



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 6

SOCIAL CARE WORKERS: FITNESS TO PRACTISE

CHAPTER 5

REVIEW PROCEEDINGS

152 Review of undertakings: disposals by fitness to practise panel

- (1) This section specifies the possible disposals which may be made by a fitness to practise panel which has completed a review under section 151(2) or (7) of the fitness to practise of a registered person who has agreed undertakings.
- (2) If the registered person has applied under section 92 for removal of the entry relating to the person from the register by agreement, the panel may make an order for the removal of that entry.
- (3) If the panel determines that the registered person's fitness to practise is no longer impaired, the panel—
 - (a) must revoke the undertakings, and
 - (b) may do either or both of the following—
 - (i) give advice to the person on any matter related to the case;
 - (ii) give the person a warning in respect of future conduct or performance.
- (4) If the registered person admits that his or her fitness to practise is impaired, or if the panel determines that the person's fitness to practise is impaired, the panel may make a disposal specified in subsection (5) or (6).

Status: This is the original version (as it was originally enacted).

- (5) The panel may agree with the registered person that the undertakings remain in effect with no variations.
- (6) The panel may agree with the registered person that either or both of the following variations may be made to any undertaking—
 - (a) a variation of its terms;
 - (b) an extension or reduction of the period for which it is to have effect.
- (7) Under subsection (6)(b) an extension of the period for which any undertaking is to have effect may not be for more than 3 years.
- (8) If the panel determines that the registered person's fitness to practise is impaired, the panel may revoke the undertakings and make a decision to—
 - (a) take no further action in respect of the person,
 - (b) give a warning to the person in respect of future conduct or performance,
 - (c) make a conditional registration order,
 - (d) make a suspension order, or
 - (e) subject to subsection (9), make a removal order.
- (9) The panel may not make a removal order in a case where the panel has determined that the registered person's fitness to practise is impaired on the grounds of adverse physical or mental health, and no other ground in section 117.