



# 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;

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Section 162. (See end of Document for details)

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- (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.

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**Commencement Information**

**II** S. 162 in force at 3.4.2017 by S.I. 2017/309, art. 2(e) (with arts. 3, 4, Sch.)

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Section 162.