

Applications for restoration: Guidance for applicants

This document is available in Welsh

Application for Restoration: Guidance for Applicants

If your name has been **removed** from the Social Care Register by a Fitness to Practise Panel and you would like to **apply to be restored** to the Register, please read this document.

Introduction

As stated in our [Registration Rules](#), no applications for restoration to the Register can be made within 5 years from the date of removal (the date on which the Removal Order became effective).

The Registration Appeals Panel (the panel) looks at applications for restoration from workers (applicants) who have been removed by a Fitness to Practise Panel.

How to apply for restoration

To re-apply for registration, you will need to [complete an application on SCWonline](#). A panel will then decide if your registration should be granted.

Even if you want to apply to work in a different registered role, you must apply for restoration to the role you were removed from, before applying to a different role if your application is successful and you meet the requirements to be registered in that role.

For restoration, you will need to support your application with additional information, such as:

- references (from previous and current colleagues and employer(s)) to cover the period since your removal from the register, to satisfy the Registrar about your:
 1. good character
 2. conduct
 3. competence
 4. physical and mental fitness to practise in social work, or the field of social care work in which you wish to be registered to work.

Please provide:

- your employment history since being removed from the Register
- your current employment status and a reference from your current line manager
- evidence of any learning and development you have undertaken since being removed from the Register and how you think it has helped you keep informed of developments in social care and will help you work to the standards expected of a regulated professional
- any other information you think would help the panel decide whether you are suitable for registration, for example, the panel might find it helpful to have something in writing from you, about why you think you are suitable for registration, and how you've addressed the issues that led to your removal.

The above list is not exhaustive and you can provide any information you think supports your application.

Social workers only: if you are applying to be registered as a social worker, you must also include a portfolio of evidence of your Continuing Professional Development (CPD) undertaken in social work since being removed from the Register. Your portfolio should be complete when you submit your restoration application.

The CPD portfolio will be assessed independently of the Registration Appeals Panel hearing and the recommendations from that assessment will be shared with the panel for their consideration alongside the application for restoration. The recommendations from the review of the portfolio can be superseded by the panel's decision.

In your CPD portfolio, you must provide:

1. evidence of the number of hours undertaken
2. what the training contained
3. how it helped you maintain your knowledge of social work, and
4. how it will help you return to practice.

For further details about return to practise requirements please go to our [website](#).

After an application has been submitted

After the Registration team receives a completed application for restoration (and the portfolio if you're registering as social worker), they will process the application and refer it to the Fitness to Practise team to collect evidence for Social Care Wales's response.

The Fitness to Practise team will get in touch with you when they start their process as they may need more information.

For Social Workers, when the CPD portfolio has been assessed and an independent recommendation made, it will be given to the Fitness to Practise team to review the application. They may require more information which they will let you know about.

When the Fitness to Practise team have collected their evidence the application will be referred to the Hearings Team to arrange a Registration Appeals Panel hearing. The Hearings Team will send you a letter to invite you to attend a Pre hearing Review meeting.

Registration Appeal Panel

Pre hearing Review meeting

To make arrangements for the Registration Appeals Panel hearing, a pre hearing review meeting (PHR) will be held. These meetings are held on Zoom and they usually last no more than an hour. The meeting will be between you (the applicant), your representative if you have one, the Fitness to Practise Officer and the Presenter who is likely to present the case to the Panel. A Legal Adviser will chair the meeting and a Clerk will take notes at the meeting and coordinate the arrangements for the hearing.

The main purpose of the meeting will be to make arrangements for the Registration Appeals Panel hearing and to make sure you understand what the Panel will be looking at, as it will be up to you to prove to the panel that you are suitable for registration.

The meeting will discuss:

- the evidence that you and Social Care Wales want the panel to have and when this should be sent to the Clerk to share with the panel
- whether you and Social Care Wales will have any witnesses to speak to the panel
- the date of the hearing
- whether any special arrangements need to be made for the hearing.

Within 7 calendar days of the Pre hearing Review meeting we will send you a letter confirming what was discussed and agreed. Please read this letter carefully, as it may have instructions for you to complete before the hearing that you will be expected to meet.

Burden of Proof

The burden of proof is on you, which means it is up to you to prove to the panel that you should be restored to the Register. It is important that you provide as much information as possible to prove your suitability. You should attend the hearing, so that you can speak directly to the panel.

Public or Private hearing

The hearing will be held in public. However, if you have declared a medical condition on your application and medical evidence has been given to the Panel, all or part of the hearing may be held in private, without the public. If you want the hearing to carry on in public, you will be able to ask the panel to consider this. Being held 'in public' means that the date, time of the hearing and your name and role (e.g. social worker) will be put on our website one week before the hearing takes place. This can be discussed at the Pre hearing Review meeting.

