



Health and Social Care Act 2012

2012 CHAPTER 7

PART 7

REGULATION OF HEALTH AND SOCIAL CARE WORKERS

The Professional Standards Authority for Health and Social Care

222 The Professional Standards Authority for Health and Social Care

- (1) The body corporate known as the Council for Healthcare Regulatory Excellence—
 - (a) is to continue to exist, and
 - (b) is to change its name to the Professional Standards Authority for Health and Social Care.
- (2) In consequence of that, in section 25 of the National Health Service Reform and Health Care Professions Act 2002 (which establishes the Council for Healthcare Regulatory Excellence), in subsection (1)—
 - (a) for “the Council for Healthcare Regulatory Excellence” substitute “the Professional Standards Authority for Health and Social Care”, and
 - (b) for “the Council” substitute “the Authority”.
- (3) For the title of section 25 of that Act substitute “The Professional Standards Authority for Health and Social Care”.
- (4) For the cross-heading preceding that section substitute “The Professional Standards Authority for Health and Social Care”.
- (5) For the title of Part 2 of that Act substitute “Health and Social Care Professions etc.”.

Commencement Information

II S. 222 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

223 Functions of the Authority

- (1) In section 25 of the National Health Service Reform and Health Care Professions Act 2002 (the Professional Standards Authority), in subsection (2)(a), for “patients” substitute “users of health care, users of social care in England, users of social work services in England”.
- (2) In subsection (2A) of that section, for “patients” substitute “users of health care, users of social care in England, users of social work services in England”.
- (3) In section 26A of that Act (powers of Secretary of State etc. to request the Authority for advice), after subsection (1) insert—

“(1A) The Secretary of State may request the Authority for advice on any matter connected with the social work profession, or social care workers, in England; and the Authority must comply with such a request.”
- (4) After subsection (2) of that section insert—

“(2A) A person to whom the Authority gives advice, or for whom it investigates and reports on a matter, under this section must pay such fee as the Authority determines; and the fee may be charged by reference to the advice or the investigation and report concerned or on a periodic basis.”
- (5) In subsection (3) of that section, after “this section” insert “—

health care profession” means a profession (whether or not regulated by or by virtue of any enactment) which is concerned (wholly or partly) with the physical or mental health of individuals; and”.
- (6) In section 26B of that Act (duty to inform and consult the public), in subsection (4) (b), for “patients” substitute “users of health care, users of social care in England or users of social work services in England”.
- (7) In section 27 of that Act (the Authority and regulatory bodies), in subsections (5) and (13), for “Secretary of State” substitute “Privy Council”.
- (8) In subsection (7) of that section—
 - (a) for “Secretary of State” substitute “Privy Council”, and
 - (b) in paragraph (a), omit “he or”.
- (9) In section 29 of that Act (reference of disciplinary cases to court by the Authority), in subsection (5), after “subsection (4)” insert “(subject to subsection (5A))”.
- (10) After subsection (5) of that section insert—

“(5A) In the case of a social worker in England, the “relevant court” means the High Court of Justice in England and Wales.”
- (11) In section 38 of that Act (regulations and orders), in subsection (2), omit “27”.
- (12) In subsection (3) of that section, for “the Secretary of State” substitute “the Privy Council”.
- (13) After subsection (3D) of that section (inserted by section 224(3)) insert—

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“(3E) A statutory instrument containing regulations made by the Privy Council under section 27 is subject to annulment in pursuance of a resolution of either House of Parliament.”

- (14) In paragraph 16 of Schedule 7 to that Act (reports and other information), in subparagraph (1A)(a) for “patients” substitute “users of health care, users of social care in England, users of social work services in England”.

