



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

Regulation

Policies and Procedures

Publication Policy

**Policy about the publication and sharing of information about
registered persons and others involved in
Social Care Wales proceedings**

2024

Contents

Section	Issues covered	Page
Section 1	Introduction – reason for having this policy	3
Section 2	How we meet our publication duties	5
Section 3	Information that appears in the Register and the List of Persons Removed	7
Section 4	Information that appears on the Hearings page of our website	9
Section 5	Fitness to practise cases that do not involve health issues	11
Section 6	Fitness to practise cases where impairment relates to a health issue	14
Section 7	Registration cases	17
Section 8	Restoration cases	18
Section 9	Appeals to the Care Standards Tribunal	19
Section 10	Press Releases	19
Section 11	Miscellaneous	20
Section 12	Complaints and concerns	23
Section 13	Other resources	24
Appendix 1	Information that appears in the Social Care Wales Register	25
Appendix 2	Information that will be included in the List of Persons Removed from the Register and RBA list	30

Policy about the publication and sharing of information about registered persons and others involved in Social Care Wales proceedings

1. Introduction

Reason for having this policy

- 1.1 Section 68 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) states that Social Care Wales’s main objective in carrying out its functions is to protect, promote and maintain the safety and well-being of the public in Wales.¹
- 1.2 As part of our public protection work, we must keep a register of social care workers in Wales (‘the Register’) and a separate ‘List of Persons Removed from the Register’ (‘the List’). Sections 80 and 110 of the Act set out these requirements. The List shows those whose names have been removed from the Register by a fitness to practise panel using a ‘removal order’ or ‘removal by agreement’.
- 1.3 Giving people access to the Register and the List is a legal requirement and it helps us in our statutory public protection duty by allowing people to check whether an individual:
- is a registered social care worker;
 - is free to practise without restriction;
 - has ever had their name removed from the Register, been suspended or been subject to conditions.²

¹ <http://www.legislation.gov.uk/anaw/2016/2/contents/enacted>

² These requirements are set out in Regulations 4(8), 4(9) and 8 of the Social Care Wales (Content of Register) Regulations 2016.

1.4 Most of the categories of information that we publish are set out in law and there are few areas of discretion. This policy explains how we meet our legal duty to publish information about fitness to practise and how we exercise our discretionary powers in the small number of cases in which these powers apply.

1.5 The main aims of this policy are:

- to provide our staff with guiding principles for operating lawfully and fairly when publishing information about the fitness to practise of current or former registered persons;
- to make information about the fitness to practise of social care workers more accessible to the public by explaining our approach to publishing such information;
- to help registered social care workers understand how information about their fitness to practise will be presented in our Register, List and website; and
- to help the public understand our regulatory work.

1.6 The policy sets out the categories of information we will include in our website, Register and List and for how long it will remain.³

1.7 The policy reflects:

- our legal duties;
- the rights of individuals involved in fitness to practise proceedings;
- the public interest in those proceedings;
- our need to make sure that any information we publish about our fitness to practise proceedings is relevant, accurate, proportionate and fair; and

³ References to the website relate to the Hearings pages of the Social Care Wales website and not the online Register.

- our duties under the Data Protection Act 2018, including the need for us to have an Appropriate Policy Document in place when processing criminal offence data and special category data.⁴

1.8 The policy will be reviewed annually, or more frequently if necessary.

2. How we meet our publication duties

2.1 We use online versions of the Register and List to make it easier for the public to access the information., The Register and List can be found using the link on the Registration page of our website.⁵ We can also accommodate reasonable requests for extracts from the Register in other formats.

2.2 The categories of information that we must include in the Register, as well as other categories that we are allowed to include, are set out in section 91 of the Act. This is supplemented by the Social Care Wales (Content of Register Regulations 2016⁶ and the Social Care Wales Content of the Register Rules.⁷

2.3 The categories of information that we must include in the List are set out in section 110 of the Act and the Social Care Wales (List of Persons Removed from the Register) Regulations 2016.⁸

2.4 On the same page of our website as the Register and List, there is a list of people whose names have been removed from the Register by Social Care Wales, by agreement, following the investigation of concerns about their fitness to practise.⁹ We refer to removal by agreement as RBA.