The outcomes of public hearings are put on our website for a set period of time after the hearing is held. For more details about the information we make public, please see our [Publication Policy](#).

You can be represented at the hearing

If you would like to attend the hearing, you may come on your own and represent yourself, or be accompanied by a representative such as a:

- a) solicitor
- b) barrister
- c) representative from your Trade Union
- d) representative from a Professional Body, such as the British Association of Social Workers.

The Registration Appeals Panel may also allow you to be represented by someone else who is not from one of the groups listed above. You should tell us no later than 48 hours before the hearing who will be representing you and give us their contact details so that we provide them with information about the hearing and a Zoom link. This can be discussed at the Pre hearing Review meeting.

Moral support

If you want a friend or family member to be with you at the hearing for moral support, then that is fine. Please let us know before the hearing that you will have someone with you. This can be discussed in the Pre hearing Review meeting.

Calling witnesses

You may call witnesses at the hearing if you would like them to tell the Panel why your application for restoration should be granted. This is called a 'character witness' or 'reference'. We will talk about this in the Pre hearing Review meeting, so if you think of someone who would be able to speak to the panel about you and your suitability to be registered, please let us know in the Pre hearing Review meeting. We will need their name and contact details so that we can send them the Zoom link to join the hearing.

Health

If you have declared a medical condition on your application, we may ask you for more information and we may need a recent medical report, which we will pay for. This will mean we will make an appointment for you to be examined by a medical practitioner. You can ask your GP or any other medical practitioner who knows you to give evidence to the panel (as a witness) about your health if you think it may help support your application for restoration, or you can ask them to produce a report or a letter for the Panel. This can be discussed at the Pre hearing Review meeting.

Notice letter

We will send you a Notice of Hearing letter at least 42 days before the hearing is held. This letter will confirm the date, time of the hearing and include the Zoom link. You can ask for the hearing to be held earlier than 42 days, but we will need this in writing, or tell us in the Pre hearing Review meeting when the date of the hearing is being discussed.

With the letter we will include:

- a copy of the transcript of the Fitness to Practise Panel hearing at which the Removal Order was made (if available)
- any documents which you and Social Care Wales want the Panel to consider
- a copy of the Social Care Wales Registration Appeals Panel Rules.

Please send any documents you would like the panel to consider with your application to the Clerk, at clerks@socialcare.wales , at least 14 calendar days before the hearing.

Who will be at the hearing?

- You and your representative, if you have one
- the Social Care Wales Presenter – they present the case for Social Care Wales
- the Fitness to Practise officer
- the Panel members
- a Legal Adviser
- a Medical Adviser, if applicable
- a Clerk
- maybe members of the public (if the hearing is held in public).

Panel

The Registration Appeals Panel has three people:

1. A Chair – who is a lay member
2. Another lay member
3. A social care member.

The panel members are independent individuals who are appointed by Social Care Wales. The social care member may have knowledge of, or a background in, your area of social care work. A lay member has no professional background of social care but may be a user of care and support.

Legal Adviser

The Legal Adviser is a solicitor and their role is to provide advice to the Panel and to make sure the hearing is carried out fairly and in accordance with the relevant Social Care Wales Rules. If you are on your own at the hearing without representation, the Legal Adviser may help you by making sure you understand what is happening during the hearing. However, it will be your responsibility to explain to the Panel why you think you should be registered again. The Legal Adviser may ask you and any witnesses questions.

The Legal Adviser will be present during the panel's private deliberations but is not entitled take part in the Panel's decision making.

Medical Adviser

If you have declared a health condition on your application, the hearing may be held in private and a Medical Adviser will be at the hearing to provide clarification to the panel on medical terms referred to in any medical evidence. The Medical Adviser will help them understand the medical evidence and they may ask you questions about your health and your medical condition (this could be done in private without anyone else in the hearing present, if necessary).

The Medical Adviser will be present during the panel's private deliberations but is not entitled take part in the Panel's decision making.

Clerk

The Clerk is your main point of contact about the appeals panel hearing before, during and after a hearing. The Clerk is a Social Care Wales staff member and makes sure the hearing is run smoothly and in accordance with the Rules. The Clerk does not join the panel in its private deliberations or take part in its decision making.

Special requirements

So that you can speak to the panel in the most suitable and comfortable way for you, please let us know about any specific requirements, before the hearing is held. For example, if you would like translation or interpretation services. Any special requirements should be discussed in the Pre hearing Review meeting as we will need time to make any necessary arrangements.

Tone of the hearing

The tone and procedure of the hearing is formal because of the seriousness of the decision being made. There will be regular breaks during the hearing and you will have your own break out room on Zoom during breaks.

Attending Registration Appeals Panel hearings

Hearings are held on Zoom. You can ask the Clerk for a test call so that you know what to expect on the day of the hearing. When you log into Zoom on the day of the hearing, you will be met by the Clerk and allocated a break out room which the Clerk will open up for you. This will give you privacy to prepare for the hearing and spend any breaks during the hearing.

