



Workforce Regulation Policies and Procedures

Policy on the Publication of Information regarding applicants, registered persons and others involved in Social Care Wales proceedings

1. Introduction – reason for the policy

- 1.1 Section 80 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) requires Social Care Wales to keep a register (“the Register”).
- 1.2 The Act sets out the required content of the Register and the following documents provide further detail about the information Social Care Wales is obliged and permitted to include in the Register and publish:
- Social Care Wales (Content of Register) Regulations 2016
 - Social Care Wales (List of Persons Removed from the Register) Regulations 2016
 - Social Care Wales Content of the Register Rules 2017
- 1.3 Social Care Wales has a duty to protect the public; giving people access to our Register and making them aware of issues relating to the fitness to practise of registered persons is an important part of this work. However, we must show due

regard for the rights of individuals involved in fitness to practise proceedings, as well as the public interest in those proceedings.

1.4 In deciding what information to publish, we must comply with our legal duties arising from the Act, its associated rules and regulations and data protection legislation.¹

We must ensure that any information we publish is relevant, accurate, proportionate and fair.

1.5 This policy sets out the kind of information we will include in our Register and the length of time in which it will remain in the Register.² It also sets out the information we will include in our list of persons removed from the Register and how we will publish information about fitness to practise proceedings.

1.6 The aim of the policy is to assist us in our public protection duty by giving us guiding principles that will ensure that when we publish information about registered persons, we do so in a way that is fair and lawful.

2. Register and list of people whose names have been removed from the Register

All registered persons

2.1 Social Care Wales is required to publish the following information about **all** registered persons:

¹ Social Care Wales will publish information under this Policy in accordance with the Data Protection Act 2018.

² This refers to the Register on our website.

- a. name or names³
- b. registration number
- c. the part of the Register in which the person is registered
- d. postal county relating to the address at which the person is employed or self-employed (unless located outside the UK)⁴
- e. where the registered person is a social work student, the postal county in which the registered person is participating in a degree course.⁵
- f. such qualifications, knowledge or experience specified in the schedule to the Social Care Wales (Content of the Register) Regulations 2016.

This information will be available on the Register for the duration of the person's registration.

2.2 On request, we will provide members of the public with information about a registered person's:

- job title
- registration date
- renewal date and, if relevant, removal date

People who have been removed from the Register

2.3 Social Care Wales is required to publish a list of people who have been removed from the Register, in such manner and at such times as it thinks appropriate. The decisions that this relates to are shown in **Appendix 1**.

³ This includes current and previous names – Social Care Wales Content of the Register Rules 2017 section 3.

⁴ Where a registered person is not currently employed this field will state 'not applicable'.

⁵ The student's name or names shall not be entered on to the Register until the Registrar is satisfied that the student has begun participating in a degree course.

We will comply with reasonable requests for a copy of, or specified information from, the list.

Register and details of fitness to practise matters

- 2.4 Social Care Wales is required to update the Register to show information about fitness to practise matters relating to registered persons. In addition, we are permitted to publish information about fitness to practise proceedings; we usually do this through press releases or notices on the hearings page of our website but are not restricted to these methods.

The table in **Appendix 2** sets out the fitness to practise information that we are required to include in the Register, as well as the information we will not include.

3. Publishing information about fitness to practise matters on our website and in press releases

- 3.1 Section 159 of the Act states that Social Care Wales may publish or disclose to any person information relating to a registered person's fitness to practise if it thinks it to be in the public interest to do so.

There are restrictions on this right when the fitness to practise matter relates to the registered person's physical or mental health. Where no such restrictions apply, we will publish information about fitness to practise hearings on our website and issue press releases about these hearings.

3.2 In exceptional circumstances, even where we are permitted to publish information about a hearing, we will refrain from publishing such information on our website or through press releases. The Director of Regulation, or the Assistant Director of Regulation, will make decisions about these cases in conjunction with the Fitness to Practise Manager.

Processes

Fitness to practise cases where health is a ground for impairment

3.3 Where a registered person has had a fitness to practise hearing with health as a ground for impairment and their fitness to practise is found to be impaired, we will put the following information about the registered person on the hearings page of our website:

- Name
- registration number
- role
- employer/former employer
- outcome.

This information will remain on our website indefinitely. We will not include any information about their physical or mental health.

3.4 If the registered person's fitness to practise is not found to be impaired, we will not make information about the hearing public.

- 3.5 If the registered person has a successful appeal and the outcome changes, we will amend the page to show the new outcome or, where relevant, remove the entry.

Cases that do not involve health issues

- 3.6 One week prior to a fitness to practise or restoration hearing, we will put the following information about the registered person on our website:

- Name
- registration number
- role
- employer/former employer
- date of hearing, location of hearing and summary of the charges⁶

Where charges are amended during a hearing, we will publish the amended charges on our website when the hearing has finished.

