
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Social Workers Regulations 2018

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Social Workers Regulations 2018.

(2) Subject to paragraph (3), these Regulations come into force on the date on which section 39(1) of the Act comes into force.

(3) Regulation 40 (amendment to the Equality Act 2010) comes into force on the day after the day on which these Regulations are made.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Children and Social Work Act 2017;

“the Authority” means the Professional Standards Authority for Health and Social Care established by section 25(1) of the National Health Service Reform and Health Care Professions Act 2002⁽¹⁾;

“adjudicator” means an individual appointed under regulation 15(12), 16(4), 19(3) or 25(7)(c);

“adviser” has the meaning given in regulation 4(2);

“AMHPs course” has the meaning given in regulation 20(1)(d);

“appointee” has the meaning given in regulation 37(3)(c);

“approved course of initial education or training” has the meaning given in regulation 20(2);

“approved qualification” has the meaning given in regulation 20(2);

“case examiner” means an individual appointed under regulation 25(7)(b);

“conditions of practice order” has the meaning given in paragraph 13(1)(c) of Schedule 2;

“custodial sentence” has the meaning given in section 76 of the Powers of Criminal Courts (Sentencing) Act 2000⁽²⁾;

“education and training approval scheme” has the meaning given in regulation 20(1);

“fitness to practise proceedings” has the meaning given in regulation 25(1)(a);

“function”, in relation to the regulator, has the meaning given in regulation 8(3);

(1) Section 25(1) was amended by section 222(2)(a) of the Health and Social Care Act 2012 (c. 7). By virtue of section 25(2) and (3) of the National Health Service Reform and Health Care Professions Act 2002, as amended by paragraph 2 of Schedule 4 to the Act, the functions of the Authority include the promotion of the interests of users of social work services in England in relation to the performance by the regulator of its functions.

(2) 2000 c. 6. Section 76 was amended by paragraph 108 of Schedule 32 to the Criminal Justice Act 2003 (c. 44). There are other amendments but none is relevant.

“inspector” has the meaning given in regulation 21(2);

“interim conditions of practice order” has the meaning given in paragraph 8(5)(b) of Schedule 2;

“interim suspension order” has the meaning given in paragraph 8(5)(a) of Schedule 2;

“investigator” means an individual appointed under regulation 25(7)(a);

“listed offence” has the meaning given in regulation 26(8);

“necessary knowledge of English” means a knowledge of the English language which is necessary for safe and effective practice as a social worker;

“professional standards” means professional standards determined and published by the regulator under section 41(1) of the Act⁽³⁾;

“register” means the register described in section 39(1)(4) of the Act;

“registrar” means any person appointed under regulation 8(1);

“regulatory body” means a body, other than the regulator, which authorises a person to practise a health or social care profession which is regulated under any enactment, whether in the United Kingdom or elsewhere;

“relevant European State” means an EEA State or Switzerland;

“relevant institutions” has the meaning given in regulation 20(5);

“remedial direction” has the meaning given in regulation 36(2)(b);

“removal order” has the meaning given in paragraph 13(1)(a) of Schedule 2;

“rules” means rules made in accordance with regulation 3;

“suspension order” has the meaning given in paragraph 13(1)(b) of Schedule 2; and

“warning order” has the meaning given in paragraph 13(1)(d) of Schedule 2.

(2) In these Regulations “exempt person” means—

- (a) a national of a relevant European State, other than the United Kingdom,
- (b) a national of the United Kingdom who is seeking access to, or is pursuing, the social work profession by virtue of an enforceable EU right, or
- (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the social work profession, no less favourably than a national of a relevant European State.

(3) For the purposes of paragraph (2) “national”, in relation to a relevant European State, means the same as it does for the purposes of the EU Treaties but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from EU provisions relating to the free movement of persons and services.

(4) For the purposes of these Regulations, whether a person has a recognised qualification is determined in accordance with Schedule 1.

(5) Subject to paragraph (6), “registered social worker” means a person whose name is entered in the register in accordance with Part 2, where their registration has not been removed, and “registered” is to be construed accordingly.

(6) A person who is—

(3) Section 41(1) of the Act requires the regulator to determine and publish professional standards for social workers in England. By virtue of section 63(1) of the Act, “professional standards” includes standards relating to (a) proficiency, (b) performance, (c) conduct and ethics, and (d) continuing professional training and development

(4) That is, a register of social workers in England.

- (a) registered as a social worker in the register maintained by the Health and Care Professions Council under article 5(1) of the Health and Social Work Professions Order 2001⁽⁵⁾ immediately before the coming into force of these Regulations, and
- (b) whose registration has not lapsed or been removed in accordance with the provisions of that Order,

is deemed to be a registered social worker for the purposes of these Regulations.