⁴ For an explanation of special category data, see: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>

⁵ [Search the Register - SCW Portal \(scwonline.wales\)](https://www.scw.wales/portal/) -

⁶ <http://www.legislation.gov.uk/wsi/2016/1097/contents/made>

⁷ https://socialcare.wales/cms_assets/file-uploads/SCW-Content-of-Register-Rules-2020-FINAL.pdf

⁸ <http://www.legislation.gov.uk/wsi/2016/1111/body/made>

⁹ This applies to removal by agreement under Section 126(3) of the Regulation and Inspection of Social Care (Wales) Act 2016.

- 2.5 We can use RBA in cases where, even though we have concluded that there is a real prospect of a finding of impaired fitness to practise by a panel, the public interest does not require a hearing of the allegations. The public is duly protected by the fact that the person's name is removed from our Register and we publish information about the RBA in our list of RBA cases.
- 2.6 The duty to publish information about RBA that has been authorised by Social Care Wales, rather than a panel, is set out in sections 110(5) and 161(7)(c) of the Act.
- 2.7 The RBA list does not include:
- a) the names of those who have left the Register by choice and about whom there are no known fitness to practise concerns.
 - b) RBA authorised by a fitness to practise panel – these follow an admission of impairment and appear in the List of Persons Removed from the Register.
- 2.8 Under section 161 of the Act, we must also make the public aware of fitness to practise proceedings and the outcome of those proceedings. We use our website and press releases to do this, although we can use other forms of publicity.
- 2.9 The reason we publish this information is to ensure that our processes are transparent and to promote public confidence in our regulatory work and the social care workforce. It is also to let the public know ¹⁰which hearings they can observe.

3. Information that appears in the Register and the List of persons removed from the Register

¹⁰ Some hearings are held in private and the public cannot attend these hearings. If a hearing is going to be held in private, we will make this clear on our website.

- 3.1 We must include the following information about all registered persons in the Register for as long as they are registered:
- a. name;¹¹
 - b. registration number;
 - c. date of registration;
 - d. the part(s) of the Register in which the person is registered;
 - e. the person's qualifications to practise in the registered role;
 - f. postal county of the address where the person is employed or self-employed (unless located outside the UK);¹²
 - g. if the registered person is a social work student, the postal county where the registered person is taking part in a degree course;¹³ and
 - h. such qualifications, knowledge or experience specified in the schedule to the Social Care Wales (Content of the Register) Regulations 2016.
- 3.2 We must update the Register to show relevant changes to the registered person's record. This includes details of relevant fitness to practise proceedings or registration appeals proceedings. Appendix 1 sets out the categories of fitness to practise information we must include in the Register and others that we are permitted to include (through rules). It also provides details of when we will remove this information from public view.
- 3.3 By law, some information about fitness to practise proceedings must remain in the Register for as long as the person is registered, even where the fitness to practise order has ceased to have effect. This includes information about

¹¹ Under rule 3 of The Social Care Wales Content of the Register Rules 2020, this includes current and previous names. However, in exceptional circumstances, the Registrar may decide not to include a person's previous names in the Register.

¹² If a registered person is not currently employed, this field will state 'not applicable'. In addition, the Registrar may grant a request from a registered person/applicant to withhold this information in exceptional circumstances. If granted it will display 'not applicable' in the county field. County is not a relevant field in the List of Persons Removed from the Register.

¹³ The student's name or names will not be entered in the Register until the Registrar is satisfied that the student has started taking part in a degree course.

suspension orders, conditional registration orders and previous removals from the Register.¹⁴ You can find details in Appendix 1.

- 3.4 We must also update the List of Persons Removed from the Register with relevant changes. Appendix 2 sets out the decisions this relates to and the information that will appear in the List.

Publication of RBA cases

- 3.5 A separate list that shows removal by agreement cases authorised by Social Care Wales can be found on our website alongside our Register and List. It contains the following information about those removed under RBA:

- name;
- registration number; and
- details of the statement of agreed facts, where appropriate.

