Draft Regulations laid before Parliament under sections 53(3) and 156(6) of the Employment Rights Act 2025 (c. 36), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No. ****

SOCIAL CARE, ENGLAND

The Adult Social Care Negotiating Body for England Regulations 2026

Made - - - - ***

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 39(1), 40, 41, 43, 44, 45, 48(1)(b), 49, 53(1) and 54 of the Employment Rights Act 2025(**a**).

In accordance with sections 53(3) and 156(6) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations may be cited as the Adult Social Care Negotiating Body for England Regulations 2026.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales, except for regulations 10 and 11 which extend to England and Wales and Scotland.

(4) These Regulations apply in relation to social care(**b**) provided by covered social care workers in England.

(5) In these Regulations—

"the Act" means the Employment Rights Act 2025;

"the ASCNB" means the Adult Social Care Negotiating Body for England established by regulation 2(1);

"covered social care worker" means a relevant social care worker(**c**) in relation to the ASCNB except to the extent they are employed(**d**) by—

(**a**) 2025 c. 36. In accordance with section 39(5) of the Employment Rights Act 2025 ("the Act"), the Secretary of State is the appropriate authority in relation to the Adult Social Care Negotiating Body for England.
(**b**) For "social care" see section 42(2) of the Act.
(**c**) For "relevant social care worker" see section 41(2) of the Act, and for "social care worker" see section 42 of the Act.
(**d**) For "employed" see section 55(1) of the Act.

(a) an NHS employer listed in Annex 1 to the NHS Terms and Conditions of Service Handbook(**a**) as amended from time to time;

(b) a local authority, meaning—

(i) in relation to England, a local authority within the meaning of section 1(4) of the Care Act 2014(**b**);

(ii) in relation to Scotland, a local authority falling within section 1(2) of the Social Work (Scotland) Act 1968(**c**);

(iii) in relation to Wales, a local authority within the meaning of section 189 of the Regulation and Inspection of Social Care (Wales) Act 2016(**d**);

"discretionary matter" means a referred matter other than a specified matter;

"matter subject to consideration" means a specified matter or a discretionary matter which the ASCNB has decided to consider under regulation 4(3)(b);

"referred agreement" means an agreement referred back to the ASCNB under regulation 5(2);

"referred matter" means a matter referred to the ASCNB under regulation 4(1);

"specified matter" means a matter specified under regulation 4(2)(a).

The Adult Social Care Negotiating Body for England

2.—(1) There is to be an unincorporated body of persons known as the Adult Social Care Negotiating Body for England.

(2) The Schedule makes further provision about the ASCNB.

Matters within the ASCNB's remit

3.—(1) For the purposes of section 41(1)(a) and (b) of the Act so far as it relates to the ASCNB, covered social care workers is the specified description of relevant social care workers.

(2) For the purposes of section 41(1)(c) of the Act, the matters within the ASCNB's remit are matters that relate to the following—

(a) the training and development of covered social care workers;

(b) career progression for covered social care workers;

(c) human resources policies and procedures relating to people and culture so far as they apply to covered social care workers;

(d) benefits other than the remuneration of covered social care workers (both financial and non-financial).

Referral and consideration of matters

4.—(1) The Secretary of State—

(a) may refer the matters within the ASCNB's remit to the ASCNB for consideration by it, and

---

(**a**) The NHS Terms and Conditions of Service Handbook is not published in hard copy, but it is available online at https://www.nhsemployers.org/publications/tchandbook.

(**b**) 2014 c. 23.

(**c**) 1968 c. 49. Section 1(2) was amended by paragraph 76(2) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39).

(**d**) 2016 anaw/dccc 2.

(b) if so, must refer all the matters within the ASCNB's remit.

(2) When referring the matters, the Secretary of State may specify—

(a) particular referred matters which the ASCNB must consider;

(b) in relation to the ASCNB's consideration of the referred matters generally or of a specified matter—

(i) factors to which the ASCNB may, or must, have regard;

(ii) persons, including (among others) representatives of local government, that the ASCNB must consult, and the things on, the times at and the manner in which they are to be consulted;

(iii) other conditions that must be met in relation to any agreement reached by the ASCNB, including (among others) conditions relating to funding;

(c) a date by which the ASCNB must comply with paragraph (5).

(3) The ASCNB—

(a) must consider any specified matters, and

(b) may consider any discretionary matters.

