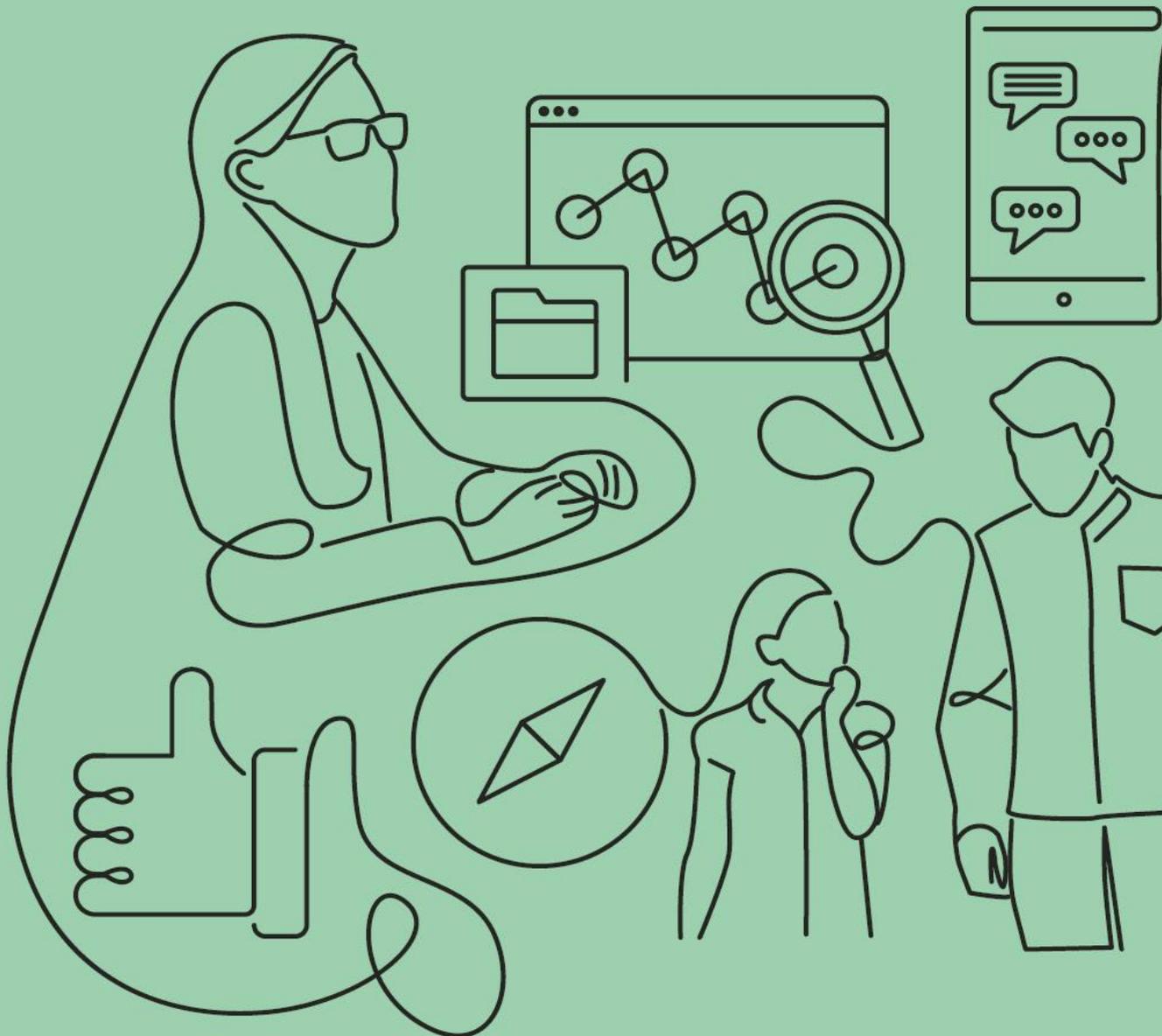


Consultation on registration rules

Launch date 21 February 2019

Respond by 1 May 2019, 5pm



Introduction

1. Social Work England is preparing to become the new regulator for social workers in England, taking over from the Health and Care Professions Council. Our purpose is to protect the public by setting and promoting high standards of education and professional conduct amongst social workers. Our ambition is to provide a smooth and seamless transition of regulation and to maximise the opportunities of being both new and specialist to engage with the sector and listen to the public.
2. We were established by the Children and Social Work Act (2017) and The Social Workers Regulations (2018). This legislation requires us to consult on the rules that govern the way we will work and the standards that we will expect social workers and education and training providers to meet. Over and above that, we see consultation as an important means of us hearing from you about our approach to regulation. This consultation represents a moment on our journey as we become the new regulator for social workers in England.
3. This document is one of five setting out the rules and standards we need to establish before taking over the regulation of social workers in England. The other four documents address:
 - i. education and training rules;
 - ii. fitness to practise rules;
 - iii. professional standards; and
 - iv. education and training standards.

