



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

THE SOCIAL CARE WALES (REGISTRATION) RULES 2020

April 2020

The regulation of the registration and fitness to practise of the social care workforce by Social Care Wales is governed by three types of legal documents, which are **all** applicable to the registration and fitness to practise of registered persons:

- **Regulation and Inspection of Social Care (Wales) Act 2016 (the Act);**
- **Welsh Government Regulations;**
- **Social Care Wales' suite of Registration Rules and Fitness to Practise Rules.**

Neither the content of the Act nor the Regulations are contained in these Rules. You should therefore read the content of the Act and the Regulations in conjunction with the Rules to provide a comprehensive understanding of the registration and fitness to practise procedures.

The Act is available at: <http://www.legislation.gov.uk/anaw/2016/2/contents/enacted>.

The Regulations are listed below and can be found at - <http://www.legislation.gov.uk/wsi>

- The Social Care Wales (Extension of Meaning of “Social Care Worker”) Regulations 2016
- The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016
- The Social Care Wales (Content of Register) Regulations 2016
- The Social Care Wales (List of Persons Removed from the Register) Regulations 2016
- The Social Care Wales (Constitution of Panels: Prescribed Persons) Regulations 2016
- The Social Care Wales (Proceedings before Panels) Regulations 2016
- The Social Care Wales (Proceedings before Panels) (Amendment) Regulations 2017
- The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018
- Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2020

The Social Care Wales rules are available at:

<https://socialcare.wales/collections/social-care-wales-2017-rules>

Social Care Wales, in exercise of its powers under sections 73(2) and (4) and 91(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, and after consulting in accordance with section 75 of the Act, 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 (Registration) Rules 2020 and shall come into force on 1 April 2020.
- (2) The Social Care Wales (Registration) Rules 2017 ("the 2017 Rules") are hereby revoked save that the 2017 Rules shall continue to apply in relation to applications for registration, renewal, returning to or removal from the Register received between 3 April 2017 and 31 March 2018 (subject to Rules 38(2) and 39(1) of these rules).
- (3) The Social Care Wales (Registration) Rules 2018 ("the 2018 Rules") are hereby revoked save that the 2018 Rules shall continue to apply in relation to applications for registration, renewal, returning to or removal from the register received before 1 November 2018, subject to Rules 38(2) and 39(1) of these Rules).
- (4) The Social Care Wales (Registration) Rules 2018(b) ("the 2018(b) Rules") are hereby revoked save that the 2018(b) Rules shall continue to apply in relation to applications for registration, renewal, returning to or removal from the register received on or after 1 November 2018 but before on 1 April 2020, subject to Rules 38(2) and 39(1) of these Rules).

Interpretation

2. (1) In these Rules, unless the context otherwise requires:
 - "Act"** means the Regulation and Inspection of Social Care (Wales) Act 2016;
 - "added part"** means a part of the register for each description of social care worker specified by the Welsh Ministers in regulations under section 80(1)(b) of the Act;
 - "adoption service"** has the same meaning as that given in paragraph 4 of Schedule 1 to the Act;
 - "adult placement service"** has the same meaning as that given in paragraph 6 of Schedule 1 to the Act and any regulations made under that paragraph;
 - "advocacy service"** has the same meaning as that given in paragraph 7 of Schedule 1 to the Act and any regulations made under that paragraph;
 - "All Wales Induction Framework for Health and Social Care"** means the Social Care Induction Framework setting common standards for induction of social care workers published by Social Care Wales;

“applicant” means a person applying for registration, restoration, renewal or to return to the register as a social worker, social care worker or as a social work student;

“barred list” is a list defined in section 117(3) of the Act;

“Care Council” means one of the bodies keeping a relevant register as referred to in section 111(4) (b), (c) and (d) 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;

“care home service” has the same meaning as that given in section 2(1)(a) of and paragraph 1 of Schedule 1 to the Act, subject to regulation 2(1) of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017.

“days” means calendar days;

“degree course” means an undergraduate or post graduate degree course approved by Social Care Wales in accordance with Social Care Wales’s The Approval and Visiting of Degree Courses in Social Work (Wales) Rules 2017;

“Directive 2005/36/EC” means the Directive on the Recognition of Professional Qualifications, as amended by EU Directive 2013/55/EU;

“domiciliary support service” has the same meaning as that given in section 2(1)(h) of and paragraph 8 of Schedule 1 to the Act, subject to regulation 3(1) of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017;

“electronic process” means a process approved by Social Care Wales for the electronic exchange of information between SCW and an applicant, registered person, employer, regulatory body, university or Welsh Government, including the electronic submission of an application or confirmation of information submitted in connection with an application;

“employer” includes employment agencies, the self-employed, and any employer of a social worker or social care worker (working in the capacity of a social worker or social care worker) of whom Social Care Wales is aware;

“entry” means the particulars entered onto the register as specified in rule 3 of the Social Care Wales (Content of the Register) Rules 2017 or the Social Care Wales (Content of the Registration) Rules 2020, whichever is applicable;

“equivalent register” means a register held by the Health and Care Professions Council, Social Work England, the Northern Ireland Social Care Council or the Scottish Social Services Council;

“Fitness to Practise Rules” means the Social Care Wales (Fitness to Practise Hearings) Rules 2017;

“fostering service” has the same meaning as that given in paragraph 5 of Schedule 1 to the Act;

“indefinite suspension order” means an order made by a fitness to practise panel under section 154(10) of the Act;

“interim suspension order” means an order suspending a registered person’s registration under the Interim Orders Rules;

“manager” means a person who manages a place at or from which a regulated service is provided in Wales;

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

“part of the register” means the part of the register for social workers or the part of the register for each description of social care workers specified in regulations under section 80(1)(b) of the Act or the part of the register for visiting social workers or visiting social care managers from relevant European States;

“register” means the register kept by Social Care Wales under section 80 of the Act;

