

## MEMORANDUM

### CARE STANDARDS BILL

#### Background

The Care Standards Bill which will have its Second Reading in the House of Commons on 18 May introduces measures to regulate social care, the social care workforce and its training. The Bill provides a power to make an Order in Council to vary the functions of the Central Council for Education and Training in Social Work (CCETSW), a cross-border public authority, if it ceases to operate in part of the UK.

#### Content of the Bill

The Bill makes provision to establish a national Care Standards Commission in England and make provision for the regulation, registration and training of social workers and certain other categories of social care workers. It will establish a General Social Care Council in England and a Care Council for Wales. It will make provision for the protection of children and vulnerable adults. These matters all concern England and Wales only.

The Bill also contains provisions relating to the Central Council for Education and Training in Social Work (CCETSW) which regulates and promotes the education and training of social workers throughout the UK. It is specified as a cross-border public authority under the Scotland Act 1998. Ministerial functions relating to appointment or removal of members, or which affects Scotland, are exercised by the Secretary of State for Health after consultation with the Scottish Ministers. It has 4 statutory functions conferred on it by section 10 of the Health and Social Services and Social Security Adjudication Act 1983 ("the 1983 Act").

- the promotion and development of training;
- the regulation of training programmes;
- the awarding of qualifications; and
- the funding of students undertaking training.

#### The Proposal

Clause 66 of the Bill provides that CCETSW shall cease to exercise in England and in Wales the functions which were conferred on it by or under section 10 of the 1983 Act. It also provides a power for an Order in Council to be made in consequence of CCETSW ceasing to have functions in England and Wales or in any other part of the UK (as could be provided for in relation to Scotland by an Act of the Scottish Parliament). This power will allow for the transfer of CCETSW's staff and property and for amendments to the parts of the 1983 Act which set out the constitution of CCETSW. It is expected that, once CCETSW ceases to act in England and Wales, Ministerial functions would be transferred in their entirety to the Scottish Ministers and the Northern Ireland authorities.

It will be possible for a future Act of the Scottish Parliament to provide for the replacement of CCETSW in Scotland, if so desired.

Using the Care Standards Bill to provide a power to vary functions in relation to CCETSW will ensure that an orderly approach can be adopted in the abolition of CCETSW.

Recommendation

This memorandum seeks the consent of the Parliament to the inclusion of the Order-making power relating to CCETSW in clause 66 of the Care Standards Bill.

SCOTTISH EXECUTIVE EDUCATION DEPARTMENT  
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