STATUTORY INSTRUMENTS

2018 No. 655

SOCIAL WORK, ENGLAND

The Professional Standards Authority for Health and Social Care (Fees) (Social Work England) Regulations 2018

Made - - - - *28th May 2018*

Laid before Parliament *4th June 2018*

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 25AA(1), (3), (10) and (11) and 38(7) of the National Health Service Reform and Health Care Professions Act 2002(**1**).

In accordance with section 25AA(12) of that Act the Secretary of State has consulted the Authority(**2**), Social Work England, and such other persons as the Secretary of State considered appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Professional Standards Authority for Health and Social Care (Fees) (Social Work England) Regulations 2018.

(2) They come into force on the day on which section 39(1) of the 2017 Act (registration) comes into force.

(3) In these Regulations—

"the 2017 Act" means the Children and Social Work Act 2017;

"chargeable period" has the meaning given in regulation 2(3) and (4);

"fee notice" has the meaning given in regulation 6(1);

"periodic fee" means a fee payable by Social Work England by virtue of regulation 2;

"the register" means the register of social workers in England referred to in section 39(1) of the 2017 Act;

"relevant function" means a function exercised by the Authority in relation to Social Work England set out in regulation 3;

(**1**) 2002 c. 17; section 25AA was inserted by paragraph 4 of Schedule 4 to the Children and Social Work Act 2017 (c. 16).

(**2**) "The Authority" means the Professional Standards Authority for Health and Social Care: see section 25(1) of the National Health Service Reform and Health Care Professions Act 2002, which has been amended by section 222(2) of the Health and Social Care Act 2012 (c. 7) ("the 2012 Act").

"registered social worker" means a person whose name appears on the register.

Obligation on Social Work England to pay fees to the Authority

2.—(1) Social Work England must pay the Authority a periodic fee in respect of each chargeable period, in respect of the relevant functions.

(2) A periodic fee is an amount determined or re-determined by the Secretary of State in accordance with the method described in regulation 5.

(3) The first chargeable period—

(a) begins with the 1st April following the coming into force of section 39(1) of the 2017 Act (registration); and

(b) ends with the following 31st March.

(4) Each subsequent chargeable period begins with 1st April immediately following the end of the preceding chargeable period, and ends with the following 31st March.

Relevant functions

3. The relevant functions are functions under the following provisions of the National Health Service and Health Care Professions Act 2002—

(a) section 25(2)(**3**) (general functions of the Authority);

(b) section 25AA(5) (funding of the Authority);

(c) section 25B(1)(a)(**4**) (power to advise), but only to the extent that fees are not payable in respect of the performance of those functions under section 25B(2);

(d) section 26(1) and (2), to the extent that section 26(2A)(**5**) does not apply (powers and duties of the Authority: general);

(e) section 26B(1) and (4)(**6**) (duty to inform and consult the public);

(f) section 29(4) (reference of disciplinary cases to court);

(g) paragraphs 15(1) to (4) and 16(1) and (2) of Schedule 7(**7**); and

(h) paragraph 16(3) or (4) of Schedule 7 to the extent to which they may be performed by the Authority.

Obligation to require information from Social Work England

4.—(1) The Secretary of State must, by notice in writing, require from Social Work England such information as the Secretary of State considers necessary for the purpose of determining a periodic fee.

(2) A notice given under paragraph (1) must specify the time by which any information requested in that notice is to be provided to the Secretary of State.

(3) The Secretary of State may, in writing, extend the time specified in a notice to such later date as the Secretary of State considers reasonable.

(**3**) Section 25(2) was amended by section 223(1) of, and paragraph 62(a) of Schedule 15 to, the 2012 Act.
(**4**) Section 25B(1)(a) was inserted by section 225(1) of the 2012 Act.
(**5**) Section 26(1) and (2) was amended by paragraph 62(b) of Schedule 15 to the 2012 Act, and sub-section (2A) was inserted by section 229(2) of the 2012 Act.
(**6**) Section 26B was inserted by section 117 of the 2008 Act, and amended by sections 223(6) and 229(7) to (9) of, and paragraph 62(d) of Schedule 15 to, the 2012 Act.
(**7**) Paragraph 15 was amended by paragraph 62(h) of Schedule 15 to the 2012 Act; paragraph 16 was amended by section 114(6) of the 2008 Act, and by section 223(14) of, and paragraph 62(h) of Schedule 15 to, the 2012 Act.