
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Social Workers Regulations 2018

PART 3

Registration of social workers

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 - (ii) if they have made an appeal under regulation 19(1) or (8) and the appeal has not been withdrawn or otherwise finally disposed of,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of the period within which an appeal against the removal order may be made, or if an appeal is made, the appeal is withdrawn or otherwise finally disposed of, or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).