(4) In considering any referred matter, the ASCNB must—

(a) have regard to—

(i) any factors specified under paragraph (2)(b)(i) as factors to which the ASCNB must have regard, and

(ii) the outcome of any consultation carried out pursuant to a requirement specified under paragraph (2)(b)(ii), and

(b) comply with any conditions specified under paragraph (2)(b)(iii).

(5) The ASCNB must—

(a) if it has reached an agreement about any matters subject to consideration, submit the agreement to the Secretary of State;

(b) if it has been unable to reach an agreement about a matter subject to consideration, notify the Secretary of State of that fact together with the reasons that it has been unable to reach an agreement.

(6) If the Secretary of State specifies a date under paragraph (2)(c), the ASCNB must comply with paragraph (5) no later than that date.

(7) Paragraph (8) applies if—

(a) the ASCNB has not yet complied with paragraph (5) in relation to any matters subject to consideration, and

(b) either—

(i) the Secretary of State made a typographical or clerical error in the reference of the matters, or

(ii) the Secretary of State considers that circumstances have materially changed since the matters were referred.

(8) Where this paragraph applies in relation to referred matters, the Secretary of State may, for the purpose of remedying an error described in paragraph (7)(b)(i) or of taking account of a change of circumstance described in paragraph (7)(b)(ii)—

(a) withdraw the reference of the matters;

(b) withdraw any specified matters, or specify new matters under paragraph (2)(a);

(c) withdraw or vary any factors specified under paragraph (2)(b)(i), or specify new factors under that paragraph;

(d) withdraw or vary any consultation requirement specified under paragraph (2)(b)(ii), or specify a new consultation requirement under that paragraph;

(e) withdraw or vary any conditions specified under paragraph (2)(b)(iii), or specify new conditions under that paragraph;

(f) specify a later date under paragraph (2)(c) or, if no date was specified, specify a date under that paragraph.

Reconsideration of agreement by the ASCNB

5.—(1) This regulation applies in a case where the ASCNB submits an agreement to the Secretary of State in accordance with regulation 4(5)(a).

(2) The Secretary of State may refer the agreement back to the ASCNB for reconsideration if it appears to the Secretary of State that—

(a) the agreement does not properly address a matter subject to consideration,

(b) it is not practicable to implement the agreement,

(c) circumstances have materially changed since the matters were referred under regulation 4(1), or

(d) the ASCNB has failed to—

(i) have regard to any factors specified under regulation 4(2)(b)(i) as factors to which the ASCNB must have regard,

(ii) carry out any consultation specified under regulation 4(2)(b)(ii) or to have regard to the outcome of such consultation, or

(iii) comply with any conditions specified under regulation 4(2)(b)(iii).

(3) When referring an agreement back for reconsideration, the Secretary of State may specify—

(a) factors to which the ASCNB may, or must, have regard when reconsidering the agreement;

(b) persons, including (among others) representatives of local government, that the ASCNB must consult when reconsidering the agreement, and the things on, the times at and the manner in which they are to be consulted;

(c) other conditions that must be met by the ASCNB in relation to any revised agreement, including (among others) conditions relating to funding;

(d) a date by which the ASCNB must comply with paragraph (5).

(4) The ASCNB must—

(a) reconsider the referred agreement, having regard to—

(i) any factors specified under paragraph (3)(a) as factors to which the ASCNB must have regard, and

(ii) the outcome of any consultation carried out pursuant to a requirement specified under paragraph (3)(b), and

(b) comply with any conditions specified under paragraph (3)(c).

(5) After reconsidering the referred agreement, the ASCNB must—

(a) if it has agreed revisions to the agreement, submit the revised agreement to the Secretary of State;

(b) if it has not agreed revisions to the agreement, submit the original agreement to the Secretary of State.

(6) If the Secretary of State specifies a date under paragraph (3)(d), the ASCNB must comply with paragraph (5) no later than that date.

(7) Paragraph (8) applies in relation to a referred agreement if—

(a) the ASCNB has not yet complied with paragraph (5) in relation to the agreement, and

(b) either—

(i) the Secretary of State made a typographical or clerical error in the reference of the agreement, or

(ii) the Secretary of State considers that circumstances have materially changed since the agreement was referred back.

