



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 6

SOCIAL CARE WORKERS: FITNESS TO PRACTISE

CHAPTER 7

GENERAL AND SUPPLEMENTARY

162 Guidance about fitness to practise

- (1) SCW may publish guidance about factors which in its view may make it appropriate, or inappropriate, for a fitness to practise panel or an interim orders panel to make or confirm an interim order under Chapter 4.
- (2) A fitness to practise panel or an interim orders panel must have regard to guidance published under subsection (1) in exercising any function under Chapter 4.
- (3) SCW may publish guidance about factors which in its view may make it appropriate, or inappropriate, for a fitness to practise panel to do any of the following—
 - (a) reach a consensual disposal of a matter under section 135 or 136;
 - (b) give advice or a warning under section 137;
 - (c) dispose of any matter in any of the ways mentioned in section 138(3) to (9);
 - (d) make an immediate order under section 140;
 - (e) dispose of a matter on review in any of the ways mentioned in sections 152 to 155.
- (4) SCW may publish guidance about—
 - (a) particular undertakings, or kinds of undertakings, which may be agreed by a fitness to practise panel, and when it may be appropriate or inappropriate to agree such undertakings;

Status: This is the original version (as it was originally enacted).

- (b) particular conditions, or kinds of conditions, which may be included in a conditional registration order, and when it may be appropriate or inappropriate to include such conditions;
 - (c) the period of time for which any of the following should have effect—
 - (i) undertakings;
 - (ii) conditions included in a conditional registration order;
 - (iii) a suspension order.
- (5) SCW may publish guidance about factors which it thinks should be taken into account in determining whether or not a registered person's fitness to practise is impaired on the grounds of adverse physical or mental health.
- (6) A fitness to practise panel must have regard to guidance published under subsections (3) to (5) in exercising any function under this Part.