

## SCHEDULE 2

### Fitness to practise proceedings

## PART 1

### Triage

#### **Triage**

1.—(1) Subject to sub-paragraph (2), where a question arises as to whether a social worker's fitness to practise is impaired, the regulator must determine in accordance with criteria set out in rules made under regulation 25(5)(a) whether there are reasonable grounds for investigating whether the social worker's fitness to practise is impaired.

(2) Where a question arises as to whether a social worker's fitness to practise is impaired—

- (a) as a result of them having been convicted of an offence in respect of which a custodial sentence has been imposed, other than a listed offence, or
- (b) where they have been convicted of a listed offence, but have not been removed from the register under regulation 26(5),

there are reasonable grounds for investigating whether the social worker's fitness to practise is impaired, and there is a realistic prospect that adjudicators would determine that the social worker's fitness to practise is impaired.

(3) Where sub-paragraph (2) applies, the regulator—

- (a) must notify the social worker accordingly, and require them to provide details of—
  - (i) any person by whom they are, or have been, employed to provide services as a social worker or in relation to social work,
  - (ii) any person with whom they have, or had, an arrangement to provide services as a social worker or in relation to social work, and
  - (iii) any regulatory body with which they are registered,
- (b) may invite the social worker to make written submissions,
- (c) may notify any complainant of the action taken under this sub-paragraph.

(4) In this Schedule—

“complainant”, where the fitness to practise proceedings were instigated following a complaint against the social worker, means the person who made the complaint,

“social worker” means the registered social worker who is the subject of the fitness to practise proceedings.

#### **Determination by the regulator that there are no reasonable grounds**

2. Where the regulator determines in accordance with paragraph 1(1) that there are no reasonable grounds for investigating whether the social worker's fitness to practise is impaired, the regulator must inform any complainant of that determination and the reasons for it unless, in the opinion of the regulator, it is not in the public interest to do so.