- 3.6 Where Social Care Wales grants RBA under **Rule 9(2)** of The Social Care Wales (Investigation) Rules, a statement of agreed facts will not be required. This is because, in such cases, Social Care Wales will have decided that there is not a real prospect of a finding of impaired fitness to practise and that the case should not, therefore, be referred to a fitness to practise hearing.

- 3.7 Where removal by agreement has been granted under **Rule 9(3)** of Social Care Wales (Investigation) Rules, however, a statement of agreed facts is required and will be published. Rule 9(3) involves cases in which Social Care Wales has decided that there is a real prospect of a finding of impaired fitness to practise, but that it is not in the public interest to have a fitness to practise hearing. The statement helps the public to understand the concerns about the person's fitness to practise and the basis of the decision to allow RBA. Any exceptions to the publication requirements will be considered by the Registrar or Deputy Registrar.

¹⁴ This includes cases in which the person has left the Register and been readmitted and applies regardless of whether the order (for conditions, suspension or removal) was made under Care Council Rules or Social Care Wales Rules.

- 3.8 Where a statement of agreed facts includes information about a worker's health, this information will be redacted from the statement, or the statement will not be published at all.¹⁵
- 3.9 Information about a removal by agreement that has been authorised by Social Care Wales (rather than a panel) will be removed from our website after 2 years.
- 3.10 In such cases, the person's name will not be shown in the List of Persons Removed from the Register. This is because the List only shows those who are subject to removal orders or RBA that has been authorised by a fitness to practise panel.

4. Information that appears on the Hearings page of our website

Our legal duty to publish information about fitness to practise proceedings and restoration hearings

- 4.1 Section 161 of the Act says that we must publish certain fitness to practise decisions.¹⁶ It contains details of relevant decisions and sets out additional decisions that we may publish, even though we are not required to do so. It says that we must not publish any information about a person's physical or mental health.
- 4.2 Section 109 of the Act says that we must publish any decisions by registration appeals panels not to restore a person to the Register, as well as any decisions that a person may not make further applications for restoration. It says that we must not publish any information about a person's physical or mental health.

¹⁵ In such cases, the Registrar or Deputy Registrar will decide whether to publish some or all of the statement.

¹⁶

4.3 There may be exceptional circumstances where, even though we are allowed to publish information about a hearing, we choose not to do so. Such decisions will be made by the Registrar/Deputy Registrar, taking into consideration matters such as, but not limited to:

- our public protection and safeguarding duties;
- the rights of the various parties involved in the hearing and any risks to their rights from the publication of the information;
- any relevant legislation prohibiting the publication of particular types of information;
- relevant legal advice and case law;
- the need for transparency in our processes; and
- relevant government policy.

4.4 Section 159 of the Act says that we may publish or disclose to any person information about a registered person's fitness to practise if we think it is in the public interest to do so. Any such decisions will be made by our Registrar/Deputy Registrar.

4.5 We will not normally publish:

- information that identifies persons under 18 years of age, including registered persons under 18;
- information about convictions that are 'spent' under the Rehabilitation of Offenders Act;
- information that identifies victims of sexual offences;
- details of private family court proceedings;
- the name of a residential care home/children's home;
- information that identifies witnesses;
- information that confirms that a person is included in one or more barred lists;
- special category data.

- 4.6 Appropriate screening processes are in place within our Fitness to Practise and Hearings teams to make sure this information is not included in the information we publish or share with the press or public. Our pre-hearing reviews provide additional checks.
- 4.7 We normally publish information about fitness to practise hearings and registration appeals hearings. This is to provide the public with information about relevant public protection matters and to help the public understand our decisions. This information may also help the registered person by ensuring that those forming a judgment about why a particular order is in place will have access to the relevant facts.
- 4.8 We usually publish press releases about forthcoming public hearings. These contain the following:
- name and registered role
 - current or previous employer
 - location of their workplace or former workplace
 - brief summary of allegation/s
- 4.9 This policy sets out details about what we will publish on our website and for how long this information will be published.