(8) Where this paragraph applies in relation to a referred agreement, the Secretary of State may, for the purpose of remedying an error described in paragraph (7)(b)(i) or of taking account of a change of circumstance described in paragraph (7)(b)(ii)—

(a) withdraw the reference of the agreement;

(b) withdraw or vary any factors specified under paragraph (3)(a), or specify new factors under that paragraph;

(c) withdraw or vary any consultation requirement specified under paragraph (3)(b), or specify a new consultation requirement under that paragraph;

(d) withdraw or vary any conditions specified under paragraph (3)(c), or specify new conditions under that paragraph;

(e) specify a later date under paragraph (3)(d) or, if no date was specified, specify a date under that paragraph.

Powers of Secretary of State in absence of ASCNB agreement

6.—(1) Paragraph (2) applies if—

(a) the ASCNB notifies the Secretary of State under regulation 4(5)(b) that it has been unable to reach an agreement about a matter subject to consideration, or

(b) the ASCNB fails to comply with regulation 4(5) in relation to a matter subject to consideration by any date specified under regulation 4(2)(c).

(2) If—

(a) a date was specified under regulation 4(2)(c), the Secretary of State may specify a later date under that regulation;

(b) no date was so specified, the Secretary of State may specify a date under that regulation(**a**).

(3) For the purposes of section 48(1)(b) of the Act as it relates to the ASCNB, the specified condition is that the matter on which the ASCNB was unable to reach agreement is a specified matter.

(4) Paragraph (5) applies if the ASCNB fails to comply with regulation 5(5) in relation to a referred agreement by any date specified under regulation 5(3)(d).

(5) The Secretary of State may specify a later date under regulation 5(3)(d).

(**a**) For other steps available to the Secretary of State in the absence of agreement, see section 48 of the Act.

Publication of reports

7.—(1) This regulation applies when ratifying regulations come into force.

(2) In this regulation, "ratifying regulations" means regulations made by the Secretary of State under section 46 of the Act ratifying (in full or otherwise) an agreement that has been submitted by the ASCNB in accordance with regulation 4(5)(a) or 5(5)(a).

(3) The ASCNB must publish a report about the agreement.

(4) If, in accordance with section 46(2)(b) of the Act, the ratifying regulations ratify the agreement only to an extent specified in the regulations, the report need cover the agreement only to that extent.

(5) The report must—

(a) set out the terms of the agreement,

(b) summarise the evidence which the ASCNB considered in reaching the agreement,

(c) explain how the ASCNB—

(i) considered any specified matters to which the agreement relates,

(ii) had regard to any factors specified by the Secretary of State under regulation 4(2)(b)(i) or 5(3)(a), and

(iii) complied with any conditions specified by the Secretary of State under regulation 4(2)(b)(iii) or 5(3)(c).

Power of the Secretary of State to issue guidance

8.—(1) The Secretary of State may issue guidance in relation to—

(a) an agreement that has been submitted by the ASCNB in accordance with regulation 4(5)(a) or 5(5)(a);

(b) regulations made by the Secretary of State under section 48 of the Act.

(2) The Secretary of State must publish any guidance issued under this regulation.

(3) The guidance comes into effect when it is published, unless it specifies a later time.

(4) Where the guidance makes provision about a matter which was a referred matter, a person who employs a covered social care worker must have regard to the provision when dealing with that matter in the course of such employment.

(5) The Secretary of State may issue a revision to any guidance issued under this regulation, and paragraphs (2) to (4) apply to a revision as they apply to guidance.

(6) The Secretary of State may revoke any guidance issued under this regulation.

Power of the Secretary of State to issue codes of practice

9.—(1) The Secretary of State may prepare a code of practice in relation to—

(a) an agreement that has been submitted by the ASCNB in accordance with regulation 4(5)(a) or 5(5)(a);

(b) regulations made by the Secretary of State under section 48 of the Act.

(2) After preparing a code of practice—

(a) if the Secretary of State intends a failure to comply with the duty imposed by paragraph (5) to attract the consequences set out in paragraph (6), the Secretary of State must lay the code before Parliament;

(b) otherwise, the Secretary of State may issue the code and it comes into effect when it is published under paragraph (4), unless the code specifies a later time.

(3) If a code of practice is laid before Parliament under paragraph (2)(a), then—

(a) if, within the 40-day period, either House of Parliament resolves not to approve the code, it must not be issued, or

(b) if no such resolution is passed within that period, the Secretary of State may issue the code and it comes into effect at the end of the period of 21 days beginning with the day on which it is published under paragraph (4), unless the code specifies a later time.

