



# Children and Social Work Act 2017

## 2017 CHAPTER 16

### PART 2

#### SOCIAL WORKERS ETC IN ENGLAND

##### *Approval of courses in relation to mental health professionals*

#### **48 Approval of courses for approved mental health professionals**

- (1) The Secretary of State may by regulations amend section 114ZA of the Mental Health Act 1983 (approval of courses for approved mental health professionals in England) for the purposes of—
  - (a) transferring the functions of the Health and Care Professions Council under that section to the regulator;
  - (b) giving the regulator power to charge fees for approving courses under that section.
- (2) The regulations may include further provision in connection with the approval of courses or charging of fees by the regulator under that section.
- (3) For example, the regulations may—
  - (a) authorise the regulator to arrange for another person to exercise functions on the regulator's behalf;
  - (b) make provision about the setting of criteria for the approval or continued approval of courses;
  - (c) make provision about inspections in connection with the approval or continued approval of courses (including provision for the appointment of people to carry out inspections);
  - (d) make provision about the procedure for approval or renewal of approval;
  - (e) make provision about duties to provide information;
  - (f) make provision about appeals against decisions in connection with approval;

- (g) make provision limiting the regulator’s power to approve courses run outside the United Kingdom to those run by institutions approved by the regulator or approved by a person with whom the regulator has made arrangements.
- (4) The provision that may be made under the regulations about the appointment of people to carry out inspections includes provision about—
- (a) payments to be made to those appointed;
  - (b) staff, facilities or other assistance.
- (5) If the regulations give the regulator power to charge fees, section 50(2) to (7) apply for the purposes of this section as they apply for the purposes of that section.

#### **49 Approval of courses for best interests assessors**

- (1) Paragraph 130 of Schedule A1 to the Mental Capacity Act 2005 (assessments in connection with deprivation of liberty: regulations about selection, and eligibility, of persons to carry out assessments) is amended as follows.
- (2) After sub-paragraph (2) insert—
- “(2A) In relation to England—
- (a) the provision that the regulations may make in relation to a person’s training in connection with best interests assessments includes provision for particular training to be specified by Social Work England or the Secretary of State otherwise than in the regulations;
  - (b) the provision that the regulations may make in relation to a person’s training in connection with other assessments includes provision for particular training to be specified by the Secretary of State otherwise than in the regulations.
- (2B) The regulations may give Social Work England power to charge fees for specifying any training as mentioned in sub-paragraph (2A)(a).
- (2C) If the regulations give Social Work England power to charge fees, section 50(2) to (7) of the Children and Social Work Act 2017 apply for the purposes of sub-paragraph (2B) as they apply for the purposes of that section.”
- (3) In sub-paragraph (3)—
- (a) at the beginning insert “In relation to Wales”;
  - (b) for “the appropriate authority” substitute “the Welsh Ministers”.
- (4) Omit sub-paragraph (4).