
STATUTORY INSTRUMENTS

2018 No. 893

The Social Workers Regulations 2018

PART 3

Registration of social workers

Restoration to the register

15.—(1) A person whose entry in the register has been removed, and who wishes to have their entry restored to the register, may make an application for restoration to the regulator in accordance with this regulation and rules made under paragraph (11).

(2) Paragraph (1) does not apply in the case of a person whose entry was removed under regulation 26(5) (automatic removal from the register) where their conviction has not been quashed.

(3) An application for restoration must—

- (a) in the case of a person whose entry was removed from the register as the result of a removal order, be referred by the regulator to two or more adjudicators for determination,
- (b) in any other case, be determined by the regulator,

in accordance with rules made under paragraph (11).

(4) A person whose entry has been removed from the register as the result of a removal order may not apply to be restored to the register until after the end of a period of five years beginning with the date on which the removal order took effect (whether under paragraph 12, 15, or 16 of Schedule 2), and is eligible to be restored where—

- (a) the adjudicators are satisfied that the person meets the requirements for initial registration referred to in regulation 11(2),
- (b) the person has not, in the preceding 12 months, made an application for restoration to the register which was refused, and
- (c) the person meets any further requirements as to additional education, training or experience as are determined by the regulator to apply to them.

(5) On an application for restoration falling within paragraph (3)(a)—

- (a) the person making the application must be given the opportunity to make representations to the adjudicators, and
- (b) the adjudicators may require persons other than the person making the application to attend and give evidence, or produce documents, in relation to the application.

(6) Where the adjudicators grant an application for restoration and the person pays any fee payable in accordance with rules made under regulation 17(3)—

- (a) the regulator must restore the person's registration by recording the information set out in regulation 9(1) in relation to them in the register, and must notify them accordingly, and
- (b) the adjudicators may make a conditions of practice order in relation to the registered social worker, and paragraphs 12(4), 13, 15 and 16 of Schedule 2 apply to such an order as they apply to a conditions of practice order made in fitness to practise proceedings.

(7) A person whose entry was removed from the register other than as a result of a removal order is eligible to be restored to the register where the regulator is satisfied that they meet the requirements for initial registration referred to in regulation 11(2), and any requirements as to additional education, training or experience as are determined by the regulator to apply to them.

(8) A person whose entry was removed from the register under regulation 26(5) (automatic removal from the register), and whose conviction is subsequently quashed, is eligible to be restored to the register where the regulator is satisfied that—

- (a) their conviction has been quashed, and
- (b) they meet the requirements for initial registration referred to in regulation 11(2), and any requirements as to additional education, training or experience as are determined by the regulator to apply to them.

(9) Where a person falling within paragraph (7) or (8) is eligible to be restored to the register and—

- (a) applies to be restored to the register in accordance with rules made under paragraph (11), and
- (b) pays any fee payable in accordance with rules made under regulation 17(3),

the regulator must restore that person's registration by recording the information set out in regulation 9(1) in relation to them in the register, and must notify them accordingly.

(10) Where the regulator, or the adjudicators, are not satisfied that a person who was removed from the register is eligible to be restored to the register, the regulator or the adjudicators (as the case may be) must notify them of that decision and the reasons for it, and of their right to appeal under regulation 19(1)(h).

(11) The regulator must make rules in relation to restoration to the register, including in particular—

- (a) the process for applying for restoration,
- (b) the time within which any step in that process must be taken, and
- (c) the evidence of eligibility to be provided to the regulator or adjudicators.

(12) The regulator must appoint such advisers, or members of the regulator's staff, as the regulator thinks fit, as adjudicators for the purposes of this regulation.

Modifications etc. (not altering text)

- C1** Reg. 15 applied in part (with modifications) (2.12.2019) by [The Children and Social Work Act 2017 \(Transitional and Savings Provisions\) \(Social Workers\) Regulations 2019 \(S.I. 2019/1140\)](#), regs. 1, **8(3)**; [S.I. 2019/1436](#), reg. 2(b)
- C2** Reg. 15 applied (2.12.2019) by [The Children and Social Work Act 2017 \(Transitional and Savings Provisions\) \(Social Workers\) Regulations 2019 \(S.I. 2019/1140\)](#), regs. 1, **5(2)(a)**; [S.I. 2019/1436](#), reg. 2(b)
- C3** Reg. 15 applied (2.12.2019) by [The Children and Social Work Act 2017 \(Transitional and Savings Provisions\) \(Social Workers\) Regulations 2019 \(S.I. 2019/1140\)](#), regs. 1, **6(2)(b)**; [S.I. 2019/1436](#), reg. 2(b)
- C4** Reg. 15(9)(b) excluded (2.12.2019) by [The Children and Social Work Act 2017 \(Transitional and Savings Provisions\) \(Social Workers\) Regulations 2019 \(S.I. 2019/1140\)](#), regs. 1, **6(2)(c)**; [S.I. 2019/1436](#), reg. 2(b)
- C5** Reg. 15(9)(b) excluded (2.12.2019) by [The Children and Social Work Act 2017 \(Transitional and Savings Provisions\) \(Social Workers\) Regulations 2019 \(S.I. 2019/1140\)](#), regs. 1, **5(2)(b)**; [S.I. 2019/1436](#), reg. 2(b)

Changes to legislation:

There are currently no known outstanding effects for the The Social Workers Regulations 2018, Section 15.