Commencement Information

- I2** S. 223(1)(2)(5)(9)(10)(14) in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)
I3 S. 223(3)(6) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2) (with art. 8)
I4 S. 223(4) in force at 1.2.2016 by S.I. 2016/81, art. 2
I5 S. 223(7)(8)(11)-(13) in force at 4.6.2018 by S.I. 2018/617, art. 2(a)

224 Funding of the Authority

- (1) After section 25 of the National Health Service Reform and Health Care Professions Act 2002 insert—

“25A Funding of the Authority

- (1) The Privy Council must by regulations require each regulatory body to pay the Authority periodic fees of such amount as the Privy Council determines in respect of such of the Authority's functions in relation to that body as are specified in the regulations.
- (2) A reference in this section to the Authority's functions does not include a reference to its functions under sections 25G to 25I and 26A.
- (3) The regulations must, in particular, provide for the method of determining the amount of a fee under the regulations.
- (4) Before determining the amount of a fee under the regulations, the Privy Council must request the Authority to make a proposal as to the amount of funding that it considers it requires in order to perform for the period to which the fee would apply such of its functions in relation to the regulatory bodies as are specified in the regulations.
- (5) The Authority must—
 - (a) comply with a request under subsection (4), but
 - (b) before doing so, consult the regulatory bodies.
- (6) Having received a proposal under subsection (5), the Privy Council may consult the regulatory bodies.
- (7) Having taken into account such representations as it receives from consultees, the Privy Council must—
 - (a) make a proposal as to the amount of funding that it considers the Authority requires in order to perform for the period to which the fee would apply such of its functions in relation to the regulatory bodies as are specified in the regulations, and

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) determine in accordance with the method provided for under subsection (3) the amount of the fee that each regulatory body would be required to pay.
- (8) The Privy Council must—
 - (a) consult the Authority about the proposal under subsection (7)(a) and the determinations under subsection (7)(b), and
 - (b) consult each regulatory body about the determination under subsection (7)(b) of the amount it would be required to pay.
- (9) Having taken into account such representations as it receives from consultees, the Privy Council must—
 - (a) determine the amount of funding that the Authority requires in order to perform for the period to which the fee would apply such of its functions in relation to the regulatory bodies as are specified in the regulations, and
 - (b) determine in accordance with the method provided for under subsection (3) the amount of the fee that each regulatory body is to be required to pay.
- (10) Regulations under this section requiring payment of a fee may make provision—
 - (a) requiring the fee to be paid within such period as is specified;
 - (b) requiring interest at such rate as is specified to be paid if the fee is not paid within the period specified under paragraph (a);
 - (c) for the recovery of unpaid fees or interest.
- (11) The regulations may enable the Privy Council to redetermine the amount of a fee provided for under the regulations, on a request by the Authority or a regulatory body or on its own initiative.
- (12) Before making regulations under this section, the Privy Council must consult—
 - (a) the Authority,
 - (b) the regulatory bodies, and
 - (c) such other persons as it considers appropriate.”
- (2) In section 25(5) of that Act (meaning of “this group of sections”) for “26” substitute “25A”.
- (3) In section 38 of that Act (regulations and orders) after subsection (3) insert—
 - “(3A) A statutory instrument containing regulations made by the Privy Council under section 25A shall be subject to annulment in pursuance of a resolution of either House of Parliament.
 - (3B) Regulations made by the Privy Council under section 25A that include provision which would, if included in an Act of the Scottish Parliament, fall within the legislative competence of that Parliament shall be subject to the negative procedure in that Parliament (in addition to the statutory instrument containing the regulations being subject to annulment under subsection (3A)).
 - (3C) Sections 28 and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) shall apply in relation to regulations of

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

the description given in subsection (3B) as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) that is subject to the negative procedure, but as if references to a Scottish statutory instrument were references to a statutory instrument.

(3D) Section 32 of that Act (laying) shall apply in relation to the laying of a statutory instrument containing regulations of the description given in subsection (3B) before the Scottish Parliament as it applies in relation to the laying of a Scottish statutory instrument (within the meaning of Part 2 of that Act) before that Parliament.”

