
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Social Workers Regulations 2018

PART 3

Registration of social workers

Appointment of the registrar and keeping of the register

- 8.**—(1) The regulator may appoint a member of the regulator’s staff as registrar.
- (2) The registrar has the following functions—
- (a) the functions of the regulator set out in this Part other than—
 - (i) under regulation 19 (registration appeals),
 - (ii) any power or duty to make rules, and
 - (b) any other functions that the regulator delegates to the registrar⁽¹⁾.
- (3) In these Regulations “function”, in relation to the regulator, means a function of the regulator set out in Part 2 of the Act or in these Regulations.
- (4) The regulator must ensure that the register enables—
- (a) information to be recorded in accordance with this Part, and
 - (b) the regulator, the registrar, any advisers, and any other adjudicator, case examiner or investigator appointed under these Regulations, to access information held on it as necessary to enable them to carry out their functions under these Regulations.
- (5) The regulator must amend information recorded in the register, where the regulator is satisfied that the information is incorrect, or that there has been a material change of circumstances since it was recorded.
- (6) Any copy of, or extract from, the register relating to information recorded in accordance with this Part is evidence of the matters mentioned in it.
- (7) A certificate purporting to be signed by the regulator certifying that a person—
- (a) is, or is not, registered,
 - (b) was, or was not, registered at a specific date or during a specified period, or
 - (c) has never been registered,
- is evidence of the matters certified.
- (8) On application by a social worker who wishes to practise in a relevant European State other than the United Kingdom, the regulator must provide them with such documentary evidence as is required by the relevant provisions of [Directive 2005/36/EC](#) of the European Parliament and of

(1) Paragraph 13(1) of Schedule 3 to the Act provides that the regulator may delegate functions to a committee, sub-committee, member or member of staff; paragraph 13(2) provides that the functions that may be delegated include the power to delegate functions under sub-paragraph (1), but do not include any power or duty to make rules.

the Council of 7th September 2005⁽²⁾ on the recognition of professional qualifications, as those provisions are amended from time to time.

(9) The regulator must publish the information recorded in the register in such manner and at such times as it considers appropriate, and make that information available for public inspection at all reasonable times, but it is not required to publish information which is—

- (a) evidence of spent convictions,
- (b) a warning given under paragraph 6(2)(a) or 12(1)(a) of Schedule 2 (warnings regarding future conduct or performance given in fitness to practise proceedings), where a period of at least five years has elapsed since the warning was given,
- (c) any information annotated on the register under regulation 12(1) which, in the opinion of the regulator, it is not in the public interest to publish,

where “spent conviction” means a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974⁽³⁾.

Content of the register

9.—(1) The following information must be recorded in the register in relation to a registered social worker—

- (a) their name,
- (b) the reference number assigned to their entry,
- (c) whether regulation 18(3) applies (visiting social work professional from a relevant European State),
- (d) whether their registration is subject to a condition in accordance with regulation 11(3),
- (e) the date of registration, and
- (f) their social work qualification.

(2) Where a registered social worker is, or has been, subject to fitness to practise proceedings, details of the following must be recorded in their entry in the register—

- (a) any interim suspension order or interim conditions of practice order made by adjudicators under paragraph 8(2) or 11(1) of Schedule 2, including where the order is varied, revoked or replaced on a review under paragraph 14 of that Schedule or any action taken on appeal to the High Court under paragraph 16 of that Schedule,
- (b) any order imposed, or advice given, by case examiners on a disposal without hearing under paragraph 9(3) of Schedule 2,
- (c) any advice given by adjudicators under paragraph 12(3)(a) of Schedule 2 following a determination that the social worker’s fitness to practise is impaired,
- (d) any final order made by adjudicators under paragraph 12(3)(b) of Schedule 2, including where that order is varied, revoked or replaced on a review under paragraph 15 of that