“registered person” means a person who is registered in the social worker part, an added part or the visiting European social worker part or visiting European social care manager part of the register, and it includes a person:

- (a) whose registration would have lapsed under section 87(1) of the Act, but for the fact that subsection (2) of that section applies to the person;
- (b) in respect of whom a suspension order has effect;
- (c) in respect of whom an interim suspension order has effect;
- (d) in respect of whom an indefinite suspension order has effect;

“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;

“regulated service” means:

- (a) a care home service,
- (b) a secure accommodation service,
- (c) a residential family centre service,
- (d) an adoption service,

- (e) a fostering service,
- (f) an adult placement service,
- (g) an advocacy service,
- (h) a domiciliary support service,
- (i) any other service comprising the provision of care and support in Wales as prescribed in Regulations by the Welsh Ministers;

“regulatory body” means a body in the United Kingdom or elsewhere that has responsibility for the regulation, audit, inspection, licensing or review of social care, health or education provision, or the regulation or licensing of a social care, health or teaching profession;

“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;

“relevant European State” means an EEA State or Switzerland;

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

“residential family centre service” has the same meaning as that given in section 2(1)(c) of and Schedule 1 to the Act, subject to regulation 4 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017;

“secure accommodation service” has the same meaning as that given in paragraph 2 of Schedule 1 to the Act;

“service provider” means a person registered under section 7 of the Act to provide a regulated service;

“Social Care Induction Framework for Wales” means the Social Care Induction Framework setting common standards for induction of social care workers published by Social Care Wales which was replaced by the “All Wales Induction Framework for Health and Social Care” from 1 April 2018

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

“social care worker” means, for the purposes of these Rules, any person who falls within any of the following descriptions of social care worker:

- (a) a person who manages a place of work at or from which a regulated service is provided; or

- (b) a person who in the course of their employment with a service provider, provides care and support to any person in Wales in connection with –
 - (i) a care home service within the meaning of Part 1 of the Act which is provided wholly or mainly to children, or
 - (ii) a secure accommodation service within the meaning of paragraph 2 of Schedule 1 to the Act provided by that provider;
- (c) a person who is—
 - (i) employed (whether as an employee or a worker), or
 - (ii) engaged under a contract for services, by a service provider of a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act.
- (d) a person who is employed (whether as an employee or as a worker), or engaged under a contract for services in order to provide care and support by a service provider that provides—
 - (i) a care home service provided wholly or mainly for adults, or
 - (ii) a residential family centre service.

“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;

“social worker part” means the part of the register for social workers;

“social work student” means:

- (a) a person participating in a course approved by SCW under section 114(1)(a) of the Act;
- (b) a person participating in a social work qualifying programme elsewhere in the UK approved by a Care Council, or
- (c) a person participating in a social work qualifying programme approved by a Care Council where part of the programme is undertaken in Wales, who is or wishes to become registered in the social worker part of the register;

“Specification of Social Care Workers Regulations” means The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016, as amended;

“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;

“training requirement for social workers” for the purposes of section 84(a)(iii) of the Act, a person meets the training requirements for social workers if he or she:

- (a) has completed training specified on the Social Care Wales website.;
- or

- (b) has completed training or assessed practice deemed by Social Care Wales or by a Care Council to be equivalent;

“training requirement for social care workers” for the purposes of section 84(b)(ii) of the Act a person meets the training requirement for social care workers in respect of social care work of a particular description if he or she:

- (a) has completed relevant training specified on the Social Care Wales website; or
- (b) holds another social care qualification deemed by Social Care Wales to be equivalent;

“undertakings” means undertakings that the registered person has agreed to comply with under sections 126(3)(d), 136(1), 152 (5) and (6), 153(4), 154(5) or 155(7) of the Act;

“university” means the university or higher education institution providing the degree course approved by Social Care Wales under section 114(1)(a) of the Act for persons wishing to become social workers;

“visiting European social worker part” means the part of the register for visiting social workers as defined in section 80(2)(c) of the Act from relevant European States;

“visiting European social care manager part” means the part of the register for visiting social care managers as defined in section 80(2)(d) of the Act from relevant European States.

- (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

APPLICATION FOR REGISTRATION

Form and manner of application

3. (1) An application for registration shall be made to the registrar in a form approved by Social Care Wales and available from Social Care Wales's website.
- (2) Where the applicant is a social worker or social care worker (other than a student), for the purposes of endorsing the application, it must be countersigned (or confirmed by electronic process):
 - (a) where the applicant is in employment, by an employer; or
 - (b) where the applicant is self-employed, employed by a family member or not in employment, by:
 - (i) a previous social care employer by whom the applicant was employed during the period of five years preceding the date of the application, or
 - (ii) a person acceptable to the registrar as being fit to provide such an endorsement.
- (3) An application must be signed by the applicant or confirmed by the applicant by electronic process.
- (4) An application must be submitted to the registrar in writing or by electronic process.

Information to be provided to the applicant

4. (1) The application shall contain a warning to the applicant:
 - (a) about the consequences (including removal from the register) of providing false or misleading information; and
 - (b) that failure to inform Social Care Wales of any material changes in the information provided, as soon as reasonably practicable (including, where the applicant is a social care worker beginning a different description of social care work to that specified in his or her application, if the means by which the applicant originally satisfied the training requirement for social care workers does not meet the training requirement for the new description of social care work; and, where the applicant is a social work student, a change of degree course, or non-participation in the degree course), may be considered by Social Care Wales as serious misconduct for the purpose of section 117(1)(b) of the Act; and
 - (c) that upon registration with Social Care Wales, all applicants (including social work students) should comply with the Code of Professional Practice for Social Care issued by Social Care Wales and any failure to comply with any standard in the Code may be taken into account in proceedings under the Social Care Wales's Fitness to Practise Rules.

