



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

**THE SOCIAL CARE WALES
(EMERGENCY REGISTRATION OF
SOCIAL WORKERS)
RULES 2020**

April 2020

Social Care Wales, in exercise of its powers under sections 73(2) and (4), 75(3), 83(1) and (3), 83A, 86(1) and (4), 88(1)-(4), 91(2), 92(1) and (2), 106(1) and (2) and 107(1) and (2) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”), and of all other powers enabling Social Care Wales in that behalf, hereby makes the following Rules:

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PART I

INTRODUCTION

Citation, commencement and revocation

1. (1) These Rules may be cited as the Social Care Wales (Emergency Registration of Social Workers) Rules 2020 and shall come into force on 1 April 2020.
- (2) These Rules shall remain in force until 28 days after the Registrar has received written advice from the Welsh Ministers that an emergency no longer exists or for such longer period as the Registrar may determine.

Interpretation

2. (1) In these Rules, unless the context otherwise requires:
 - “**Act**” means the Regulation and Inspection of Social Care (Wales) Act 2016;
 - “**barred list**” is a list defined in section 117(3) of the Act;
 - “**Code of Professional Practice for Social Care**” means the code of practice laying down the standards of conduct and practice expected of social care workers published by Social Care Wales under Section 112(1)(a) of the Act;
 - “**conditional registration order**” means an order made by a fitness to practise panel imposing conditions on a registered person’s registration under the Fitness to Practise Rules;
 - “**days**” means calendar days;
 - “**electronic process**” means a process approved by Social Care Wales for the electronic exchange of information between SCW and an individual requesting registration under these Rules;
 - “**emergency**” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004, read with subsection (2)(a) and (b) of that section, which the Welsh Ministers advise the Registrar has occurred, is occurring or is about to occur;
 - “**employer**” includes employment agencies, the self-employed, and any employer of a social worker of whom Social Care Wales is aware;
 - “**entry**” means the particulars entered onto the temporary register kept by Social Care Wales under section 83A of the Act;

“Fitness to Practise Panel” means a panel of that name constituted by Social Care Wales to make determinations in relation to the fitness of persons registered to practise as social care workers;

“Fitness to Practise Rules” means the Social Care Wales (Fitness to Practise Hearings) Rules 2020;

“individual” means a person requesting registration as a social worker under these Rules;

“notice” means information relating to a registered person’s registration issued by the Registrar or the registered person (or their representative);

“register” means the temporary register kept by Social Care Wales under section 83A of the Act;

“Registrar” means the person appointed in accordance with section 81(1) and (2) of the Act;

“registration” means the entry in the register relating to a particular registered person;

“relevant body” means:

- (a) the Health and Care Professions Council;
- (b) the Nursing and Midwifery Council;
- (c) the Scottish Social Services Council;
- (d) the Northern Ireland Social Care Council;
- (e) a body outside of the United Kingdom which is responsible for the regulation of activities which would, in Wales, be regulated by SCW;
- (f) a prescribed body;

“removal order” means an order made by a fitness to practise panel for removal of the registered person’s registration under the Fitness to Practise Rules;

“Social Care Wales” means the body corporate known as Social Care Wales and which was previously known as the Care Council for Wales;

“social work” means social work which is required in connection with any health, education or social services provided in Wales;

“social worker” has the meaning ascribed by section 79(1)(a) of the Act, namely a person who engages in relevant social work in Wales;

“suspension order” means an order made by a fitness to practise panel for suspension of the registered person’s registration under the Fitness to Practise Rules;

(2) In these rules, unless the context otherwise requires:

- (a) words in the singular include the plural, and words in the plural include the singular;

- (b) any reference to a numbered rule or part is a reference to the rule or part bearing that number in these rules, as the case may be;
- (c) any reference in a rule or a part to a numbered paragraph, is a reference to the paragraph bearing that number in that rule or part;
- (d) any reference in a paragraph in a rule or a part to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that rule or part.

