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

Disposal without hearing

9.—(1) This sub-paragraph applies where—

(a) the case examiners give the notification referred to in paragraph 7(3), or paragraph 1(2)(a) applies (social worker convicted of an offence, other than a listed offence), and

(b) the case examiners determine that it would not be in the public interest for the case to proceed to a fitness to practise hearing.

(2) Where sub-paragraph (1) applies the case examiners may notify the social worker that they propose to dispose of the case without further investigation by—

(a) taking no further action,

(b) giving advice to the social worker on any matter related to the case, or

(c) making a final order.

(3) If the social worker notified under sub-paragraph (2) notifies the case examiners that the social worker consents to the proposed disposal of the case and does not wish to proceed to a fitness to practise hearing, the case examiners must, provided that they remain satisfied that it would not be in the public interest for the case to proceed to a fitness to practise hearing—

(a) dispose of the case accordingly, and

(b) inform the following of the manner in which the case was disposed of—

(i) the regulator,

(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),

(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.

[[F1](4) A decision to dispose of a case under sub-paragraph (3)(a) takes effect from the date on which the social worker is informed of the decision under sub-paragraph (3)(b)(ii) notwithstanding any review of that decision under paragraph 9A or 15(2).**]**

Textual Amendments

F1 Sch. 2 para. 9(4) inserted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 4**

Changes to legislation:
There are currently no known outstanding effects for the The Social Workers Regulations 2018, Paragraph 9.