(4) The Secretary of State must publish any code of practice issued under this regulation.

(5) Where a code of practice makes provision about a matter which was a referred matter, a person who employs a covered social care worker must comply with the provision when dealing with that matter in the course of such employment.

(6) The consequences, referred to in paragraph (2)(a), of a failure to comply with a provision when required by paragraph (5) are that the failure—

(a) does not of itself make a person liable to proceedings before any court or tribunal, but

(b) may be taken into account in any such proceedings, including (among other things) for the purpose of determining the amount of any financial award.

(7) The Secretary of State may prepare a revision to any code of practice issued under this regulation, and paragraphs (2) to (6) apply to a revision as they apply to a code of practice.

(8) The Secretary of State may revoke any code of practice issued under this regulation.

(9) In this regulation, "the 40-day period" means the period of 40 days beginning with the day on which the code is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the days on which it is laid).

(10) In calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Status of agreements, etc

10.—(1) Nothing done by the ASCNB, or by members of the ASCNB acting in that capacity, is to be regarded as collective bargaining for the purposes of section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992(**a**).

(2) Any reference to a collective agreement within the meaning of that Act does not include an agreement reached by the ASCNB.

Consequential amendment of the Public Records Act 1958

11. In Part 1 of the Table at the end of paragraph 3 of Schedule 1 to the Public Records Act 1958(**b**), in the second column of the row for the Department of Health, at the end insert—

"The Adult Social Care Negotiating Body for England.".

Name
Minister of State
Department of Health and Social Care

Date

(**a**) 1992 c. 52.
(**b**) 1958 c. 51 (6 & 7 Eliz 2).

SCHEDULE

Regulation 2(2)

The Adult Social Care Negotiating Body for England

PART 1

Membership and Chair of the ASCNB

Membership and the Chair: general and interpretation

1.—(1) The ASCNB is to consist of—

(a) voting members appointed in accordance with paragraph 2,

(b) any non-voting members appointed in accordance with paragraph 3, and

(c) a Chair appointed in accordance with paragraph 4.

(2) When appointing a member, the Secretary of State may specify—

(a) the period of the appointment (whether by reference to a fixed period of time or to a particular event or set of circumstances, such as the period during which the ASCNB considers any particular referred matters),

(b) the level of any fees or expenses that may be paid to the member, and

(c) any other terms of the appointment.

(3) Where the Secretary of State has specified the period of a member's appointment under sub-paragraph (2)(a), the Secretary of State may—

(a) extend the period at any time before it expires;

(b) reappoint the member after the period expires.

(4) In this Schedule—

"employer representative" means a person that represents the interests of employers of covered social care workers;

"member" means a voting member or a non-voting member;

"trade union official" means an official(**a**) of a certified trade union which represents the interests of covered social care workers, and a certified trade union is a trade union(**b**) in respect of which a certificate has been issued under section 6, and which has not been withdrawn or cancelled under section 7, of the Trade Union and Labour Relations (Consolidation) Act 1992.

Appointment of voting members

2.—(1) A voting member must be either—

(a) a trade union official, or

(b) an employer representative,

(**a**) For "official" see section 55(1) of the Act.
(**b**) For "trade union" see section 55(1) of the Act.

and the Secretary of State must appoint at least one of each.

(2) Before appointing a voting member, the Secretary of State must seek nominations from—

(a) any person who appears to the Secretary of State to be in a position to nominate trade union officials, and

(b) any person who appears to the Secretary of State to be in a position to nominate employer representatives.

(3) The consultation requirement imposed by sub-paragraph (2)—

(a) only requires the Secretary of State to seek nominations that appear to the Secretary of State sufficient to enable the appointment of enough voting members from among the nominees to enable the ASCNB to perform its functions effectively, and

(b) may be satisfied by consultation carried out before sub-paragraph (2) comes into force.

(4) When seeking nominations, the Secretary of State may specify essential or desirable criteria to be met by voting members.

(5) The Secretary of State must—

(a) ensure that the number of voting members who are trade union officials is the same as the number who are employer representatives, and

(b) in particular, make such appointments as are necessary to secure the objective in paragraph (a) as soon as reasonably practicable if the number of voting members of either description changes while the ASCNB is in the course of considering referred matters or reconsidering a referred agreement.