5. Fitness to practise cases that do not involve health issues

Information that is published before a hearing

- 5.1 One week before a fitness to practise hearing, we will put the following information about the registered person on our website:
- name;
 - registration number;
 - role;

- Date and time of hearing;
- Type of hearing;
- location of hearing; and
- summary of the allegations.¹⁷

What we publish in cases where there is a finding of impairment

- 5.2 If a registered person is found to have impaired fitness to practise by a Social Care Wales panel, we will update the Register or List as appropriate. We will do so in line with the guidance in Appendices 1 and 2.
- 5.3 At the end of the hearing, we will also add the following information about the registered person to the Register or List:
- hearing outcome and a ‘Decision Summary’ which briefly outlines the panel’s decisions on facts, impairment and disposal. Access to the Decision Summary is available from the website or Register
- 5.4 We will keep the hearing outcome on our website for as long as the fitness to practise order is in place and remove it when the order ceases to have effect – see Appendix 1. This is in line with the timescales set out in law for the content of the Register and the List. In publishing this information, we will show due regard for the need to be accurate, proportionate, transparent and fair.
- 5.5 Members of the public can request a copy of the panel’s reasons. The process for making such requests is shown on our website. We will make the reasons available to them subject to any legal or policy restrictions on the publication or sharing of this information.

¹⁷ Note: restoration hearings and Fitness to Practise review hearings do not have charges.

5.6 If the outcome of the hearing is a removal order, we will keep the information about the hearing and the Decision Summary published for five years. This timescale reflects:

- our statutory public protection duty
- the serious nature of a removal order
- the ban on reapplying to the Register for at least five years following a removal order
- our need to make the public aware of the restriction on the individual's practise during this time.

5.7 In line with the requirements of the Act and The Social Care Wales (List of Persons Removed from the Register) Regulations 2016, the names of those who are subject to a removal order will remain in the List unless and until they are permitted to return to the Register.

What we publish in cases where there is a finding of no impairment

No impairment and no further action

5.8 If a panel finds that a person's fitness to practise is not impaired, we will put the hearing outcome on the Hearings outcomes section of our website at the end of the hearing. We will only add a Decision Summary if the person consents. This also applies in cases where the panel has not found the facts proved and has not, therefore, gone on to consider the question of impairment.

5.9 We will normally publish the outcome and, where relevant, the Decision Summary for one week from the date of the decision. The Registrar/Deputy Registrar will consider any requests from the registered person to publish the information for longer.

No impairment – formal advice given by the panel

- 5.10 If a panel finds that a person's fitness to practise is not impaired but nevertheless decides that it is necessary to issue formal advice, we will publish the hearing outcome and Decision Summary at the end of the hearing.
- 5.11 We will normally keep the outcome and Decision Summary published for three months from the date of the decision. The Registrar/Deputy Registrar will consider any requests from the registered person to publish the information for longer.

No impairment – formal warning given by the panel

- 5.12 If a panel finds that a person's fitness to practise is not impaired but that it is necessary to issue a formal warning, we will publish the hearing outcome and Decision Summary at the end of the hearing.
- 5.13 We will publish the outcome and Decision Summary for the duration of the warning. The warning will appear in the person's entry in the Register.

6. Fitness to practise cases where health is a ground for impairment

Information that is published before a hearing

- 6.1 We will put the following information on the hearings page of our website one week before a hearing:
- name
 - registration number
 - role
 - employer/former employer
 - type of hearing and whether the entire hearing will be held in private
 - date, time and venue (if hearing not held remotely).

Finding of impairment - cases involving health-related impairment

6.2 Where a registered person is found to have impaired fitness to practise following a hearing in which health is a ground for impairment, we will not publish any information about their physical or mental health. We will publish the following information at the end of the hearing:

- outcome of the hearing and, where relevant, Decision Summary.¹⁸

We will keep this information for as long as the fitness to practise order is in place – see Appendix 1.

6.3 If the order is for the person's removal from the Register, we will keep the information on our website for five years.¹⁹ This timescale reflects:

- our statutory public protection duty
- the serious nature of the removal order
- the ban on applying to the Register for at least five years following a removal order
- our need to make the public aware of the restriction on the individual's practise during this time.

