STATUTORY INSTRUMENTS

2013 No. 2668

SOCIAL CARE, ENGLAND

CHILDREN AND YOUNG PERSONS, ENGLAND

The Providers of Social Work Services (England) Regulations 2013

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The Secretary of State, in exercise of the powers conferred upon him by sections 11(4), 12(2), 14(1)(d), 15(3) and (5), 16(1), 22(1), (2) and (7), 36(3) and 118(5) to (7) of the Care Standards Act 2000(**a**), and having consulted such persons as he considers appropriate(**b**), makes the following Regulations.

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Providers of Social Work Services (England) Regulations 2013 and come into force on 12th November 2013.

(2) These Regulations apply in relation to bodies corporate who have entered, or propose to enter, into arrangements with a local authority as providers of social work services under section 1 of the Children and Young Persons Act 2008(**c**) (the "social work service").

Interpretation and Disapplication of the Care Standards Act (Registration) (England) Regulations 2010

2.—(1) In these Regulations—

"the Act" means the Care Standards Act 2000;

"the applicant" means a person who applies for registration, or for variation or cancellation of their registration, in accordance with Part 3 or Part 5 of these Regulations and "application" is to be construed accordingly;

"the Criminal Records Regulations 2002" means the Police Act 1997 (Criminal Records) Regulations 2002(**d**);

"the CYPA 2008" means the Children and Young Persons Act 2008;

"HMCI" means Her Majesty's Chief Inspector of Education, Children's Services and Skills(**e**);

"the PA 1997" means the Police Act 1997(**f**);

"the POFA 2012" means the Protection of Freedoms Act 2012(**g**);

"registered manager" means the person who is registered under Part 2 of the Act as the manager of the social work service;

"registered person" means a person who is the registered provider or registered manager in respect of the social work service;

"registered provider" means the body corporate who is registered under Part 2 of the Act as the person providing the social work service;

"responsible individual" is to be construed in accordance with regulation 3(1)(a);

"service users" means those children and other persons who are the subject of arrangements entered into by a social work service with a local authority; and

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(**a**) 2000 c.14 ("the Act). The powers are conferred upon the "appropriate Minister" who is defined in section 121(1) of the Act, in relation to England, as the Secretary of State. See section 121(1) of the Act for the definitions of "prescribed" and "regulations".

(**b**) See section 22(9) of the Act for the requirement to consult.

(**c**) 2008 c 23. Section 1 of the Children and Young Persons Act 2008 enables local authorities to enter into arrangements with a provider of social work services for the discharge by that body of some or all of the authority's social services functions in relation to individual children who are looked after by the local authority and in relation to care leavers.

(**d**) S.I. 2002/233.

(**e**) Her Majesty's Chief Inspector of Education, Children's Services and Skills is appointed under section 113 of the Education and Inspections Act 2006.

(**f**) 1997 c.50.

(**g**) 2012 c 9.

"the SVGA 2006" means the Safeguarding Vulnerable Groups Act 2006(**a**).

(2) In these Regulations, references to employing a person mean the registered provider employing or allowing a person to work for the purposes of the service, whether or not for payment, and whether under a contract of service or a contract for services, and references to an employee or to a person being employed are to be construed accordingly.

(3) The Care Standards Act (Registration) (England) Regulations 2010(**b**) do not apply in relation to a registered provider under these Regulations.

PART 2

Fitness

Fitness of registered provider

3.—(1) A body corporate(**c**) is not fit to provide a social work service unless —

(a) the body has given notice to HMCI of the name, address and position in the body of an individual (in these Regulations referred to as "the responsible individual") who is a director, manager, secretary or other officer of the body and is responsible for the supervision of the management of the service; and

(b) that individual satisfies the requirements in paragraph (2).

(2) The requirements are that—

(a) the person is of integrity and good character;

(b) having regard to the size of the service, the person—

(i) has the experience, qualifications and skills necessary for carrying on the service;

(ii) is mentally and physically fit to carry on the service; and

(c) the information in relation to the person in respect of each of the matters in Schedule 1 is available to HMCI.

Appointment of manager

4.—(1) The registered provider must appoint an individual as manager of the social work service.