PART II

ELIGIBILITY TO REGISTER

Individuals who may request registration under these Rules

- 3. (1) Save as provided in paragraph (2), a Qualified Social Worker who was previously registered by Social Care Wales and who retired from or left the register on a date on or after 1 April 2017 may be registered under these Rules.
- (2) The following are not eligible for registration under these Rules:
 - (a) an individual who is the subject of a removal order made by a Fitness to Practise Panel;
 - (b) an individual who is the subject of a suspension order made by a Fitness to Practise Panel, which order has not expired;
 - (c) an individual whose name was removed from the register by agreement under rule 9 of the Social Care Wales (Investigation) Rules 2017 or the same rule of the Social Care Wales (Investigation) Rules 2018
- (3) The following may not be eligible for registration under these Rules:
 - (a) an individual who was the subject of a conditional registration order made by a Fitness to Practise Panel when they left the register;

PART III

REQUEST FOR REGISTRATION

Form and manner of request for registration in the temporary register

- 4. (1) An individual seeking registration under these Rules may make a request to be registered in writing or by electronic process to the Registration Manager of Social Care Wales.

- (2) The individual must provide their full name, date of birth, telephone number and the name of the county in Wales in which they intend to practise.

Acknowledgement of receipt of request for registration

5. (1) An acknowledgment of receipt of a request for registration shall be provided in writing or by electronic process within seven days of receipt of the request.

Information to be provided to the individual

6. (1) Upon their name being entered in the temporary register, the individual will be informed in writing:
 - (a) of the requirement to declare any of the matters referred to in Rule 7;
 - (b) of the need to comply with the Code of Professional Practice for Social Care issued by Social Care Wales and that any failure to comply with any standard in the Code may result in revocation of registration;
 - (c) that registration under these Rules may be revoked at any time and will only be for the duration of the emergency.

Declarations relating to fitness to practise

7. (1) The individual must declare to Social Care Wales:
 - (a) any matter that may call into question the individual's physical and mental fitness to practise in social work;
 - (b) details of any criminal convictions, formal cautions issued by the Police (other than protected convictions or cautions) and any pending criminal proceedings in which the individual has been formally charged) since the individual left the register;
 - (c) details of any restraining order, non-molestation order or other similar order made otherwise than following a conviction for a criminal offence;
 - (d) details of any determination by a relevant body relating to the individual's fitness to practise;
 - (e) any inclusion in a barred list;

Requirement to provide additional information

8. (1) The Registrar may, for the purposes of determining whether the individual should be registered or continue to be registered:

- (a) where the Registrar requires more information regarding one or more of the matters set out in Rule 7, request the information from the individual in writing or by electronic process which the individual must provide within the period of 14 days beginning after the day on which the request is made; and/or
 - (b) seek information or evidence additional to that provided by the individual from any other person or source.
- (2) If requested by the Registrar, the individual must provide a completed form, required documents and appropriate fee, for the purpose of obtaining an enhanced criminal record certificate, known as enhanced disclosure under section 115(1) of the Police Act 1997.
 - (3) Where the Registrar receives information under paragraph (1) (b) or (2) above, the individual will be informed of the receipt of the information, and the Registrar shall give the individual an opportunity to comment on that information and the individual must provide any comments within the period of 14 days beginning after the day on which the information is requested.

Grant or Refusal of registration

- 9. (1) Registration may be granted and continue during the emergency period if the Registrar considers that the individual is a fit, proper and suitably experienced person to be registered as a social worker with regard to the emergency;
- (2) Registration may be subject to such condition or conditions as the Registrar considers appropriate.
- (3) The Registrar may vary or revoke any condition(s) to which an individual's registration is subject or add a new condition or conditions at any time by giving written notice to the individual.
- (4) The Registrar may refuse or revoke registration:
 - (a) as a result of the declaration of one or more of the matters set out in Rule 7;
 - (b) if the individual has failed to provide information requested under Rule 8(1)(a);
 - (c) as a result of information provided under Rule 8(1)(b) or 8(2);
 - (d) if the individual has failed to comply with a request made by the Registrar under Rule 8(2).
- (5) An individual who is refused registration under these Rules or whose registration is revoked may not appeal to a Registration Appeals Panel.¹

¹ The right of appeal under section 101 of the Act does not apply to a refusal of registration under these Rules.