(4) In paragraph 14 of Schedule 7 to that Act (payments and loans to Authority), after sub-paragraph (2) insert—

“(2A) The Authority may borrow money for the purposes of or in connection with its functions; and sub-paragraphs (3) and (4) are without prejudice to the generality of this sub-paragraph.”

(5) In that paragraph, omit sub-paragraphs (5) and (6).

Commencement Information

- I6** S. 224 partly in force; s. 224 in force for specified purposes at Royal Assent, see s. 306(1)(d)
I7 S. 224 in force at 16.3.2015 in so far as not already in force by S.I. 2015/409, art. 2

225 Power to advise regulatory bodies, investigate complaints, etc.

(1) After section 25A of the National Health Service Reform and Health Care Professions Act 2002 insert—

“25B Power of the Authority to advise regulatory bodies etc.

(1) The Authority may, for the purpose of assisting the Authority in its performance of its functions under this group of sections, provide advice or provide auditing services to—

- (a) a regulatory body;
- (b) a body which has functions (whether or not relating to health or social care) corresponding to those of a regulatory body.

(2) A body to which the Authority provides advice or auditing services under this section must pay such fee as the Authority may determine.

(3) In this section, “this group of sections” has the meaning given by section 25(5) but does not include section 26A.”

(2) In section 28(1) of that Act (power to make regulations about investigation by the Authority of complaints about regulatory bodies), for “The Secretary of State” substitute “The Privy Council”.

(3) In section 38(2) of that Act (regulations and orders), omit “regulations under section 28 or”.

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

18 S. 225 in force at 16.3.2015 by S.I. 2015/409, art. 2

226 Accountability and governance

- (1) Schedule 7 to the National Health Service Reform and Health Care Professions Act 2002 (constitution etc. of the Authority) is amended as follows.
- (2) In paragraph 4 (membership and chair)—
 - (a) in paragraph (e), for “the Secretary of State” substitute “the Privy Council”, and
 - (b) in paragraph (f), for “two executive members” substitute “one executive member”.
- (3) In paragraph 6 (appointments), for “The Secretary of State” substitute “The Privy Council”.
- (4) In paragraph 10 (remuneration and allowances)—
 - (a) in each of sub-paragraphs (1) and (2), for “the Secretary of State” substitute “the Authority”, and
 - (b) for sub-paragraphs (3) and (4) substitute—
 - “(3) The Authority may provide for the payment of such pension, allowance or gratuities as it may determine to or in respect of a person who is or has been the chair or any other member of the Authority.
 - (4) The Authority may, where it considers there are special circumstances that make it right for a person ceasing to hold office as chair of the Authority to receive compensation, pay the person such compensation as it may determine.”
- (5) In paragraph 11 (employees)—
 - (a) in sub-paragraph (1), for “members” substitute “member”, and
 - (b) in sub-paragraph (2), for “members must be employees” substitute “member must be an employee”.
- (6) In paragraph 15 (accounts)—
 - (a) in each of sub-paragraphs (1) and (2), for “the Secretary of State” substitute “the Privy Council”, and
 - (b) in sub-paragraph (3)—
 - (i) omit “the Secretary of State and”, and
 - (ii) for “the Secretary of State” substitute “the Privy Council”.
- (7) In paragraph 16 (reports and other information), after sub-paragraph (1A) insert—
 - “(1B) The Authority must, by such date in each year as the Privy Council determines, publish—
 - (a) a strategic plan for the Authority for the coming financial year, and
 - (b) a strategic plan for the Authority for such of the subsequent financial years as the Authority may determine.”

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) In sub-paragraph (2) of that paragraph, after “its report for that year” insert “, and a copy of each of its strategic plans published in that year.”.

(9) In section 38 of that Act (regulations and orders), after subsection (3E) (inserted by section 223(13)) insert—

“(3F) A statutory instrument containing regulations made by the Privy Council under paragraph 6 of Schedule 7 is subject to annulment in pursuance of a resolution of either House of Parliament.”