(2) The registered provider must give notice without delay to HMCI of—

(a) the name of the person appointed; and

(b) the date on which the appointment took effect.

Fitness of manager

5.—(1) A person must not manage a social work service unless that person is fit to do so.

(2) A person is not fit to manage a service unless—

(a) that person is of integrity and good character;

(b) having regard to the size of the service, the person—

(i) has the experience, qualifications and skills necessary for managing the service; and

(ii) is mentally and physically fit to manage the service.

(**a**) 2006 c.47.
(**b**) S.I. 2010/2130.
(**c**) Section 1 of the Children and Young Persons Act 2008 requires providers of social work services to be bodies corporate.

(3) The information in relation to the person in respect of each of the matters in Schedule 1 must be made available to the registered provider and HMCI.

(4) The registered manager must from time to time undertake such training as is appropriate to ensure that they have the experience and skills necessary for managing the service.

Notification of offences

6. Where the responsible individual or registered manager is convicted of a criminal offence, whether in England and Wales or elsewhere, that person must give notice in writing, without delay, to HMCI of—

(a) the date and place of the conviction;

(b) the offence for which they were convicted; and

(c) the penalty imposed in respect of the offence.

Staffing

7. The registered person must ensure that, at all times, having regard to section 2 of the CYPA 2008(**a**), and the size of the social work service, there is a sufficient number of suitably competent, experienced and trained employees.

Fitness of employees

8.—(1) A registered person may only employ a person if that person is fit to be employed.

(2) For the purposes of paragraph (1), a person is not fit to be employed unless—

(a) that person is of integrity and good character;

(b) that person has the experience, skills and training necessary for the work which is to be performed;

(c) that person is mentally and physically fit for the purposes of the work to be performed; and

(d) subject to paragraph (3), the information in relation to that person in respect of each of the matters in Schedule 1 is available to the registered provider and the registered manager and, on the basis of that information, the registered provider and the registered manager are satisfied that there is no reason why that person should not be employed.

(3) The registered person may permit a person to start working as an employee where—

(a) the registered person has taken reasonable steps to obtain the information in respect of each of the matters in Schedule 1 in respect of that person, but the enquiries in relation to the matters in paragraphs 5 and 6 of Schedule 1 are incomplete;

(b) the information in relation to that person in respect of each of the matters in paragraphs 1 to 4 of Schedule 1 is available to the registered person and, on the basis of that information, the registered person is satisfied that there is no reason why that person should not start working as an employee;

(c) the registered person considers that the circumstances are exceptional; and

(d) pending receipt of any outstanding information, the registered person ensures that that person is appropriately supervised while that person is carrying out their duties.

(4) The registered person must take reasonable steps to ensure that any employee who is working at premises or a site used by the service to provide care or supervision of children or their families is appropriately supervised while carrying out those duties.

(**a**) Section 2 of the Children and Young Persons Act 2008 provides for the functions to be discharged by, or under the supervision of, registered social workers.

Employment of staff

9. The registered person must—

(a) provide all employees with a job description outlining their responsibilities;

(b) operate a disciplinary procedure with respect to employees; and

(c) ensure that all employees receive appropriate supervision and training.

Fitness of premises

10.—(1) The registered provider must ensure that all premises or sites used to provide care or services directly to children or their families are—

(a) of sound construction and kept in good structural repair externally and internally;

(b) suitably furnished and with adequate space to meet the needs of the service users; and

(c) in a reasonably safe and accessible location so as to meet the needs of the service users.

(2) The registered provider must ensure that all premises or sites contain appropriate facilities to safeguard access to information held by the service, and to safeguard access from adjacent premises or, when the premises form part of a building, from other parts of the building.

Notice of changes

11.—(1) The registered provider must give notice in writing to HMCI without delay if an event in paragraph (2) takes place or is proposed to take place.

(2) The events are—

(a) there is a change of registered manager;

(b) the name or address of the registered provider is changed;

(c) there is a change of director, manager, secretary or other similar officer of the registered provider;

(d) there is a significant change in the shares or other ownership of the registered provider;

(e) there is a change in the identity of the responsible individual.

