

SCHEDULE 2

Fitness to practise proceedings

Modifications etc. (not altering text)

- C1** Sch. 2 applied (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, **16**; [S.I. 2019/1436](#), reg. 2(b)

PART 3

Fitness to practise hearing

Commencement of hearing procedure

10.—(1) This sub-paragraph applies where a case has not been disposed of under paragraph 9(3) and the case examiners determine that—

- (a) there is a realistic prospect that adjudicators would determine that the social worker's fitness to practise is impaired, and
- (b) it would be in the public interest for the case to proceed to a fitness to practise hearing.

(2) Where sub-paragraph (1) applies—

- (a) the case examiners must inform the regulator, and
- (b) the regulator must appoint two or more adjudicators (who may be the adjudicators appointed under paragraph 8(1)(b), if any) to conduct a fitness to practise hearing in accordance with this Part.

(3) Any step in the fitness to practise hearing must be taken within such period as is specified in rules made under regulation 25(5)(b), or such longer period as the adjudicators may determine.

(4) The [^{F1}regulator] must—

- (a) notify the social worker, and where relevant the complainant, that [^{F2}the adjudicators] will conduct a fitness to practise hearing to determine whether the social worker's fitness to practise is impaired,
- (b) invite the social worker to make written submissions, and
- (c) inform the social worker that they may—
 - (i) attend the hearing, and be represented,
 - (ii) make oral submissions,
 - (iii) call witnesses.

(5) At any time before the adjudicators make a determination under paragraph 12(1) or (3) they may require the investigators to obtain, and supply to them, further information or submissions relevant to the fitness to practise hearing, provided that paragraph 5(2) and (3) applies to the provision of information under this sub-paragraph.

Textual Amendments

- F1** Word in [Sch. 2 para. 10\(4\)](#) substituted (16.12.2022) by [The Social Workers \(Amendment and Transitional Provision\) Regulations 2022 \(S.I. 2022/1216\)](#), reg. 1(2), [Sch. para. 6\(a\)](#)

Changes to legislation: There are currently no known outstanding effects for the The Social Workers Regulations 2018, Paragraph 10. (See end of Document for details)

F2 Words in Sch. 2 para. 10(4)(a) substituted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 6(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Social Workers Regulations 2018, Paragraph 10.