
STATUTORY INSTRUMENTS

2018 No. 893

The Social Workers Regulations 2018

PART 4

Education and training

Education and training approval scheme

20.—(1) The regulator must determine and operate a scheme (an “education and training approval scheme”) which complies with this regulation and regulations 21 to 23, for the approval, monitoring, and re-approval, of—

- (a) courses of education and training, operated and delivered in England, for persons who wish to become social workers in England (“initial education and training”),
- (b) qualifications granted following success in an examination, or other appropriate assessment, taken as part of an approved course of initial education or training,
- (c) such tests of knowledge of English, operated and delivered in England, as it may require, and
- (d) courses for persons who are, or wish to become, approved to act as approved mental health professionals by a local social services authority whose area is in England, referred to in section 114ZA(1) of the Mental Health Act 1983(1) (“AMHPs courses”).

(2) In these Regulations “approved course of initial education or training” and “approved qualification” mean a course of initial education or training, or a qualification (as the case may be), approved under the education and training approval scheme.

(3) The regulator must keep the education and training approval scheme under review.

(4) The regulator must maintain and publish a list of the courses of initial education and training, qualifications, tests of knowledge of English, and AMHPs courses—

- (a) which are for the time being approved under the education and training approval scheme, and
- (b) which were, but are no longer, approved under the education and training approval scheme, together with the periods in respect of which they were approved.

(5) Universities and other bodies concerned with the delivery of courses of initial education and training, qualifications, tests of knowledge of English, and AMHPs courses falling within paragraph (1) (“relevant institutions”) must provide the regulator with such information or assistance as the regulator may reasonably require in connection with the exercise of the regulator’s functions under this Part, and within such period as may be specified in the request.

(6) The regulator must make rules setting out the education and training approval scheme which must, in particular—

(1) 1983 c. 20. Section 114ZA was inserted by section 217(2) of the Health and Social Care Act 2012 (c. 7).

- (a) include criteria for the approval, monitoring, and re-approval, of courses of initial education and training, qualifications, tests of knowledge of English, and AMHPs courses falling within paragraph (1),
 - (b) ensure that approved courses of initial education and training meet the standards of education or training determined and published by the regulator under section 43(1) of the Act,
 - (c) require the regulator, before approving or re-approving a course of initial education or training, to be satisfied that the course will enable a person who successfully completes it to meet the professional standards,
 - (d) require the regulator, before approving or re-approving an AMHPs course, to be satisfied that the course will enable a person who successfully completes it to demonstrate all the Key Competence Areas set out in Schedule 2 to the Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008(2),
 - (e) in relation to a course falling within paragraph (1)(a), require the regulator to consult the following in relation to any matters relevant to the approval of the course—
 - (i) any persons undertaking the course,
 - (ii) social work service users,
 - (iii) bodies, other than the relevant institution concerned, that provide any element of the education or training comprised in the course,
 - (f) set out the information that will be provided to relevant institutions during the approval or re-approval process,
 - (g) provide for the regulator to—
 - (i) consider the re-approval of approved courses of initial education and training, qualifications, tests of knowledge of English, and AMHPs courses falling within paragraph (1), at specified intervals of not more than six years, and
 - (ii) monitor the continued approval of such courses,
 - (h) set out the procedure for decision making in relation to approval, monitoring, and re-approval,
 - (i) set out the regulator’s quality assurance process in relation to the approval, monitoring and re-approval of courses of initial education and training, qualifications, tests of knowledge of English, and AMHPs courses falling within paragraph (1), and
 - (j) include information about the publication of—
 - (i) reports (including reports of any inspection carried out under regulation 21),
 - (ii) decisions in relation to approval.
- (7) The regulator may operate the education and training approval scheme so as to provide for the approval of courses of education and training for people who are registered social workers.

Inspections

21.—(1) The regulator may appoint an adviser, or a member of the regulator’s staff, to inspect any relevant institution in connection with the approval or re-approval of any course, qualification or test mentioned in regulation 20(1) conducted, provided or facilitated, or proposed to be conducted, provided or facilitated, by that institution.

(2) A person appointed under paragraph (1) is referred to in these Regulations as an inspector.

(3) The regulator must make rules relating to inspections which, in particular—

(2) [S.I. 2008/1206](#). There are amendments to this instrument but none is relevant.

- (a) set out—
 - (i) the role of an inspector,
 - (ii) the knowledge, skills or experience necessary to undertake the role of inspector,
 - (iii) any persons who may not act as an inspector,
 - (b) may require inspectors to declare to the regulator any conflict of interest in relation to any relevant institution,
 - (c) set out the procedure for an inspector to report to the regulator following an inspection, including—
 - (i) the period within which the relevant institution may make observations on the report,
 - (ii) the information to be provided to the regulator in relation to the inspection,
 - (iii) the manner in which the information must be presented,
 - (iv) any relevant timescales.
- (4) The regulator may make members of the regulator’s staff, facilities and other assistance available to inspectors.