Amendments to Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections)(Children's Homes etc.) Regulations 2007

12. The amendments to Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections)(Children's Homes etc.) Regulations 2007(**a**) in Schedule 2 apply.

PART 3

Applications for Registration

Information and documents to be provided by an applicant

13.—(1) An application for registration(**b**) must—

(a) be in writing on a form approved by the HMCI;

(**a**) S.I.2007/694. Amended by S.I. 2009/2724, S.I. 2010/617, S.I. 2011/553, S.I. 2012/511 and S.I. 2013/523.

(**b**) Section 12(2)(b) of the Care Standards Act 2000 also provides that the application must give other information which the registration authority reasonably requires the applicant to give.

(b) be sent or delivered to HMCI;

(c) be accompanied by a recent photograph of the responsible individual;

(d) give the information that the applicant is required to provide in accordance with paragraphs (2) to (4).

(2) A person who is seeking to be registered as a registered provider must provide to HMCI—

(a) full information in respect of the matters set out in Parts 1 and 2 of Schedule 3 and, if HMCI so requests, full information in respect of the matters set out in Part 3 of that Schedule; and

(b) the documents listed in Schedule 4.

(3) Subject to paragraph (4), a person who is seeking to be registered as a registered manager must provide to HMCI—

(a) information in respect of each of the matters set out in Part 1 of Schedule 5; and

(b) the documents listed in Part 2 of that Schedule.

(4) Where a person has already provided full information in respect of any matter in relation to an earlier application for registration and that information has not changed, the person must inform HMCI of that fact and does not have to provide the information in respect of that matter.

Interview

14. The responsible individual or the applicant must, if HMCI so requests, attend an interview for the purpose of enabling HMCI to determine whether the applicant is fit to be a provider, or manager as the case may be, of the social work service.

Notice of changes

15. The applicant must give notice to HMCI of any changes to the information or documents provided under this Part which occur after the application for registration is made and before it is determined.

Information as to staff engaged after application made

16. Where an applicant applies for registration as a provider of a social work service and, before the application is determined, engages a person to work the applicant must, in respect of each person so engaged—

(a) obtain the information specified in Part 3 of Schedule 3 and the documents listed in paragraph 9 of Schedule 4; and

(b) provide to HMCI, if requested, any of the information or documents which the applicant is required to obtain under sub-paragraph (a).

PART 4

Registers and Certificates of Registration

Registers

17.—(1) HMCI must keep a register of providers of social work services.

(2) The register must contain, in relation to each provider, the particulars specified in Schedule 6.

(3) The register may be kept in electronic form, provided that the information so recorded is capable of being reproduced in a legible form.

(4) When the register is being made available for inspection or a copy of, or extract from, that register is being provided under section 36(1) or (2) of the Act to a person other than a local authority, none of the particulars listed in paragraph 10 of Schedule 5 may be provided.

Contents of certificate

18. A certificate of registration issued by HMCI(**a**) must contain the following particulars—

(a) the name, address and telephone number of HMCI;

(b) the name and address of the registered provider;

(c) the name of the responsible individual;

(d) the name of the registered manager;

(e) where the registration is subject to any condition, details of the condition;

(f) the date of registration;

(g) a statement, that if the social work service is not carried on in accordance with the relevant requirements and any conditions, the registration is liable to be cancelled by HMCI;

(h) a statement that the certificate relates only to the person to whom it is issued by HMCI and is not capable of being transferred to another person;

(i) the address of the principal office and any branch of the service.

Return of certificate

19. If the registration of a person is cancelled, that person must, not later than the day on which the decision or order cancelling the registration takes effect, return the certificate of registration to HMCI by—

(a) delivering it to HMCI; or

(b) sending it to HMCI by registered post or recorded delivery.

PART 5

Conditions and Reports

Application for variation or removal of a condition

20.—(1) In this regulation, "proposed effective date" means the date requested by the registered provider or manager as the date on which the variation or removal applied for is to take effect.

(2) An application must be—

(a) made in writing on a form approved by HMCI;

(b) sent or delivered to HMCI not less than six weeks before the proposed effective date or such shorter period (if any) before that date as may be agreed with HMCI; and

(c) accompanied by the information specified in paragraph (3).

