Standards Act 2000 provides for any function mentioned in subparagraph (3) to be exercised by either of those Councils or any of its committees or

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officers, regulations may not provide for any person other than that Council or any of its committees or officers to exercise that function.

- (3) Those functions are—
- (a) keeping the register of social care workers of any description,
  - (b) determining standards of education and training required as a condition of registration,
  - (c) giving advice about standards of conduct and performance, and
  - (d) administering procedures (including making rules) relating to misconduct, removal from registration and similar matters.

#### Commencement Information

**18** Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

#### *Preliminary procedure for making regulations: England*

- 9 (1) If the Secretary of State proposes to lay a draft of regulations before Parliament, the Secretary of State must first—
- (a) publish a draft of the regulations, and
  - (b) invite representations to be made to the Secretary of State about the draft by—
    - (i) persons appearing to the Secretary of State appropriate to represent social care workers affected by the regulations,
    - (ii) persons appearing to the Secretary of State appropriate to represent those provided with services by such social care workers, and
    - (iii) any other persons appearing to the Secretary of State appropriate to consult about the draft.
- (2) After the end of the period of 3 months beginning with the publication of the draft, the Secretary of State may lay the draft as published, or that draft with any modifications the Secretary of State considers appropriate, together with a report about the consultation, before Parliament.

#### Commencement Information

**19** Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

#### *Preliminary procedure for making regulations: Wales*

- 10 (1) If the Welsh Ministers propose to lay a draft of regulations before the National Assembly for Wales, the Welsh Ministers must first—
- (a) publish a draft of the regulations, and
  - (b) invite representations to be made to the Welsh Ministers about the draft by—
    - (i) persons appearing to the Welsh Ministers appropriate to represent social care workers affected by the regulations,
    - (ii) persons appearing to the Welsh Ministers appropriate to represent those provided with services by such social care workers, and

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(iii) any other persons appearing to the Welsh Ministers appropriate to consult about the draft.

(2) After the end of the period of 3 months beginning with the publication of the draft, the Welsh Ministers may lay the draft as published, or that draft with any modifications they consider appropriate, together with a report about the consultation, before the National Assembly for Wales.

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**Commencement Information**

**I10** Sch. 9 partly in force; Sch. 9 in force for specified purposes at Royal Assent, see s. 170

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