
STATUTORY INSTRUMENTS

2018 No. 893

The Social Workers Regulations 2018

PART 5

Discipline and fitness to practise

Automatic removal from the register

26.—(1) This paragraph applies where the regulator becomes aware that a registered social worker has been convicted of a listed offence which was committed on or after the date on which these Regulations (other than regulation 40) come into force, other than a conviction that has been quashed.

- (2) Where paragraph (1) applies, the regulator must notify the social worker—
- (a) that the regulator proposes to remove the social worker's entry from the register,
 - (b) of the reason for the proposed removal,
 - (c) that, if they consider that the proposed removal is based on an error of fact, the social worker may—
 - (i) make written submissions, within such time as the regulator may specify in the notice, and
 - (ii) attend before the regulator with or without representation, in order to make oral submissions, and
 - (d) of the social worker's right of appeal under regulation 27.

(3) The regulator must consider any written and oral representations made in accordance with paragraph (2)(c), and determine whether the proposed removal is based on an error of fact.

(4) Where the regulator determines that the proposed removal is based on an error of fact, or becomes aware that the person's conviction has been quashed, the entry is to remain on the register and the regulator must notify the following accordingly —

- (a) the social worker, and
 - (b) any person who notified the regulator that the social worker had been convicted of a listed offence.
- (5) Where paragraph (4) does not apply the regulator must—
- (a) remove the entry relating to that person (“P”) from the register, ^{F1}...
 - (b) notify the following of the removal, and of the date of the removal—
 - (i) P,
 - (ii) any person by whom P is employed, or with whom P has an arrangement, to provide services as a social worker or in relation to social work (where known),
 - (iii) any other regulatory body with which P is registered (where known),
 - (iv) any person who notified the regulator that P had been convicted of a listed offence, and

- (v) any other person where, in the opinion of the regulator, it is in the public interest to do so, and
- (c) terminate any ongoing fitness to practise proceedings in relation to P.
- (6) The regulator must make rules setting out the procedure for removing an entry from the register under this regulation including, in particular, the time within which any step must be taken.
- ^{F2}(7)
- (8) In these Regulations “listed offence” means—
 - (a) an offence listed in any of paragraphs 1 to 7 of Schedule 3, or
 - (b) an offence listed in any of paragraphs 8 to [^{F3}14] of Schedule 3 in respect of which a custodial sentence has been imposed.

Textual Amendments

- F1** Words in reg. 26(5)(a) omitted (16.12.2022) by virtue of The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), regs. 1(2), **2(6)(a)**
- F2** Reg. 26(7) omitted (16.12.2022) by virtue of The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), regs. 1(2), **2(6)(b)**
- F3** Word in reg. 26(8)(b) substituted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), regs. 1(2), **2(6)(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Social Workers Regulations 2018, Section 26.