Information to be provided in the application by the applicant

Name, address, part of register etc

5. (1) An applicant must provide the following information in an application for registration:
- (a) the applicant's personal details, including full name, name under which the applicant intends to practise, any previous or other name/s, date of birth, contact details including postal and email addresses and telephone number;
 - (b) the part or parts of the register in which registration is sought;
 - (c) the name and address of the applicant's current social work or social care employer or employer(s) (if any);
 - (d) a statement that the applicant has read and understood the Code of Professional Practice for Social Care and an undertaking to abide by the Code;
 - (e) (if required) evidence of the applicant's identity satisfactory to Social Care Wales;
 - (f) where an applicant is self-employed, employed by a family member or not in employment, the registrar may require that applicant to provide endorsements in a form specified by the registrar for the purposes of rules 3(2)(b), 7(1)(a)(i) and 7(1)(f), and where this is required, the character references must be signed (or confirmed by electronic process) by a person who is:
 - (i) unrelated to the applicant by birth or marriage;
 - (ii) not conducting a personal relationship, or living with, the applicant; and
 - (iii) who has known the applicant for a period of at least two years.

Evidence that the applicant is appropriately qualified

6. (1) An application for registration must include evidence that the applicant is appropriately qualified in accordance with the requirements of this rule.
- (2) Where an applicant has such other qualifications, knowledge or experience relevant to registration as are prescribed in regulations made under section 91(1)(c) of the Act¹ the applicant may be required to provide evidence of such qualifications, knowledge or experience.

Social workers

- (3) Where the applicant is a social worker, the applicant must provide evidence as to:
- (a) either:
 - (i) the successful completion of a course approved by Social Care Wales under section 114(1)(a) of the Act or an approved social work qualifying programme elsewhere in the UK for persons wishing to become social workers; or

¹ The Social Care Wales (Content of Register) Regulations 2016 have been made under section 91(1)(c). Regulation 3(1)(a) refers to the approval by any social services authority whose area is in Wales to act as an approved mental health professional pursuant to section 114(1) of the Mental Health Act 1983.

- (ii) the satisfaction of a training requirement for social workers referred to on the Social Care Wales website;
 - (b) name of the course provider;
 - (c) name of the body that awarded the qualification(s);
 - (d) date of award of the qualification(s);
 - (e) name in which the qualification(s) is/are held.
- (4) Where the applicant is a social worker to whom Part VII, Rule 31(5) of these rules applies, the applicant must provide evidence of meeting the return to practice requirements set out on the Social Care Wales website.

Social care workers

- (5) Where the applicant is a social care worker, the applicant must provide evidence as to:
- (a) either:
 - (i) the successful completion of a course approved by Social Care Wales for persons wishing to become social care workers; or
 - (ii) the satisfaction of a training requirement for social care workers in respect of the description of social care work in which he or she wishes to work referred to on the Social Care Wales website;
 - (b) name of the course provider;
 - (c) name of the body that awarded the qualification(s);
 - (d) date of award of the qualification(s);
 - (e) the dates of the course;
 - (f) name in which the qualification(s) is/are held.

Social work student

- (6) Where the applicant is a social work student:
- (a) the name of the course provider which is providing or is to provide the degree course; and
 - (b) confirmation that the applicant is:
 - (i) undertaking a degree course in Wales, that has been approved by Social Care Wales under 'The framework for the degree in social work in Wales'² or
 - (ii) undertaking a social work qualifying programme elsewhere in the UK, that has been approved by a Care Council; or
 - (iii) undertaking a social work qualifying programme approved by a Care Council where part of the programme is undertaken in Wales; and
 - (c) confirmation that the applicant has accepted an offer from the degree course provider in Wales or the qualifying programme provider elsewhere in the UK, as the case may be.

² https://socialcare.wales/cms_assets/file-uploads/The-Framework-for-the-Degree-in-Social-Work-in-Wales.pdf

Evidence of fitness to practise

7. (1) The application must provide evidence, to the satisfaction of the registrar, that the applicant's fitness to practise is not impaired on one or more of the grounds in section 117 (1) of the Act and shall, in this regard, provide in connection with the application:
- (a) where the applicant is a social worker, social care worker or social work student, evidence, to the satisfaction of the registrar, as to the applicant's:
 - (i) character and competence, as they relate to the applicant's fitness to practise the work expected of a social worker or a social care worker in respect of the description of social care work in which the applicant wishes to practise (including endorsements from an employer or, where the applicant is self-employed, employed by a family member or not in employment, from a social care employer or other person acceptable to the registrar as being fit to provide such an endorsement);
 - (ii) physical and mental fitness to practise in social work or in the description of social care work in which the applicant wishes to practise;
 - (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 applicant has been formally charged);
 - (c) details of any restraining order, non-molestation order or other similar order made otherwise than following a conviction for a criminal offence;
 - (d) the applicant's professional details (if any), and whether the applicant has applied to register and was refused, or is registered, or was previously registered, including reasons for leaving a register, with a UK or non-UK regulatory body;
 - (e) details of any determination by a relevant body relating to the applicant's fitness to practise;
 - (f) a declaration that the applicant is not included in a barred list;
 - (g) (if requested by the registrar) 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.

Evidence of intention to practise

8. (1) In the case of a social worker, the application must include confirmation, and may be required to include evidence, that, during the period of

registration applied for, the applicant intends to practise relevant social work in Wales.

- (2) In the case of a social care worker, the application must include confirmation, and may be required to include evidence, that during the period of registration applied for, the applicant intends to practise in Wales the work of a person registered in the part of the register to which the application relates.
- (3) In the case of a visiting social worker from a relevant European State, the applicant must complete the declaration pursuant to Article 7 of Directive 2005/36/EC confirming that he or she intends to practise relevant social work in Wales as a visiting European social worker on a temporary and occasional basis.
- (4) In the case of a visiting social care manager from a relevant European State, the applicant must complete the declaration pursuant to Article 7 of Directive 2005/36/EC confirming that he or she intends to practise relevant social care work in Wales as a visiting European social care manager on a temporary and occasional basis.

