



# Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

## PART 6

SOCIAL CARE WORKERS: FITNESS TO PRACTISE

### CHAPTER 2

PRELIMINARY PROCEDURES

*Preliminary consideration of allegations etc.*

#### **119 Preliminary consideration**

- (1) The person giving preliminary consideration to a matter referred by SCW must refer that matter for investigation under section 125 unless—
  - (a) the person determines that the matter is not eligible for onward referral under section 120, or
  - (b) the person is required by section 121 to refer the matter directly to a fitness to practise panel.
- (2) The person giving preliminary consideration to a matter may, at any stage, refer the matter to an interim orders panel (in addition to making a referral or determination under subsection (1)).
- (3) SCW must by rules make provision about the procedure for preliminary consideration which may, in particular, provide for preliminary consideration to be carried out by—
  - (a) one or more persons appointed for that purpose, on such terms and conditions (including remuneration) as SCW may determine;
  - (b) one or more members of SCW's staff.

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*Status: This is the original version (as it was originally enacted).*

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- (4) But rules made under subsection (3) may not provide for preliminary consideration to be carried out by—
- (a) a person who is a member of—
    - (i) SCW,
    - (ii) the Health and Care Professions Council,
    - (iii) the Scottish Social Services Council, or
    - (iv) the Northern Ireland Social Care Council;
  - (b) a person who is a member of a fitness to practise panel;
  - (c) a person who is a member of an interim orders panel;
  - (d) a prescribed person.
- (5) SCW must make such arrangements as it thinks appropriate to facilitate co-operation between—
- (a) a person who has made an allegation that a registered person's fitness to practise is impaired, and
  - (b) the person giving preliminary consideration to the allegation.