What we are consulting on

4. Rules govern the way we work. They set out our processes and procedures and make clear what you can expect of us in regulating social workers in England. In simple terms, rules outline what we do, and standards set out what we expect those we regulate to do.
5. The proposed registration rules set out how we will register social workers, renew their registration, and remove them from the register. They also make clear what information we will hold on the register and describe the structure of our fees. We will consult on a fee increase pre-Sept 2020, when we will consider the fees of other regulators as we move towards a self-financing model.
6. The proposed registration rules are divided into three parts, setting out the different aspects of our registration process and requirements. They are separated into:
 - i. The Social Work England (Registration) rules 2019;

- ii. The Social Work England (Registration – Removal from the register and registration appeals) rules 2019;
 - iii. The Social Work England (Registration – Fees) rules 2019.
7. We will create a straight-forward process of registration and renewal for social workers to ensure an up-to-date and accurate register. These rules also enable us to annotate the register with additional qualifications for social workers who are approved mental health professionals (AMHPs) and best interests assessors (BIAs). These particular annotations will be published on our register.
8. Registered social workers are required to demonstrate continuing professional development (CPD) in order to keep their skills and knowledge up to date. These rules, alongside the proposed professional standards, set out our expectations around CPD. To support this, we will provide an online system that will enable social workers to upload their CPD evidence as they go. We anticipate this will enable social workers to engage regularly on their CPD activity.
9. We will evaluate a sample of social workers' CPD annually at the point of registration renewal. We will ask social workers to provide evidence under each of the indicators in standard 6 of the professional standards. We will provide guidance on the evidence we require.
10. We are proposing:
 - i. that the registration period will move to 12 months, rather than 24 months, and we will collect renewal fees annually;
 - ii. that the registration period will run from 1 December each year;
 - iii. that the renewal period will be 1 September to 30 November each year;
 - iv. that the first renewal will be 1 December 2020;
 - v. a pro-rata fee for registration depending on when an application is made to join the register;
 - vi. no reduction in the fee for new graduates, and no scrutiny fees for applications from UK qualified graduates;
 - vii. to annotate the register with additional qualifications for individuals who are approved mental health professionals and best interests assessors; and

- viii. to evaluate a sample of social workers' continuous professional development (CPD) annually at the point of registration renewal.
11. These rules have been drafted based on the current arrangements for the recognition of European qualifications, as set out in the Mutual Recognition of Professional Qualifications Directive 2005/36/ec. The future arrangements for the recognition of European qualifications is dependent on the outcome of negotiations on the UK's future economic partnership with the EU. It is possible that the rules will need amending in the future, in light of these negotiations.
12. To make clear what the rules mean and how we intend to use them, we have provided an explanation of the registration rules at **Annex A**. The draft rules are at **Annex B**. Some of the registration requirements are already set out in The Social Workers Regulations (2018). You may find it helpful to read these regulations alongside the rules to understand how they relate to each other. You can find the regulations [here](#).

How do I take part?

13. The aim of this consultation is to get your feedback and to test our thinking on the proposed rules. We welcome feedback on all of the rules, but we have asked a number of targeted questions in an online survey, which you can find [here](#).
14. The survey makes use of open and scaling questions (1: strongly disagree - 5: strongly agree). The survey questions are reproduced below. Please see the 'How to respond' section for information about how to complete the online survey, or for assistance in responding to these questions.

Registration questions

Rules 5-10: Content of the register

1. To what extent do you agree with the types of information that must be recorded on the register?
2. Is there any other information that you feel should be recorded on the register?

Rule 11: Publishing the register

3. To what extent do you agree that only the postal town of the address should be published on the register?
4. To what extent do you agree that advice and warnings given by case examiners, where there is no realistic prospect of the case being referred to adjudicators, should not be published?

5. Is there any other information that you feel should not be published on the register?

Rule 14: Recognised qualifications and additional education

6. To what extent do you agree with the requirements in this rule?

Rule 22: Information to be provided by applicants

7. To what extent do you agree with the information and declarations required?

8. Is there any other information you feel should be required?

Rule 30: Conditional registration

9. To what extent do you agree with the circumstances in which Social Work England may choose to apply conditions to registration?

10. Are there any other reasons we may wish to apply conditional registration?

Rule 44: Annotation of entries in the register

11. To what extent do you agree with the time that an annotation should remain on the register?

Rule 57: Eligibility for restoration

12. Is there any other information that someone should provide to demonstrate that they can be restored to the register?

Fee questions

Paragraph 1 of schedule 1: Application for initial registration

1. To what extent do you agree with the way that the fee for initial applications is set out?

Rule 7: Fee variations

2. To what extent do you agree with the circumstances in which a fee may not be charged, or varied?

Continuing professional development questions

Rules 50-52: Continuing professional development

1. To what extent do you agree with the requirements for CPD set out in these rules?

2. To what extent do you support the approach we are proposing for CPD evaluation and evidence gathering?

3. What do you think is important for us to consider when we evaluate social workers' CPD?
4. Do you have any other comments?

Impact assessment

15. Our aim is to enable change and ultimately improve people's lives by providing clear, effective and responsive regulation of social workers. The proposals are designed with people who use social work services in mind, ultimately striving for better public protection and increased confidence in social work as a profession.
16. We expect that any impact would be beneficial, but will be felt most immediately by social workers and their employers, by education and training providers, by students and by people who use social work services.
17. The impact assessment questions can be found at the end of the online survey, but are also listed below.

