



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

Guide for social work students on Social Care Wales's investigation and fitness to practise hearing processes



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Registration with Social Care Wales

As a social work student studying on a social work degree programme in Wales, you will have registered with us.

Being registered with us means you are fit to practise as a social work student and have agreed to work to the standards set out in the *Code of Professional Practice for Social Care*. It also means that you may be referred to us if there are any concerns regarding your fitness to be a social work student and if you've failed to uphold any of the standards in the Code.

For more information on being registered as a student with us, please refer to the guide: *Registration Essentials for Students*.

Investigation of your fitness to practise by your university

If there are any concerns relating to your fitness to be a social work student, these will be assessed and dealt with initially by your university.

Any allegations relating to your fitness to practise should be assessed against any standards set by your university, in addition to those in the *Code of Professional Practice for Social Care*.

If you are found to be lacking against these standards, the university should put steps in place to help you achieve them.

If, following any advice, guidance, training or capability measures, your practice has not improved, the university should then refer you to us.

In some circumstances, the university should refer you directly to us, irrespective of their own internal investigation procedures. For example, if you have been placed on a barred list held by the Disclosure and Barring Service or have been convicted of a criminal offence.

If your university does refer you to us, you may want to get some professional or legal advice and representation, such as from the National Union of Students (NUS) or the British Association of Social Workers (BASW), before you reply to any correspondence from us.

Investigation of your fitness to practise

When we receive a referral about you, one of the officers in our fitness to practise team will be assigned to your case. They will be your point of contact for the duration of the investigation. The officer will assess whether the information is appropriate for us to consider and whether your fitness to practise is or may be impaired on one or more of the following grounds:

- poor practice or deficient performance. This may include, for example, an instance of negligence
- serious misconduct
- inclusion in the barred list held by the Disclosure and Barring Service
- poor physical or mental health
- a conviction or caution in the United Kingdom for a criminal offence, or a conviction elsewhere for an offence which, if committed in England and Wales, would constitute a criminal offence.

A failure to comply with any standard in the *Code of Professional Practice for Social Care* will be taken into account when deciding whether or not your fitness to practise is impaired under one or more of the grounds outlined above.

Your fitness to practise may be regarded as being impaired in the following circumstances:

- whether or not you were on the Register of Social Care Workers at the time
- while you were on campus or on a practice placement
- when you were inside or outside Wales.

If we consider that the allegation against you isn't appropriate for us to consider, we'll take no further action. We'll inform you and your university about our decision.

If we consider that there are grounds for the allegation against you, we'll undertake our own initial enquiries. This will include notifying you and providing you with the opportunity to respond. We may also ask any other person or body, such as your university or your practice placement provider, for additional information.

After these enquiries have been made, we'll evaluate the information and assess the level of risk to decide whether there is a real prospect of a finding of impaired fitness to practise. We will then make one of the following decisions:

- close the case – for example, where we consider that your university has adequately dealt with the matter
- offer you a warning between six months and three years, which will show on the Register
- offer you an undertaking – for example, completing training by a specific date, which will show on the Register



- provide you with advice – for example, that you should remind yourself of the content of the *Code of Professional Practice for Social Care*
- decide that further investigation is required – for example, where we consider there is insufficient information/evidence available to make a decision about the way in which to proceed with your case
- forward your case to an interim orders panel, to either temporarily suspend you from the Register or impose conditions on your registration, while our investigation is underway
- send your case directly to a fitness to practise panel – for example, if you have received a caution or have been convicted of an offence by a court in the UK or elsewhere for which a custodial sentence was or could have been imposed.

Interim orders – temporarily suspending you from the Register or placing conditions on your registration

During our investigation, we will consider an interim order on your practice if we think that the information received about you shows that:

- you may pose a risk to the public, colleagues or people who use care and support
- that it is in the public interest
- that it is in your interest.