Fees

9. (1) The application must include the appropriate fee or fees as specified in Schedule 1.

Acknowledgement of receipt of an application for registration

10. (1) An acknowledgment of receipt of an application for registration shall be provided to the applicant in writing or by electronic process within three days of receipt of the application.

Requirement to provide additional information

11. (1) The registrar may, for the purposes of determining the application:
 - (a) where the applicant has omitted to provide information regarding one or more of the matters set out in Rules 5 to 9, request the information from the applicant in writing or by electronic process which the applicant must provide within the period of 42 days beginning after the day on which the request is made to the applicant; or
 - (b) seek information or evidence additional to that provided by the applicant from both the applicant and any other person or source.
- (2) Where the registrar receives information under paragraph (1)(b) above, the applicant will be informed of the receipt of the information, and the registrar shall give the applicant an opportunity to comment on that information and the applicant must provide any comments within the period of 28 days beginning after the day on which the information is imparted to the applicant.

Grant of application for registration

12. (1) In determining that the requirements of sections 83(2)(a) and 84 of the Act ('Appropriately qualified') have been met, the registrar must be satisfied of the matters set out in sub-sections (2), (3) or (4) below.
- (2) Where the application is for registration as a social worker, the registrar must be satisfied that evidence has been provided that:
 - (a) either:
 - (i) the applicant has successfully completed a course for social workers approved by Social Care Wales or a social work qualifying programme elsewhere in the UK approved by a Care Council, for persons who are or wish to become social workers; or
 - (ii) satisfies the training requirements for social workers; and
 - (b) where the applicant is a social worker to whom Part VII, rule 31(5) of these rules applies, the applicant has met the return to practice requirements set out on the Social Care Wales website.
- (3) In the case of an application for registration as a social care worker other than a social worker, the applicant has provided evidence that the applicant has successfully completed a course approved by Social Care Wales for persons who wish to become social care workers, or satisfies the training requirements for social care workers for the description of social care work to which the application relates.
- (4) Where the applicant is a social work student, that the applicant has been accepted by a course provider to participate in a degree course approved by Social Care Wales under section 114(1)(a) of the Act.

Refusal of application for registration

13. (1) The registrar must refuse an application for registration if:
 - (a) not satisfied that one or more of the matters set out in Rules 5, 6(1), (3) to (9), 7 (1), 8 or 9, as required, are met; or
 - (b) subject to paragraph (2), the applicant has failed to provide the information requested under Rule 11(1)(a).
- (2) Where the applicant has failed to provide information requested under Rule 11(1)(a) and the information not provided is limited to evidence of other qualifications, knowledge or experience under Rule 6(2)³, the registrar may grant the application for registration, but may not make an entry in the register of the other qualifications, knowledge or experience until relevant evidence has been provided.
- (3) Where the registrar refuses two applications for registration made by an applicant within a period of 12 months, no further application for

³ Regulation 3(1)(c) of The Social Care Wales (Content of Register) Regulations 2016 refers to the approval by any social services authority whose area is in Wales to act as an approved mental health professional pursuant to section 114(1) of the Mental Health Act 1983.

registration may be made until two years have passed from the date of the most recent refusal.

Notice of decisions in respect of an application for registration

14. (1) Where the registrar decides to grant an application for registration, the registrar must give notice of the decision in writing or by electronic process to the applicant within seven days of the decision being made.
- (2) Where the registrar decides to refuse an application for registration the registrar must give the applicant notice in writing or by electronic process:
- (a) of the decision;
 - (b) of the reasons for the decision; and
 - (c) of the right of appeal to the registration appeals panel
- 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:
- (a) the applicant's last known employer(s) (if any);
 - (b) the university, where the applicant is a social work student;
 - (c) the Welsh Government;
 - (d) any regulatory body.

PART III

Renewal of Registration

Renewal of registration and social work students

15. (1) This rule shall not apply to social work students.

Form and manner of renewal application

16. (1) An application for renewal of registration shall be made to the registrar in a form approved by Social Care Wales and available from Social Care Wales's website.
- (2) Where the applicant is a social care worker, for the purposes of endorsing the application, it must be countersigned (or confirmed by electronic process):
- (a) where the applicant is in employment, by an employer; or
 - (b) where the applicant is self-employed, employed by a family member or not in employment, by:
 - (i) a previous social care employer by whom the applicant was employed during the period of five years preceding the date of the application, or
 - (ii) a person acceptable to the registrar as being fit to provide such an endorsement.
- (3) An application must be signed by the applicant or confirmed by the applicant by electronic process.
- (4) An application must be submitted to the registrar in writing or by electronic process which contains all of the information required by rules 5, 6(1), 7 and 8 so that it is received by Social Care Wales not less than 21 days before the date on which registration will expire.

Information to be provided to the applicant

17. (1) The application for renewal of registration shall contain the information set out in Rule 4 above.

Information to be provided in the application by the applicant

18. (1) In the application for renewal of registration, the applicant must provide the information set out in rules 5 (name, address etc) and 8 (intention to practise) above.

Evidence of qualifications and training required for renewal

19. (1) Where the applicant is a social care worker who is required to complete training requirements for renewal, as specified on the Social Care Wales website, evidence of completion must be provided. Where the applicant is a social care worker who, at the time of registration, had not completed

the training requirement for social care workers in respect the description of social care work concerned, on the first application for renewal of registration evidence must be provided, signed (or confirmed by electronic process) by the applicant's employer, or, where the applicant is not in employment, by a former employer or other person acceptable to the registrar, that the applicant has met the relevant training requirement.