Finding of no impairment in cases involving health related impairment

No impairment and no further action – health cases

¹⁸ If some, or all, of the hearing was held in public, the Decision Summary will also be published, but information about the person's health will be removed. If the entire hearing was held in private, only the outcome will be published.

¹⁹ The timescales reflect our role as the professional regulator, our duty to protect the public, and our need to be accurate, proportionate, transparent and fair.

6.4 If a panel finds that a person's fitness to practise is not impaired and that no further action is necessary, we will put the following additional information on the Hearings outcome page of our website at the end of the hearing:

- outcome²⁰

6.5 We will normally keep this information on our website for one week unless the registered person asks us to keep it there for longer. The Registrar/Deputy Registrar will consider such requests.

No impairment but advice issued – health cases

6.6 If a panel finds that a person's fitness to practise is not impaired but that it is nevertheless necessary to issue formal advice, we will put the following additional information on our website at the end of the hearing:

- outcome²¹

6.7 We will normally keep this information on our website for three months unless the registered person asks us to keep it there for longer. The Registrar/Deputy Registrar will consider such requests.

No impairment but a warning given – health cases

²⁰ If some, or all, of the hearing was held in public and the person provides their consent, the Decision Summary will also be published. However, this will only cover the parts of the hearing that were held in public and it will not include information about the person's health.

²¹ If some, or all, of the hearing was held in public, the Decision Summary will also be published for the same amount of time as the outcome. The decision summary will only cover the parts of the hearing that were held in public and will not include information about the person's health.

6.8 If a panel finds that a person's fitness to practise is not impaired but that a formal warning is necessary, we will put the following information on our website at the end of the hearing:

- outcome²²

6.9 We will keep this information on our website for as long as the warning remains in place.

7. Registration cases

7.1 If a person appeals against the Registrar's decision to refuse registration or renewal of registration, a Registration Appeals Panel will consider this appeal. These hearings are normally held in public.²³

Information that we publish before a hearing

7.2 We will put the following information on our website one week before a hearing:

- Name;
- registration number (if already registered and renewing their registration);
- role (for example, applying for registration as a social worker or domiciliary care worker);
- hearing date and time;
- hearing venue (if hearing not held remotely)
- type of hearing.

7.3 If the panel decides to uphold the Registrar's decision not to grant registration or renew the registration, we will update the website to show the outcome. We will normally aim to do this within one working day.

²² If some, or all, of the hearing was held in public, the Decision Summary will also be published for the duration of the warning. However, this will only cover the parts of the hearing that were held in public and will not include information about the person's health.

²³ A hearing may be held in private if the applicant's/registered person's physical or mental health is being considered.

7.4 If the Panel decides that the applicant/registered person should be permitted to join/renew their registration, we will update the Register to reflect this once their registration has been confirmed.²⁴ We will normally publish the outcome on our website for one week after the hearing. The Registrar may consider requests from the applicant/registered person to publish this information for longer.

8. Restoration cases

8.1 If a person who is subject to a removal order applies to be restored to the Register, we will put the following information on our website one week before the Registration Appeals Panel hearing:

- name;
- registration number;
- role;
- hearing date and time;
- hearing venue (if hearing not held remotely); and
- type of hearing.

8.2 If a panel decides that the person's name should be restored to the Register, we will update the website to show the outcome, remove their name from the List and add it to the Register.²⁵ We will normally remove all information about the hearing from our website one week after the hearing concludes.²⁶

8.3 The Register will continue to show that the person was previously subject to a removal order.²⁷

²⁴ The stage at which this happens will depend on when the applicant/registered person completes the remaining stages of the registration process, including payment of fees and any other administrative tasks.

²⁵ The stage at which this happens will depend on when the applicant completes the remaining stages of the registration process, including payment of fees and any other administrative tasks.

²⁶ If the Registrar/Deputy Registrar agree to such a request from the registered person, it may remain on the website for longer.