(2) OJNo. L 255, 30.09.2005, p.22, as amended by Council [Directive 2006/100/EC](#) of 20 November 2006, OJ No. L 363, 20.12.2006, p.141; [Commission Regulation \(EC\) No 1430/2007](#) of 5 December 2007, OJ No. L 320, 6.12.2007, p.3; [Commission Regulation \(EC\) No 755/2008](#) of 31 July 2008, OJ No. L 205, 1.8.2008, p.10; Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008, OJ No. L 311, 21.11.2008, p.1; [Commission Regulation \(EC\) No 279/2009](#) of 6 April 2009, OJ No. L 93, 7.4.2009, p.11; [Commission Regulation \(EU\) No 213/2011](#) of 3 March 2011, OJ No. L 59, 4.3.2011, p.4; [Commission Regulation \(EU\) No 623/2012](#) of 11 July 2012, OJ No. L 180, 12.7.2012, p.9; Council [Directive 2013/25/EU](#) of 13 May 2013, OJ No. L 158, 10.6.2013, p.368; [Directive 2013/55/EU](#) of the European Parliament and of the Council of 20 November 2013, OJ No. L 354, 28.12.2013, p.132; Commission Delegated Decision (EU) 2016/790 of 13 January 2016, OJ No. L 134, 24.5.2016, p.135; Commission Delegated Decision (EU) 2017/2113 of 11 September 2017, OJ No. L 317, 1.12.2017, p.119.

(3) [1974 c. 53](#).

Schedule or any action taken on appeal to the High Court under paragraph 16 of that Schedule.

(3) The regulator may record any other information in the register it considers appropriate.

(4) An order mentioned in paragraph (2)(a), (b) or (d) may not be recorded until the expiry of the period within which an appeal against the order could be made, or where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.

(5) Any information recorded in accordance with paragraph (2) must remain on the register—

- (a) in the case of an interim order, a conditions of practice order, or a suspension order, for the period during which the order remains in force or such longer period as the regulator determines in accordance with rules made under paragraph (6),
- (b) in the case of a warning order, or advice given, for such period as the regulator specifies in rules made under paragraph (6).

(6) The regulator—

- (a) must make rules setting out—
 - (i) qualifications that are relevant for the purposes of paragraph (1)(f), and
 - (ii) the period for which information mentioned in paragraph (5)(b) must remain in the register, and
- (b) may make rules setting out further provision as to the content of the register including, in particular—
 - (i) qualifications, specialisms, accreditation and competences that are relevant for the purposes of regulation 12(1) (annotation of entries in the register), and
 - (ii) the longer period for which information mentioned in paragraph (5)(a) must remain in the register,

with the proviso that any period for which information mentioned in paragraph (5) must remain on the register under those rules must be proportionate in all the circumstances of each case.

Procedure for registration

10.—(1) A person who wishes to be registered as a social worker must apply to the regulator in accordance with this Part and rules made under paragraph (4).

(2) Where a person who is eligible to be registered in accordance with regulation 11—

- (a) applies to be registered following any procedure set by rules made under paragraph (4), and
- (b) pays any fee payable in accordance with rules made under regulation 17(3),

the regulator must register that person by recording the information set out in regulation 9(1) in the register, and must notify them accordingly.

(3) In any case where the regulator refuses to register a person, it must notify the person of that decision and the reasons for it, and of their right to appeal under regulation 19(1)(a).

(4) The regulator must make rules setting out the procedure for dealing with applications for registration which must, in particular—

- (a) include the time within which any step must be taken,
- (b) where they make provision for an application to be determined within a specified period which runs from the date on which the completed application is received, provide that an application is not to be regarded as incomplete only on the ground that information requested in accordance with regulation 11(4) (as to necessary knowledge of English) has not been provided.

(5) This regulation, and regulations 11 to 17, do not apply in relation to a person to whom regulation 18 applies (visiting social work professional from a relevant European State).

Determination of eligibility for registration

11.—(1) The regulator must consider any question as to the eligibility of a person to be registered, or to continue to be registered, in accordance with this regulation and rules made under paragraph (6).

