
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Social Workers Regulations 2018

PART 3

Registration of social workers

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).