²⁷ This is line with the requirements of the Regulation of Social Care (Wales) Act 2016 and The Social Care Wales (Content of Register) Regulations 2017,

8.4 If a panel decides that the person's name should not be restored to the Register, we will keep their name in the List. We will remove information about the hearing from our website after 12 months, which is the minimum period an applicant for restoration who is not prohibited from making further applications must wait before reapplying to the Register.

8.5 If a panel decides that a person's right to apply for restoration should be suspended, we will remove information about the hearing from the Hearings outcomes section of our website after 12 months or, if this happens sooner, when the suspension is lifted by a panel.²⁸

9. Appeals to the Care Standards Tribunal

9.1 An applicant or registered person can appeal against the Panel's decision to refuse their registration or restoration. In the event that a person's appeal is successful, and their registration is granted/restored, we will update our website with this information and update the Register accordingly.²⁹

10. Press releases

10.1 If the registered person's health is not one of the grounds of impairment and there are no other restrictions on publicising a hearing, we will issue a press release containing the following information about the registered person one week before a hearing:

- Name;
- registration number;
- summary of the charges;
- current/previous employer; and

²⁸ Section 97(5) of the Regulation and Inspection of Social Care (Wales) Act 2016 says that the individual affected by the order may ask the Registrar to arrange a panel review of the order.

²⁹ The stage at which this happens will depend on when the applicant completes the remaining stages of the registration process, including payment of fees and any other administrative tasks.

- local authority area.

11. Miscellaneous provisions

Officer level outcomes (not panel decisions)

- 11.1 If a registered person is subject to an officer warning or undertakings, we will put details of this outcome in the Register. This is in line with the requirements of the Act and The Social Care Wales (Content of Register) Regulations.
- 11.2 In the case of officer warnings and undertakings, we will remove this information from the Register when the order ceases to have effect.

Successful appeals against decisions of fitness to practise panels

- 11.3 If the registered person has a successful appeal against a fitness to practise panel's decision and the original decision is still shown on our website, we will update the website to show the new outcome or, where relevant, remove the entry. We will aim to do this within one week of the date on which we are told about the decision.
- 11.4 The outcome will stay on the website for one week unless the registered person asks us to keep it there for longer and the Registrar/Deputy Registrar agrees to this request.

Information about complainants

- 11.5 If the complainant is a person who uses care and support services, or there are other reasons for keeping their identity confidential, law as determined by the Registrar/Deputy Registrar, we will not make the complainant's name

public. Any decisions about hearings that are made public will not include information that identifies the individual.³⁰

- 11.6 We may pass details of the complainant to other regulatory bodies, the Disclosure and Barring Service or the Care Standards Tribunal, but we will do so confidentially and only with the agreement of the complainant, unless required by law to share such information, in which case we will share it regardless of whether the individual consents. We will do so in line with the requirements of any relevant legislation and any data sharing agreements between Social Care Wales and the relevant body.

Information that may appear when using internet search engines

- 11.7 We will remove information about hearings from our website in accordance with this policy. However, it is possible that even after we have removed such information, it will still be possible for others to find it through an internet search. We are unable to stop this from happening, but those affected can contact search engine providers (e.g., Google) to discuss any concerns. We will be able to confirm whether information has been removed from our site and, if so, when it was removed.

Name changes and published information

- 11.8 Where a registered person is referred to us over concerns about their fitness to practise and they use, or intend to use, a different name from the name under which they were referred, the Registrar/Deputy Registrar will decide which name/s to include in our published information and what information can be released to the press or public.

- 11.9 This also applies in cases where:

³⁰ This includes but is not limited to, victims of sexual offences or other abuse, including where the abuse forms the basis of the fitness to practise referral, children, vulnerable persons and those at risk of harm from identification.

- the person changes their name after a hearing and there is relevant published information about their fitness to practise on our website under their previous name;
- there is a relevant (published) officer level outcome about them following fitness to practise concerns;
- the person was removed from the register under a different name and is now applying for restoration.