(2) In the case of a registration under regulation 10, a person is eligible to be registered where the regulator is satisfied that they—

- (a) have a recognised qualification which was awarded—
 - (i) within such period, not exceeding five years ending with the date of the application for registration, as is set in rules made under paragraph (6)(a), or
 - (ii) before the period mentioned in paragraph (i), and the person has met such requirements as to additional education, training and experience as are determined by the regulator to apply to them,
- (b) are capable of safe and effective practice in accordance with the professional standards relating to proficiency, performance, and conduct and ethics,
- (c) have the necessary knowledge of English, and
- (d) have not been convicted of a listed offence (other than a conviction that has been quashed).

(3) Where the regulator is satisfied that a person would be eligible to be registered (or to have their registration renewed, or their entry restored) if a condition were met the regulator may, with that person's consent, grant their application for registration, renewal or restoration (as the case may be) subject to that condition.

(4) In any case where the regulator is not satisfied, having considered any evidence, information or documents provided in support of their application for registration or renewal, that a person has the necessary knowledge of English to be eligible to be registered, or to continue to be registered, the regulator may, subject to paragraph (5)—

- (a) request the person to provide further evidence, information or documents, and
- (b) require the person to undergo an examination or other assessment, and provide information in respect of that examination or assessment, provided that it notifies the person of their right to appeal under regulation 19(1)(b),

within such period as is determined by the regulator in rules, and the regulator may draw such inferences as it deems appropriate if the person fails to undergo an examination or assessment, or fails to provide or disclose any evidence, under this paragraph.

(5) The regulator—

- (a) may only take the action in paragraph (4)(b) in the case of an exempt person, if it is not satisfied that they have the necessary knowledge of English having first made a request under paragraph (4)(a) and considered any further evidence, information or documents provided in response to such a request,
 - (b) may not make a request under paragraph (4)(a) in relation to an exempt person falling within paragraph 1(b) or (c) of Schedule 1, unless it has first notified them that the regulator recognises that, by virtue of being an exempt person falling within paragraph 1(b) or (c) of Schedule 1, they are entitled to be registered, subject to meeting any other requirements for registration.
- (6) The regulator must make rules in relation to determining eligibility, including in particular—
- (a) any period within which a recognised qualification must have been awarded,
 - (b) setting out the process and criteria by which the regulator will determine—

- (i) requirements as to additional education, training or experience that may be imposed for the purposes of an application for registration, and
 - (ii) any such requirements that are applicable in relation to any person applying for registration,
- (c) setting out the process and criteria by which the regulator will determine, for the purposes of paragraph (2)(b), whether a person is capable of safe and effective practice in accordance with the professional standards relating to proficiency, performance, and conduct and ethics, including any evidence of good health and good character that may be required,
- (d) setting out the process for determining whether a person has the necessary knowledge of English, including any evidence, information or documents which must be provided, and the criteria by which the regulator will determine for the purposes of an application for renewal or restoration whether a person must meet requirements as to necessary knowledge of English,
- (e) setting out the circumstances in which the regulator may—
- (i) grant registration subject to a condition,
 - (ii) review, vary or remove such a condition,
 - (iii) remove a person’s entry from the register for failure to meet such a condition,
- (f) requiring registered social workers to meet the professional standards relating to continuing professional training and development, and setting out the circumstances in which a registered social worker who fails to comply with any such requirement may be removed from the register.
- (7) Where rules made under paragraph (6)(e) or (f) provide for removal from the register, the rules must provide—
- (a) for the social worker to be notified of their right to appeal under regulation 19(1)(c) or (d) (as the case may be), and
 - (b) that an entry may not be removed from the register before the expiry of the period within which such an appeal may be made, or if an appeal is made, the appeal is withdrawn or otherwise finally disposed of.
- (8) In any case where the regulator notifies a person, for the purposes of paragraph (5)(b), that it does not consider them to be an exempt person falling within paragraph 1(b) or (c) of Schedule 1, it must notify them of their right to appeal under regulation 19(1)(e).