Commencement Information

- I9** S. 226(1) in force at 1.12.2012 for specified purposes by [S.I. 2012/2657, art. 2\(3\)](#)
- I10** S. 226(1) in force at 4.6.2018 in so far as not already in force by [S.I. 2018/617, art. 2\(b\)](#) (with [art. 3](#))
- I11** S. 226(2)(a) in force at 9.6.2014 by [S.I. 2014/1454, art. 2](#)
- I12** S. 226(2)(b)(5) in force at 1.12.2012 by [S.I. 2012/2657, art. 2\(3\)](#)
- I13** S. 226(3)(4)(6)-(9) in force at 4.6.2018 by [S.I. 2018/617, art. 2\(b\)](#) (with [art. 3](#))

227 Appointments to regulatory bodies

After section 25B of the National Health Service Reform and Health Care Professions Act 2002 insert—

“25C Appointments to regulatory bodies

- (1) The Privy Council and a regulatory body may make arrangements for the regulatory body or other persons to assist the Privy Council in connection with its exercise of any of its appointment functions in relation to the regulatory body.
- (2) The Privy Council and the Authority may make arrangements for the Authority to assist the Privy Council in connection with—
 - (a) its exercise of any of its appointment functions in relation to a regulatory body;
 - (b) its exercise of its function under paragraph 4 of Schedule 7.
- (3) The Privy Council may make arrangements with any other person to assist it in connection with—
 - (a) its exercise of any of its appointment functions in relation to a regulatory body;
 - (b) its exercise of its function under paragraph 4 of Schedule 7.
- (4) The Scottish Ministers and the Authority may make arrangements for the Authority to assist them in connection with their exercise of their function under that paragraph.
- (5) The Welsh Ministers and the Authority may make arrangements for the Authority to assist them in connection with their exercise of their function under that paragraph.
- (6) The Department of Health, Social Services and Public Safety in Northern Ireland may make arrangements for the Authority to assist the Department in connection with its exercise of its function under that paragraph.

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (7) In this section, “regulatory body” does not include the Pharmaceutical Society of Northern Ireland.
- (8) In this section, “appointment functions” means—
- (a) in relation to the General Medical Council, the function under paragraph 1A(2) of Schedule 1 to the Medical Act 1983 and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (appointment of members and chair and determination of terms of office),
 - (b) in relation to the General Dental Council, the function under paragraph 1A(2) of Schedule 1 to the Dentists Act 1984 and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),
 - (c) in relation to the General Optical Council, the function under paragraph 1A(2) of Schedule 1 to the Opticians Act 1989 and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),
 - (d) in relation to the General Osteopathic Council, the function under paragraph 1A(2) of the Schedule to the Osteopaths Act 1993 and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),
 - (e) in relation to the General Chiropractic Council, the function under paragraph 1A(2) of Schedule 1 to the Chiropractors Act 1994 and such functions as the Privy Council has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),
 - (f) in relation to the General Pharmaceutical Council, the function under paragraph 1(2) of Schedule 1 to the Pharmacy Order 2010 (S.I. 2010/231) and such functions as the Privy Council from time to time has by virtue of paragraph 2(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council),
 - (g) in relation to the Nursing and Midwifery Council, the function under paragraph 1A(2) of Schedule 1 to the Nursing and Midwifery Order 2001 (S.I. 2002/253) and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council), and
 - (h) in relation to the Health and Care Professions Council, the function under paragraph 1(2) of Schedule 1 to the Health and Social Work Professions Order 2001 (S.I. 2002/254) and such functions as the Privy Council from time to time has by virtue of paragraph 1B(1)(b) or (d) of that Schedule (corresponding functions in relation to that Council).
- (9) A reference to assisting in connection with the exercise of a function does not include a reference to exercising the function.”

