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SCHEDULES

SCHEDULE 5

EMERGENCY REGISTRATION OF SOCIAL WORKERS: ENGLAND AND WALES

Regulation and Inspection of Social Care (Wales) Act 2016

- 2 (1) The Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) has effect as if it were subject to the following modifications.
- (2) The Act has effect as if after section 83 of the English language text there were inserted—

“83A Temporary registration in emergencies involving loss of human life or human illness etc

- (1) The registrar may register a person as a social worker in the social worker part of the register, or the persons comprising a specified group of persons as social workers in that part, if—
- (a) the Welsh Ministers have advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this section, and
 - (b) the registrar considers that the emergency registration requirement is met in relation to the person or group of persons.
- (2) For the purposes of subsection (1)(b) the emergency registration requirement is met—
- (a) in relation to a person, if the registrar considers that the person is a fit, proper and suitably experienced person to be registered as a social worker with regard to the emergency;
 - (b) in relation to a group of persons, if the registrar considers that the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as social workers with regard to the emergency.
- (3) The registrar may register all of the persons comprising a specified group of persons without first identifying each person in the group.
- (4) The registrar may include an annotation in the social worker part of the register denoting that a person has been registered under this section.
- (5) The registration of a person under this section has effect subject to any conditions imposed by the registrar; and the registrar may at any time vary or revoke such a condition or add new conditions.
- (6) Where a person is registered under this section as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.

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- (7) A person's registration under this section ceases to have effect if revoked by the registrar; and the registrar—
- (a) must revoke the registration if the Welsh Ministers advise the registrar that the circumstances that led the Welsh Ministers to give the advice referred to in subsection (1)(a) no longer exist;
 - (b) may at any time revoke the registration for any other reason, including where the registrar suspects that the person's fitness to practise may be impaired.
- (8) A person's registration as a member of a specified group may be revoked—
- (a) without the registration of the other members of the group being revoked, or
 - (b) as a result of a decision to revoke the registration of all the members of the group.
- (9) If a person's registration under this section is revoked under subsection (7) (a), the registration ceases to have effect at the end of the period of 14 days beginning with the day on which it is revoked.
- (10) If a person's registration under this section is revoked under subsection (7) (b), the registration ceases to have effect immediately.
- (11) Rules under section 74 may not provide for fees to be charged in respect of a person's registration under this section.
- (12) The following provisions do not apply to persons registered under this section—
- (a) sections 82, 83, 84, 86, 87, 89, 94 and 95 (provisions relating to registration) of this Act;
 - (b) sections 113 to 115 (continuing professional development) of this Act and rules made under any of those sections;
 - (c) Part 6 (social care workers: fitness to practise) of this Act, other than section 160(1) and (3) to (5).
- (13) If a person breaches a condition to which the person's registration under this section is subject, anything done by the person in breach of the condition is to be treated as not done by a person registered in the social worker part of the register.
- (14) In this section “emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004, read with subsection (2)(a) and (b) of that section.”
- (3) The Act has effect as if after section 83 of the Welsh language text there were inserted—

“83A Cofrestru dros dro mewn argyfyngau sy'n cynnwys colli bywyd dynol neu salwch dynol etc

- (1) Caiff y cofrestrydd gofrestru person fel gweithiwr cymdeithasol yn rhan gweithwyr cymdeithasol y gofrestr, neu bersonau sy'n ffurfio grŵp penodedig o bersonau fel gweithwyr cymdeithasol yn y rhan honno, —