Impact assessment questions

Do you think that the proposed changes will:

1. bring particular benefits for your organisation or those you represent?
2. impact differently on people based on protected characteristics¹?

How to respond

18. The consultation is open until 5pm on Wednesday 1 May 2019.
19. You can answer the questions online via the survey found [here](#).
20. Or you can email us at consultation.responses@socialworkengland.org.uk
21. Or by post to: Consultation Responses, Social Work England, 1st floor, 1 North Bank, Blonk Street, Sheffield, S3 8JY.

¹ The Equality Act (2010) lists nine protected characteristics: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity
socialworkengland.org.uk
1 North Bank, Blonk Street, Sheffield, S3 8JY

22. If you need any reasonable adjustments to help you respond, please contact us at consultation.responses@socialworkengland.org.uk.

What will happen next

23. Once the consultation period is completed, we will analyse the responses we have received. We will then publish a document that summarises the responses and explains the decisions we have taken as a result.
24. All standards require approval, and rules are subject to review by the Secretary of State before publication. The final sets of rules and standards will be published on our website. The rules will govern how we operate as a regulator and will come into force on the day we assume regulatory responsibility. Social workers and education and training providers will be expected to meet the professional and qualifying education and training standards once we assume regulatory responsibility.



Annex A

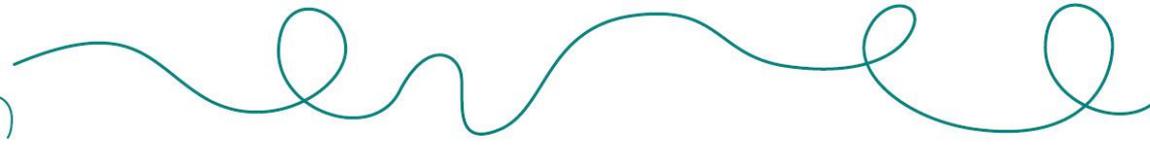
Explaining the draft registration rules

The information below is aimed at supporting you to understand what the rules mean and how we intend to use them.

Registration rules	
These are the rules that set out what information we will record on the register, who is eligible to register, what we require when an application to join or remain on the register is made, and how we may annotate an entry. They also describe how someone can re-join the register ('restoration').	
Part 1	is a glossary of some of the terms used in the rules and describes how these rules relate to the regulations.
Part 2	sets out what information will be recorded in the register, and which information will be included in the online/published version of the register.
Rules 4–10	describe what information we will record on the register. This includes information about the qualification the social worker holds (as described in the regulations), as well as information about certain decisions taken by us in relation to a social worker's fitness to practise and the length of time those decisions remain recorded on the register.
Rule 11	explains what information recorded on the register will not be made available to the public.
Part 3	relates to eligibility to join the register. It describes who cannot join the register, and how those who are eligible can demonstrate this.
Rule 13	sets out who cannot join the register.
Rule 14	describes how someone who wishes to join the register with a qualification more than five years old can demonstrate they are competent to be registered, and the steps they can take to demonstrate this.
Rule 15	lists the information an applicant for registration must provide to demonstrate that they are capable of safe and effective practice.
Rules 16-19	set out how we will ensure that an applicant has the necessary knowledge of English to join the register, and what steps we and the applicant can take if we are not satisfied about this.
Part 4	deals with the process of applying for registration.
Rule 21	sets out the warnings and statements that an applicant must agree to, as part of the registration process.

Rule 22	sets out what information an applicant must provide to us for an application to be made. This includes; <ul style="list-style-type: none"> i. Their personal details; ii. Evidence of their identity (we will need to verify this evidence as part of an application); iii. The details of their current employers, if any; iv. The details of their qualification, which we will verify with the institution who awarded the qualification; v. For applicants applying without a UK qualification, what further information, or evidence we will require to verify that they are competent to join the register; vi. For applicants who qualified in Scotland, Wales or Northern Ireland, information about their qualification. We will have arrangements with the regulators in these countries to allow us to automatically recognise these qualifications, subject to our verification of the evidence the applicant provides; and vii. Evidence that the applicant has the necessary knowledge of English to join the register.
Rule 24	specifies that we will decide on an application for registration within 10 working days, or the process to be followed where we require further information from an applicant before we can make that decision.
Rule 25	sets out how we will assess applications from social workers who have qualified outside of the UK.
Rules 26-27	explain when we will close an application.
Rule 28	sets out the registration period.
Rule 29	sets out when we will amend an entry on the register.
Rules 30-36	describe the process for conditional registration. It sets out when we anticipate that we might use this power, and the process we will follow when we do so.
Part 5	deals with visiting social work professionals from EU states and the specific requirements for them to practice in England.
Rules 37-39	set out how we will deal with applications from applicants from relevant European states who wish to join the register on a temporary and occasional basis.
Part 6	deals with annotations to the register for best interests assessors and approved mental health professionals.

