



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

2016 anaw 2

## PART 8

### SOCIAL CARE WALES: DUTY TO ESTABLISH PANELS ETC.

#### 174 Duty to establish panels etc.

- (1) SCW must by rules make provision for there to be—
  - (a) panels to make determinations under Part 4 in relation to initial registration in, remaining on and being restored to, the register (“registration appeals panels”),
  - (b) panels to make determinations in relation to the fitness of persons registered in the register to practise as social care workers (“fitness to practise panels”), and
  - (c) panels to suspend, or attach conditions to, a person’s registration in the register pending a determination by panels of the kind mentioned in paragraph (a) or (b) (“interim orders panels”).
- (2) A panel established by virtue of subsection (1) must have at least 3 members, including a member appointed to chair the panel.
- (3) The members must be individuals.
- (4) A panel’s membership must comprise a majority of persons who are not, and have never been, registered in any part of the register.
- (5) The following persons may not be members of a panel—
  - (a) a person who is a member or a member of staff 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 prescribed person.

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*Status: This is the original version (as it was originally enacted).*

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- (6) SCW must by rules make provision about—
  - (a) the appointment of persons as panel members (including, subject to subsection (2), the number of persons who may or must be appointed);
  - (b) the quorum for exercising functions of panels;
  - (c) the term of office of a person as a member or to chair a panel;
  - (d) the grounds on which a member may be suspended or removed.
- (7) SCW must also by rules make provision for—
  - (a) the declaration and registration of private interests of the members of panels;
  - (b) the publication of entries recorded in the register of members' interests.
- (8) SCW may by rules make other provision about the constitution and operation of panels; but any rules are subject to regulations made under section 175 (regulations about panel proceedings).
- (9) In particular, rules under subsection (8) may provide for—
  - (a) the appointment of legal or other advisers;
  - (b) the appointment of assessors or examiners;
  - (c) categories of person who may be appointed to chair panels;
  - (d) fees, expenses or other payments to be made by SCW to any panel member.

## **175 Proceedings before panels**

- (1) The Welsh Ministers may by regulations make such provision as they think appropriate for and in connection with proceedings brought under this Act before—
  - (a) registration appeals panels;
  - (b) interim orders panels;
  - (c) fitness to practise panels.
- (2) The regulations may authorise or require SCW to make rules about any matter relating to such proceedings.
- (3) Regulations under this section may not require a person to give evidence or produce a document or other material evidence which the person could not be compelled to give or produce in civil proceedings in a court in England and Wales.
- (4) The standard of proof applicable to the proceedings mentioned in subsection (1) is that applicable to civil proceedings.