

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 2

Investigation

Interim orders

8.—^{F1}(1) If, at any stage, an investigator or the case examiners are of the opinion that an interim order may be necessary for the protection of the public or in the best interests of the social worker, they must notify the regulator of their opinion and the reasons for that opinion.

(1A) Where the regulator has been notified in accordance with sub-paragraph (1), the regulator may appoint two or more adjudicators to consider whether to make an interim order in accordance with this paragraph.]

(2) Subject to sub-paragraph (3), the adjudicators may make any interim order they consider is necessary for the protection of the public, or in the best interests of the social worker.

^{F2}(3) The adjudicators may not make an interim order unless the conditions in sub-paragraphs (3A) and (3B) have been complied with.

(3A) The condition in this sub-paragraph is that the regulator has first informed the social worker—

- (a) that an interim order may be made, and
- (b) of the reasons why it considers that an interim order may be necessary for the protection of the public or in the best interests of the social worker.

(3B) The condition in this sub-paragraph is that the regulator has given the social worker the opportunity—

- (a) to make written submissions, or
- (b) to attend before the adjudicators and be represented, in order to make oral submissions.

(3C) Where the adjudicators make an interim order under sub-paragraph (2), they must inform the regulator of the making of that order and its terms.]

(4) [^{F3}Where the regulator has been informed in accordance with sub-paragraph (3A), the regulator must—]

- (a) inform the following of the terms of the [^{F4}interim] order—

^{F5}(i)

(ii) the social worker,

(iii) any person by whom the social worker is employed, or with whom they have an arrangement, to provide services as a social worker or in relation to social work (where known),

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- (iv) any regulatory body with which the social worker is registered (where known), and
- (v) where the fitness to practise proceedings were instigated following a complaint against the social worker, the complainant, and
- (b) notify the social worker of their right to appeal to the High Court under Part 5.
- (5) An interim order may—
 - (a) suspend the social worker from practising (an “interim suspension order”), or
 - (b) impose a restriction or condition with which the social worker must comply (an “interim conditions of practice order”),

for such period, not exceeding eighteen months, as is specified in the order.

[^{F6}(5A) An interim order made under sub-paragraph (2) takes effect from the date on which it is made notwithstanding any appeal against the order.]

(6) An interim order made under sub-paragraph (2) ceases to have effect before the expiry of the period specified in the order, or such period as is substituted by the court pursuant to paragraph 14(3)(a) (as the case may be)—

- (a) if the case examiners determine [^{F7}, in the case in respect of which the order was made,] that there is no realistic prospect that adjudicators would determine that the social worker's fitness to practise is impaired,
- (b) following a fitness to practise hearing, if the adjudicators determine [^{F8}, in the case in respect of which the order was made,] that the social worker's fitness to practise is not impaired,
- (c) where [^{F9}the case in respect of which the order was made] is disposed of under paragraph 9(3) by either of the means mentioned in paragraph 9(2)(a) or (b),
- (d) where a final order is made in respect of the social worker [^{F10}in the case in respect of which the interim order was made,]—
 - (i) if there is no appeal against that order, when the period for appealing expires,
 - (ii) if there is an appeal against that order, when the appeal is withdrawn or otherwise finally disposed of, or
- (e) where the social worker is removed from the register under regulation 26(5).

Textual Amendments

- F1** Sch. 2 para. 8(1)(1A) substituted for Sch. 2 para. 8(1) (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 3(2)**
- F2** Sch. 2 para. 8(3)-(3C) substituted for Sch. 2 para. 8(3) (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 3(3)**
- F3** Words in Sch. 2 para. 8(4) substituted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 3(4)(a)**
- F4** Word in Sch. 2 para. 8(4)(a) inserted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 3(4)(b)(i)**
- F5** Sch. 2 para. 8(4)(a)(i) omitted (16.12.2022) by virtue of The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 3(4)(b)(ii)**
- F6** Sch. 2 para. 8(5A) inserted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 3(5)**
- F7** Words in Sch. 2 para. 8(6)(a) inserted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 3(6)(a)**

Changes to legislation: *There are currently no known outstanding effects for the The Social Workers Regulations 2018, Paragraph 8. (See end of Document for details)*

- F8** Words in Sch. 2 para. 8(6)(b) inserted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 3(6)(b)**
- F9** Words in Sch. 2 para. 8(6)(c) substituted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 3(6)(c)**
- F10** Words in Sch. 2 para. 8(6)(d) inserted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 3(6)(d)**

Changes to legislation:

There are currently no known outstanding effects for the The Social Workers Regulations 2018, Paragraph 8.