- 3.7 Where a registered person has been the subject of fitness to practise proceedings and is found to have impaired fitness to practise; we will update the Register in line with the information in Appendix 1 and, at the end of the hearing, we will put the following information about the registered person on the hearings outcome page of our website:

- Name
- registration number
- role

⁶ Restoration hearings do not contain charges.

- employer/former employer
- hearing date
- hearing venue
- charges
- hearing outcome and panel's reasons.

3.8 Apart from the charges and panel reasons, this information will remain on our website indefinitely. The charges and panel's reasons will remain on the website in line with the timescales set out in Appendix 2.⁷

3.9 If a registered person has a successful appeal and the outcome changes, we will amend the hearing page to show the new outcome or, where relevant, remove the entry. We will aim to do this within 5 working days of the date on which we are notified of the decision.

3.10 Where fitness to practise proceedings have taken place and the registered person has been found **fit to practise**, we will put the following information about them on our website at the end of the hearing:

- name; registration number; role; employer/former employer; hearing date and venue; charges; outcome and with their consent, the panel's reasons.

3.11 Where the registered person does not consent the above (3.10), we will only put the following information about them on our website when the hearing ends:

⁷ The timescales reflect our role as the professional regulator, our duty to protect the public and our regard for the principles of accuracy, proportionality, transparency and fairness.

- name
- registration number
- role; employer/former employer
- hearing date and venue and outcome.

We will keep this information on our website in line with the timescale set out in Appendix 2.

3.12 Where a registered person is given a warning, whether it is a panel warning or an officer warning, we will put details of the warning in the Register and remove it when the warning expires.

3.13 Where a registered person is given a conditional order, we will update the Register to show the conditions and the period in which they will apply. We will continue to show that the person was subject to such an order, with the relevant dates, for the duration of the person's registration. However, we may choose to remove details of the conditions.

3.14 Where an individual, who was the subject of a removal order, has applied to be restored to the Register, we will put the following information about the registered person on our website when the hearing ends:

- Name
- registration number
- role
- hearing date
- hearing venue

- charges
- outcome and reasons.

Except for the charges and reasons, we will keep this information on our website indefinitely. The charges and the panel's reasons will remain on the website in line with the timescales set out in Appendix 2.

3.15 Where health is not a ground for impairment, we will issue a press release containing the following information about the registered person one week before a hearing:

- Name
- registration number
- charges.

When the hearing ends, we will issue a press release with the outcome of the hearing and put this on our website; this will remain on our website indefinitely.

3.16 Where health is not a ground for impairment, 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 allegations.

When the hearing ends, we will issue a press release with the outcome of the hearing and put it on our website; this will remain on our website indefinitely.

4 Sharing information with other organisations

Information about registered persons

4.1 In exceptional public protection cases, where a registered person is the subject of an Interim Suspension Order, we will send the following information about the registered person to all local authority directors:

- Name
- registration number
- length of time the order will be in place.

Following a fitness to practise hearing, we may also send local authority directors the following information about the registered person:

- name
- registration number
- details of the outcome of the hearing.

4.2 We will provide Social Services officials at the Welsh Government and Care Inspectorate Wales (CIW) a quarterly list of forthcoming fitness to practise hearings. This list will include the registered person's:

- name
- registration number
- role
- employer/former employer

- summary of charges and hearing date
- whether they have an Interim Order on their registration
- the likelihood of any press or media interest.

4.3 Where an interim order or outcome at a final hearing is imposed on a registered person, we may provide the following information about the registered person to the relevant CIW regional data provider:

- Name
- registration number
- role
- Employer
- brief details of the case
- details of the outcome.

4.4 Where an interim order or outcome at a final hearing is imposed on a registered person, we will provide the social care regulators in England, Northern Ireland and Scotland with the following information about the registered person:

- Name
- registration number
- date of birth
- part of the Register in which the person is registered.

4.5 Where a registered person is in a 'regulated profession' as set out in the Mutual Recognitions of Professional Qualifications Directive 2005/36/EC and is the subject

of an order that restricts or prohibits their practice, we will follow the guidelines set out in our policy about IMI alerts.

4.6 We may share details about a registered person's qualification/s with employers, CIW and other regulatory bodies. We will provide Social Care Wales signatories, CIW officers and other regulatory bodies with information about qualification titles and dates of award on request. This is to allow them to check eligibility for registration or renewal and resolve disputes about qualifications.

4.7 We will make the following details about the registered person available to their employer through MySocialCare portal on our website:

- Name
- date of birth
- Register part and sub-part
- registration annual payment
- renewal dates
- job title
- start date
- work address
- compliance conditions.

This information will be available to the employer for up to 12 months after the person has been removed from the Register. In such cases we will also provide information about the removal date and reason for removal.

