



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 2

OVERVIEW AND INTERPRETATION OF PARTS 3 TO 8

65 Overview of Parts 3 to 8

- (1) This section provides an overview of the main provisions of Parts 3 to 8 of this Act.
- (2) Part 3—
 - (a) renames the Care Council for Wales as Social Care Wales (defined by section 67 as “SCW”), and
 - (b) makes provision for its general functions (see, in particular, sections 68 to 72, including the provision in Schedule 2 about SCW’s constitution and other matters relevant to its general operation).
- (3) Parts 4 to 6 confer functions on SCW in relation to the regulation of social workers and other persons engaged in the provision of care and support to persons in Wales (defined, collectively, as “social care workers” by section 79(1)); including—
 - (a) a duty to keep a register of certain social care workers, including social workers (see, in particular, section 80 of Part 4);
 - (b) a requirement in section 81 for SCW to appoint a registrar to process applications for registration in the register and to otherwise exercise functions under Part 4 in relation to the register, including the function of deciding, under section 83, whether persons should be admitted to the register.
- (4) Parts 4 to 6 also set out the requirements which must be met to become, and to remain, registered; including—
 - (a) a requirement that the registrar be satisfied that a person is qualified, or otherwise appropriately trained, to be a social care worker (on which, see section 83),

Status: This is the original version (as it was originally enacted).

- (b) obligations to be met by persons registered in the register in respect of continual professional development (see section 113 of Part 5), and
 - (c) obligations in respect of fitness to practise as a social care worker.
- (5) Section 117 in Chapter 1 of Part 6 sets out the grounds of potential impairment of a person’s fitness to practise for the purposes of being, and remaining, registered; including deficient performance as a social care worker and serious misconduct in any capacity.
- (6) Chapter 2 of Part 6 provides for a system of preliminary consideration and, if necessary, investigation by or on behalf of SCW into whether a registered social care worker’s fitness to practise may be impaired, and for the referral of certain cases to a fitness to practise panel.
- (7) Part 8 requires SCW to establish panels which will determine whether a person should be admitted to, or removed from, the register; in particular—
 - (a) panels to make determinations under Part 4, including determinations about decisions made by the registrar (defined by section 174 of Part 8 as “registration appeals panels”),
 - (b) panels to make determinations in relation to a registered social care worker’s fitness to practise by reference to the grounds of potential impairment in section 117 (defined by section 174 of Part 8 as “fitness to practise panels”), and
 - (c) panels to make decisions pending determination of a matter by registration appeals panels or fitness to practise panels (defined by section 174 of Part 8 as “interim orders panels”).
- (8) Chapter 3 of Part 6 makes provision about the ways in which fitness to practise panels may dispose of cases in which a person’s fitness to practise is in question, including provision allowing panels to remove or suspend a person from the register; and Chapter 5 of Part 6 makes provision about the periodic review by a fitness to practise panel of the fitness to practise of persons who have been subject to proceedings under Chapter 3 of that Part.
- (9) Section 104 of Part 4 makes provision about appeals to the First-tier tribunal against decisions made under that Part relating to registration, while Chapter 6 of Part 6 provides for appeals to the tribunal against the determinations of fitness to practise panels under that Part.
- (10) Section 111 of Part 4 makes it an offence for a person in Wales to intend to deceive someone by pretending to be a registered social worker, and by virtue of regulations makes it an offence for a person to intend to deceive someone by pretending to be another kind of registered social care worker.
- (11) Part 7 allows the Welsh Ministers by regulations to authorise fitness to practise panels to prohibit social care workers in respect of whom a part of the register is not kept from carrying out activities specified in the regulations, and makes connected provision, including making it an offence to carry out those activities while subject to prohibition.
- (12) In addition to making provision about continual professional development, Part 5 makes provision about other functions of SCW in respect of the education and training of social care workers, including provision about the approval by SCW of courses for persons who are or wish to become social care workers (see section 114).