

## **Explanatory Memorandum**

### **The Care Standards Act 2000 (Extension of Protection of Vulnerable Adults Scheme) Regulations 2004 No.2070**

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

#### **2. Description**

2.1 This Statutory Instrument will extend the POVA scheme to all care workers who are employed by an adult placement scheme in a position which is concerned with the provision of care or support or accommodation to vulnerable adults who are placed by the scheme. To do this, changes have been made to section 80 of the Care Standards Act 2000 under the power contained in section 93 (1) of that Act. These changes will mean that, from **31 August 2004** when the Adult Placement Schemes Regulations come into force, the POVA Scheme will be extended to carers employed by Adult Placement Schemes.

#### **3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]**

3.1 There are no Matters of special interest.

#### **4. Legislative Background**

4.1 Section 80 (basic definitions) of the Care Standards Act 2000 has been amended as permitted by the power contained in section 93 of the Act. As a result, the provisions of Part VII of the Care Standards Act 2000 (the POVA scheme) will apply to care workers employed by adult placement schemes in positions which are concerned with the provision of care or support or accommodation to vulnerable adults who are placed by the scheme.

#### **5. Extent**

5.1 This instrument applies to England and Wales.

5.2 The Welsh Assembly has also made regulations governing adult placements schemes situated in Wales.

## **6. European Convention on Human Rights**

Not applicable

## **7. Policy background**

7.1 The Protection of Vulnerable Adults - POVA - scheme will act as a workforce ban on those care workers who have harmed vulnerable adults in their care. It will add an extra layer of protection to the pre-employment processes, including Criminal Records Bureau checks, which already take place and stop known abusers from entering the care workforce.

7.2 Adult placement offers short or long-term accommodation and/or care or support provided to a maximum, at any one time of three adults, by an AP Carer who is approved and supported by an AP Scheme and who enters into an agreement with the scheme to provide such services.

7.3 Workers will be prohibited from working in a care position (as defined in section 80 of the Care Standards Act 2000) if they are included on the POVA list which is maintained by the Secretary of State for Health.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

## **9. Contact**

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