Commencement Information

I14 S. 227 in force at 1.7.2012 by S.I. 2012/1319, art. 2(3) (with art. 3)

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

228 Establishment of voluntary registers

After section 25C of the National Health Service Reform and Health Care Professions Act 2002 insert—

“25D Power of regulatory bodies to establish voluntary registers

- (1) A regulatory body may establish and maintain a voluntary register of persons who are (and, where the body thinks appropriate, persons who have been)—
 - (a) unregulated health professionals;
 - (b) unregulated health care workers;
 - (c) unregulated social care workers in England;
 - (d) participating in studies that come within subsection (2) or (3).
- (2) Studies come within this subsection if they are studies for the purpose of becoming a member of—
 - (a) a profession to which section 60(2) of the Health Act 1999 applies, or
 - (b) the social work profession in England.
- (3) Studies come within this subsection if they are studies for the purpose of becoming—
 - (a) an unregulated health professional,
 - (b) an unregulated health care worker, or
 - (c) an unregulated social care worker in England.
- (4) A regulatory body may establish and maintain a register under subsection (1) (a), (b) or (c) of only such persons as are (or have been) engaged in work that supports, or otherwise relates to, work engaged in by members of a profession which the body regulates; but this subsection does not apply to the Health and Care Professions Council.
- (5) A regulatory body may establish and maintain a register under subsection (1) (d) of only such persons as are (or have been) participating in studies for the purpose of—
 - (a) in the case of studies coming within subsection (2), becoming a member of a profession which the body regulates,
 - (b) in the case of studies coming within subsection (3)(a), becoming a member of a profession for which the body maintains a voluntary register, or
 - (c) in the case of studies coming within subsection (3)(b) or (c), engaging in work in respect of which the body maintains a voluntary register.
- (6) The General Pharmaceutical Council may establish and maintain a register under subsection (1) of only such persons as are (or have been) engaged in work or participating in studies in England, Wales or Scotland.
- (7) The Pharmaceutical Society of Northern Ireland may establish and maintain a register under subsection (1) of only such persons as are (or have been) engaged in work, or are participating in studies, in Northern Ireland.
- (8) A regulatory body may establish and maintain a register under subsection (1) jointly with one or more other regulatory bodies.

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (9) Where regulatory bodies establish and maintain a register in reliance on subsection (8)—
- (a) subsections (4) and (5) apply to each body (but subsection (4) does not apply to the Health and Care Professions Council),
 - (b) subsection (6) applies to the General Pharmaceutical Council if it is one of the bodies, and
 - (c) subsection (7) applies to the Pharmaceutical Society of Northern Ireland if it is one of the bodies.
- (10) But subsections (6) and (7) do not apply where the bodies concerned are or include the General Pharmaceutical Council and the Pharmaceutical Society of Northern Ireland.
- (11) Accordingly, in those circumstances, the General Pharmaceutical Council and the Pharmaceutical Society of Northern Ireland may jointly establish and maintain a register of persons who are (and, where they consider appropriate, have been) engaged in work or participating in studies anywhere in the United Kingdom.
- (12) A request to be registered, or to continue to be registered, in a register established under subsection (1) must be accompanied by a fee of such amount as the regulatory body (or bodies) concerned may determine.

25E Section 25D: interpretation

- (1) This section applies for the purposes of section 25D.
- (2) “Voluntary register” means a register of persons in which a person is not required by an enactment to be registered in order to be entitled to—
- (a) use a title,
 - (b) practise as a member of a profession,
 - (c) engage in work that involves the provision of health care,
 - (d) engage in work of a description given in section 60(2ZC) of the Health Act 1999 (social care work in England), or
 - (e) participate in studies that come within section 25D(2) or (3).
- (3) Where an enactment imposes a requirement of that kind which applies to part only of the United Kingdom, a register is to be regarded as a voluntary register in so far as it applies to any part of the United Kingdom to which the requirement does not apply.
- (4) The reference in subsection (2) to an enactment does not include a reference to an enactment in so far as it imposes a requirement of that kind which applies—
- (a) only to work or practice of a particular kind, and
 - (b) only when work or practice of that kind is engaged in for particular purposes.
- (5) In subsections (2) to (4), “enactment” means an enactment contained in, or in an instrument made under—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) an Act or Measure of the National Assembly for Wales, or