11.10 When making decisions in these cases, the Registrar/Deputy will consider factors such as, but not limited to:

- our statutory duties under s68 of the Act;
- relevant legislation protecting individual rights – e.g., the Equality Act, the Human Rights Act, the Gender Recognition Act and the Data Protection Act;
- relevant policy considerations – e.g., safeguarding policy;
- any representations by the affected parties;
- the seriousness of the matters that led to the referral and/or FTP disposal; and
- the extent to which any public protection risks arising from a decision to restrict publication of the name/s can be satisfactorily addressed by other means.

12. Complaints and concerns

12.1 This policy is updated at least once a year and is subject to equalities impact and data protection impact assessments. We are always open to feedback about how it can be improved. If you have any concerns about this policy or wish to give us feedback, please look at our Compliments, Concerns and Complaints policy at: socialcare.wales/about/what-we-do#section-33632-anchor

13. Other resources

- 13.1 You can find information about our fitness to practise and hearings processes at socialcare.wales/fitness-to-practise
- 13.2 You can search our Register and List and find out more about our registration and restoration processes at socialcare.wales/registration
- 13.3 You can find a copy of our privacy notice at socialcare.wales/generic-content/privacy-notice and detailed information from the Information Commissioner about your data protection rights at ico.org.uk/

Authorised by: Hywel Dafydd, Assistant Director of Regulation/Deputy Registrar

Date: 19.7.23

Signature:

A handwritten signature in black ink, appearing to read 'Hywel Dafydd', enclosed within a thin black rectangular border.

APPENDIX 1

Information that appears in the Social Care Wales Register

1. Interim orders in the Register

1.1 Only two types of interim order can be made by a Social Care Wales fitness to practise panel – an interim conditional registration order and an interim suspension order.

1.2 Entries about interim orders in the Register will show:

- the type of interim order that has been made or confirmed;
- The date of the hearing or review hearing
- The type of hearing
- The employer or previous employer
- the duration of the order;
- any variation that has been made, if applicable; and
- in the case of an interim conditional registration order, the conditions imposed, other than conditions relating to physical or mental health.

1.3 We will remove information about the interim order from the Register when the order expires or is revoked.

2. Hearings outcomes in the Register – finding of impairment in cases not involving health

2.1 If there has been a finding of impairment, the Register entry will show:

- That the person's fitness to practise has been found to be impaired;
- the type of order the panel put in place;
- the duration of the order (if it is an immediate order, this must be stated);
and

- details of the order, such as conditions or undertakings).³¹

3. When will information about fitness to practise hearings (involving impairment) be removed from the Register?

Panel order	When will this information be removed from the Social Care Wales Register?	When will this information be removed from the Social Care Wales website?
Warning	When the warning expires or otherwise ceases to have effect.	When the warning expires or otherwise ceases to have effect.
Undertakings	When the undertakings no longer apply. If the registered person lapses or has a voluntary removal while undertakings are in place, the undertakings will continue to apply and will remain on the Register until the undertakings cease to have effect.	When the undertakings cease to have effect.
Suspension	A record of the suspension remains in the Register for as long as the person is registered.	When the suspension ceases to have effect.
Conditional Registration	The Register will continue to show that the person was subject to a conditional registration order and the dates the order was in place, but the Registrar may remove details of the conditions imposed under the order once the order has expired.	When the conditional registration order ceases to have effect.
Removal	Details of the removal will appear in the List of Persons Removed from the Register and will stay there unless and until the person is restored to the Register (or the	Five years from the date of the removal.

³¹ If undertakings are agreed (rather than imposed by the panel), the Register must show that the person admits that his or her fitness to practise is impaired and specify the undertakings that have been agreed, except for any undertakings relating to the person's physical or mental health.

	removal is overturned by a tribunal). Information about the removal will always be shown in the Register if the person is restored to the Register.	
Indefinite suspension	A record of the suspension remains in the register for as long as the person is registered.	5 years from the date of the indefinite suspension unless the person is restored to the Register before this time or is removed from the Register by a removal order.
Restoration	<u>Restored</u> – information about the person’s removal from the Register following a finding of impairment will remain in the Register for as long as the person is registered.	1 week from the date of the decision, or longer at the request of the registered person.
	<u>Not restored</u> – the entry in the List of Persons Removed from the Register will remain in place.	12 months from the date of the decision not to restore.

