



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 7

#### REGULATION OF HEALTH AND SOCIAL CARE WORKERS

##### *The Health and Care Professions Council*

#### **215 Functions of the Council in relation to social work in England**

- (1) The Health and Social Work Professions Order 2001 (S.I. 2002/254) is amended as follows.
- (2) In article 3 (the Council and its Committees), in paragraph (5)(b)—
  - (a) in paragraph (ii), omit “other”,
  - (b) omit the “and” following paragraph (iv), and
  - (c) after paragraph (v) insert “,  
(vi) the regulation of social work in England, and  
(vii) the provision, supervision or management of the services of persons engaged in social work in England.”
- (3) In that article, after paragraph (5A) insert—

“(5AA) The public bodies with which the Council must co-operate for the purposes of paragraph (5)(b) include in particular—

  - (a) the Care Council for Wales,
  - (b) the Scottish Social Services Council, and
  - (c) the Northern Ireland Social Care Council.”
- (4) In that article, after paragraph (17) insert—

“(17A) The Council may—

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*Status: Point in time view as at 01/08/2012. This version of this provision has been superseded.*

*Changes to legislation: Health and Social Care Act 2012, Section 215 is up to date with all changes known to be in force on or before 28 July 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)*

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- (a) make recommendations to the Secretary of State concerning social care workers in England who in its opinion should be regulated pursuant to section 60(1)(bc) of the Health Act 1999; and
  - (b) give such guidance as it sees fit, to such persons as seem to it to have an interest in such regulation, on the criteria to be taken into account in determining whether social care workers in England should be so regulated.”
- (5) In article 6 (register), in paragraph (3)(aa), after “visiting health” insert “or social work”; and in consequence of that—
- (a) for the title to article 13A substitute “Visiting health or social work professionals from relevant European States”, and
  - (b) in articles 7(4), 9(8) and 37(1)(aa), after “visiting health” insert “or social work”.
- (6) In article 10 (renewal of registration and readmission), in paragraph (6) after “visiting health” insert “or social work”.
- (7) In article 12 (approved qualifications), in paragraph (1)—
- (a) omit the “or” preceding paragraph (c), and
  - (b) after that paragraph insert “; or
  - (d) where he is applying for admission to the register as a social worker, he has, in Wales, Scotland or Northern Ireland, undergone training in social work and—
    - (i) the training is recognised by the Council as meeting the standard which it requires for admission to the part of the register relating to the social work profession in England, or
    - (ii) the training is not so recognised but he has undergone, whether in England or elsewhere, such additional training or professional experience as satisfies the Council that he has the requisite standard of proficiency for admission to the part of the register relating to the social work profession in England.”
- (8) In that article, in paragraph (2)—
- (a) omit the “and” preceding paragraph (b), and
  - (b) after that paragraph insert “; and
  - (c) assess training or professional experience acquired in Wales, Scotland or Northern Ireland in social work and to compare it, together with qualifications mentioned in sub-paragraph (a) where appropriate, with the standard of proficiency required for admission to the part of the register relating to the social work profession in England.”
- (9) After article 13A insert—

**“13B Requirement for social workers in England to be registered**

- (1) A person may not practise as a social worker in England unless the person is registered in the part of the register relating to the social work profession in England.

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- (2) Paragraph (1) does not apply to a person who—
- (a) is registered as a social worker in a register kept by the Care Council for Wales, the Scottish Social Services Council or the Northern Ireland Social Care Council, and
  - (b) is practising in England as a social worker on a temporary basis.”
- (10) In article 19 (post-registration training), in paragraph (2A)(b), after “visiting health” insert “or social work”.
- (11) In article 20 (Wales), at the end insert “; but the reference to the Council's function under article 15(4)(b) does not include a reference to that function so far as relating to social work in England”.
- (12) In article 39 (offences), after paragraph (1) insert—
- “(1A) A person who is registered as a social worker in a register kept by the Care Council for Wales, the Scottish Social Services Council or the Northern Ireland Social Care Council is to be regarded for the purposes of paragraph (1) (b) as entitled to use the title of “social worker”.”
- (13) In Schedule 3 (interpretation), in paragraph 1, in the definition of “visiting health professional from a relevant European state”, after “health” in each place it appears insert “or social work”.

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**Commencement Information**

**II** [S. 215](#) in force at 1.8.2012 by [S.I. 2012/1319](#), [art. 2\(4\)](#)

**Status:**

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**Changes to legislation:**

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