Annotation of entries in the register

12.—(1) Where a registered social worker who is eligible to have any other relevant qualification, specialism, accreditation, or competence recorded in their entry in the register—

- (a) applies to the regulator in accordance with rules made under paragraph (2) and rules made under regulation 9(6)(b)(i), and
- (b) pays any fee payable in accordance with rules made under regulation 17(3),

the regulator must annotate their entry with that information, and must notify them accordingly.

(2) If the regulator makes rules under regulation 9(6)(b)(i), it must make rules setting out the procedure for dealing with annotation of the register with any information mentioned in paragraph (1) (including the period for which annotations must remain on the register and any evidence which must be provided by a registered social worker in support of such an application).

Renewal of registration

13.—(1) A registered social worker may renew their registration in accordance with rules made under paragraph (5).

(2) The regulator must remove a registered social worker's entry from the register where they fail to renew their registration in accordance with paragraph (1) unless—

- (a) regulation 26(1) (social worker convicted of a listed offence) applies,
- (b) they are subject to fitness to practise proceedings,
- (c) they are subject to—
 - (i) an interim suspension order,
 - (ii) an interim conditions of practice order,
 - (iii) a conditions of practice order, or
 - (iv) a suspension order,
- (d) they have made an appeal under regulation 19(1) or (8) and the appeal has not been withdrawn or otherwise finally disposed of, or
- (e) they are subject to a decision specified in regulation 34 (referral of cases by the Authority to the High Court) and the period within which the decision may be referred to the High Court has not expired or, if a referral is made, the appeal⁽⁴⁾ has not been withdrawn or otherwise finally disposed of.

(3) Where a registered social worker—

- (a) is eligible to have their registration renewed,
- (b) applies for renewal in accordance with the rules made under paragraph (5), and
- (c) pays any fee payable in accordance with rules made under regulation 17(3),

the regulator must renew their registration.

(4) A person is eligible to have their registration renewed where the regulator is satisfied that they meet the requirements for initial registration referred to in regulation 11(2)(b) to (d) and—

- (a) meet the professional standards relating to continuing professional training and development, and
- (b) if they have not practised (or have practised less than the period determined by the regulator) since their initial registration or last renewal, meet any requirement as to additional education, training or experience as is determined by the regulator to apply to them.

(5) The regulator must make rules in relation to the renewal of registration including, in particular—

- (a) the period within which registered social workers' registration must be renewed,
- (b) the circumstances in which the regulator may extend that period in relation to a registered social worker,
- (c) the process for applying for renewal of registration including—
 - (i) the time within which any step must be taken, and
 - (ii) the evidence of eligibility to be provided to the regulator.

(4) By virtue of section 29(7) of the National Health Service Reform and Health Care Professions Act 2002, where the Authority refers a case to the High Court under section 29(2A), the case is treated by the court as an appeal by the Authority against the relevant decision.

(6) In any case where the regulator removes a person's entry from the register where they fail to renew their registration in accordance with paragraph (1), it must notify them accordingly, and of their right to appeal under regulation 19(1)(f).

Removal from the register

14.—(1) A registered social worker's entry must be removed from the register where—

- (a) the regulator is satisfied that their registration was fraudulently procured or incorrectly made, and determines to remove their entry from the register,
- (b) a removal order is made in relation to them,
- (c) they request the removal, provided that the regulator may not remove their entry—
 - (i) while they are subject to fitness to practise proceedings,
 - (ii) if they have made an appeal under regulation 19(1) or (8) and the appeal has not been withdrawn or otherwise finally disposed of,
- (d) the regulator is satisfied that they have failed to comply with any condition attached to their registration under regulation 11(3),
- (e) the regulator is satisfied that regulation 13(2) applies (failure to renew registration),
- (f) regulation 26(5) applies (automatic removal from the register),
- (g) the regulator is satisfied that they have died.

(2) A registered social worker's entry may be removed from the register where they are in breach of any rules made under regulation 11(6)(f) (failure to meet requirements as to continuing professional development).

(3) The regulator may require persons other than the registered social worker to attend and give evidence, or produce documents, in relation to the removal of an entry from the register under paragraph (1)(a).

