
STATUTORY INSTRUMENTS

2022 No. 1216

**The Social Workers (Amendment and
Transitional Provision) Regulations 2022**

Amendment of the 2018 Regulations

2.—(1) The 2018 Regulations are amended as follows.

(2) In regulation 7 (duty to co-operate), in paragraph (1)(a)(i), (ii) and (vii), after “in England” insert “or elsewhere”.

(3) After regulation 7 insert—

“Disclosure of information relating to functions

7A.—(1) Where the regulator receives a request from any person (P) to disclose information to P, the regulator must disclose that information to P where the regulator considers such disclosure—

- (a) to relate to any of the regulator’s functions under the Act; and
- (b) to be in the public interest.

(2) The regulator may disclose to any person any information relating to a registered social worker’s fitness to practise where the regulator considers the disclosure to relate to any of the regulator’s functions under the Act.

(3) Except as provided by paragraph (4), the disclosure of information under paragraph (1) or (2) does not breach—

- (a) any obligation of confidence owed by the person making the disclosure; or
- (b) any other restriction on the disclosure of information (however imposed).

(4) Paragraphs (1) and (2) do not authorise a disclosure of information if the disclosure would contravene the data protection legislation, where “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”.

(4) In regulation 9 (content of the register), in paragraph (4) for “mentioned in paragraph (2)(a), (b) or (d)” substitute “under paragraph 12(3)(b) of Schedule 2”.

(5) In regulation 14 (removal from the register)—

- (a) omit paragraph (1)(c)(i);
- (b) after paragraph (1) insert—

“(1A) Where a registered social worker—

- (a) requests the removal of their entry from the register, and
- (b) at the time of that request, is subject to fitness to practise proceedings,
the regulator may remove their entry from the register”;

(c) in paragraph (8), in the words before sub-paragraph (a), after “paragraph (1)” insert “or (1A)”;

(d) after paragraph (8) insert—

- “(9) Where an entry relating to a registered social worker is removed from the register pursuant to paragraph (1A), the list referred to in paragraph (8)—
- (a) may include the particulars of the removal;
 - (b) must not include any information relating to the registered social worker’s physical or mental health.”.
- (6) In regulation 26 (automatic removal from the register)—
- (a) in paragraph (5)(a), omit “subject to paragraph (7),”;
 - (b) omit paragraph (7);
 - (c) in paragraph (8)(b), for “13” substitute “14”.
- (7) In regulation 32 (offences in connection with the provision of information), in paragraph (1)—
- (a) in sub-paragraph (d), for “paragraph 1(3)(a)” substitute “paragraph 1(1A) or (3)(a)”;
 - (b) in sub-paragraph (e), before “investigators” insert “the regulator or”.
- (8) In regulation 34—
- (a) for paragraph (b) substitute—
 - “(b) a decision made under regulation 15(6) (to restore a person to the register after a previous removal order),”;
 - (b) in paragraph (g), for “paragraph 15(2)” substitute “paragraph 15(1) or (2)”.
- (9) Schedule 2 (fitness to practise proceedings) is amended in accordance with the Schedule.
- (10) At the end of Schedule 3 (listed offences) insert—
- “**14.** An offence under the following provisions of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015(**1**)—
- (a) section 1 (slavery, servitude and forced or compulsory labour);
 - (b) section 2 (human trafficking).”.