4. Entries in the Register following a finding of no impairment

- 4.1 If there has been a finding of no impairment by a fitness to practise panel and the registered person has been given advice or a warning, the entry in the Register must state that the person’s fitness to practise is not impaired and show the outcome.

Type of order	When the information will be removed from the Register?	When the information will be removed from the website?
Advice (panel)	The information will normally remain in the Register for 3 months. The Registrar will consider any requests from the registered person to keep the information there for longer.	3 months unless the registered person has asked for the information to remain on the website for longer and

		the Registrar has agreed to this.
Warning (panel)	When the warning expires or otherwise ceases to have effect.	When the warning expires or otherwise ceases to have effect.

5. Entries in the Register following an officer-level warning or undertakings.

Decision	What will the Register entry show?	When will this information be removed from the Register?
Warning (officer)	The entry must state that the question of impairment has not been determined and that a warning has been issued by Social Care Wales.	When the warning expires or otherwise ceases to have effect.
Undertakings(officer)	The entry must state that the question of impairment has not been decided, and specify the undertakings that have been agreed, except for any relating to the person's physical or mental health.	When the undertakings cease to have effect.

7. Outcomes of Registration Appeals Panels

Outcome	When will we update the Social Care Wales Register?	When will this information be removed from the Social Care Wales website?
Registrar's decision upheld - Registration/renewal not granted	<p>If renewal is not granted – we will normally update the Register within 2 working days.³²</p> <p>If the decision relates to an initial application – there will be no change to the Register. If renewal is not granted, the person's name will be removed from the Register in line with the expiry date of their registration.</p>	1 week after publication
Registrar's decision not upheld – registration/renewal granted.	We will normally update the Register within 3- working days of the decision ³³	1 week after publication
Restoration granted	Register normally updated within 3 working days of the decision.	1 week after publication
Restoration not granted	Not applicable - no change to the Register/List of Persons Removed from the Register.	12 months after the decision is published.

³² The individual's name will be removed from the Social Care Wales Register.

³³ The stage at which this happens will depend on when the applicant/registered person completes any remaining stages of the registration process, including payment of fees and any other administrative tasks.

APPENDIX 2

Information that will be included in the List of persons removed from the Register and the officer level RBA list

1. An entry in the List of persons removed from the Register (“the List”) must show:
 - a. the name of the person
 - b. the date on which the person was removed from the Register, and
 - c. which of the circumstances in section 110(2) or (4) of the Regulation and Inspection of Social Care (Wales) Act 2016 caused their entry in the Register to be removed.

Note: Section 110(2) covers removals following a finding of impairment by a fitness to practise panel or fitness to practise review panel. Section 110(4) covers removal by agreement by a fitness to practise panel or a fitness to practise review panel.

2. The List will also show:³⁴
 - a. the person’s Social Care Wales previous registration number;
 - b. date of the hearing at which the person was removed
 - c. type of hearing
 - d. the person’s registered role
 - e. Decision summary

³⁴ Items (e) and (f) will be visible for as long as the link to the Hearings website is active.

3. Removal by agreement (by a panel) entries in the List of Persons Removed from the Register

- a. If a panel has granted RBA without addressing the question of impairment, the List will show the statement of agreed facts and that the question of impairment has not been considered³⁵.
- b. If a panel has granted RBA following a finding of impairment, the entry in the List will show the agreed statement of facts and that there has been a finding of impairment.
- c. Entries in the List will remain in place unless and until the person's name is restored to the Register through a successful application to Social Care Wales, or a successful appeal to the Care Standards Tribunal.

4. List of RBA cases (officer level RBA)

4.1 The RBA list will show the following information:

- a. Name
- b. Registration Number
- c. Date of removal
- d. Statement of agreed facts, where appropriate

4.2 This information will be removed from the RBA two years after publication.

³⁵s110(5) of the Regulation and Inspection of Social Care (Wales) Act 2016. and regulation 3(c) The Social Care Wales (List of Persons Removed from the Register) Regulations 2016