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (d) Northern Ireland legislation.
- (6) “Unregulated health professional” means a member of a profession—
 - (a) which is concerned with the physical or mental health of individuals, but
 - (b) to which section 60(2) of the Health Act 1999 does not apply.
- (7) “Unregulated health care worker” means a person engaged in work which—
 - (a) involves the provision of health care, but
 - (b) is not work which may be engaged in only by members of a profession.
- (8) In subsections (2) and (7), “health care” includes—
 - (a) all forms of health care for individuals, whether relating to physical or mental health, and
 - (b) procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition.
- (9) “Unregulated social care worker in England” means a person engaged in social care work in England within the meaning of section 60 of the Health Act 1999.
- (10) But a person is not to be regarded as being (or having been) engaged in work as an unregulated social care worker merely because the person is (or has been) participating in a course of the description given in subsection (2ZC)(o) of that section (social work courses).
- (11) “The social work profession in England” has the meaning given in that section.

25F Establishment of voluntary register: impact assessment

- (1) Before establishing a register under section 25D, a regulatory body—
 - (a) must make an assessment of the likely impact of doing so, and
 - (b) must consult such persons as it considers appropriate.
- (2) In performing the duty under subsection (1)(a), the body must have regard to such guidance relating to the preparation of impact assessments as it considers appropriate.
- (3) An assessment under this section must, in particular, include an assessment of the likely impact of establishing the register on—
 - (a) persons who would be eligible for inclusion in the register;
 - (b) persons who employ persons who would be eligible for inclusion in the register;
 - (c) users of health care, users of social care in England and users of social work services in England.
- (4) A regulatory body must publish any assessment it makes under this section.
- (5) In deciding whether to establish a register under section 25D, a regulatory body must have regard to the assessment it made under this section in relation to the register.”

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I15 S. 228 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

229 Accreditation of voluntary registers

- (1) After section 25F of the National Health Service Reform and Health Care Professions Act 2002 insert—

“25G Power of the Authority to accredit voluntary registers

- (1) Where a regulatory body or other person maintains a voluntary register, the Authority may, on an application by the body or other person, take such steps as it considers appropriate for the purpose of establishing whether the register meets such criteria as the Authority may from time to time set (“accreditation criteria”).
- (2) Accreditation criteria may, in particular, relate to—
 - (a) the provision to the Authority of information in connection with the establishment, operation or maintenance of register;
 - (b) publication of the names of persons included in the register or who have been removed from the register (whether voluntarily or otherwise);
 - (c) the establishment or operation of a procedure for appeals from decisions relating to inclusion in or removal from the register.
- (3) If the Authority is satisfied that a voluntary register meets the accreditation criteria, it may accredit the register.
- (4) The Authority may carry out periodic reviews of the operation of registers accredited under this section for the purpose of establishing whether they continue to meet the accreditation criteria.
- (5) If, on a review under subsection (4), the Authority is satisfied that a voluntary register no longer meets the accreditation criteria, the Authority may remove or suspend, or impose conditions on, the accreditation of the register.
- (6) The Authority may refuse to accredit a register, or to continue to accredit a register, unless the person who maintains the register pays a fee of such amount as the Authority may determine.
- (7) The Authority must publish such accreditation criteria as it sets.
- (8) The Authority may publish a list of registers accredited under this section.
- (9) “Voluntary register” has the meaning given in section 25E.

25H Accreditation of voluntary register: impact assessment

- (1) Before accrediting a register under section 25G, the Authority—
 - (a) must make an assessment of the likely impact of doing so, and
 - (b) must consult such persons as it considers appropriate.