Rule 41	specifies the annotations that can be made to the register.
Rule 42	sets out what information must be provided if a registered social worker wishes to have their entry in the register annotated.
Rule 44	specifies that the annotation will remain on the register for the period in which the social worker is registered.
Part 7	outlines how a registered social worker will renew their registration and how we will ensure that registrants are eligible to renew. They also set out what will happen when a social worker fails to meet the requirements for renewal.
Rule 46	describes the period in which a registered social worker can apply to renew their registration.
Rule 47	sets out who cannot renew their registration.
Rules 48-49	set out what someone renewing their registration must demonstrate in order to renew their registration. Rule 48(1)(a) requires that a social worker must provide evidence that they meet our professional standards relating to CPD.
Rules 50-52	provide more information about how a registered social worker can demonstrate that they meet our CPD requirements.
Rule 53	specifies the annual period of renewed registration.
Rule 54	sets out the time within which a registered social worker can apply to renew their registration.
Part 8	relates to restoration to the register. It sets out how an applicant demonstrates their eligibility for restoration, the registration period applicable after restoration, and what happens when a registrant fails to provide the information required for renewal. This part of the registration rules does not apply to social workers wishing to restore if they have been removed following the fitness to practise process.
Rule 57	sets out how an applicant can demonstrate they are eligible to have their registration restored. It includes a requirement for someone wishing to be restored to the register to provide evidence that they meet the standards for CPD.
Rule 57	describes what information must be provided when someone wishes to be restored to the register.
Rule 60	sets out how an individual can appeal a decision not to restore them to the register under these rules.



Rule 61	sets out the process when a registered social worker fails to comply with the request to provide information to us as part of an application.
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Removal from the register and registration appeals	
These rules outline the circumstances in which a social worker may be removed from the register and how a registrant may appeal a decision to remove.	
Part 1	is a glossary of some of the terms used in the rules and describes how these rules relate to the regulations.
Part 2	sets out the procedures for removing a registrant from the register, what happens when we believe an entry is fraudulently or incorrectly made, or when we are notified a registrant has died. It also describes the process for a registrant making representations against a decision to remove them.
Rule 4	sets out what we will do if we believe an entry in the register has been incorrectly made or fraudulently procured.
Rule 5	sets out what we will do if we are notified that a registered social worker has died.
Rules 6-10	describe how, if we remove an entry in the register in certain circumstances, the social worker can make representations in relation to that decision, and the action that we may take following those representations. These rules will allow us to consider requests to reconsider our decision to remove someone more quickly, and without the need for an appeal hearing.
Part 3	describes the process of appeal against a decision to remove registration.
Rule 12	sets out how an appeal can be made.
Rules 13-14	describe who will hear the appeal.
Rule 15	sets out how adjudicators will determine an appeal.
Rule 16	sets out what can happen during the appeal hearing.
Rule 17	describes the circumstances when appeals can be heard in private.
Rule 18	sets out how the adjudicators will determine whether to proceed in the absence of the person making the appeal.
Rule 19	describes the timescale for making an appeal decision.
Rules 20-21	set out how appeal hearings may be recorded, and the publication of outcomes.
Rule 22	describes the process for communicating with the person making the appeal using our online portal.

Fees	
These rules set out how we will collect fees, including how fees are paid.	
Part 1	is a glossary of some of the terms used in the rules and describes how these rules relate to the regulations.
Part 2	relates to Schedule 1 of these rules, which sets out the various fees to be charged. It also sets out how fees may be reduced, waived, or refunded.
Rules 4-6	relate to Schedule 1, and the different types of fee we will charge.
Rule 7	describes how we might decide to waive, vary or refund a fee, and what some of those circumstances might be.
Rule 8	specifies that application fees must be paid in one instalment, but that fees for renewal can also be made by Direct Debit.
Rule 9	sets out the timescales for payment of fees, and the action we will take if a fee is not paid. This rule describes how, if a fee is not paid on request, then an application will be refused, or a renewal will not be granted.
Schedule 1	sets out the various fees and how and when they apply. The first part of the schedule allows for a reduced fee to be paid for initial registration, depending on the point in the registration year that the application is made.
Part 3 of the schedule	sets out the fee for restoration to the register and includes the fee for administering such an application.
Part four of the schedule	sets out the additional fees that relate to the activity we will undertake to assess applications from applicants outside the United Kingdom.



Annex B

Social Work England

Rules

The Social Work England (Registration) Rules 2019

Part One

Citation and commencement

1. (1) Social Work England has made these Rules in accordance with regulation 3 of The Social Workers Regulations 2018.

(2) These Rules are made in exercise of powers conferred by regulation 9(6), 10(4), 11(6) and (7), 12(2), 13(5), 14(6), 15(11), 16(6) and 18(9) of The Social Workers Regulations 2018.

(3) These Rules are to be cited as The Social Work England (Registration) Rules 2019.

(4) These Rules come into force on *date TBC*.

Interpretation

2. In these Rules:

‘annotate’, ‘annotated’ and ‘annotation’ refer to the recording of a relevant qualification, specialism, accreditation or competence in accordance with regulation 12 and as defined in Part 6 of these Rules.

‘annotation application’ refers to an application made in accordance with regulation 12.

‘applicant’ refers to a person applying in accordance with regulation 10(1) to be registered, a person applying in accordance with regulation 13(1) to renew their registration, a person applying to have an annotation recorded in their entry in the register in accordance with

regulation 12(1), or a person applying in accordance with regulation 15(1) to have their registration restored.

‘approved qualification’ refers to a qualification approved under the education and training approval scheme in accordance with regulation 20(2).

