EXPLANATORY MEMORANDUM TO THE

CARE STANDARDS ACT 2000 (RELEVANT REGISTERS OF SOCIAL WORKERS) REGULATIONS 2005

2005 No.491

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 These Regulations relate to England and Wales, and are made under section 61(2)(b) of the Care Standards Act 2000 ("the 2000 Act"). They prescribe the registers of social workers maintained under provisions of Scottish and Northern Irish legislation which correspond to the registers maintained by the General Social Care Council (GSCC) and the Care Council for Wales (CCW) respectively under the 2000 Act. The purpose of prescribing these registers is to ensure that an individual registered in either of them will not be guilty of an offence under section 61 of the 2000 Act if he takes or uses the title "social worker" while working in such a capacity in either England or Wales. These Regulations will come into force on 1st April 2005

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The full implementation of Section 61 of the 2000 Act will have the effect of introducing protection of the title "social worker" by creating an offence, punishable by a fine of up to level 5 on the standard scale, for a person who is not registered as a social worker to use that title or hold himself out as a social worker with an intention to deceive.

4.2 The 2000 Act applies to England and Wales, but there is similar legislation for Scotland and Northern Ireland requiring their equivalents of the GSCC and CCW to maintain registers of social workers. These regulations ensure that persons registered as social workers on the Scottish and Northern Irish registers, who may be using the title social worker while working in such a capacity in England, will not be guilty of an offence under S 61.

5. Extent

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

7.1. Once section 61 of the 2000 Act is commenced, it will be a criminal offence punishable by a fine of up to £5,000. for a person in England and Wales to, with intent to deceive another, -

(a) take or use the title of social worker; or
(b) take or use any title that implies that s/he is a registered social worker; or
(c) take or use any description that implies that s/he is a registered social worker; or
(d) in any way hold him/herself out as a registered social worker;

unless s/he is registered with one of the Care Councils.

7.2. A further result of the implementation will be that the current voluntary aspects of registration for qualified social workers who wish to practice using that title will disappear.

7.3. The 2000 Act applies to England and Wales, but the 4 UK countries (England, Wales, Northern Ireland and Scotland) have worked to synchronise the introduction of the regulation of social work. Many social workers trained and regulated in one of the countries will at times be working in one of the others. Wales, England and Northern Ireland have planned to introduce protection of title from 1 April 2005: Scotland will follow in September 2005.

7.4. The requirements for people to register as a social worker with the Councils in each country are substantially the same, and it makes sense to allow people registered in one UK country to work in another without being required to register again with another Council in order to avoid committing an offence. This is achieved through these regulations by recognising the registers of the Scottish and Northern Ireland Councils for the purposes of S 61(2)(b) of the 2000 Act. Wales has already commenced these powers (S.I. 2002/1175(W.123)(31)). Similar regulations allowing social workers registered in England and Wales to practice in that capacity without committing an offence in Scotland and Northern Ireland will be introduced by those countries.

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

Lionel Took at the Department of health Tel: 0207 972 4308 or e-mail: Lionel.took@dh.gsi.gov.uk can answer any queries regarding the instrument.