- (2) Where the applicant is a social worker to whom Schedule 3 applies, the applicant must provide evidence that the applicant has completed a consolidation programme for newly qualified social workers or has undergone such additional training as Social Care Wales may require or deem equivalent.
- (3) Where the applicant is a social worker or social care worker, the applicant must provide evidence of completion of the post registration training and learning requirements set out in Schedule 2.

Fees

20. (1) The application must be accompanied by the appropriate fee or fees as specified in Schedule 1, including payment of any outstanding annual fee(s) relating to the period of registration immediately preceding the application for renewal.

Acknowledgement of receipt of an application for renewal of registration

21. (1) An acknowledgment of receipt of an application for renewal of registration shall be provided to the applicant in writing or by electronic process within three days of receipt of the application.

Requirement of additional information

22. (1) The registrar may, for the purposes of determining the application:
 - (a) where the applicant has omitted to provide information regarding one or more of the matters set out in Rule 18, request the information from the applicant in writing or by electronic process within the period of 28 days beginning the day after the day on which the request is sent to the applicant; or
 - (b) seek information additional to that provided by the applicant from both the applicant and any other person or source.
- (2) Where the registrar receives information under paragraph (1)(b) above, the applicant will be informed of the receipt of the information, and the registrar shall give the applicant an opportunity to comment on that information within the period of 28 days beginning the day after the day on which the information is sent to the applicant.

Refusal of application for renewal of registration

23. (1) The registrar must refuse an application for renewal of registration if:
- (a) the registrar is not satisfied that one or more of the matters set out in Rules 18 or 20 are met;
 - (b) the applicant has failed to provide the information requested in Rule 22(1)(a), or
 - (c) subject to paragraph (2), the registrar is not satisfied that the applicant's fitness to practise is not impaired on one or more of the grounds in section 117 (1) of the Act.
- (2) Where the registrar is not satisfied that one or more of the requirements of Rule 19 relevant to the application have been met, the registrar may:
- (a) refuse the application for registration; or
 - (b) if it is satisfied that there are exceptional reasons for doing so, grant the application for renewal of registration.
- (3) Where the registrar is not able to make a determination under paragraph 1(c) above, the registrar may make a referral under section 118 of the Act for preliminary consideration of an allegation of impaired fitness to practise;
- (4) Where a referral is made by the registrar under section 118 of the Act, the registrar shall not make a determination as to whether to grant or refuse the application for renewal until any proceedings under Part 6 of the Act have been concluded.⁴

Notice of decisions in respect of renewal

24. (1) Where the registrar decides to grant an application for renewal of registration, the registrar must give notice of the decision in writing or by electronic process to the applicant within seven days of the decision being made.
- (2) Where the registrar decides to refuse an application for renewal of registration the registrar must give the applicant notice:
- (a) of the decision;
 - (b) of the reasons for the decision; and
 - (c) of the right of appeal to the registration appeals panel
- in writing or by electronic process 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:

⁴ Section 87 (2) and (3) of the Act provide that a person's is subject to proceedings under Part 6 of the Act, including preliminary consideration or investigation under Chapter 2 of that part, that person's registration shall not lapse whilst they are the subject of those proceedings.

- (a) the applicant's last known employer(s) (if any);
- (b) the Welsh Government;
- (c) any regulatory body.

PART IV

DURATION AND LAPSE OF REGISTRATION

25. (1) Subject to removal under Part VI or under the Fitness to Practise Rules, the registered person's entry in the register will remain effective:
- (a) for a period of 12 months from the date of granting of the application for registration or renewal of registration;
 - (b) for a further period of 12 months from the first anniversary of the date of granting the application for registration or renewal of registration on payment of the relevant annual fee as specified in Schedule 1;
 - (c) for a further period of 12 months from the second anniversary of the date of the date of granting the application for registration or renewal of registration on payment of the relevant annual fee as specified in Schedule 1.
- (2) Save where the registered person is a social work student, subject to removal under Part VI or under the Fitness to Practise Rules and subject to payment of the annual fees referred in paragraph (1)(b) and 1(c) above, the registered person's entry in the register will remain effective for a period of three years from the date of granting the application for registration or renewal of registration.
- (3) Where the registered person is a social work student, subject to removal under Part VI or under the Fitness to Practise Rules and subject to payment of the annual fees referred in paragraph (1)(b) and (c) above, the registered person's entry in the register will remain effective:
- (a) whilst the registered person continues to undertake the course or qualifying programme;
 - (b) for the duration of the course or qualifying programme;
 - (c) eight years from the date of granting the application for registration by Social Care Wales,
- whichever is the earlier.
- (4) Where the registered person is a social work student, Social Care Wales may extend the duration of registration for the purpose of allowing the registered person to complete the degree course.

- (5) Subject to section 87(3)⁵ and (4)⁶ of the Act, registration lapses:
- (a) at the end of the period of 12 months from the date of granting the application for registration or renewal of registration if the relevant annual fee has not been paid by that date;
 - (b) at the end of the period of 24 months from granting the application for registration or renewal of registration if the relevant annual fee has not been paid by that date;
 - (c) save where either paragraph (5) (a) or (b) applies, in the case of a person other than a social work student, at the end of the period of three years from the date of granting of the application for registration or renewal of registration;
 - (d) in the case of a social work student, at the end of the period specified in paragraph (3)(a), (b) or (c) above, whichever is the earlier, or, if later, at the end of a period of extension granted under paragraph (4) above.
- (6) At least 28 days before the expiry of the period referred to in paragraphs (5)(a),(b) or (c) above, Social Care Wales shall send to the registered person in writing or by electronic process:
- (a) a reminder of expiry of registration; and
 - (b) in the case of expiry of the three-year period referred to in (5)(c), an application form or the means to apply electronically for renewal of registration.
- (7) Social Care Wales may send the reminder of expiry of registration referred to in paragraph (6) in writing or by electronic process to the registered person's employer or last known employer (if any).
- (8) If an application for renewal of registration containing all of the information required by rules 5, 6(1), 7, 8 and 16 is received by Social Care Wales less than 21 days before the date on which registration will expire, the registration may lapse before consideration of the application for renewal is completed.