(3) The following information is specified—

(a) the proposed effective date;

(b) the registered provider's or manager's reasons for making the application;

(**a**) Section 13(4) of the Care Standards Act 2000 requires a certificate of registration to be issued to an applicant by the registration authority on the granting of an application.

(c) details of changes that the registered provider or manager proposes to make in relation to the social work service as a consequence of the variation or removal applied for, including details of—

(i) proposed structural changes to the premises that are for the purposes of the service,

(ii) additional employees, facilities or equipment, or changes in management that are required to ensure that the proposed changes are carried into effect, and

(iii) any changes to the information listed in Part 2 of Schedule 3.

(4) The registered provider or manager must provide HMCI with any other documents or information that HMCI may reasonably require in relation to the application.

Report as to financial viability

21. If it appears to the registered provider that the social work service is likely to cease to be financially viable at any time within the following six months, the registered provider must give a report to HMCI of the relevant circumstances.

Cancellation of registration

22. The following grounds are specified for the purposes of section 14(1)(d) of the Act as grounds on which HMCI may cancel the registration of a person in respect of a social work service (**a**)—

(a) that in the view of HMCI there are persistent failings causing serious risks to the welfare of children;

(b) that the registered provider or manager has in relation to any application—

(i) for registration; or

(ii) for the variation or removal of a condition in relation to the applicant's registration, made a statement which is false or misleading in any material respect or provided false information; or

(c) that the registered provider has ceased to be financially viable, or is likely to cease to be so within the next six months.

Application for cancellation of registration

23.—(1) In this regulation—

"application for cancellation" means an application by the registered provider or manager under section 15(1)(b) of the Act for the cancellation of that person's registration;

"notice of application for cancellation" means a notice by the registered provider or manager stating that they have made, or intend to make, an application for cancellation; and

"proposed effective date" means the date requested by the registered person as the date on which the variation or removal applied for is to take effect.

(2) An application for cancellation must be—

(a) in writing on a form approved by HMCI;

(b) sent or delivered to HMCI not less than three months before the proposed effective date or such shorter period (if any) before that date as may be agreed with HMCI; and

(c) accompanied by the information specified in paragraph (4).

(3) If the registered provider or manager makes an application for cancellation the registered provider or manager must, not more than seven days thereafter, give notice of the application for cancellation to each of the persons specified in paragraph (4)(d), other than a person to whom the

(**a**) Section 14 of the Care Standards Act 2000 also provides grounds for cancellation of a registration.

registered provider or manager has given such notice within three months before making the application for cancellation.

(4) The following information is specified—

(a) the proposed effective date;

(b) a statement as to the arrangements (if any) that have been made by the registered provider to ensure that on and after—

(i) the date of application for cancellation; and

(ii) the proposed effective date,

service users will continue to be provided with similar services as those provided to them by the social work service at the date on which the application for cancellation is made;

(c) the registered provider's or manager's reasons for making the application for cancellation;

(d) particulars of any notice of application for cancellation that has been given to any of the following persons—

(i) service users;

(ii) persons who appear to the registered provider to be representatives of service users; and

(iii) the local authority with whom the provider is contracted to provide the social work service;

(e) where the registered provider has not given notice of an application for cancellation to—

(i) each service user;

(ii) in respect of each service user, a person who appears to the registered provider to be a representative of that service user; and

(iii) the local authority,

a statement as to whether there were any circumstances which prevented the registered provider from giving, or made it impracticable for that person to give, notice of an application for cancellation to any of those persons or bodies before the date on which the registered provider applied for cancellation;

(f) where the registered provider has applied for cancellation less than three months before the proposed effective date, a report as to whether the corporate body has ceased, or is likely to cease within the next following twelve months, to be financially viable.

(5) The registered provider or manager must provide HMCI with any other information or any documents that it may reasonably require in relation to the application for cancellation.

PART 6

Miscellaneous

Electronic transmission

24. Any document or information required to be sent or delivered to HMCI under these Regulations, apart from under regulation 19, may be sent or delivered by transmitting the document or the information by any means of electronic communication to an electronic address, being an address which HMCI has provided as an address for the purposes of receiving such documents and information.