‘entry in the register’ refers to information recorded in the register in relation to a registered social worker in accordance with regulation 9.

‘listed offence’ refers to an offence listed in accordance with regulation 26(8).

‘Professional Standards’ refers to standards determined in accordance with section 41(3) of the Children and Social Work Act 2017.

‘recognised qualification’ refers to qualifications in accordance with Schedule 1 of the Regulations.

‘register’ refers to the register of social workers in England described in section 39(1) of the Children and Social Work Act 2017.

‘registered social worker’ refers to a person to whom regulation 2(5) applies.

‘registration application’ refers to an application made in accordance with regulation 10.

‘regulation’ refers to a regulation in The Social Workers Regulations 2018, and ‘Regulations’ shall be interpreted accordingly.

‘Regulator’ refers to Social Work England or a person carrying out the functions of the Regulator set out in the Regulations.

‘regulatory body’ refers to a regulatory body as defined in regulation 2(1) of the Regulations.



‘renewal application’ means an application made in accordance with regulation 13.

‘renewed’ means the renewing of registration in accordance with regulation 13(3), and ‘renewal’ shall be construed accordingly.

‘restoration application’ means an application made in accordance with regulation 15.

‘schedule’ refers to a schedule in the Regulations.

‘Social Work England’ refers to the body corporate established by section 36(1) of the Children and Social Work Act 2017.

‘the Act’ refers to the Children and Social Work Act 2017.

‘warning order’ refers to an order issued in accordance with paragraph 13(1)(d) of Schedule 2.

PART TWO

Content of the Register

3. This Part applies when the Regulator is recording information in the register in accordance with regulation 9.

4. (1) The following qualifications must be recorded in the register in accordance with regulation 9(1)(f):

(a) a qualification recognised in accordance with paragraph 1 of Schedule 1.

(2) The register must also record instances where an exempt person is listed in accordance with Regulation 18.

5. In addition to the information listed in regulation 9, the Regulator must also record in the register a registered social worker’s:

(1) date of birth.

- (2) home or correspondence address.
- (3) where provided, place of employment.
- (4) information provided under Rule 15.

6. Where a registered social worker has been given a warning order in accordance with paragraph 13(1)(d) of Schedule 2, the details of the order will remain recorded in the registered social worker's entry on the register for as long as the order remains in force as directed, in accordance with Rule 49 of the Social Work England (Fitness to Practise) Rules 2019.

7. Where a registered social worker has been given advice in accordance with paragraph 6(2)(b), paragraph 9(2)(b) or paragraph 12(1)(b) of Schedule 2, the details of the advice will remain recorded in the registered social worker's entry in the register for the period determined by the adjudicator giving the advice, in accordance with Rule 49 of the Social Work England (Fitness to Practise) Rules 2019.

8. Warnings given by adjudicators in accordance with paragraph 12(1)(a) of Schedule 2 and by case examiners in accordance with paragraph 6(2)(a) of Schedule 2 will remain recorded in the registered social worker's entry in the register for a period determined by the adjudicator or case examiner, in accordance with Rule 49 of the Social Work England (fitness to practise) Rules 2019.

9. Other than as set out above, where a registered social worker has been given an order in accordance with paragraphs 11, 12 or 13 of Schedule 2, the details of the order will remain recorded in the registered social worker's entry in the register for the period specified in Rules 50 and 51 of the Social Work England (fitness to practise) Rules 2019.

10. (1) Where a registered social worker has been removed from the register in accordance with regulation 14(1) or 14(2), or for any other reason, the removal, and reasons for it, must be recorded and published by the Regulator.

(2) In these circumstances the record of removal must be recorded and published for a period of five years or until such time as the registered social worker is restored, taking into account Rule 50 of the Social Work England (fitness to practise) Rules 2019.



Publishing the register

11. The following information will not be included in any published version of the register:

(1) The information in rule 5, other than the postal town of the address recorded in accordance with rule 5(3), or in the event of no information provided under that rule;

(a) the postal town of the address recorded in accordance with rule 5(2).

(2) The information in rule 8 where the warning has been given in accordance with paragraph 6(2)(a) of Schedule 2.

(3) The information in rule 7 where the advice has been given in accordance with paragraph 6(2)(b) of Schedule 2.

PART THREE

Eligibility to be registered

12. This Part applies where the Regulator is considering the eligibility of an applicant to be registered, or to continue to be registered as the case may be, in accordance with regulation 11.

Persons not eligible for registration

13. An applicant is not eligible to be registered if they are subject to a:

(1) conviction for a listed offence, (other than a conviction that has been quashed);

(2) conviction for an offence committed elsewhere which, if committed in the United Kingdom, would constitute a listed offence.

Recognised qualifications and additional education

14. (1) A recognised qualification must have been awarded within five years of an applicant applying to be registered:

(2) Where a recognised qualification was awarded more than five years before an applicant applies to be registered the applicant must demonstrate that they have:

- (a) relevant additional education or training, against the following criteria:
 - (i) evidence of 60 days of updating their skills, knowledge and experience in accordance with guidance produced by the Regulator.