⁵ Section 87(3) of the Act provides that registration will not lapse in relation to a person –

- (a) who is the subject of any proceedings under Part 6, including preliminary consideration or investigation under Chapter 2 of that Part, which relate to the person's fitness to practise the work to which his or her registration relates ("the relevant work");
- (b) in respect of whom a decision has been made relating to relevant work which may be appealed under section 158 (appeals against decisions of fitness to practise panel);
- (c) in respect of whom a conditional registration order relating to the relevant work has effect under section 138(7), 152(8)(c), 153(6) or (7), 154(8)(c) or 155(10)(c);
- (d) in respect of whom a suspension order relating to the relevant work has effect under section 138(8), 152(8)(d), 153(9)(c), 154(6), (7) or (10) or 155(9);
- (e) in respect of whom an interim order relating to the relevant work has effect under section 144 or 147

⁶ Section 87(4) of the Act provides that section 87(3)(b) will cease to apply to a person –

- (a) at the end of the period specified in section 158(3) in which an appeal must be brought (i.e. 28 days), or
- (b) when an appeal is made before the end of that period, at the determination of the appeal.

- (9) Where the registered person is a social work student, the registrar may:
- (a) require the registered person to provide, within 28 days of the request being made, confirmation and evidence that he or she is continuing to undertake the course or qualifying programme; and/or
 - (b) make enquiries of the university.
- (10) Subject to section 87(3) and (4) of the Act, in the absence of a satisfactory response from the registered person following a request being made under paragraph (9)(a) or upon receipt of information from the university that the registered person is not continuing to undertake the course or qualifying programme, the registrar may determine that the registered person's registration has lapsed.

PART V

DUTY TO NOTIFY THE REGISTRAR OF CHANGES TO REGISTRATION INFORMATION

26. (1) A registered person must, as soon as reasonably practicable, inform the registrar in writing or by electronic process, of any changes in the information recorded in the register in respect of that person.
- (2) The changes requiring notification relate to the information provided upon application for registration or renewal of registration and include the information required in rules 5(1)(a) and (c), and rules 7 and 8.
- (3) Where the notification requests an amendment to the person'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 registered person making the application to produce an Affidavit, a marriage certificate or such other documentary evidence as Social Care Wales considers appropriate in any case.
- (4) (a) The registrar may request information from a registered person which relates to their fitness to practise.
- (b) A request under paragraph (a) must be made in writing (which may include by electronic process).
- (c) The registered person 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 paragraph (1), (2), (3) or (4) may be considered to be serious misconduct and result in referral of the registered person to a fitness to practise panel.

PART VI

REMOVAL OF ENTRIES FROM THE REGISTER

Removal of entries from the register by agreement

27. (1) A registered person who no longer wishes to practise as a social worker or a social care worker in respect of the description of social care work for which they are registered may apply for removal of an entry from the register or a part of the register.
- (2) Subject to paragraphs (3) to (8), where a registered person applies for 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 application must be made to the registrar in writing or by electronic process and must include the registered person's name, registration number, reason for removal from the register and contact details.
- (4) The registrar may, for the purposes of determining the application seek information additional to that provided by the applicant from both the applicant and any other person or source.
- (5) Where the registrar receives information under paragraph (4) above, the applicant will be informed of the receipt of the information, and the registrar shall give the applicant an opportunity of commenting on that information within the period of 14 days beginning on the day after the day on which the information is sent to the applicant.
- (6) The registrar must not remove a registered person's entry from the register or part of the register in accordance with paragraph (1) where any of the circumstances in section 87(3) and (4) of the Act apply to that person.
- (7) Where paragraph (5) applies, the registrar may refer the application to a fitness to practise panel for determination.
- (8) Where none of the circumstances in section 87 (3) and (4) apply, the registrar may refuse to remove an entry from the register by agreement, where:
- (a) undertakings apply to the registered person; or
 - (b) a warning has been issued to the registered person and has not expired.
- (9) The registrar shall give notice of the decision to the person to whom the application relates in writing or by electronic process within 28 days of receipt of the application, or within 56 days if additional information has been requested under paragraph (4).
- (10) Social Care Wales may inform in writing or by electronic process:
- (a) the former registered person's last known employer(s) (if any);
 - (b) the Welsh Government;
 - (c) any regulatory body,

that the former registered person is no longer registered with Social Care Wales.

Death of a registered person

28. (1) Where a person registered in a part of the register has died, the registrar must remove the entry relating to that person within 14 days of receiving one or more of the following:
- (a) an original or certified true copy of a death certificate; or
 - (b) written notification from the registered person's employer or if a student, from the degree course provider; or
 - (c) such other evidence acceptable to the registrar.

Entries based on false or misleading information

29. (1) Where the registrar removes an entry or an annotation to an entry in the register under section 94 of the Act⁷, in addition to giving notice to the person under section 94(4) of the Act⁸, Social Care Wales may inform in writing or by electronic process:
- (a) the former registered person's last known employer(s) (if any);
 - (b) (where the former registered person was a student) the university;
 - (c) the Welsh Government;
 - (d) any regulatory body,

that the former registered person is no longer registered with Social Care Wales.

Removal from the register for other reasons

30. (1) Where the registered person's registration has lapsed in accordance with rule 25(5)(a) to (d) or (8), the registrar shall remove the registered person's entry from the register no later than 28 days after the date on which the annual fee was due.
- (2) Where an applicant or registered person's entry has been erroneously placed on the register, the registrar shall remove the registered person's entry from the register within two days of being informed of the error.
- (3) Where the registration appeals panel has directed that the registered person's name should be removed from the register following consideration of an appeal under section 101 (1) (b)⁹ or (c) of the Act¹⁰, the registrar shall remove the registered person's entry from the register within two days of the panel's

⁷ Section 94(1) of the Act provides that, if the registrar is satisfied that an entry in a part of the register, or an annotation to an entry, has been included on the register on the basis of false or misleading information, the registrar may remove the entry or annotation from the register.