Transitional provision

25. Arrangements entered into under section 1(1) of the CYPA 2008 before the coming into force of these regulations and which continue after that date, are deemed to be registered until 12 November 2015 in accordance with these regulations.

Edward Timpson
Parliamentary Under Secretary of State
16th October 2013 Department for Education

SCHEDULE 1

Regulation 3

Information required in respect of persons seeking to carry on, manage or be employed to work at a social work service

1. Proof of identity, including a recent photograph.

2. Where an individual is or will be engaging in activity which is regulated activity within the meaning of Schedule 4 to the SVGA 2006, an enhanced certificate issued under section 113B of the PA 1997, including, as applicable, suitability information relating to children (as defined in section 113BA(2) of that Act) and suitability information relating to vulnerable adults (as defined in section 113BB(2) of that Act).

3. Where an individual is or will be engaging in activity which is not regulated activity, relating to children within the meaning of Schedule 4 to the SVGA 2006 but is regulated activity relating to children within the meaning of that Schedule as it had effect immediately before the coming into force of section 64 of the POFA 2012, an enhanced certificate issued under section 113B of the PA 1997.

4. Where an individual is or will be engaging in activity which is not regulated activity relating to adults as defined in Part 2 of Schedule 4 to the SVGA 2006 but is or will be working with adults, as defined in regulation 5(B) of the Criminal Records Regulations 2002, an enhanced certificate issued under section 113B of the PA 1997.

5. Two written references, including a reference from the person's most recent employer, if any.

6. Documentary evidence of any relevant qualifications.

SCHEDULE 2

Regulation 12

Amendment of the Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007

1. In regulation 2 (interpretation)—

(a) after the definition of "existing provider" insert—

""providers of social work services" has the same meaning as in the Care Standards Act 2000";

2. After regulation 7A (holiday practices for disabled children) insert—

"**Providers of social work services**

7B.—(1) For the purposes of section 12(2) of the 2000 Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the 2000 Act as a provider of social work services shall be £2046.

(2) For the purposes of section 12(2) of the 2000 Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the 2000 Act as a manager of social work services shall be £1024.".

3. After regulation 13 insert—

"**Providers of social work services**

13A.—(1) For the purposes of section 15(3) of the 2000 Act, the fee to accompany an application by the registered provider in respect of a provider of social work services under section 15(1)(a) of the 2000 Act shall, subject to paragraph (2), be £3070.

(2) In the case of an application for the variation of a condition for the time being in force where the variation of the condition is a minor variation, the fee shall be £99.".

SCHEDULE 3

Regulation 13

Information to be supplied on an application for registration as a provider of social work services

PART 1

Information about the applicant

1. The name of the corporate body and the address of the registered office or principal office of the body.

2. The full name, date of birth, address and telephone number of the responsible individual.

3. Details of the professional or technical qualifications of the responsible individual and that individual's experience of providing relevant services in a social work service.

4. If the corporate body is a subsidiary of a holding company, the name and address of the registered or principal office of the holding company and of any other subsidiary of that holding company.

5. A reference from a bank expressing an opinion as to the applicant's financial standing.

6. A statement as to whether the responsible individual has been adjudged bankrupt, is a person in respect of whom a debt relief order has been made or sequestration of his estate has been ordered, or whether the responsible individual has made a composition or arrangement with, or granted a trust deed for, their creditors.

7. A statement as to the applicant's ability to ensure the financial viability of the service.

8. A business plan in respect of the service.

9. Details of the cash-flow or, where unavailable, predicted cash-flow in respect of the service.

PART 2

Information about the service and proposed arrangements under section 1 of the CYPA 2008

10. The name, address, telephone number, facsimile number (if any), and electronic mail address (if any) of the principal office of the corporate body.

11. Where the service is being operated from more than one site, the name, address, telephone number, facsimile number (if any), and electronic mail address (if any) of each site.

12. A statement of the proposed arrangements to be entered into with the local authority under section 1 of the CYPA 2008.