(4) For the purposes of paragraph (1)(b), the entry of a registered social worker may not be removed from the register before—

- (a) the expiry of the period within which an appeal against the removal order may be made, or if an appeal is made, the appeal is withdrawn or otherwise finally disposed of, or
- (b) if the decision is referred to the High Court under regulation 34, the case is finally disposed of.

(5) In any case where the regulator removes a person's entry under paragraph (1)(a), it must notify them of that decision and the reasons for it, and of their right to appeal under regulation 19(1)(g).

(6) The regulator must make rules setting out the procedure for the removal of entries from the register under paragraph (1) (other than under paragraph (1)(b)), which must—

- (a) provide for the regulator to specify timescales within which any steps must be taken,
- (b) provide for the regulator to obtain such other information as it considers necessary to determine whether a registration was fraudulently procured or incorrectly made,
- (c) require that the registered social worker is notified of the proposed determination and the reasons for it, and given the opportunity to make representations to the regulator, and
- (d) provide for the regulator to determine whether to—
 - (i) amend the entry,
 - (ii) remove the entry, or
 - (iii) take no further action.

(7) When the regulator—

(a) has reasonable grounds to believe that a registered social worker's registration was fraudulently procured or incorrectly made, and

(b) has not yet made a determination in accordance with rules made under paragraph (6)(d),

it may make any interim order it considers is necessary for the protection of the public or in the best interests of the registered social worker, and paragraphs 8(2) to (6), 14 and 16 of Schedule 2 apply to such an order as they apply to an interim order made in fitness to practise proceedings.

(8) The regulator must maintain a list of all entries removed from the register under paragraph (1) which includes, in relation to each removed entry—

- (a) the information previously recorded in the register pursuant to regulation 9(1)(a), (b) and (e), and
- (b) the date of, and the reason for, the removal of the entry,

and must publish and make that list available for inspection in accordance with regulation 8(9).

Restoration to the register

15.—(1) A person whose entry in the register has been removed, and who wishes to have their entry restored to the register, may make an application for restoration to the regulator in accordance with this regulation and rules made under paragraph (11).

(2) Paragraph (1) does not apply in the case of a person whose entry was removed under regulation 26(5) (automatic removal from the register) where their conviction has not been quashed.

(3) An application for restoration must—

- (a) in the case of a person whose entry was removed from the register as the result of a removal order, be referred by the regulator to two or more adjudicators for determination,
- (b) in any other case, be determined by the regulator,

in accordance with rules made under paragraph (11).

(4) A person whose entry has been removed from the register as the result of a removal order may not apply to be restored to the register until after the end of a period of five years beginning with the date on which the removal order took effect (whether under paragraph 12, 15, or 16 of Schedule 2), and is eligible to be restored where—

- (a) the adjudicators are satisfied that the person meets the requirements for initial registration referred to in regulation 11(2),
- (b) the person has not, in the preceding 12 months, made an application for restoration to the register which was refused, and
- (c) the person meets any further requirements as to additional education, training or experience as are determined by the regulator to apply to them.

(5) On an application for restoration falling within paragraph (3)(a)—

- (a) the person making the application must be given the opportunity to make representations to the adjudicators, and
- (b) the adjudicators may require persons other than the person making the application to attend and give evidence, or produce documents, in relation to the application.

(6) Where the adjudicators grant an application for restoration and the person pays any fee payable in accordance with rules made under regulation 17(3)—

- (a) the regulator must restore the person's registration by recording the information set out in regulation 9(1) in relation to them in the register, and must notify them accordingly, and

(b) the adjudicators may make a conditions of practice order in relation to the registered social worker, and paragraphs 12(4), 13, 15 and 16 of Schedule 2 apply to such an order as they apply to a conditions of practice order made in fitness to practise proceedings.

(7) A person whose entry was removed from the register other than as a result of a removal order is eligible to be restored to the register where the regulator is satisfied that they meet the requirements for initial registration referred to in regulation 11(2), and any requirements as to additional education, training or experience as are determined by the regulator to apply to them.