(6) When deciding who to appoint as a voting member, the Secretary of State must have regard to—

(a) any nominations received pursuant to sub-paragraph (2),

(b) any essential or desirable criteria specified under sub-paragraph (4), and

(c) the desirability that voting members have knowledge or experience of—

(i) the adult social care sector, particularly the operational delivery of adult social care, and

(ii) industrial relations, particularly employment negotiations.

Appointment of non-voting members

3.—(1) The Secretary of State may appoint any number of persons as non-voting members, but a non-voting member must not be—

(a) a trade union official, or

(b) an employer representative.

(2) Before appointing a non-voting member, the Secretary of State may seek nominations from any person who appears to the Secretary of State to be in a position to nominate persons with skills, knowledge or experience that would facilitate the ASCNB in the performance of its functions.

(3) When seeking nominations, the Secretary of State may specify essential or desirable criteria to be met by non-voting members.

(4) When deciding who to appoint as a non-voting member, the Secretary of State must have regard to—

(a) the desirability that non-voting members have knowledge or experience of the matters set out in paragraph 2(6)(c)(i) and (ii), and

(b) any essential or desirable criteria specified under sub-paragraph (3).

Appointment of Chair

4. The Secretary of State must appoint a Chair of the ASCNB, but the Chair must not be—

(a) a trade union official, or

(b) an employer representative.

Terms of membership

5.—(1) The appointment of a member is subject to any terms specified under paragraph 1(2).

(2) A member's appointment may be terminated by—

(a) the member giving notice to the Secretary of State, or

(b) the Secretary of State giving notice to the member on the grounds that the member—

(i) has without reasonable excuse failed to carry out the member's responsibilities, or

(ii) is, in the opinion of the Secretary of State, unable or unfit to carry out the member's responsibilities.

Payment of fees and expenses

6. The Secretary of State may pay fees and expenses to the Chair and to the members of the ASCNB.

PART 2

ASCNB's terms of reference etc.

Content of terms of reference

7.—(1) In this Part, "terms of reference" means arrangements for the ASCNB's proceedings.

(2) The terms of reference (whether adopted under paragraph 8, determined under paragraph 9, or varied under paragraph 10) must include—

(a) the procedure by which the ASCNB considers and reaches agreement on a matter subject to consideration, including—

(i) establishing a quorum for meetings of the ASCNB,

(ii) that agreement on a matter subject to consideration is reached when a majority of voting members who are employer representatives and a majority of voting members who are trade union officials vote in favour of a position on the matter (and, accordingly, that neither non-voting members nor the Chair may vote on a position on a referred matter), and

(iii) the process for resolving any points of contention that arise between members,

(b) the procedure by which members agree that an impasse has been reached in consideration of a matter subject to consideration, and that the impasse should be subject to dispute resolution,

(c) that non-voting members participate independently of the interests of—

(i) covered social care workers, and

(ii) employers of covered social care workers, and

(d) that the role of the Chair includes taking appropriate action to ensure that—

(i) all members have a reasonable opportunity to participate in considering any matter subject to consideration,

(ii) any matter subject to consideration is considered in an efficient, effective and timely manner,

(iii) any points of contention are resolved to the extent possible,

(iv) persons are given a reasonable opportunity to make representations pursuant to any consultation requirement specified under regulation 4(2)(b)(ii) or 5(3)(b),

(v) the terms of reference are followed during the ASCNB's proceedings, and

(vi) the ASCNB complies with its obligations under these Regulations.

(3) In sub-paragraph (2), a reference to a matter subject to consideration includes a matter which is subject to a referred agreement.

(4) The terms of reference may (among other things)—

(a) make provision about establishing a committee or sub-committee of the ASCNB;

(b) specify functions of the ASCNB which may be performed by a committee or sub-committee.

Adoption of terms of reference following agreement of the ASCNB

8.—(1) The Chair must take appropriate action to ensure that the ASCNB endeavours to agree proposed terms of reference.

(2) If the ASCNB agrees proposed terms of reference, the Chair must send a copy of them to the Secretary of State.

(3) On receipt of proposed terms of reference—

(a) the Secretary of State may approve the proposed terms of reference, in which case—

(i) the proposed terms of reference become adopted, and

(ii) the Secretary of State must ensure that the terms of reference are published, or

(b) if the Secretary of State considers that the proposed terms of reference will not secure the effective functioning of the ASCNB, the Secretary of State must—

(i) request that the ASCNB endeavours to agree revised proposed terms of reference, and

(ii) provide reasons for considering that the proposed terms of reference will not secure the effective functioning of the ASCNB.