(3) Where the applicant provides evidence in accordance with rule 14(2) this may include:

- (a) supervised practice.
- (b) formal study.
- (c) private study;

and the Regulator must set out in guidance how this evidence must be demonstrated.

(4) The period for any activity relied upon for the purposes of meeting Rule 14(2) must be no more than 12 months prior to the date of any application.

Safe and effective practice

15. To determine that an applicant is capable of safe and effective practice in accordance with professional standards relating to proficiency, performance and conduct and ethics, the Regulator must require the applicant:

- (1) To confirm that they have not been convicted (including a conviction by court martial) or cautioned in the United Kingdom for any criminal offence or, if not the case, provide details of any conviction or caution.
- (2) To confirm that they have not been convicted of any criminal offence (including conviction by court martial), which, if committed in the United Kingdom, would constitute a criminal conviction.
- (3) To confirm that they have not been subject to any determination by any regulatory body to the effect that the applicant's fitness to practise is impaired, or, if not the case, provide details of any determination to the effect that the applicant's fitness to practise is impaired, including the regulatory body in question, the date and the outcome.
- (4) To confirm that they are not, or have not been, listed on the adults' and/or children's list under the Protection of Vulnerable Groups (Scotland) Act 2007 or Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, or subject to a

barring order under The Safeguarding Vulnerable Adults Act (2006), or if not the case, to provide details of any such listing or barring order.

- (5) To confirm that they do not have a continuing or episodic physical or mental health condition which, although in remission at the time of the application for registration, may be expected to cause a recurrence that may impair their fitness to practise as a social worker or, if not the case, provide details of any such physical or mental health condition.
- (6) To confirm that they have read and understood the Regulator's professional standards and provide confirmation that they will undertake to abide by them.

Knowledge of English

16. To determine that an applicant has the necessary knowledge of English, the Regulator must be satisfied that the applicant:

(1) has within the last five years passed a test of their knowledge of English that has been approved under the Regulator's education and training approval scheme; or

(2) has within the last five years obtained an overall score of 7 or more in the International English Language Testing System (Academic) test; or

(3) has been registered and practising for at least one year within the most recent five years in a country where the Regulator recognises English is the first and native language and an English language assessment was required for registration; or

(5) has obtained a recognised qualification within the meaning of schedule 1 to the Regulations within the most recent five years that was awarded in a country where the Regulator recognises English is the first and native language and can provide evidence that the qualification was entirely taught and examined in English.

17. (1) Where the Regulator is not satisfied that an applicant has the necessary knowledge of English, it may take action in accordance with regulation 11(4).

(2) Where the Regulator decides to take action in accordance with regulation 11(4), and having considered the requirements of Regulation 11(5), it must require the applicant to:

- (a) respond within 10 working days to any request made in accordance with regulation 11(4)(a) for further evidence, information or documents.
- (b) respond within 28 calendar days to any request made in accordance with regulation 11(4)(b) to undergo examination or assessment.

(3) Where the Regulator imposes a requirement in accordance with regulation 11(4)(b) that the applicant undergoes examination or assessment on the ground that the Regulator was not satisfied that the applicant has the necessary knowledge of English, the Regulator must notify the applicant of their right to appeal under regulation 19(1)(b).

(4) Rule 17(2)(b) does not apply during any period when an appeal can be made or has been made and has not yet been decided.

18. Where an applicant appeals successfully against the Regulator's decision to require them to undergo further examination or assessment, the Regulator must assess the application on the basis of;

- (1) the evidence already provided; and
- (2) any further evidence provided as a result of the appeal outcome in support of the applicant having the necessary knowledge of English.

19. Rule 26 applies where the Regulator is not satisfied that the applicant has the necessary knowledge of English and:

- (1) The applicant has not appealed;
- (2) The applicant has appealed unsuccessfully and has not undergone further examination or assessment or responded within the timeframe specified in accordance with rule 17(2)(b);
- (3) The timeframe in rule 17(2)(a) has been exceeded.

PART FOUR

Procedure for registration

20. This Part applies when the Regulator is processing registration applications made in accordance with regulation 10.

Applications for registration

21. (1) An application for registration must be made in a form specified by the Regulator.

(2) The application shall include:

- (a) A warning about the consequences of providing false or misleading information;
- (b) A warning that failure to notify the Regulator as soon as practicable if any of the information that is registered in relation to the applicant ceases to be accurate may lead to suspension or removal of their entry in the register;
- (c) A statement that registered status is dependent on compliance with the professional standards and any other codes and standards relevant to social work and that failure to comply with any of these may be taken into account in any fitness to practise proceedings.

(3) An application can be submitted in writing or electronically.

(4) The application must:

- (a) Be completed by the applicant;
- (b) Be signed by the applicant, or confirmed by the applicant; and
- (c) Be verified by an appropriate person or organisation for the purpose of establishing the identity of the applicant.

Information to be provided by applicants

22. An applicant must provide, along with an application form in accordance with rule 21, the following information and declarations:

(1) Their personal details:

- (a) Full name (and former name if any).
- (b) Date of birth.
- (c) Nationality.
- (d) Gender.
- (e) Home address.
- (f) All work addresses at which they are currently employed.
- (g) Telephone number.
- (h) Email address.

(2) Evidence of identity that can be verified by the Regulator.