⁸ Section 94(4) of the Act provides that, where the registrar decides to remove an entry in respect of a person from the register under this section the registrar must give notice to the person of –

- (a) the decision;
- (b) the reasons for the decision, and
- (c) the right of appeal conferred by section 101 of the Act.

⁹ Under section 101(1) (b) of the Act, a person may appeal a decision of the registrar under section 86 not to grant renewal of an application for registration.

¹⁰ Under section 101(1) (c) of the Act, a person may appeal a decision of the registrar under section 94 of the Act to remove an entry in respect of a person from the register.

decision, unless any of the circumstances in section 87(3) of the Act¹¹ applies to that person.

- (4) Where the registrar has removed a registered person's entry from the register in accordance with this rule Social Care Wales shall inform in writing or by electronic process and within seven days of the decision:
- (a) the applicant or former registered person;
 - (b) the applicant's or former registered person's last known employer(s) (if any);
 - (c) (where the applicant or former registered person was a student) the university;
 - (d) the Welsh Government;
 - (e) any regulatory body.

PART VII

RETURN TO THE REGISTER

Application to return to the register

31. (1) Save where an application for restoration is required, the following paragraphs shall apply to an application to return to the register.
- (2) Social Care Wales shall treat an application to return to the register as an initial application for registration, and the provisions set out in rules 3 – 11, 13 and 14 shall apply, subject to paragraph (3), (4), (5), (6) and (7) below.
- (3) An application to return to the register shall be accompanied by the payment of the application fee and any additional or outstanding fee or fees (as set out in Schedule 1) as determined by the registrar.

Application following failure to renew

- (4) Where an application is made by a person who was removed from the register for failing to renew their registration, the application shall be accompanied by satisfactory evidence of completion of post registration training and learning requirements (as set out in Schedule 2). The requirements of Schedule 2 shall apply as if the words 'within the period of registration' were substituted by the words 'within the period of three years preceding the date of the application to return to the register'.

¹¹ Section 87(3) of the Act provides that registration will not lapse in relation to a person –

- (a) who is the subject of any proceedings under Part 6, including preliminary consideration or investigation under Chapter 2 of that Part, which relate to the person's fitness to practise the work to which his or her registration relates ("the relevant work");
- (b) in respect of whom a decision has been made relating to relevant work which may be appealed under section 158 (appeals against decisions of fitness to practise panel);
- (c) in respect of whom a conditional registration order relating to the relevant work has effect under section 138(7), 152(8)(c), 153(6) or (7), 154(8)(c) or 155(10)(c);
- (d) in respect of whom a suspension order relating to the relevant work has effect under section 138(8), 152(8)(d), 153(9)(c), 154(6), (7) or (10) or 155(9);
- (e) in respect of whom an interim order relating to the relevant work has effect under section 144 or 147.

Social worker returning to practice

- (5) Where to applicant is a social workers who has not been registered in the social worker part of the register or an equivalent register for a period of three years or more and who apply for registration in the social worker part of the register or to return to the social worker part of the register, they shall provide evidence that the applicant has met the return to practice requirements specified on social care wales website.

Notice of grant of application to return to the register

32. (1) Where the registrar decides to grant an application to return to the register Social Care Wales must give notice of the decision to the person to whom the application relates in writing or by electronic process within seven days of the date of the decision.
- (2) Social Care Wales may inform in writing or by electronic process within seven days of the date of the decision:
 - (a) the applicant's known employer(s) (if any);
 - (b) the university, where the applicant is a social work student;
 - (c) the Welsh Government;
 - (d) any regulatory body.

Notice of refusal of an application to return to the register

33. (1) Where the registrar decides to refuse an application to return to the register SCW must give the person to whom the application relates notice in writing or by electronic process within seven days:
 - (a) of the decision;
 - (b) of the reasons for the decision; and
 - (c) of the right of appeal to the registration appeals panel.
- (2) Social Care Wales may inform in writing or by electronic process within seven days of the date of the decision:
 - (a) the applicant's known employer(s) (if any);
 - (b) the university, where the applicant is a social work student;
 - (c) the Welsh Government;
 - (d) any regulatory body.
- (3) Where the registrar refuses two applications for return to the register made by an applicant within a period of 12 months, no further application for return to the register may be made until two years have passed from the date of the most recent refusal.

PART VIII

RESTORATION TO THE REGISTER

Restoration following removal by agreement or removal based on false or misleading information

34. (1) This rule applies where an application for restoration is made under section 96(2) of the Act following (removal by agreement) or (removal based on false or misleading information).
- (2) A person applying to be restored to the register under paragraph (1) must provide to the registrar in writing or by electronic process:
- (a) an application for registration satisfying the requirements of rules 5 - 9;
 - (b) where the applicant is a social worker to whom Part VII, rule 31(5) of these rules applies, the return to practice evidence required by Social Care Wales, as set out on its website;
 - (c) any documentary evidence relied upon in support of the application.
- (3) The registrar may grant the application for restoration under this rule only if satisfied that the applicant meets the registration requirements specified in section 83(2) of the Act.¹²

Notice of grant an application for restoration to the register

35. (1) Where the registrar decides to grant an application for restoration to the register following an application under rule 34, Social Care Wales must give notice of the decision to the person to whom the application relates in writing or by electronic process within seven days of the date of the decision.
- (2) Social Care Wales may inform in writing or by electronic process within seven days of the date of the decision:
- (a) the applicant's known employer(s) (if any);
 - (b) the university, where the applicant is a social work student;
 - (c) the Welsh Government;
 - (d) any regulatory body.