13. A copy of the safeguarding and whistleblowing policies in respect of the social work service.

14. A statement as to the accommodation, facilities and services which are to be provided by the service including the extent and, where appropriate, location of such accommodation, facilities and services and where the service is being operated at more than one site, details of the accommodation, facilities and services at each site.

15. The date on which the corporate body was established or is proposed to be established.

16. A statement as to the security arrangements, including arrangements for the purposes of—

(a) safeguarding access to information held by the service; and

(b) restricting access from adjacent premises or, when the premises form part of a building, from other parts of the building.

17. The name and address of any other establishment or agency, of a description specified in section 4(8)(a) or (9)(a) of the Act or any holiday scheme for disabled children in which the applicant has or has had a business or financial interest, or at which the applicant is or has been employed, and details of such interest or employment.

18. Whether any other business is or will be carried on in the same premises as those of the service and, if so, details of that business.

19. A list of posts at the service and the duties and responsibilities attaching to each post.

PART 3

Further information about staff

20. Where a person, other than the applicant, is working at or intends to work at a social work service, information as to whether that person is related to any applicant in respect of the service, and their relationship.

SCHEDULE 4

Regulation 13

Documents to be supplied on an application for registration as a provider of social work services

Documents concerning applicant

1. The responsible individual’s birth certificate.

2. Certificates or other suitable evidence relating to the responsible individual's professional or technical qualifications, so far as such qualifications are relevant to providing a social work service.

3.—(1) Subject to sub-paragraph (2), a report by a general medical practitioner as to whether the responsible individual is physically and mentally fit to provide a social work service.

(2) Where the responsible individual is unable to obtain the report referred to in sub-paragraph (1), a statement by the responsible individual as to their state of physical and mental health.

4. In relation to the responsible individual —

(a) where that individual is or will be engaging in activity which is regulated activity within the meaning of Schedule 4 to the SVGA 2006, an enhanced certificate issued under section 113B of the PA 1997, including, as applicable, suitability information relating to children (as defined in section 113BA(2) of that Act) or suitability information relating to vulnerable adults (as defined in section 113BB(2) of that Act);

(b) where that individual is or will be engaging in activity which is not regulated activity relating to children within the meaning of Schedule 4 to the SVGA 2006 but is regulated activity relating to children within the meaning of that Schedule as it had effect immediately before the coming into force of section 64 of the POFA 2012, an enhanced certificate issued under section 113B of the PA 1997;

(c) where that individual is or will be engaging in activity which is not regulated activity relating to adults as defined in Part 2 of Schedule 4 to the SVGA 2006 but is or will be working with adults, as defined in regulation 5(B) of the Criminal Records Regulations 2002, an enhanced certificate issued under section 113B of the PA 1997.

5. A copy of each of its last two annual reports (if any) of the body corporate.

6. Where the organisation is a subsidiary of a holding company, the name and address of the registered or principal office and the last two annual reports (if any) of the holding company and of any other subsidiary of that holding company.

7. The last annual accounts (if any) of the body.

8. A certificate of insurance for the applicant in respect of liability which may be incurred by the applicant in relation to the provision of a social work service.

Disclosure and barring service checks

9.—(1) A statement confirming that—

(a) the documents specified in sub-paragraph (2) have been issued—

(i) in the case of any applicant, to every person, other than the applicant, who works, or is intended to work, for the purposes of the service; and

(ii) to the responsible individual; and

(b) the applicant will make the documents available for inspection by HMCI if HMCI so requires.

(2) The following documents are specified—

(a) where that individual is or will be engaging in activity which is regulated activity within the meaning of Schedule 4 to the SVGA 2006, an enhanced certificate issued under section 113B of the PA 1997, including, as applicable, suitability information relating to children (as defined in section 113BA(2) of that Act) or suitability information relating to vulnerable adults (as defined in section 113BB(2) of that Act);

(b) where that individual is or will be engaging in activity which is not regulated activity, relating to children within the meaning of Schedule 4 to the SVGA 2006 but is regulated activity relating to children within the meaning of that Schedule as it had effect immediately before the coming into force of section 64 of the POFA 2012, an enhanced certificate issued under section 113B of the PA 1997;

(c) where that individual is or will be engaging in activity which is not regulated activity relating to adults as defined in Part 2 of Schedule 4 to the SVGA 2006 but is or will be working with adults, as defined in regulation 5(B) of the Criminal Records Regulations 2002, an enhanced certificate issued under section 113B of the PA 1997.

