

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

Determination by adjudicators

12.—(1) Where, following a fitness to practise hearing, the adjudicators determine that the social worker's fitness to practise is not impaired the adjudicators may—

- (a) give a warning to the social worker regarding their future conduct or performance,
- (b) give advice to the social worker on any matter related to the fitness to practise proceedings, or
- (c) take no further action.

(2) Where sub-paragraph (1) applies, the adjudicators must inform the following of their determination and the reasons for it—

- (a) the regulator,
- (b) the social worker, and
- (c) where the fitness to practise proceedings were instigated following a complaint against the social worker, the complainant.

(3) Where, following the fitness to practise hearing, the adjudicators determine that the social worker's fitness to practise is impaired, the adjudicators may—

- (a) give advice to the social worker on any matter related to the fitness to practise proceedings,
- (b) make a final order,
- (c) take no further action.

[^{F1}(3A) Where the adjudicators make a final order, they must inform the regulator of the terms of the order and the reasons for it.]

(4) [^{F2}Where the regulator has been informed in accordance with sub-paragraph (3A), the regulator must—]

- (a) inform the following of the terms of the [^{F3}final] order and the reasons for it—
 - ^{F4}(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),
 - (iv) any regulatory body with which the social worker is registered (where known), and

Changes to legislation: There are currently no known outstanding effects for the The Social Workers Regulations 2018, Paragraph 12. (See end of Document for details)

- (v) where the fitness to practise proceedings were instigated following a complaint against the social worker, the complainant,
- (b) notify the social worker of their right—
 - (i) to request a review under paragraph 15, and
 - (ii) to appeal to the High Court under Part 5.

[^{F5}(5) A final order does not take effect until the expiry of the period within which an appeal against the order could be made or, where an appeal against the order has been made, until the appeal is withdrawn or otherwise finally disposed of.]

Textual Amendments

- F1** Sch. 2 para. 12(3A) inserted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 8(2)**
- F2** Words in Sch. 2 para. 12(4) substituted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 8(3)(a)**
- F3** Word in Sch. 2 para. 12(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. 8(3)(b)(i)**
- F4** Sch. 2 para. 12(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. 8(3)(b)(ii)**
- F5** Sch. 2 para. 12(5) inserted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 8(4)**

Changes to legislation:

There are currently no known outstanding effects for the The Social Workers Regulations 2018, Paragraph 12.