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STATUTORY INSTRUMENTS

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**2018 No. 893**

**The Social Workers Regulations 2018**

**PART 8**

Amendments to other legislation

**Amendments to the Mental Health Act 1983**

**39.**—(1) Section 114ZA of the Mental Health Act 1983 (approval of courses: England) is amended as follows.

(2) In subsection (1), for “The Health and Care Professions Council” substitute “Social Work England”.

(3) In subsection (2), for “The Council” substitute “Social Work England”.

(4) Omit subsection (4).

(5) At the end insert—

“(5) Social Work England may charge fees for approving courses under subsection (1).

(6) In this section “Social Work England” means the body corporate established by section 36(1) of the Children and Social Work Act 2017.”.

**Amendment to the Equality Act 2010**

**40.**—(1) Part 1 of Schedule 19 to the Equality Act 2010 (public authorities: general)(1) is amended as follows.

(2) Under the heading “Regulators”, after the entry for the Security Industry Authority insert—  
“Social Work England.”.

**Amendments to the Health and Social Work Professions Order 2001**

**41.**—(1) The Health and Social Work Professions Order 2001 is amended as follows.

(2) In article 3(3) omit “(and see also section 114ZA of the Mental Health Act 1983 (approval of courses for approved mental health professionals))”.

(3) Omit article 14(b).

(4) Omit article 15A.

(5) Omit article 15B.

(6) In article 16(6) omit “; but that does not apply to AMHP courses”.

(7) Omit article 17(3A).

(8) In article 18—

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(1) Part 1 of Schedule 19 was amended by paragraph 102 of Part 5 of Schedule 12 to the Energy Act 2013 (c. 32) and by S.I. 2011/1060 and 2017/353. There are other amendments but none is relevant.

- (a) omit paragraph (1A),
- (b) in paragraph (3) omit “or (1A)”,
- (c) in paragraph (6) omit “or, as the case may be, (1A)” in both places where it appears.

**Amendment to the European Communities (Recognition of Professional Qualifications) Regulations 2007**

**42.**—(1) The European Communities (Recognition of Professional Qualifications) Regulations 2007 are amended as follows.

(2) In the table in Part 1 of Schedule 1 (professions regulated by law or public authority), in the entry for “Social Worker in England” for “Health and Care Professions Council”<sup>(2)</sup> substitute “Social Work England”.

**Amendments to the Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008**

**43.**—(1) The Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008<sup>(3)</sup> are amended as follows.

(2) In regulation 3—

- (a) in paragraph (3) for “the Health and Care Professions Council” substitute “Social Work England”,
- (b) after paragraph (3) insert—

“(4) In this regulation “Social Work England” means the body corporate established by section 36(1) of the Children and Social Work Act 2017.”.

**Amendments to the Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008**

**44.**—(1) The Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008<sup>(4)</sup> are amended as follows.

(2) In regulation 5(2)(d), at the end insert “or a social worker registered in the register of social workers in England kept by Social Work England under section 39(1) of the Children and Social Work Act 2017”.

(3) In regulation 5(3)(c) for “that has been approved by the Secretary of State” substitute “, that has been specified by Social Work England, ”.

(4) After regulation 5(3) insert—

“(4) Social Work England may charge a fee for specifying training mentioned in paragraph (3)(c).

(5) Any fee charged by Social Work England under paragraph (4)—

- (a) may be set at a level which exceeds the cost of specifying training in respect of which it is charged,
- (b) must be set with a view to ensuring that, so far as possible, Social Work England’s fee income in any year does not exceed its expenses in the same year.

(6) Social Work England must determine—

- (a) the time within which any fee is to be paid,

<sup>(2)</sup> The words “Health and Care Professions Council” were substituted by [S.I. 2012/1479](#).

<sup>(3)</sup> [S.I. 2008/1206](#), as amended by [S.I. 2012/1479](#) and [2017/52](#).

<sup>(4)</sup> [S.I. 2008/1858](#), as amended by [S.I. 2012/1479](#).

- (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 it may take in the event that a fee charged under paragraph (4) is not paid within the time set, including—
  - (i) refusing to specify the training in question, and
  - (ii) recovery of the fee as a civil debt.

(7) Social Work England must pay any fees received under this regulation to the Secretary of State, unless the Secretary of State with the consent of the Treasury directs otherwise.

(8) In this regulation “Social Work England” means the body corporate established by section 36(1) of the Children and Social Work Act 2017.”.

**Amendments to the European Union (Recognition of Professional Qualifications) Regulations 2015**

**45.**—(1) The European Union (Recognition of Professional Qualifications) Regulations 2015<sup>(5)</sup> are amended as follows.

- (2) In the table in Part 1 of Schedule 1 (professions regulated by law or public authority)—
  - (a) omit “Social Worker in England”, and
  - (b) before the entry “Social Worker in Northern Ireland” insert—

“Social Worker in England	Social Work England”.
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**Amendment to the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017**

**46.**—(1) The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017<sup>(6)</sup> are amended as follows.

(2) In Schedule 2, under the heading “Regulators”, after “The Security Industry Authority.” insert—

“Social Work England.”.

<sup>(5)</sup> S.I. 2015/2059, as amended by S.I. 2016/1094.

<sup>(6)</sup> S.I. 2017/353.