(8) A person whose entry was removed from the register under regulation 26(5) (automatic removal from the register), and whose conviction is subsequently quashed, is eligible to be restored to the register where the regulator is satisfied that—

- (a) their conviction has been quashed, and
- (b) they meet the requirements for initial registration referred to in regulation 11(2), and any requirements as to additional education, training or experience as are determined by the regulator to apply to them.

(9) Where a person falling within paragraph (7) or (8) is eligible to be restored to the register and—

- (a) applies to be restored to the register in accordance with rules made under paragraph (11), and
- (b) pays any fee payable in accordance with rules made under regulation 17(3),

the regulator must restore that person's registration by recording the information set out in regulation 9(1) in relation to them in the register, and must notify them accordingly.

(10) Where the regulator, or the adjudicators, are not satisfied that a person who was removed from the register is eligible to be restored to the register, the regulator or the adjudicators (as the case may be) must notify them of that decision and the reasons for it, and of their right to appeal under regulation 19(1)(h).

(11) The regulator must make rules in relation to restoration to the register, including in particular—

- (a) the process for applying for restoration,
- (b) the time within which any step in that process must be taken, and
- (c) the evidence of eligibility to be provided to the regulator or adjudicators.

(12) The regulator must appoint such advisers, or members of the regulator's staff, as the regulator thinks fit, as adjudicators for the purposes of this regulation.

Duty to provide information to the regulator

16.—(1) A registered social worker must inform the regulator as soon as practicable if they become aware that any of the information registered in relation to them ceases to be accurate.

(2) Any person who applies to be registered, and any registered social worker, must respond as soon as possible to any request from the regulator for information or evidence relevant to their registration or their continued registration.

(3) The regulator may request any information it considers necessary to enable it to carry out its functions under these Regulations, to meet its over-arching objective, or to meet the objectives mentioned in section 37(2) of the Act.

(4) Where a registered social worker has failed to provide information or evidence in accordance with paragraph (1), (2) or (3), the regulator may appoint two or more advisers, or members of the regulator's staff, as the regulator thinks fit, as adjudicators to determine whether it is necessary, for

the protection of the public or in the best interests of the registered social worker, to suspend or remove their entry from the register.

- (5) Where the adjudicators are satisfied that—
- (a) the registered social worker has failed, without good reason, to provide information or evidence in accordance with paragraph (1), (2) or (3), and
 - (b) it is necessary, for the protection of the public or in the best interests of the registered social worker to do so,

they may make a suspension order or a removal order, and paragraphs 12(4), 13, 15 and 16 of Schedule 2 apply to such an order as they apply to a final order made in fitness to practise proceedings.

(6) The regulator must make rules setting out the procedure to be followed in taking any action under this regulation.

Fees for registration

17.—(1) The regulator may charge a fee in connection with—

- (a) an application for registration,
- (b) an application for annotation under regulation 12(1),
- (c) an application for renewal of registration,
- (d) an application for restoration to the register.

(2) Any fee charged by the regulator under paragraph (1)—

- (a) may be set at a level which exceeds the cost of dealing with the application in respect of which it is charged,
- (b) must be set with a view to ensuring that, so far as possible, the regulator's fee income in any year does not exceed the regulator's expenses in the same year.

(3) The regulator must make rules in relation to the charging of any fee under paragraph (1), setting out—

- (a) the amount of any fee payable,
- (b) the time within which any fee is to be paid,
- (c) the circumstances in which a fee—
 - (i) is not chargeable,
 - (ii) may be reduced,
 - (iii) may be refunded, in whole or in part, or
 - (iv) may be waived, and
- (d) the steps the regulator may take in the event that a fee charged under paragraph (1) is not paid within the time set, including—
 - (i) refusing to make, annotate, renew or restore an entry,
 - (ii) removing an entry, or part of an entry, after first warning the registered social worker, and
 - (iii) recovery of the fee as a civil debt,

provided that the rules may only allow the regulator to take such a step where the regulator considers it is reasonable to do so.

(4) The regulator must pay any fee income received under this regulation to the Secretary of State, unless the Secretary of State with the consent of the Treasury directs otherwise.