(3) Details of any other previous or current registration with a social work or healthcare regulatory body anywhere in the UK, including registration number.

(4) the information required in Rule 15

(5) Current, or prospective, employers (if any).

(6) (a) In the case of a person applying on the basis of Schedule 1 paragraph 1(a) or paragraph 1(c)(i) (social work qualification), evidence of a social work qualification including:

- (i) Certificate or other evidence of course completion.
- (ii) Name and full address, including country, of course provider.
- (iii) Certificate or other evidence of qualification.
- (iv) Name and full address, including country, of awarding body.
- (v) Date qualification awarded.

(vi) Confirmation of the name in which the qualification is held.

(b) In the case of an applicant applying on the basis of Schedule 1 paragraph 1(b) or paragraph 2 (exempt person by virtue of EU mutual recognition of qualifications):

(i) the certificate or other certifying document issued by a competent authority of the attesting state attesting to the applicant's qualifications and, where appropriate, experience.

(c) In the case of an applicant applying on the basis of Schedule 1 paragraph 1(c)(i) or (ii) (training or experience in the UK or elsewhere) evidence that:

(i) the certificate or other certifying document attesting to the applicant's qualifications and, where appropriate, experience.

(d) In the case of an applicant applying on the basis of Schedule 1 paragraph 1(d) (training in Wales, Scotland or Northern Ireland) evidence of:

(i) Certificate or other evidence of course completion.

(ii) Name and full address, including country, of course provider.

(iii) Certificate or other evidence of qualification.

(iv) Name and full address, including country, of awarding body.

(v) Date qualification awarded.

(vi) Confirmation of the name in which the qualification is held.

And such evidence will be deemed sufficient for the purposes of registration.

(7) Confirmation that they are capable of safe and effective practice in accordance with the professional standards relating to proficiency, performance and conduct and ethics.

(8) Evidence that they have the necessary knowledge of English in accordance with these Rules.

23. Any information provided in support of an application which is not in English must be accompanied by a certified translation.

Assessment of applications

24. (1) The Regulator must decide a registration application within 10 working days, starting from the day that:

- (a) a completed application; or
- (b) information under rule 24(2);

is received, whichever is the latter.

(2) An applicant must provide, as soon as possible, any further information or evidence requested by the Regulator which it considers necessary in support of the registration application.

(3) Rule 24(1) does not apply during any period in which:

- (a) The Regulator has taken action in accordance with rule 24(2) and the timeframe in rule 26(2) has not been exceeded;
- (b) An appeal has been made in accordance with regulation 19(1)(b) and the appeal has not been determined by adjudicators.

25. Where an application is made under Schedule 1 paragraph 1(b) or Schedule 1 paragraph 1(c), the Regulator must:

(1) Make an assessment as to whether the applicant meets the requirement for registration in terms of their social work qualification, other training, or professional experience, taking into account Schedule 1 paragraph 2.

(2) The assessment shall include the following activities:

- (a) consideration of how any application meets the Regulator's professional standards.
- (b) consideration of how any qualification or training relied upon by the applicant meets the Regulator's education and training standards.
- (c) verification of the evidence submitted as part of the application with educational bodies, professional bodies and others relied upon by the applicant.

(3) The Regulator may appoint one or more advisers to undertake the assessment and will do so in accordance with the Social Work England (Appointment and Functions of Advisers and Constitution of Panels of Advisers) Rules 2019.

(4) The Regulator will notify the applicant with the outcome of the assessment within 60 working days.

(5) in the event that it determines following the assessment at rule 25(2) that the application does not meet the requirements for registration, the Regulator must provide the applicant with information regarding the measures they can take to meet the requirements. Such information may include:

- (a) a test of competence as determined by the Regulator;
- (b) a period of adaptation as determined by the Regulator.

Closure of applications

26. A registration application will be closed by the Regulator if:

- (1) Rule 13 applies to the applicant (persons not eligible to be registered);
- (2) The applicant has failed to respond within 14 days to a request made under rule 24(2).
- (3) Rule 19 applies to the applicant.

27. A person whose registration application has been closed in accordance with rule 26 and who wishes to be considered for registration must make a new registration application.

Registration period

28. Where a registration application is granted by the Regulator the first registration period:

- (1) shall begin on the day on which the application is granted and shall end on the next occurrence of the date specified in Rule 53.
- (2) any subsequent registration periods will be in accordance with the requirements set out in Rule 53.

Amending the register

29. The Regulator must amend the register:

- (1) In consequence of any notification under regulation 16(1);

- (2) To add or remove any annotation in a registered social workers entry in the register in accordance with regulation 12(1);
- (3) To reflect any interim or final order made under Part 5 of the Regulations in respect of the registered social worker;
- (4) to reflect any amendment under Rules 6-10, taking into account Rule 11;
- (5) To reflect the outcome of any appeal under Regulations 9(2), 19, 27, 34 and paragraph 16 of schedule 2, in respect of the registered social worker's entry in the register;
- (6) To reflect a successful application for restoration to the register.