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- (a) os yw Gweinidogion Cymru wedi cynghori'r cofrestrydd bod argyfwng wedi codi, yn codi neu ar fin codi, ac y dylai'r cofrestrydd ystyried gweithredu o dan yr adran hon, a
 - (b) os yw'r cofrestrydd yn ystyried bod y gofyniad ar gyfer cofrestru mewn argyfwng wedi ei fodloni mewn perthynas â'r person neu'r grŵp o bersonau.
- (2) At ddibenion is-adran (1)(b) mae'r gofyniad ar gyfer cofrestru mewn argyfwng yn cael ei fodloni—
 - (a) mewn perthynas â pherson, os yw'r cofrestrydd yn ystyried bod y person yn berson addas a phriodol sydd â phrofiad cyfaddas i gael ei gofrestru fel gweithiwr cymdeithasol o ran yr argyfwng;
 - (b) mewn perthynas â grŵp o bersonau, os yw'r cofrestrydd yn ystyried bod y grŵp yn cael ei ffurfio o bersonau sydd o fath y gellir eu hystyried yn rhesymol yn bersonau addas a phriodol sydd â phrofiad cyfaddas i gael eu cofrestru fel gweithwyr cymdeithasol o ran yr argyfwng.
- (3) Caiff y cofrestrydd gofrestru pob un o'r personau sy'n ffurfio grŵp penodedig o bersonau heb enwi'n gyntaf bob person yn y grŵp.
- (4) Caiff y cofrestrydd gynnwys anodiad yn rhan gweithwyr cymdeithasol y gofrestr sy'n dynodi bod person wedi cael ei gofrestru o dan yr adran hon.
- (5) Mae cofrestriad person o dan yr adran hon yn cael effaith yn ddarostyngedig i unrhyw amodau a osodir gan y cofrestrydd; a chaiff y cofrestrydd amrywio neu ddirymu unrhyw amod o'r fath neu ychwanegu unrhyw amodau newydd ar unrhyw adeg.
- (6) Pan fo person wedi ei gofrestru o dan yr adran hon fel aelod o grŵp penodedig, caniateir i gofrestriad y person fod (ond nid oes rhaid iddo fod) yn ddarostyngedig i'r un amodau â chofrestriad aelodau eraill o'r grŵp.
- (7) Mae cofrestriad person o dan yr adran hon yn peidio â chael effaith os caiff ei ddirymu gan y cofrestrydd; a—
 - (a) rhaid i'r cofrestrydd ddirymu'r cofrestriad os yw Gweinidogion Cymru yn cynghori'r cofrestrydd nad yw'r amgylchiadau a arweiniodd Gweinidogion Cymru at roi'r cyngor y cyfeirir ato yn is-adran (1)(a) bellach yn bodoli;
 - (b) caiff y cofrestrydd, ar unrhyw adeg, ddirymu'r cofrestriad am unrhyw reswm arall, gan gynnwys pan fo'r cofrestrydd yn amau y gall addasrwydd y person i ymarfer fod wedi ei amharu.
- (8) Caniateir i gofrestriad person fel aelod o grŵp penodedig gael ei ddirymu—
 - (a) heb ddirymu cofrestriad aelodau eraill o'r grŵp, neu
 - (b) o ganlyniad i benderfyniad i ddirymu cofrestriad pob aelod o'r grŵp.
- (9) Os yw cofrestriad unrhyw berson yn cael ei ddirymu o dan is-adran (7)(a), mae'r cofrestriad yn peidio â chael effaith ar ddiwedd cyfnod o 14 diwrnod sy'n dechrau â'r diwrnod y caiff ei ddirymu.
- (10) Os yw cofrestriad unrhyw berson yn cael ei ddirymu o dan is-adran (7)(b), mae'r cofrestriad yn peidio â chael effaith ar unwaith.

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- (11) Ni chaiff rheolau o dan adran 74 ddarparu ar gyfer codi ffioedd o ran cofrestriad person o dan yr adran hon.
- (12) Nid yw darpariaethau canlynol y Ddeddf yn gymwys i bersonau a gofrestrir o dan yr adran hon—
- (a) adrannau 82, 83, 84, 86, 87, 89, 94 a 95 (darpariaethau sy'n ymwneud â chofrestru) o'r Ddeddf hon;
 - (b) adrannau 113 i 115 (datblygiad proffesiynol parhaus) o'r Ddeddf hon a rheolau a wneir o dan unrhyw un o'r adrannau hynny;
 - (c) Rhan 6 (gweithwyr gofal cymdeithasol: addasrwydd i ymarfer) o'r Ddeddf hon ac eithrio adran 160(1) a (3) i (5).
- (13) Os yw person yn torri amod y mae cofrestriad y person o dan yr adran hon yn ddarostyngedig iddo, mae unrhyw beth a wneir gan y person yn groes i'r amod i'w drin fel peth nad yw wedi ei wneud gan berson a gofrestrwyd yn rhan gweithwyr cymdeithasol y gofrestr.
- (14) Yn yr adran hon mae i “argyfwng” yr ystyr a roddir i'r math o “emergency” a ddisgrifir yn adran 19(1)(a) o Ddeddf Argyfyngau Sifil Posibl 2004, wedi ei darllen ynghyd ag is-adran (2)(a) a (b) o'r adran honno.”
- (4) Section 101 (appeals against decisions of the registrar) has effect as if—
- (a) after subsection (2) of the English language text there were inserted—

“(3) Subsection (1) does not apply to—

 - (a) a decision by the registrar to refuse to register a person under section 83A, or
 - (b) a decision by the registrar to revoke a person's registration under that section.”;
 - (b) after subsection (2) of the Welsh language text there were inserted—

“(3) Nid yw is-adran (1) yn gymwys i—

 - (a) penderfyniad gan y cofrestrydd i wrthod cofrestru person o dan adran 83A, neu
 - (b) penderfyniad gan y cofrestrydd i ddirymu cofrestriad person o dan yr adran honno.”
- (5) Section 160(1) (power of Social Care Wales to require disclosure of information) has effect as if it enabled requirements to be imposed for the purpose of assisting the registrar in carrying out functions under section 83A.

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