



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 6

SOCIAL CARE WORKERS: FITNESS TO PRACTISE

CHAPTER 2

PRELIMINARY PROCEDURES

Review

131 Review of decisions by SCW

- (1) SCW must review a decision to which subsection (2) applies if—
 - (a) it thinks that the decision may be materially flawed, or
 - (b) it thinks that a different decision may have been made on the basis of information that was not available when the decision was made.
- (2) This subsection applies to the following decisions—
 - (a) a decision not to refer a matter to a fitness to practise panel under section 121 or 126(2),
 - (b) a decision not to refer a matter for investigation under section 125,
 - (c) a decision to dispose of a case after investigation under section 126(3), and
 - (d) a decision to refer a case for mediation under regulations under section 130.
- (3) SCW may not review a decision after the end of the period of 2 years beginning with the date on which the decision was made unless SCW thinks that it is in the public interest to do so.

Status: This is the original version (as it was originally enacted).

- (4) Where SCW decides to review a decision, it must give notice to the interested parties of—
- (a) the decision to carry out a review, and
 - (b) the reasons for carrying out a review.
- (5) In this section “interested parties” means—
- (a) the registered person in respect of whom the decision under review was made,
 - (b) the person (if any) who made an allegation in respect of which the decision was made, and
 - (c) any other person who SCW thinks has an interest in the decision.
- (6) On a review under this section, SCW may—
- (a) substitute for the decision under review another decision of a kind that could have been made by the original decision maker,
 - (b) refer the matter for investigation under section 125, or
 - (c) determine that the decision stands.
- (7) SCW must give notice of the outcome of the review to the interested parties.
- (8) SCW must by rules make provision about the arrangements for carrying out a review under this section.
- (9) Rules made under subsection (8) may, in particular, make provision about—
- (a) the procedure to be followed in carrying out a review (including provision for the interested parties to make representations to SCW);
 - (b) the content and timing of notices to be given under this section.