



Gofal Cymdeithasol **Cymru**
Social Care **Wales**

Social Care Wales

Protection of Title Policy

(June 2022)



Protection of Title Policy

1. Introduction – reason for the policy

1.1 Social Care Wales is responsible for keeping a register of social care workers in Wales ('the Register') and our main objective is to protect, promote and maintain the safety and well-being of the public in Wales. One of the groups that is required to register with us is social workers.

1.2 Unregistered social workers compromise our ability to keep the public safe. They may also undermine public confidence in our regulatory work and the social work profession.

1.3 Under section 111 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act"), it is an offence for a person in Wales who is not registered in a relevant register as a social worker to:

- a) take or use the title of social worker
- b) take or use any description implying registration as a social worker, or
- c) pretend to be a social worker in any other way,

with intent to deceive another.

1.4 Section 111(3) of the Act sets out that a person who is guilty of a protection of title offence is liable, on summary conviction, to a fine.

1.5 Section 72 of the Act requires Social Care Wales to prepare and publish a statement of its policy with respect to the bringing of criminal proceedings.

1.6 This document addresses this requirement. It sets out the measures we will use to prevent protection of title offences being carried out and the circumstances in which we will prosecute offenders.

1.7 We regard prosecution as a last resort and, where appropriate, we will use other ways of ensuring compliance with protection of title legislation. However, we will prosecute offenders where we feel it is necessary.



1.8 Under current legislation, it is only social workers that we can prosecute for protection of title offences and no other categories of social care worker. However, section 111 of the Regulation and Inspection of Social Care (Wales) Act 2016 allows the Welsh Government to extend protection of title to other social care roles. We will update this guidance to reflect any such change in approach.

2 Protection of Title offences - Intention

2.1 Intention to deceive is a key part of the protection of title offences set out in section 111 of the Regulation and Inspection of Social Care (Wales) Act 2016. To establish that an unregistered social worker intended to deceive, we would have to prove that they sought to lead others to believe they were registered social workers.

2.2 Intention to deceive includes, but is not limited to, situations where the unregistered person:

- a) tells people they are a registered social worker when they are not - this includes those who are qualified social workers but who are unregistered, whether this is because they have never been registered or their registration has lapsed
- b) uses advertising material that implies that they are a registered social worker – this includes using business cards in which they use the title of social worker

2.3 However, it does not include situations where they have used the title social worker in a way that makes it clear they are not registered as a social worker. For example:

- a) where they use an appropriate prefix such, as 'student' to indicate they are not registered as a qualified social worker
- b) where the person was on our Register, is no longer on it and is referred to in a way that makes it clear they are no longer registered – for example, retired social worker
- c) by a course provider offering social work education and training.



- 2.4 Where we receive information that suggests that there may have been a protection of title offence, including information from anonymous sources, and we are able to substantiate the allegation, we will issue a 'cease and desist' letter to the individual involved. We will seek confirmation that the individual has stopped using the social worker title.
- 2.5 Where we issue a cease-and-desist letter to an individual, we will create a record of this and will retain it in accordance with the Social Care Wales Retention and Disposal Policy.

3 How we address protection of title offences

No intention to deceive

- 3.1 Where we are satisfied that an unregistered person has misused the title 'social worker' with no intention to deceive, or where we are unable to establish whether they intended to deceive, we will:
- a) send them a warning letter¹
 - b) notify their employer.
- 3.2 If an unregistered person continues to misuse the social worker title after we have sent them a warning letter, but we are satisfied they did not intend to deceive, we will send them a further letter restating the position and send a letter to their employer if they have one.

When we receive confirmation from the unregistered person that they have ceased misusing the title 'social worker' and we are satisfied that they are no longer using the title, we will take no further action.

- 3.3 We will keep a record of this in accordance with the Social Care Wales Retention and Disposal Policy.

Intention to deceive

¹ The letter will set out the legal requirement to register, the potential consequences of non-compliance and the process for registering. It will also require a response confirming that the individual has stopped working as a social worker.



- 3.4 Where we are satisfied that an unregistered person has misused the title 'social worker' with intention to deceive, we will send them a warning letter² and notify their employer.
- 3.5 If an unregistered person continues to misuse the title social worker with intention to deceive after we have sent them a warning letter, in some circumstances, particularly where there are public protection issues or matters of pecuniary advantage, we will refer the unregistered person to the police protection unit to consider action.
- 3.6 If the Police Protection Unit decide not to take action, a recommendation will be made to the Social Care Wales Registrar to prosecute the unregistered worker. The Registrar will make the final decision about taking forward a prosecution.
- 3.7 If an unregistered person continues to misuse the title 'social worker' with intention to deceive after we have prosecuted them, we will take steps to prosecute them again.
- 3.8 We will keep a record of this in accordance with the Social Care Wales Retention and Disposal Schedule.

David Pritchard

Cyfarwyddwr Rheoleiddio a Chofrestrydd
Director of Regulation and Registrar

² The letter will set out the legal requirement to register, the potential consequences of non-compliance and the process for registering. It will also require a response confirming that the individual has stopped working as a social worker.