Notice of refusal of an application for restoration to the register

36. (1) Where the registrar decides to refuse an application for restoration to the register following an application under rule 34, Social Care Wales must give the person to whom the application relates notice in writing or by electronic process within seven days:

¹² Section 83(2) of the Act states that the registration requirements are that –

- (a) the person is appropriately qualified (section 84)
- (b) the persons' fitness to practise is not impaired on one or more of the grounds in section 117(1), and
- (c) the person intends to practise the work of persons registered in the part of the register to which the application relates.

- (a) of the decision;
 - (b) of the reasons for the decision; and
 - (c) of the right of appeal to the registration appeals panel.
- (2) Social Care Wales may inform in writing or by electronic process within seven days of the date of the decision:
- (a) the applicant's known employer(s) (if any);
 - (b) the university, where the applicant is a social work student;
 - (c) the Welsh Government;
 - (d) any regulatory body.

Application for restoration following fitness to practise proceedings

37. (1) Where a fitness to practise panel has previously made a removal order an application for restoration may be made, unless any of the circumstances in section 97(3)(a)¹³ or (b)¹⁴ or 98(4)¹⁵ of the Act apply.
- (2) An applicant for restoration under this rule must provide to the registrar in writing or by electronic process:
- (a) an application for registration satisfying the requirements of rules 3 to 9 and 19 (if applicable);
 - (b) the appropriate fee (as set out in Schedule 1); and
 - (c) any documentary evidence relied upon in support of the application.
- (3) An application under this rule shall be referred to a registration appeals panel and the application shall be considered in accordance with Part IV of the Social Care Wales (Registration Appeals Panel) Rules 2019.

¹³ Section 97(3)(a) provides that the person may not make an application for restoration before the expiry of five years beginning with the date on which the order was made.

¹⁴ Section 97(3)(b) provides that the person may not make an application for restoration if they have made an application for restoration to the register within a period of 12 months preceding the application.

¹⁵ Section 98(4) provides that a registration appeals panel may give a direction that a person may not make an application for restoration to the register where the person has made two or more applications previously and, on the second or subsequent application, the registration appeals panel made a direction that the person may not make any further applications for restoration.

PART IX

FEES

Application fee and renewal fee

38. (1) The fee to be charged for processing an application for registration under Part II (“the application fee”) shall be the fee specified in Schedule 1 to these Rules in the column for the year in which the application is received by Social Care Wales, and shall be non-refundable,
- (2) The fee to be charged for an application for renewal of registration under Part III (“the renewal fee”) shall be the fee specified in Schedule 1 to these Rules in the column for the year in which the existing period of registration expires and shall be non-refundable.

Annual fee

39. (1) The fee to be charged in respect of registration in any year following the year in which registration or renewal was granted (“the annual fee”) shall be the fee specified in Schedule 1 to these Rules in the column for the year in which the annual fee is due and shall be non-refundable.
- (2) The registrar shall send the registered person a notice in writing or by electronic process, not less than 28 days before the date on which the annual fee is due, which states that the annual fee is due and the date on which it is due.
- (3) Any reference in the Rules to the date on which the annual fee is due is a reference to:
- (a) the anniversary of the date on which the entry was first made in the register and on that date in every subsequent year and if the entry was first made on 29th February it shall be treated as having been made on 1st March;
 - (b) where an entry in the register has been removed and is subsequently restored, the anniversary of the date on which restoration was made and on that date in every subsequent year and if restoration was made on 29th February it shall be treated as having been made on 1st March.

Return to practise fee

40. (1) Where a social worker has not been registered as a social worker in the social worker part of the register or an equivalent register for a period of three years or more, the person must demonstrate their fitness to return to the register.
- (2) The fee to be charged where paragraph (1) applies (“the return to practise fee”) shall be the fee specified in Schedule 1 to these Rules in the column for the year in which the application is received by Social Care Wales, and shall be non-refundable.

Signed on behalf of Social Care Wales

A handwritten signature in black ink, appearing to read 'Mick Giannasi', written over a faint horizontal line.

**Mick Giannasi
Chair Social Care Wales**

24/02/20

SCHEDULE 1

FEES CHARGED BY Social Care Wales

Fees for each role	Annual fees by year (1 April to 31 March)	
	2020/21	2021/22
Social Worker (application, renewal and annual)	£70	£80
Social Worker – Non-UK Qualified (equivalency assessment – this fee must be paid in addition to application fee))	£350 (and an additional fee of £200 for an aptitude test if requested by the applicant)	£350 (and an additional fee of £200 for an aptitude test if requested by the applicant)
Social Care Manager (application, renewal, annual)	£70	£80
Social Care Worker (application, renewal and annual)	£25	£30
Social Work Student (application and annual)	£15	£15
Return to Practise	£200	£200

SCHEDULE 2

POST REGISTRATION TRAINING AND LEARNING REQUIREMENTS

1. Every social worker and social care worker registered with Social Care Wales shall, within the period of registration, complete study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the professional development of the social worker or social care worker, as the case may be, or contribute to the development of the profession as a whole. The amount required is that specified on the Social Care Wales website.
2. Every social worker and social care worker registered with Social Care Wales shall keep a record of such post training and learning (PRTL) undertaken.
3. Failure to meet the foregoing PRTL requirements may be considered serious misconduct resulting in impaired fitness to practise by SCW.
4. Social Workers undertaking a Consolidation Programme for newly qualified social workers (as referred to in Schedule 3) may use this to evidence compliance with the PRTL requirements.

SCHEDULE 3

CONSOLIDATION PROGRAMME FOR NEWLY QUALIFIED SOCIAL WORKERS

Every social worker first registered with Social Care Wales who qualified on or after 1 April 2016 shall, within their first three-year period of registration, during which time they are practising as a social worker, either:

- (1) complete a Consolidation Programme for newly qualified social workers which has been approved by Social Care Wales,

or
- (2) undertake such training that Social Care Wales requires or deems equivalent.