SCHEDULE 5

Regulation 13

Information and documents to be supplied on an application for registration as the manager

PART 1

Information

1. The applicant's full name, date of birth, current address and telephone number.

2. Where applicable, any other addresses the applicant has lived at within five years of making the application.

3. Details of the applicant's professional or technical qualifications and experience so far as such qualifications and experience are relevant to providing a social work service.

4. Details of the applicant's professional training relevant to carrying on or managing a social work service.

5. Details of the applicant's employment history, including the name and address of their present employer and of any previous employers.

6. Details of any business the applicant carries on or manages or has carried on or managed.

7. The name and addresses of two referees—

(a) who are not relatives of the applicant;

(b) each of whom is able to provide a reference as to the applicant's competence to manage a social work service; and

(c) one of whom has employed the applicant for a period of at least 3 months, but the requirement for the name and address of a referee who has employed the applicant for a period of at least 3 months does not apply where it is impracticable to obtain a reference from a person who fulfils that requirement.

PART 2

Documents

8. The applicant's birth certificate.

9. Certificates or other suitable evidence relating to the applicant's professional or technical qualifications, so far as such qualifications are relevant to providing a social work service.

10.—(1) Subject to sub-paragraph (2), a report by a general medical practitioner as to whether the applicant is physically and mentally fit to manage a social work service.

(2) Where the applicant is unable to obtain the report referred to in sub-paragraph (1), a statement by the applicant as to the state of their physical and mental health.

11.—(1) Where that individual is or will be engaging in activity which is regulated activity within the meaning of Schedule 4 to the SVGA 2006, an enhanced certificate issued under section 113B of the PA 1997, including, as applicable, suitability information relating to children (as

defined in section 113BA(2) of that Act) or suitability information relating to vulnerable adults (as defined in section 113BB(2) of that Act);

(2) where that individual is or will be engaging in activity which is not regulated activity, relating to children within the meaning of Schedule 4 to the SVGA 2006 but is regulated activity relating to children within the meaning of that Schedule as it had effect immediately before the coming into force of section 64 of the POFA 2012, an enhanced certificate issued under section 113B of the PA 1997;

(3) where that individual is or will be engaging in activity which is not regulated activity relating to adults as defined in Part 2 of Schedule 4 to the SVGA 2006 but is or will be working with adults, as defined in regulation 5(B) of the Criminal Records Regulations 2002, an enhanced certificate issued under section 113B of the PA 1997.

SCHEDULE 6

Regulation 17

Particulars to be recorded in the registers kept by HMCI

1. The full name and address of each person registered.

2. The address of the registered office or principal office of the organisation.

3. The full names and addresses of any responsible individual.

4. The full name, address and telephone number of the service.

5. The date of registration and of the issue of the certificate of registration and, where applicable, the date of any cancellation of registration.

6. The details of any conditions imposed on registration, any additional conditions imposed and any variation of any condition.

7. The registration number.

8. The date and nature of any enforcement action being taken against the service.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the regulation and registration of providers of social work services entering into arrangements with local authorities under section 1 of the Children and Young Persons Act 2008. Section 1 comes fully into force on 12 November 2013 in accordance with commencement order no. 2013/2606 (C.103). Provision is made for the disapplication of the Care Standards Act (Registration) (England) Regulations 2010 in relation to providers of social work services.

Regulations 3, 4, 5, 7, 8 and 9 make provision about persons who provide manage or work in the services, including provisions about the fitness and training of such persons. Regulation 6 provides for notification of offences.

Regulation 11 deals with the giving of notices to HMCI, and Regulation 12 provides for charges.

Part 3 of the Regulations deal with information and documents to be provided on application, Part 4 provides for the register to be kept by HMCI, and Part 5 deals with conditions of registration and cancellations. Part 6 contains a regulation permitting electronic transmission and a regulation deeming those pilot arrangements which have already been entered into under the Children and Young Persons Act 2008 to be registered.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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