(4) If the Secretary of State makes a request under sub-paragraph (3)(b)(i), the ASCNB must endeavour to agree revised proposed terms of reference taking account of the reasons provided under sub-paragraph (3)(b)(ii), and this paragraph applies to any revised proposed terms of reference as it applies to proposed terms of reference.

Determination of terms of reference by the Secretary of State in the absence of agreement

9.—(1) If the Chair forms the view that the ASCNB is unable to agree proposed terms of reference in accordance with paragraph 8, the Chair must notify the Secretary of State of that fact.

(2) If the Chair notifies the Secretary of State under sub-paragraph (1)—

(a) the Secretary of State may determine the ASCNB's terms of reference, and

(b) if so, the Secretary of State must ensure that the terms of reference are published.

(3) Terms of reference determined under sub-paragraph (2) continue to have effect only until terms of reference are adopted under paragraph 8.

Variation of terms of reference

10.—(1) If terms of reference have been adopted under paragraph 8—

(a) the Chair may take appropriate action to ensure that the ASCNB endeavours to agree a proposed variation to the terms of reference, and

(b) paragraph 8(2) and (3) applies to a proposed variation to the terms of reference as it applies to proposed terms of reference.

(2) If terms of reference have been determined under paragraph 9 and continue to have effect—

(a) the Secretary of State may decide to vary the terms of reference, and

(b) if so, the Secretary of State must ensure that the variation is published.

Validity of ASCNB proceedings

11. The validity of anything done by the ASCNB, or any committee or sub-committee of the ASCNB, is not affected by a vacancy among its members or of the Chair or by any defect in the appointment of a member or of the Chair.

Resolution of disputes

12.—(1) This paragraph applies where it appears to the Chair that an impasse has been reached in consideration of a matter subject to consideration, and the impasse cannot be resolved by negotiation between members (including where members agree that an impasse should be subject to dispute resolution in accordance with the procedure referred to in paragraph 7(2)(b)).

(2) The Chair must refer the dispute to the Advisory, Conciliation and Arbitration Service(**a**) with a view to resolving the dispute.

(3) If the dispute still cannot be resolved, the Chair must notify the Secretary of State in accordance with regulation 4(5)(b).

(4) In this paragraph, "dispute" means an impasse described in sub-paragraph (1).

(**a**) For more about the Advisory, Conciliation and Arbitration Service, see section 247 of the Trade Union and Labour Relations (Consolidation) Act 1992.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations create a new, independent body, the Adult Social Care Negotiating Body England ("ASCNB") under the Employment Rights Act 2025 (c. 36) and set out the operational framework for that body.

Regulation 2 establishes the ASCNB as an unincorporated body.

Regulation 3 sets out the ASCNB's remit, including the social care workers within scope of that remit ("covered social care workers").

Regulation 4 sets out how the Secretary of State refers matters to the ASCNB, and the process for their consideration and for submitting any agreement on referred matters. Regulation 5 makes similar provision for the referring back to the ASCNB of an agreement in certain circumstances. Regulation 6 deals with cases where the ASCNB has been unable to reach agreement.

Regulation 7 makes provision for the publishing of a report about any agreement that is ratified by regulations made by the Secretary of State.

Regulations 8 and 9 confer powers for the Secretary of State to issue guidance and codes of practice in relation to any agreement reached by the ASCNB, or any regulations made by the Secretary of State under section 48 of the Employment Rights Act 2025. It also imposes obligations on employers of covered social care workers in relation to any issued guidance or code.

Regulation 10 provides that nothing done by the ASCNB is to be regarded as collective bargaining.

Regulation 11 amends the Public Records Act 1958 (c. 51 (6 & 7 Eliz 2)) to include a reference to the ASCNB.

Part 1 of the Schedule sets out the membership requirements and the process for appointment of the ASCNB's members, including its Chair.

Part 2 of the Schedule makes provision about the terms of reference for the ASCNB, about the validity of the ASCNB's proceedings notwithstanding a vacancy or defect in appointment, and about the resolution of disputes.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum and a de minimis assessment have been published alongside these Regulations on www.legislation.gov.uk.

© Crown Copyright 2026

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-828859-9

£8.90

http://www.legislation.gov.uk/id/ukdsi/2026/9780348288599