- 4.8 Where Social Care Wales undertakes its statutory duty to refer a registered person or non-registered person to the Disclosure and Barring Service (DBS), it will provide the DBS with the information that can be requested under the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012.
- 4.9 We can share details about fitness to practise allegations relating to applicants or registered persons with other regulatory bodies or educational institutions.
- 4.10 If a registered person appeals to the First-Tier Tribunal (Care Standards) against a Social Care Wales decision, we can share their details with the tribunal.

Information about complainants

- 4.11 Social Care Wales may make details of the complainant public.
- 4.12 Where the complainant is an individual who uses services, we will not make their name public and any decisions about hearings that are made public will not contain information that will allow the complainant to be identified.
- 4.13 We may pass details of the complainant to other regulatory bodies, the Disclosure and Barring Service or an appeal body, but will do so confidentially.

Information about witnesses

- 4.14 Witness details, which may include their name, occupation and place of work, will be made public by Social Care Wales at the hearing but not published as part of a fitness to practise hearing that is made public.

- 4.15 Where the witness is an individual who uses services or is classified as a vulnerable witness, their name will not be made public and any details of the case that are published will not contain information that will allow the identification of the witness.
- 4.16 Details of the witness may be passed to another regulatory body, the Disclosure and Barring Service or to an appeal body confidentially.

Information that may appear when using internet search engines

- 4.17 Information about hearings is removed from the Social Care Wales website in accordance with this policy. However, information is 'cached' by internet search engines such as Google. This involves taking an image of the web page at a point in time and storing it, with it being refreshed periodically. This may mean that information which will have been removed from the website under this policy may appear on an internet search engine. Social Care Wales is unable to prevent this from happening.

APPENDIX 1

Details of decisions that should be included in the list of persons removed from the Register:⁸

*An entry on the list of persons removed from the Register 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 Act caused their entry in the Register to be removed. These are shown in the table below

Section of the Regulation and Inspection of Social Care (Wales) Act 2016	Decision type	What to include
138(9)	Removal following a finding of impairment	*Information required in a, b and c above
152(8)(e) (removal following review of undertakings) 153(9)(d) (removal following review of conditional registration orders) 154(8)(d) (review of suspension orders)	Removal in a review case following a finding of impairment Note: entry cannot be made until decision has taken effect under section 141(5) or 157(6) as the case may be	Information required in a, b and c above
135 - this is a removal by an FTP panel, following an agreed statement of facts, but not a finding of impairment* *unless it has been made under section 138 (which cross references section 135). This removal follows a finding of impairment	Removal by agreement (consensual) - agreed statement but issue of impairment not addressed *unless it has been made under section 138 (which cross references 135). This removal follows a finding of impairment	Information required in a, b and c above and Statement of facts agreed under section 135(2)
152(2) (review of undertakings) 153(2) (review of conditional registration order) 154(2) (review of suspension) 155(5) review of indefinite suspension)	Removal by agreement - impairment	Information required in a, b and c above and Statement of facts agreed under section 150(2)

⁸ Regulation and Inspection of Social Care (Wales) Act 2016 and The Social Care Wales (List of Persons Removed from the Register) Regulations 2016

APPENDIX 2

FTP disposals and length of time on the Register:

Disposal by a fitness to practise panel or interim orders panel and section of the Act	What to include in the Register entry	When to remove the entry and what to remove
*138 findings of impairment	a) show that the person's fitness to practise has been found to be impaired, and b) specify the way in which the fitness to practise panel disposed of the matter under section 138 or any of sections 152 to 155.	Depends on the outcome of the review – see relevant entry in the table.
*152 disposal by a fitness to practise panel (review of undertakings)	a) show that the person's fitness to practise has been found to be impaired, and b) specify the way in which the fitness to practise panel disposed of the matter.	Depends on the outcome of the review – see relevant entry in the table.
*153 (review of conditional registration orders)	a) show that the person's fitness to practise has been found to be impaired, and b) specify the way in which the fitness to practise panel disposed of the matter. Where a fitness to practise panel has made a conditional registration order, the entry must specify the conditions, except for any that relate to the person's physical or mental health.	Upon expiry, the relevant entry must continue to show that the person was subject to such an order and the dates for which the order had effect , but the Registrar may remove details of the conditions imposed under the order.
*154 (review of suspension orders)	a) show that the person's fitness to practise has been found to be impaired, and b) specify the way in which the fitness to practise panel disposed of the matter.	Depends on the outcome of the review – see relevant entry in the table.