Conditional approval

22.—(1) Subject to paragraphs (2) and (3), the regulator may attach conditions to the approval, and re-approval, of courses of initial education and training, tests of knowledge of English, and AMHPs courses where—

- (a) the relevant institution fails to respond to a request for information made under regulation 20(5) within the period specified in the request, or
 - (b) the regulator is satisfied on the basis of evidence obtained under regulation 20, or following an inspection, that the course, or test, does not meet the criteria for approval.
- (2) Before attaching a condition to an approval or re-approval under paragraph (1), the regulator must notify the institution concerned—
- (a) setting out its reasons and any evidence,
 - (b) specifying the time within which the regulator will propose the condition must be met, and whether the condition must be met before approval, or re-approval, will be given,
 - (c) specifying the period within which the institution may make observations on the matters raised, and

in the case of a course of initial education or training, must consider any impact of the proposed conditions on any person undertaking that course.

(3) The regulator must take no further steps to attach conditions to the approval or re-approval before—

- (a) the end of the period specified under paragraph (2)(c), or
- (b) where the institution notifies the regulator that it does not intend to make observations, the date on which that notification is given,

unless the regulator considers it is necessary to do so for the protection of the public.

(4) If, taking into account the matters referred to in paragraph (1), and any observations received from the institution concerned, the regulator determines that it is appropriate to attach a condition to the approval or re-approval, the regulator must notify the institution of that decision and the reasons for it, including the date from which the condition will apply and the date by which the condition must be complied with.

Refusal, and withdrawal, of approval

23.—(1) Subject to paragraph (2), the regulator may refuse to approve, or withdraw approval of a course of initial education or training, a qualification, a test of knowledge of English, or an AMHPs course falling within regulation 20(1), where—

- (a) the relevant institution in relation to that course, qualification, or test—
 - (i) fails to respond to a request for information made under regulation 20(5) within the period specified in the request,
 - (ii) fails to comply with a condition imposed pursuant to regulation 22(4) by the time specified in the notification, or at all, or
 - (b) the regulator is satisfied on the basis of evidence obtained under regulations 20 or 22, or following an inspection, that the course, qualification, or test, does not meet the criteria for approval.
- (2) Before refusing or withdrawing approval under paragraph (1), the regulator must—
- (a) notify the institution concerned, setting out its reasons, and
 - (b) inform the institution of the period within which it may make observations on the matters raised,

and the regulator must take no further steps to refuse or withdraw approval before the end of the period specified under sub-paragraph (b).

(3) If, taking into account the matters referred to in paragraph (1), and any observations received from the institution concerned, the regulator determines that it is appropriate to refuse to approve, or to withdraw approval, the regulator must notify the institution of that decision and the reasons for it.

(4) The decision under paragraph (3) has effect from such date as is specified in the decision.

(5) The refusal to re-approve, or withdrawal of approval of, a course of initial education or training, a qualification, or a test of knowledge of English, does not affect the entitlement of any person to be registered on the basis of—

- (a) an award to them of that qualification,
 - (b) an award to them of a qualification in connection with that course of education or training, or
 - (c) a determination that they have the necessary knowledge of English following that test,
- made before the date on which the decision under paragraph (3) has effect.

(6) Where—

- (a) rules made under regulation 9(6)(b) provide that the award of a qualification in connection with a course other than one mentioned in paragraph (5)(b) is relevant for the purposes of regulation 12(1) (annotation of entries in the register), and
 - (b) that qualification has been approved under the education and training approval scheme,
- the refusal to re-approve, or withdrawal of approval of, that course does not affect any entitlement of a registered social worker to have their entry in the register annotated with an award of that qualification made before the date on which the decision under paragraph (3) has effect.

Fees in relation to approval

24.—(1) The regulator may charge a fee in connection with approval, and re-approval, of courses of initial education and training, qualifications, tests of knowledge of English, and AMHPs courses falling within regulation 20(1).

- (2) Any fee charged by the regulator under paragraph (1)—

- (a) may be set at a level which exceeds the cost of the approval in respect of which it is charged,
 - (b) must be set with a view to ensuring that, so far as possible, the regulator's fee income in any year does not exceed the regulator's expenses in the same year.
- (3) The regulator must make rules in relation to the charging of any fee under paragraph (1), setting out —
- (a) the time within which any fee is to be paid,
 - (b) the circumstances in which a fee—
 - (i) is not chargeable,
 - (ii) may be reduced,
 - (iii) may be refunded, in whole or in part, or
 - (iv) may be waived, and
 - (c) the steps the regulator may take in the event that a fee charged under paragraph (1) is not paid within the time set, including—
 - (i) refusing to approve, or re-approve, the course, qualification or test in question,
 - (ii) recovery of the fee as a civil debt.
- (4) The regulator must pay any fee income received under this regulation to the Secretary of State, unless the Secretary of State with the consent of the Treasury directs otherwise.