Visiting social work professionals from relevant European States

18.—(1) This regulation applies to an exempt person (“EP”) who is lawfully established, in a relevant European State other than the United Kingdom (“State A”), as a social worker.

(2) If paragraph (3) applies—

- (a) EP is eligible to be registered in the register, and
- (b) the regulator must register EP by recording the information set out in regulation 9(1)(c), and must notify them accordingly.

(3) This paragraph applies if EP has the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015⁽⁵⁾ or, in the case of a person falling within regulation 78(3)(a) of those Regulations, has the benefit of regulation 8 of the European Communities (Recognition of Professional Qualifications) Regulations 2007⁽⁶⁾, in connection with the provision by EP of relevant services in the United Kingdom on a temporary and occasional basis (EP having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by EP of relevant services).

(4) If EP is entitled under paragraph (2) to be registered, but is not registered, EP is to be treated as being so registered.

(5) If EP ceases—

- (a) whether as a result of the operation of regulation 24 of the European Union (Recognition of Professional Qualifications) Regulations 2015, or otherwise, to have the benefit of regulation 12 of those Regulations, or
- (b) whether as a result of the operation of regulation 17 of the European Communities (Recognition of Professional Qualifications) Regulations 2007, or otherwise, to have the benefit of regulation 8 of those Regulations,

in connection with the provision by EP of relevant services in the United Kingdom on a temporary and occasional basis, then EP’s entitlement under paragraph (2) ceases and, if EP is registered, the regulator may remove EP’s entry from the register.

(6) Paragraph (7) applies if—

- (a) EP’s establishment in State A is subject to a condition (including a limitation) relating to EP’s practice as a social worker,
- (b) EP’s name is registered in the register, and
- (c) a question arises as to EP’s fitness to practise by reason of misconduct.

(7) The matters that may be counted as misconduct include (in particular) any act or omission by EP, during the course of the provision by EP of relevant services in the United Kingdom on a temporary and occasional basis, that is a breach of the condition referred to in paragraph (6)(a) or would be such a breach if that condition applied in relation to practice of the social work profession outside State A.

(8) Paragraphs (1) to (5) are not to be taken to prejudice the application of any other provision of these Regulations under which a registered social worker’s entry may be removed from the register, or under which a social worker’s registration may be suspended.

(9) The regulator may make rules requiring persons falling within this regulation to meet the professional standards relating to continuing professional training and development, and setting out the circumstances in which a person who fails to comply with any such requirement may be removed from the register, provided that those rules—

⁽⁵⁾ [S.I. 2015/2059](#), as amended by [S.I. 2016/1094](#).

⁽⁶⁾ [S.I. 2007/2781](#); these Regulations were revoked by [S.I. 2015/2059](#) but with transitional and savings provisions in relation to persons whose home state is Switzerland.

- (a) do not impose requirements on EP in connection with EP’s pursuit of the social work profession if EP is required to undertake continuing professional development in relation to social work in State A,
 - (b) where they impose requirements on EP in connection with EP’s pursuit of the social work profession—
 - (i) take account of the fact that EP is fully qualified to pursue the social work profession in State A, and
 - (ii) specify that any continuing professional development which EP is required to undertake under the rules may be undertaken outside the United Kingdom, and
 - (c) provide that any sanction imposed in relation to EP by or under the rules is appropriate and proportionate in view of EP’s continued lawful establishment as a member of the social work profession in State A.
- (10) In any case where the regulator refuses to register a person in accordance with paragraph (2), the regulator must notify them accordingly, and of their right to appeal under regulation 19(1)(i).
- (11) In this regulation “relevant services” means services provided as a social worker.