PART IV
REGISTRATION

Entry in the register

10. (1) Where the Registrar grants an application for registration under these Rules, an entry shall be made in the temporary register for social workers registered under Section 83A of the Act.
- (2) The entry referred to in paragraph (1) shall include any condition or conditions to which the registration is subject.

PART V
DUTY TO NOTIFY THE REGISTRAR
OF CHANGES TO REGISTRATION INFORMATION

Duty of notification

11. (1) An individual must, as soon as reasonably practicable, inform the Registrar in writing or by electronic process, of any changes in relevant information.
- (2) The changes requiring notification relate to the information provided in requesting registration under these Rules and information required to be declared under Rule 7.
- (3) Where the notification requests an amendment to the individual's name in the register, the Registrar may request the production of evidence to satisfy Social Care Wales as to the accuracy of the information to be entered in the register, and may require the individual to produce an Affidavit, a marriage certificate or such other documentary evidence as Social Care Wales considers appropriate in any case.
- (4) The Registrar may request information from an individual which relates to their fitness to practise, which request must be made in writing or by electronic process. The individual to whom the request is directed must, as soon as reasonably practicable and within the period of time specified in the written request, provide the information requested.
- (5) Failure to comply with paragraphs (1), (2), (3) or (4) of this Rule may result in revocation of the individual's registration.

PART VI

DURATION AND REVOCATION OF REGISTRATION

Duration of registration and revocation

12. (1) Subject to revocation under Rules 9 or 11 or under paragraph (2) of this Rule or removal under Part VII, the individual's entry in the register will remain effective until:
 - (a) the Welsh Ministers advise the Registrar in writing that an emergency no longer exists, and
 - (b) as a result of the advice of the Welsh Ministers referred to in (a), notice is sent to the individual by Social Care Wales that the individual's registration will cease to have effect on the date specified in the notice.
- (2) The Registrar may revoke an individual's registration at any time for any reason, including where the Registrar suspects that the individual's fitness to practise may be impaired.
- (3) An individual whose registration is revoked by the Registrar may not appeal against the decision of the Registrar.²

PART VII

REMOVAL OF ENTRIES FROM THE REGISTER

Removal of entries from the register by agreement

13. (1) An individual who no longer wishes to practise as a social worker under these Rules may apply for removal of their entry from the register.
- (2) Where an individual requests removal of his or her entry from the register or a part of the register, the Registrar shall remove that entry from the register.
- (3) The request must be made to the Registrar in writing or by electronic process and must include the individual's name, registration number, reason for requesting removal from the register and contact details.
- (4) The Registrar shall give notice of the decision to remove an entry from the register to the individual to whom the request relates in writing or by electronic process within 28 days of receipt of the request.
- (5) Social Care Wales may inform in writing or by electronic process:

² The right of appeal under section 101 of the Act does not apply to decisions of the registrar to revoke or remove a registered person's registration under these Rules.

- (a) the individual's last known employer(s) (if any);
 - (b) the Welsh Government;
- that the individual is no longer registered with Social Care Wales.

Death of a registered person

14. (1) Where an individual registered under these Rules has died, the Registrar must remove the entry relating to that individual within 14 days of receiving evidence acceptable to the Registrar.

PART VIII

REMOVAL OF ENTRIES FROM THE REGISTER

Notice of decisions in respect of registration

15. (1) Where the Registrar decides to grant a request for registration, the Registrar must give notice of the decision in writing or by electronic process to the individual within seven days of the decision being made.
- (2) Where the Registrar decides to refuse a request for registration, revoke registration, impose a condition on registration or revoke or vary a condition on registration, the Registrar must give the individual notice in writing or by electronic process:
- (a) of the decision; and
 - (b) of the reasons for the decision;
- within seven days of the decision being made.
- (3) Social Care Wales may inform in writing or by electronic process and within seven days of the decision under paragraph (1) or (2) of this Rule:
- (a) the individual's last known employer(s) (if any);
 - (b) the Welsh Government.

Signed on behalf of Social Care Wales



Mick Giannasi
Chair Social Care Wales

Date: 26 March 2020