



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.

Changes to legislation: There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Section 119. (See end of Document for details)

- (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) [^{F1}Social Work England],
 - (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.

Textual Amendments

- F1** Words in s. 119(4)(a)(ii) substituted (2.12.2019) by [Children and Social Work Act 2017 \(c. 16\)](#), s. 70(2), [Sch. 5 para. 42\(b\)](#); S.I. 2019/1436, reg. 2(s)

Commencement Information

- I1** S. 119 in force at 3.4.2017 by [S.I. 2017/309](#), [art. 2\(e\)](#) (with [arts. 3, 4](#), [Sch.](#))

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