Please log on at least 15 minutes before the hearing to make sure your connection is reliable and check for any IT issues, so that the hearing can start on time. If you've not used Zoom before, [please watch these videos](#) to understand what to expect in a Zoom hearing and who will be at a hearing.

Hearing procedure

Hearings are recorded and the hearing procedure will be:

- **Opening the hearing and introductions**

The Chair will open the hearing by welcoming everyone and checking that they can see and hear the Chair clearly.

The Chair will read out your name and the name of your representative (if present). The Chair may ask you to confirm your name so that your voice is easy to recognise on the recording.

The Chair will then introduce the panel members and the other people present (see above) and explain the hearing procedure, before asking the Presenter to open the case for Social Care Wales.

- **Opening the case – Social Care Wales**

The Presenter gives an 'opening statement' to the panel, which could include the history of your case and the circumstances in which the Removal Order was made.

The Presenter may then refer to specific documents which the fitness to practise panel that made the removal order considered and any other documents that have since been given to Social Care Wales and which relate to your fitness to practise.

Witnesses may be asked to join the hearing to speak to the panel and answer any questions. As the witnesses will be in break out rooms waiting, the hearing will pause for a few moments so that the Clerk can close their breakout room for them to join the hearing.

Witnesses will be asked questions by the Presenter first. You, the panel and the legal adviser will also have the chance to ask them questions

- **Your opportunity to speak to the panel**

You or your representative, if you have one, will then have a chance to speak to the panel and tell them why your registration should be restored. You can refer to specific documents and ask your witnesses to join the hearing at this point. One witness will be called at a time.

As the witnesses will be in break out rooms waiting, the hearing will pause for a few moments so that the Clerk can close their breakout room for them to join the hearing.

Any witnesses you call, will answer your questions first. The Presenter, panel and legal adviser will also have the chance to ask questions.

When you and Social Care Wales have finished your presentation to the panel, the Chair will ask you for any final comments about why your registration should be restored.

The Legal Adviser and Medical Adviser (if present) will give legal advice and medical advice before the panel goes into their private breakout room to come to a decision.

The Panel may take some time to come to a decision, so please tell the Clerk if you prefer to log off Zoom until the Panel is ready to announce their decision.

The Clerk will get in touch with you to ask you to log back in to hear the outcome. The outcome will be given on the day of the hearing.

- **Panel decision making**

The Panel looks at the following issues:

- the reasons why a Removal Order was imposed
- evidence of your current good character, competence and health
- evidence of your conduct and behaviour since your name was removed from the Register (they will look at the evidence you have submitted with your application)
- the protection of the public
- the public interest in maintaining confidence in social care workers and maintaining standards
- Social workers restoration – the return to social work practice portfolio and whether the relevant return to practise requirements have been met.

The decision that will be available to the panel will be:

- your registration should be restored, or
- your registration should not be restored.

Chair announces the decision and closes the hearing

When the Panel has made its decision, the Chair will ask the Clerk to close the breakout rooms and bring everyone back into the hearing. If you have left Zoom, the Clerk will call or email you to ask you to log back in.

When everyone who was at the hearing has returned to the hearing room, the Chair welcomes everyone back again and gives the outcome and reads out the panel's reasons.

If you do not understand the outcome, please ask the Chair to explain it to you, or ask to speak to the Clerk at the end of the hearing.

The Chair will thank everyone for attending and close the hearing.

The Clerk will close the Zoom call when everyone has left, but if you would like to speak to the Clerk or the Fitness to Practise Officer about the outcome, please let the Clerk know.

You can appeal the Panel's decision (see below).

We will send you the outcome and the panel's reasons in a Notice of Decision letter within 7 calendar days of the hearing.

Notice of Decision letter

A Notice of Decision letter confirms the outcome and provides the panel's reasons. A copy of the Notice will also be sent to your current employer (if any).

As hearings are recorded, a transcript of the hearing can be sent to you upon request. Please allow up to 14 calendar days for a transcript to be produced.

If the hearing was held in public, the outcome will be placed on our website for a set period of time. For more information about what information is made public, please go to our [Publication Policy](#), which you will find on the Hearings page of our website.

If your application is granted, the Register will be updated soon after to show that you are registered.

For more information, please look at the [Registration Appeals Panel Rules](#).

Appealing the panel's decision

You can appeal against a decision not to restore your name to the Register.

The Care Standards (First Tier) Tribunal looks at appeals.

Go to www.carestandardstribunal.gov.uk for further details about how to appeal.

Further information

If you'd like to discuss the hearing procedure or arrangements, please contact the Hearings Team, on

029 20780 640 or hearings@socialcare.wales