Registration appeals

- 19.—**(1) A person may appeal, in accordance with rules made under paragraph (5), against—
- (a) a decision to refuse to register a person under regulation 10(3),
 - (b) a decision to require a person to undergo an examination or other assessment under regulation 11(4)(b) on the ground that the regulator was not satisfied that the person had the necessary knowledge of English,
 - (c) a decision to remove a person from the register for failure to meet a condition attached to their registration in accordance with rules made under regulation 11(6)(e),
 - (d) a decision to remove a person from the register for failure to comply with a requirement to meet the professional standards relating to continuing professional training and development in accordance with rules made under regulation 11(6)(f),
 - (e) a decision to refuse to recognise a person as an exempt person under regulation 11(8),
 - (f) a decision to remove a person’s entry from the register under regulation 13(6),
 - (g) a decision to remove an entry from the register, where the regulator is satisfied that their registration was fraudulently procured or incorrectly made, under regulation 14(1)(a),
 - (h) a decision to refuse to restore registration under regulation 15(10),
 - (i) a decision to refuse to register a person under regulation 18(2),
 - (j) failure by the regulator to issue a decision under this Part within any relevant time limit, and
 - (k) any other decision the regulator specifies in rules.

(2) Paragraph (1) does not apply in relation to a case where the decision was made solely on the ground that the person—

- (a) failed to pay any fee payable in accordance with rules made under regulation 17(3), or
- (b) failed to apply in accordance with any procedure set by relevant rules.

(3) The regulator must appoint two or more advisers, or members of the regulator’s staff, as the regulator thinks fit as adjudicators to consider an appeal under this regulation in accordance with rules made under paragraph (5), provided that the adjudicators may not be individuals who were involved in the decision that is the subject of the appeal.

(4) The regulator, and the adjudicators, may require persons other than the person concerned to attend and give evidence, or produce documents, to the adjudicators.

(5) The regulator must make rules setting out the procedure for appeals which must, in particular—

- (a) specify the timescales within which any steps in an appeal are to be taken,
- (b) provide for the adjudicators to dispose of the appeal with or without a hearing, but with the proviso that they must hold a hearing if the person concerned requests it,
- (c) provide, in relation to any hearing, for the person concerned to—
 - (i) attend, and be represented,
 - (ii) make oral representations,
 - (iii) call witnesses,
- (d) require the regulator to notify the parties of the adjudicators' determination of the appeal,
- (e) require the regulator to publish the details of the adjudicators' determination and the reasons for it, provided that if the adjudicators' determination is favourable to the person concerned, the regulator is not required to publish it unless the person concerned so requests, but may do so with their consent.

(6) The adjudicators may—

- (a) dismiss the appeal,
- (b) quash the decision,
- (c) substitute for the decision being appealed any other decision that the decision maker could have made, or
- (d) remit the decision to the regulator to be disposed of in accordance with the adjudicators' directions.

(7) Where the adjudicators —

- (a) dismiss the appeal,
- (b) substitute for the decision being appealed any other decision that the decision maker could have made, or
- (c) remit the decision to the regulator to be disposed of in accordance with the adjudicators' directions,

the regulator must inform the appellant of their right to appeal to the County Court.

(8) Where paragraph (7) applies, a person may appeal to the County Court against the adjudicators' determination, and the County Court may—

- (a) dismiss the appeal,
- (b) quash the adjudicators' determination,
- (c) substitute for the adjudicators' determination any other determination that the adjudicators could have made, or
- (d) remit the matter to the adjudicators to be disposed of in accordance with the directions of the Court,

and may make any order as to costs as it thinks fit.

(9) A person may appeal to the County Court against a decision of the regulator under Part 3 of the European Union (Recognition of Professional Qualifications) Regulations 2015 or, in the case of a social worker falling within regulation 78(3)(a) of those Regulations, a decision of the regulator under Part 3 of the European Communities (Recognition of Professional Qualifications) Regulations 2007, requiring an exempt person to complete an adaptation period, or pass an aptitude

test, in connection with becoming entitled by virtue of that Part of those Regulations to have access to, and to pursue, the social work profession in the United Kingdom.

(10) On an appeal under paragraph (9) the County Court may—

- (a) dismiss the appeal,
- (b) quash the regulator's decision,
- (c) substitute for the regulator's decision any other decision that the regulator could have made, or
- (d) remit the matter to the regulator to be disposed of in accordance with the directions of the Court,

and may make any order as to costs as it thinks fit.