There are two types of interim orders that can be put in place while we are carrying out our investigation:

- ‘interim suspension order’ that suspends you from the Register (and therefore from your course) for a set period
- ‘interim conditional registration order’ that imposes interim conditions on your registration (and which will therefore affect your course) for a set period.

This will take place at a hearing, which you, and/or your representative, can attend. The hearing will be held in private, unless you request it is held in public. You can give evidence, and witnesses can be called and cross-examined.

You will be informed of the panel’s decision. The decision will also be published on our website and the Register will be updated to show the decision made.



Our fitness to practise hearings process

You will only be referred to a fitness to practise panel when we are satisfied that there is a realistic prospect that the panel will find that your fitness to practise is impaired and that it is in the public interest to do so.

Depending on the nature of the case and the matters agreed between you and us, a fitness to practise panel can consider the allegations either at a public hearing or in a meeting, where neither party is present. In both situations, the outcome will be published on our website.

As part of the process before the hearing, you will be invited to attend a 'pre-hearing review meeting'. This meeting will discuss the requirements and arrangements for the hearing. It will include discussion and agreement on matters such as the allegations against you, any admissions you want to make, any witnesses to be called, and the date and venue for the hearing.

In the weeks before the hearing, we'll liaise with you regarding the documents that will be submitted to the panel and to finalise the hearing arrangements.

You, and/or your representative, can attend the hearing and you can make a decision about whether or not you would like to give evidence. Any witnesses called can be cross-examined. If required, we can subpoena a person to appear before one of our panels.

A fitness to practise panel can make one of the following decisions:

- Where a panel finds that your fitness to practise is not impaired:
 - take no further action and close the case
 - provide advice
 - issue a warning

- Where a panel finds that your fitness to practise is impaired:
 - take no further action and close the case
 - issue you with a warning
 - remove you from the Register by agreement
 - impose an undertaking on your registration
 - impose a conditional registration order on your registration, for example, to undertake specific training within a defined period
 - impose a suspension order, which will suspend you from the Register and from your course for a set period of time
 - remove you from the Register – this means you will be unable to continue with your social work degree course.

You will be informed of the panel's decision. The decision will also be published on our website and the Register will be updated to show the decision made.

How long will the processes take?

Each case is different, so it is difficult to give an accurate timescale as to how long it will take us to investigate, and, if it proceeds through the hearings process, how long that process will be. It also depends whether we have received all the required evidence from your university or whether we need to wait until it has completed any investigation or fitness to practise process.

Of the referrals made to us, only a small number (around 12 per cent) are referred to a final fitness to practise hearing. The majority of referrals are closed at officer case conferences upon further investigation or with officer sanctions.

The average timescales for completing cases are:

- **receipt of allegation to case closure at investigation stage:** up to three months, but this varies depending on the complexity of the case
- **receipt of allegation to case closed at a fitness to practise hearing:** approximately six months, again depending on the complexity of the case. This will include the time taken to arrange a hearing, which can take up to three months.

Cases can take longer than the timescales noted above if we are waiting for evidence from, for example, a safeguarding investigation or a police investigation, or for court proceedings to be finalised.

Keeping you informed

An officer from the fitness to practise team will keep you informed about how the case is progressing at regular intervals during the process. You can also contact us at any time to ask for an update

Further information

The information above is a summary of the investigation and hearings process that is set out in the legislation and Rules that govern these processes. If you want further details, please visit our website at socialcare.wales



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Contacting us

Fitness to practise team

For information about an investigation into a case, please contact:

Fitness to practise team: 029 2078 0545 or ftp@socialcare.wales

Hearings team

For information about a hearing on a case, please contact:

Hearings team: 029 2078 0505 or hearings@socialcare.wales

Address: Social Care Wales, South Gate House, Wood Street, Cardiff
CF10 1EW

Website: socialcare.wales

Mae'r ddogfen hon hefyd ar gael yn y Gymraeg.

This document is also available in Welsh.