Disposal by a fitness to practise panel or interim orders panel and section of the Act	What to include in the Register entry	When to remove the entry and what to remove
*155 (review of indefinite suspension orders) decision following finding of impairment	a) show that the person's fitness to practise has been found to be impaired, and b) specify the way in which the fitness to practise panel disposed of the matter.	Depends on the outcome of the review – 155(9) confirm the indefinite suspension 155(10) take no further action, give a warning or make a conditional registration order. See relevant entries in the table for when/what to remove.
144 decision to make an interim order	The entry must: a) state the type of interim order that has been made or confirmed, or (in the case of a variation of an order under section 147) the variation that has been made, and b) where the order is an interim conditional registration order, specify the conditions imposed on the person's registration, except for any conditions relating to his or her physical or mental health.	The Registrar must remove this information if the interim order is revoked under section 149 or otherwise ceases to have effect.

<p>147 decision to confirm or vary an interim order</p>	<p>The entry must:</p> <p>a) state the type of interim order that has been made or confirmed, or (in the case of a variation of an order under section 147) the variation that has been made, and</p> <p>b) where the order is an interim conditional registration order, specify the conditions imposed on the person's registration, except for any conditions relating to his or her physical or mental health.</p>	<p>The Registrar must remove this information if the interim order is revoked under section 149 or otherwise ceases to have effect.</p>
<p>Suspension order</p>	<p>Where a fitness to practise panel has made a suspension order which has ceased to have effect, the relevant entry must continue to indicate that the person had been subject to such an order and the dates for which the order had effect.</p>	<p>Remains on the PFR while the person remains on the Register.</p>
<p>Decision to agree undertakings – admission of impairment</p> <p>136(1) 152(5) or (6) 153(4) 154(4) 155(7)</p>	<p>Where a fitness to practise panel has agreed undertakings with the registered person, the entry must:</p> <p>a) state that the person admits that his or her fitness to practise is impaired, and</p> <p>b) specify the undertakings that have been agreed, except for any undertakings relating to the person's physical or mental health.</p>	<p>The entry about the undertakings must be removed when they cease to take effect.</p> <p>If the registered person lapses or has a voluntary removal while undertakings are in place, the undertakings will continue to have effect and will remain on the Register. This is a technical point to cover situations in which the person applies to join the Register at a later stage – the</p>

		undertakings will still be in place and will remain so until they are discharged/revoked.
Decision to restore a person to the relevant part of the Register 98(1)(a)	The entry must state that the person had been removed from the Register following a finding of impairment of fitness to practise.	Remains in place while the person's name is on the Register.
137 decision to give advice or a warning following a finding of no impairment 152(3) 153(3) 154(3) 155(6)	The entry in the Register must state: a) that there has been a finding that the person's fitness to practise is not impaired, and b) that the fitness to practise panel has given advice or a warning (as the case may be) to the person.	Where a fitness to practise panel has given a warning, the entry about the warning must be removed after the expiry of the warning. (Regs say: The Registrar must remove the information about the warning after the expiry of such a period as SCW may direct). We have chosen to do this when it expires. Where advice is given, and the panel does not state the relevant period, it should remain on the Register for 2 years.

Disposal at officer level	What to include in entry	Length of time this information will remain on the Register
Warning – section 126 (3)(c)	<p>The entry must state:</p> <ul style="list-style-type: none"> a) that the question of impairment of the person’s fitness to practise has not been determined, and b) that a warning has been issued by Social Care Wales 	<p>Remove when the warning expires.</p> <p><i>(Regs say: The Registrar must remove the information about the warning after the expiry of such a period as SCW may direct).</i></p> <p>We have chosen to do this when the warning expires.</p>
Undertakings – section 126(3)(d)	<p>The entry must state:</p> <ul style="list-style-type: none"> a) that the question of impairment of the person’s fitness to practise has not been determined, and b) specify the undertakings that have been agreed, except for any undertakings relating to the person’s physical or mental health. 	<p>Remove when the undertakings cease to have effect.</p>

FTP decisions that will become part of the 'Persons removed from the Register' list

Removal order under

138 (9) subject to subsection (10), -

finding of impairment, removal order

(impairment based on more than just health grounds)

152(8)(e)

removal by panel following revocation of undertakings and decision to make removal order

(impairment based on more than just health grounds)

153(9)(d) removal by panel following revocation of conditional registration order

(impairment based on more than just health grounds)

154(8)(d) subject to subsection (9), removal by panel following revocation of suspension order

(impairment based on more than just health grounds)

Voluntary removal order under:

135(2) Removal by agreement with agreed statement of facts, panel may make an order for removal of entry

152(2) removal by agreement under s. 92, panel may make an order for removal of entry.

153(2) removal by agreement under s. 92, panel may make an order for removal of entry.

154(2) removal by agreement under s. 92, panel may make an order for removal of entry.

155(5) removal by agreement under s. 92, panel may make an order for removal of entry.

126(3)(e) removal by agreement under s. 92 – (officer level) – this only applies if a request for removal by agreement under this section has been referred to a fitness to practise panel under rules drawn up under s. 92 (3). It applies where the fitness to practise panel dealt with the referral under section 135.