

NATIONAL HEALTH SERVICE, ENGLAND

NATIONAL HEALTH SERVICE ACT 2006

The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Amendment) Directions 2013

The Secretary of State for Health in exercise of the powers conferred by sections 7, 8, 272(7) and (8) and 273(1) and (4) of the National Health Service Act 2006(a), gives the following Directions:

PART 1

General

Citation, application, commencement and interpretation

1.—(1) These Directions may be cited as the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Amendment) Directions 2013.

(2) These Directions shall apply in relation to England.

(3) These Directions shall come into force on [date].

(4) In these Directions —

“the Principal Directions” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Directions 2006 which came into force on 1st April 2006(b).

Amendment to direction 1 of the Principal Directions

2. In direction 1 of the Principal Directions (application, commencement and interpretation), in the appropriate alphabetical place in paragraph (4), insert—

““Social Care Bursary Scheme” means the Social Care Bursary Scheme established pursuant to section 67(4)(a) of the Care Standards Act 2000(c) in England;”

Insertion of additional direction and Schedule in the Principal Directions

3.—(1) After direction 18, insert the following—

“Functions of the Authority in relation to the Social Care Bursary Scheme

18A. The Authority shall exercise the functions in relation to the Social Care Bursary Scheme.”

(2) After Schedule 7, insert the following—

(a) 2006 c.41.

(b) Amended by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Amendment) Directions 2007 which came into force on 8 October 2007, the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Amendment Directions 2011 which came into force on 1 April 2011, and the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Amendment) Directions 2012 which came into force on 28 September 2012. Copies of the directions can be obtained from the publications section of the Department of Health website at <http://www.dh.gov.uk>.

(c) 2000 c.14.

“SCHEDULE 8

Direction 18A

Functions of the Authority in relation to the Social Care Bursary Scheme

Interpretation

1. In this Schedule—

“Allowance” means a grant or allowance paid under the Social Care Bursary Scheme, but does not include the Bursary;

“Bursary” means the bursary paid under the Social Care Bursary Scheme to an undergraduate or postgraduate student in a social work qualifying course;

“HEI” means a higher education institution (including a university);

“social work qualifying course” means a course approved by the Health and Care Professions Council (HCPC) as meeting the HCPC standards of education and training and providing eligibility to apply for registration as a social care worker in England.

Functions

2. Exercise in accordance with guidance issued from time to time by the Secretary to State, the following functions of the Secretary of State in relation to the operation of the Social Care Bursary Scheme—

- (a) the making of arrangements to receive and process information from HEIs in relation to, and applications for, the Bursary and Allowances;
- (b) applying eligibility criteria to determine applications for the Bursary and Allowances, and make arrangements for making payments—
 - (i) to a person who is entitled to receive the Bursary or Allowances; or
 - (ii) a person to whom an Allowance should be paid; and
- (c) paying such sums comprising the Bursary and Allowances as are due.

3. The reference to—

- (a) “eligibility criteria” in paragraph (2)(b) is to such criteria agreed with the Secretary of State; and
- (b) “sums comprising the Bursary and Allowances” in paragraph (2)(c) is to the amount of such payments agreed with the Secretary of State.

4. In exercising the functions in paragraph 2 the Authority must seek such appropriate and timely legal advice as it considers necessary in connection with—

- (a) the interpretation of the legislation and procedures relating to the administration of the Social Care Bursary Scheme; and
- (b) the conduct of litigation (whether actual or threatened).

5. The Authority must—

- (a) provide written reports to the Secretary of State on the payment of the Bursary and Allowances as agreed with the Secretary of State; and
- (b) provide to the Secretary of State by 31 December of each calendar year a list of the HEIs that intend to provide social work qualifying courses and their intended intake.

6. Notify the Secretary of State as soon as practicable of any matter (including actual or threatened litigation), which may, in the Authority’s opinion—

- (a) challenge or cast doubt upon the existing legislation, its interpretation or application; or

(b) raise issues of financial or public policy,
in relation to the Social Care Bursary Scheme.

7. Where the Authority notifies the Secretary of State of a matter in accordance with paragraph 6, it must—

- (a) consult with the Secretary of State about the conduct of the matter; and
- (b) ensure that the Secretary of State is kept informed of developments in, and the progress of, the matter.

8. Provide advice to the Secretary of State in relation to all matters concerning the Social Care Bursary Scheme including, in particular, actual or threatened litigation where issues of public policy or finance may arise.

9. Provide advice and guidance in relation to the Social Care Bursary Scheme to—

- (a) HEIs providing social work qualifying courses; and
- (b) students and potential students of social work qualifying courses.

10. Keep and maintain records of—

- (a) all applications for payments under the Social Care Bursary Scheme; and
- (b) all students or other persons in receipt of payments under the Social Care Bursary Scheme.”.

Signed by authority of the Secretary of State for Health



DEPARTMENT of HEALTH
QUARRY HOUSE
QUARRY HILL
LEEDS LS2 7UE

Address
Date

30 MAY 2013

Alan Robson
A Member of the Senior Civil Service
Department of Health