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (2) For that purpose, the Authority must have regard to such guidance relating to the preparation of impact assessments as it considers appropriate.
- (3) An assessment under this section must, in particular, include an assessment of the likely impact of accrediting the register on—
 - (a) persons who are, or are eligible to be, included in the register;
 - (b) persons who employ persons who are, or are eligible to be, included in the register;
 - (c) users of health care, users of social care in England and users of social work services in England.
- (4) For the purposes of subsection (3), the Authority may request the person who maintains the register to provide it with such information as it specifies; and if the person refuses to comply with the request, the Authority may refuse to accredit the register.
- (5) The Authority may publish any assessment it makes under this section.
- (6) In deciding whether to accredit a register under section 25G, the Authority must have regard to its assessment under this section in relation to the register.

25I Functions of the Authority in relation to accredited voluntary registers

- (1) The Authority has the following functions—
 - (a) to promote the interests of users of health care, users of social care in England, users of social work services in England and other members of the public in relation to the performance of voluntary registration functions,
 - (b) to promote best practice in the performance of voluntary registration functions, and
 - (c) to formulate principles of good governance in the performance of voluntary registration functions and to encourage persons who maintain or operate accredited voluntary registers to conform to those principles.
- (2) In this section—
 - (a) a reference to the performance of voluntary registration functions is a reference to the maintenance or operation of an accredited voluntary register, and
 - (b) “accredited voluntary register” means a register accredited under section 25G.”
- (2) In section 26 of that Act (general powers and duties of the Authority), after subsection (2) insert—

“(2A) A reference in subsection (2) to a regulatory body includes a reference to a person other than a regulatory body who has voluntary registration functions; and for that purpose, the only functions that person has are the person's voluntary registration functions.”
- (3) After subsection (3) of that section insert—

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“(3A) A reference in subsection (3) to a regulatory body includes a reference to a person other than a regulatory body in so far as that person has voluntary registration functions.”

(4) After subsection (4) of that section insert—

“(4A) For the purposes of paragraph (c) of subsection (4), the reference in that subsection to subsection (3) includes a reference to subsection (3) as construed in accordance with subsection (3A).”

(5) After subsection (12) of that section insert—

“(13) In this section, “voluntary registration functions” is to be construed in accordance with section 25I.”

(6) In section 26A of that Act (powers of Secretary of State and devolved authorities to request advice etc.), after subsection (1A) (inserted by section 223(3)), insert—

“(1B) The Secretary of State may request the Authority for advice on any matter connected with accreditation of registers under section 25G; and the Authority must comply with such a request.

(1C) The Welsh Ministers, the Scottish Ministers or the relevant Northern Ireland department may request the Authority for advice on any matter connected with accreditation of registers under section 25G other than accreditation of registers referred to in subsection (1D); and the Authority must comply with such a request.

(1D) The registers are registers of persons who are or have been—

- (a) unregulated social care workers in England,
- (b) participating in studies for the purpose of becoming a member of the social work profession in England;
- (c) participating in studies for the purpose of becoming an unregulated social care worker in England.

(1E) In subsection (1D), “the social work profession in England” and “unregulated social care worker in England” each have the meaning given in section 25E.”

(7) In section 26B of that Act (duty of the Authority to inform and consult the public), after subsection (1) insert—

“(1A) The references in subsection (1) to the Authority's functions do not include a reference to its accreditation functions.

(1B) For the purpose of ensuring that members of the public are informed about the exercise by the Authority of its accreditation functions, the Authority may publish or provide in such manner as it thinks fit information about the exercise of those functions.

(1C) For the purposes of this section, the Authority's accreditation functions are—

- (a) its functions under sections 25G to 25I,
- (b) its functions under section 26 that relate to the performance of voluntary registration functions (within the meaning given by section 25I), and
- (c) its function under section 26A(1B).”

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (8) In subsection (2) of that section, after “subsection (1)” insert “or (1B)”.
- (9) At the end of subsection (4) of that section insert “(other than its accreditation functions)”.

Commencement Information

I16 S. 229 in force at 1.12.2012 by [S.I. 2012/2657](#), [art. 2\(3\)](#)

Changes to legislation:

Health and Social Care Act 2012, Cross Heading: The Professional Standards Authority for Health and Social Care is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)