



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 7 U.K.

#### REGULATION OF HEALTH AND SOCIAL CARE WORKERS

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

VALID FROM 01/12/2012

#### 228 Establishment of voluntary registers E+W

After section 25C of the National Health Service Reform and Health Care Professions Act 2002 insert—

##### **“25D Power of regulatory bodies to establish voluntary registers**

- (1) A regulatory body may establish and maintain a voluntary register of persons who are (and, where the body thinks appropriate, persons who have been)—
  - (a) unregulated health professionals;
  - (b) unregulated health care workers;
  - (c) unregulated social care workers in England;
  - (d) participating in studies that come within subsection (2) or (3).
- (2) Studies come within this subsection if they are studies for the purpose of becoming a member of—
  - (a) a profession to which section 60(2) of the Health Act 1999 applies, or
  - (b) the social work profession in England.
- (3) Studies come within this subsection if they are studies for the purpose of becoming—
  - (a) an unregulated health professional,

*Status: Point in time view as at 01/07/2012. This version of this provision is not valid for this point in time.*

*Changes to legislation: Health and Social Care Act 2012, Section 228 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) an unregulated health care worker, or
  - (c) an unregulated social care worker in England.
- (4) A regulatory body may establish and maintain a register under subsection (1) (a), (b) or (c) of only such persons as are (or have been) engaged in work that supports, or otherwise relates to, work engaged in by members of a profession which the body regulates; but this subsection does not apply to the Health and Care Professions Council.
- (5) A regulatory body may establish and maintain a register under subsection (1) (d) of only such persons as are (or have been) participating in studies for the purpose of—
- (a) in the case of studies coming within subsection (2), becoming a member of a profession which the body regulates,
  - (b) in the case of studies coming within subsection (3)(a), becoming a member of a profession for which the body maintains a voluntary register, or
  - (c) in the case of studies coming within subsection (3)(b) or (c), engaging in work in respect of which the body maintains a voluntary register.
- (6) The General Pharmaceutical Council may establish and maintain a register under subsection (1) of only such persons as are (or have been) engaged in work or participating in studies in England, Wales or Scotland.
- (7) The Pharmaceutical Society of Northern Ireland may establish and maintain a register under subsection (1) of only such persons as are (or have been) engaged in work, or are participating in studies, in Northern Ireland.
- (8) A regulatory body may establish and maintain a register under subsection (1) jointly with one or more other regulatory bodies.
- (9) Where regulatory bodies establish and maintain a register in reliance on subsection (8)—
- (a) subsections (4) and (5) apply to each body (but subsection (4) does not apply to the Health and Care Professions Council),
  - (b) subsection (6) applies to the General Pharmaceutical Council if it is one of the bodies, and
  - (c) subsection (7) applies to the Pharmaceutical Society of Northern Ireland if it is one of the bodies.
- (10) But subsections (6) and (7) do not apply where the bodies concerned are or include the General Pharmaceutical Council and the Pharmaceutical Society of Northern Ireland.
- (11) Accordingly, in those circumstances, the General Pharmaceutical Council and the Pharmaceutical Society of Northern Ireland may jointly establish and maintain a register of persons who are (and, where they consider appropriate, have been) engaged in work or participating in studies anywhere in the United Kingdom.
- (12) A request to be registered, or to continue to be registered, in a register established under subsection (1) must be accompanied by a fee of such amount as the regulatory body (or bodies) concerned may determine.

*Status: Point in time view as at 01/07/2012. This version of this provision is not valid for this point in time.*

*Changes to legislation: Health and Social Care Act 2012, Section 228 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### **25E Section 25D: interpretation**

- (1) This section applies for the purposes of section 25D.
- (2) “Voluntary register” means a register of persons in which a person is not required by an enactment to be registered in order to be entitled to—
  - (a) use a title,
  - (b) practise as a member of a profession,
  - (c) engage in work that involves the provision of health care,
  - (d) engage in work of a description given in section 60(2ZC) of the Health Act 1999 (social care work in England), or
  - (e) participate in studies that come within section 25D(2) or (3).
- (3) Where an enactment imposes a requirement of that kind which applies to part only of the United Kingdom, a register is to be regarded as a voluntary register in so far as it applies to any part of the United Kingdom to which the requirement does not apply.
- (4) The reference in subsection (2) to an enactment does not include a reference to an enactment in so far as it imposes a requirement of that kind which applies—
  - (a) only to work or practice of a particular kind, and
  - (b) only when work or practice of that kind is engaged in for particular purposes.
- (5) In subsections (2) to (4), “enactment” means an enactment contained in, or in an instrument made under—
  - (a) an Act of Parliament,
  - (b) an Act of the Scottish Parliament,
  - (c) an Act or Measure of the National Assembly for Wales, or
  - (d) Northern Ireland legislation.
- (6) “Unregulated health professional” means a member of a profession—
  - (a) which is concerned with the physical or mental health of individuals, but
  - (b) to which section 60(2) of the Health Act 1999 does not apply.
- (7) “Unregulated health care worker” means a person engaged in work which—
  - (a) involves the provision of health care, but
  - (b) is not work which may be engaged in only by members of a profession.
- (8) In subsections (2) and (7), “health care” includes—
  - (a) all forms of health care for individuals, whether relating to physical or mental health, and
  - (b) procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition.
- (9) “Unregulated social care worker in England” means a person engaged in social care work in England within the meaning of section 60 of the Health Act 1999.

*Status: Point in time view as at 01/07/2012. This version of this provision is not valid for this point in time.*

*Changes to legislation: Health and Social Care Act 2012, Section 228 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (10) But a person is not to be regarded as being (or having been) engaged in work as an unregulated social care worker merely because the person is (or has been) participating in a course of the description given in subsection (2ZC) (o) of that section (social work courses).
- (11) “The social work profession in England” has the meaning given in that section.

#### **25F Establishment of voluntary register: impact assessment**

- (1) Before establishing a register under section 25D, a regulatory body—
  - (a) must make an assessment of the likely impact of doing so, and
  - (b) must consult such persons as it considers appropriate.
- (2) In performing the duty under subsection (1)(a), the body 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 establishing the register on—
  - (a) persons who would be eligible for inclusion in the register;
  - (b) persons who employ persons who would be eligible for inclusion in the register;
  - (c) users of health care, users of social care in England and users of social work services in England.
- (4) A regulatory body must publish any assessment it makes under this section.
- (5) In deciding whether to establish a register under section 25D, a regulatory body must have regard to the assessment it made under this section in relation to the register.”

**Status:**

Point in time view as at 01/07/2012. This version of this provision is not valid for this point in time.

**Changes to legislation:**

Health and Social Care Act 2012, Section 228 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.