



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) [^{F1}Social Work England],
 - (iii) the Scottish Social Services Council, or
 - (iv) the Northern Ireland Social Care Council;
 - (b) a prescribed person.

Changes to legislation: There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Section 174. (See end of Document for details)

- (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.

Textual Amendments

- F1** Words in s. 174(5)(a)(ii) substituted (2.12.2019) by [Children and Social Work Act 2017 \(c. 16\)](#), s. 70(2), [Sch. 5 para. 44\(b\)](#); S.I. 2019/1436, reg. 2(s)
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Commencement Information

- I1** S. 174 in force at 3.4.2017 by [S.I. 2017/309](#), [art. 2\(g\)](#) (with arts. 3, 4, Sch.)

Changes to legislation:

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