
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Social Workers Regulations 2018

PART 3

Registration of social workers

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.