

Explanatory Memorandum to

Care Council for Wales (Appointment, Membership and Procedure)
(Amendment) Regulations 2012.

This Explanatory Memorandum has been prepared by the Department for Health, Social Services and Children and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Care Council for Wales (Appointment, Membership and Procedure) (Amendment) Regulations 2012.

Gwenda Thomas AM –
Deputy Minister for Children and Social Services
1 December 2012

1. Description

1.1 Care Council for Wales (Appointment, Membership and Procedure) (Amendment) Regulations 2012 are required due to changes in the way the register of social workers in England are maintained following the abolition of the General Social Care Council.

1.2 The amendments to the Regulations will ensure that social workers who were previously registered with the General Social Care Council and are now registered with the Health Care Professions Council in England continue to be subject to the disqualification arrangements set out in the existing Regulations.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

2.1 There are no matters of special interest to note.

3. Legislative background

3.1 The Welsh Ministers make these regulations in exercise of the powers conferred by paragraph 6 of Schedule 1 of the Care Standards Act 2000.

3.2 The instrument is subject to the negative procedure.

4. Purpose & intended effect of the legislation

4.1 All social workers currently practising in Wales must be registered with the Care Council for Wales. Social workers in England were until 1 August 2012 required to be registered with the General Social Care Council (GSCC). On that date the register of social workers maintained by the GSCC was transferred to the Health Care Professions Council (HCPC).

4.2 Under the Health and Social Care Act 2012(which came into force on the 1st August 2012), the GSCC was abolished with effect from 1 October 2012. Under this new system in England social workers will be registered on part 16 of the register held by the HCPC together with 15 other health and care professionals.

4.3 Consequential amendments are required to the existing Regulations to ensure that if a social worker has been removed from part 16 of the register held by the HCPC, they would not be eligible for membership of the Care Council for Wales. Other amendments are outlined below.

4.4 Adjustment to the Regulations is required to ensure that if a social worker has been removed from part 16 of the register held by the HCPC, they would not be eligible for membership of the Care Council for Wales if they were registered or subsequently became registered on another part of the list held by HCPC.

4.5 Amendment to the Regulations is required to remove and replace references to the GSCC with HCPC.

4.6 The current Regulations disqualify people from appointment as members of the Care Council if they are included on lists kept by the Secretary of State under either S1 of the Protection of Children Act 1999 or S81 of the Care Standards Act 2000. As a result of subsequent legislation the names of people held on those lists are now held on the Children's Barred list or the Adults Barred list which will be administered by new bodies from 1st December 2012 adjustment of the Regulations are required to reflect this change.

4.7 Adjustment to the Regulation is required to correct a minor drafting error that has been identified in the existing Regulations. Regulation 5(1)(f) refers to subparagraph (d), it should refer to sub-paragraph (e).

4.8 References to Central Council for Education and Training in Social Work "CCETSW" are also removed as this body has been abolished.

5. Consultation

5.1 The Welsh Ministers Code of Practice on the carrying out of the Regulatory Impact Assessment was considered in relation to these regulations. As there is no cost to or impact on the public or the Care Council for Wales it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these regulations.