Conditional registration

30. The Regulator may grant, renew, or restore registration subject to a condition in the following circumstances:

- (1) Where the registered social worker is unable to demonstrate upon request that they have met the standards for continuing professional development, the Regulator may set conditions in order that the registered social worker may meet any requirement to meet these standards.
- (2) Where an applicant or registered social worker makes a declaration in relation to their physical or mental health, the Regulator may set conditions in order for the Regulator to be satisfied that the applicant or registered social worker is fit to be registered.
- (3) Where an applicant or registered social worker makes a declaration that they are subject to ongoing or completed fitness to practise or other disciplinary proceedings by another regulatory body, the Regulator may set conditions relating to those ongoing or completed proceedings.

31. Where the Regulator is minded to grant, renew or restore registration subject to a condition as set out in Rule 30, it will:

- (1) Notify the applicant or registered social worker that it is minded to apply a condition, the reasons why a condition should be applied, and the period that such a condition will apply;
- (2) Notify the applicant or registered social worker that in the event that they refuse to accept a condition, that the Regulator will refuse to register, renew or restore the applicant or registered social worker and provide them with information on how to appeal;

(3) require the applicant or registered social worker to respond to such notification within 10 working days; and

- (a) confirm that they are satisfied that such a condition should be applied; or
- (b) propose an alternative condition that in their view meets the Regulator's requirements; or
- (c) confirm that they do not accept the condition.

32. Where an applicant or registered social worker proposes an alternative condition in accordance with Rule 31(3)(b) above, the Regulator will confirm within 10 working days whether such an alternative is acceptable.

33. Where an applicant or registered social worker confirms that they do not accept such a condition in accordance with Rule 31(3)(c), the Regulator will take action in accordance with Rule 31(2).

34. The Regulator may review, vary or remove a condition in the following circumstances:

- (1) at the request of the registered social worker, where the registered social worker can demonstrate to the satisfaction of the Regulator that such a review, variation or removal is appropriate.
- (2) where the Regulator is satisfied that such a review, variation or removal is in the interest of the public, or in the registered social worker's own interests.
- (3) before the expiry of any period of conditions, where the Regulator determines that a further period of conditional registration is not necessary.

35. Where a variation in accordance with Rule 32 is proposed, the Regulator will follow the process described at Rule 31 above.

36. (1) Where the Regulator receives information or evidence that indicates that the registered social worker has failed to comply with the conditions on their registration under Rule 30, the Regulator may consider removing their entry in the register in accordance with regulation 14(1)(d) in the following circumstances:

- (a) where the registered social worker does not respond within the period specified to a request from the Regulator to demonstrate how they have complied with any conditions upon their registration; or
- (b) where, following investigation of this information, the Regulator is satisfied that the conditions have not been complied with.

(2) Where a decision is made to remove an entry in the register in accordance with rule 17(1) the Regulator must follow the procedures in Part 2 of the Social Work England (Registration – Removal from the register and Registration Appeals) Rules 2019.

PART FIVE

Visiting social work professionals from relevant European States

37. This Part applies where a person falls within regulation 18, as an exempt person who is lawfully established in a relevant European State other than the United Kingdom, as a social worker.

38. An exempt person must be able to demonstrate that they meet the professional standards relating to continuing professional training and development.

39. (1) An exempt person who is unable to demonstrate that they meet the professional standards relating to continuing professional training and development may be removed from the register in accordance with the Social Work England (Registration – Removal from the register and Registration Appeals) Rules.

(2) In applying rule 39(1) the Regulator will:

- (a) Have full regard to whether the exempt person is required to undertake continuing professional development in relation to social work in their home State;
- (b) Have full regard to any other requirements that the exempt person is required to fulfil in relation to social work in their home State;
- (c) Have full regard to the extent to which the exempt person has fulfilled any requirements in relation to social work in their home State; and
- (d) Give the social worker sufficient opportunity to undertake further continuing professional development either in the UK or in another European State.



PART SIX

Annotation of entries in the register

40. This Part applies when the Regulator is processing annotation applications made in accordance with regulation 12.

41. (1) A relevant qualification, specialism, accreditation or competence is one of the following:

- (a) Completion, within the last five years, of a course approved by the Regulator for persons who are or wish to become an approved mental health professional.
- (b) Completion, within the last five years, of training specified by the Regulator to be a best interests assessor.

(2) An application for annotation of an entry on the register that:

- (a) is not in accordance with rule 41(1) or;
- (b) does not contain all of the information required under Rule 42

must be refused.

42. A registered social worker wishing to have their entry on the register annotated in accordance with rule 41(1) must provide the Regulator with:

- (1) A certificate or evidence of the qualification or training undertaken.
- (2) Name and full address, including country, of the provider of the course or training relating to the application for annotation.
- (3) Name and full address, including country, of awarding body.
- (4) Date qualification awarded, or the date the training was completed.
- (5) Confirmation of the name in which the qualification is held.

43. The Regulator must be satisfied that the evidence provided is genuine and valid, and:

- (1) if satisfied, add the annotation to the entry on the register within 10 working days.
- (2) if not satisfied, refuse to annotate the entry on the register and provide the registered social worker with the reasons for this refusal.



44. An annotation shall remain on the register for the period in which the registered social worker is registered.

PART SEVEN

Renewal of registration

45. (1) This Part applies when the Regulator is processing renewal applications made in accordance with regulation 13.

(2) Registered social workers may apply to renew their registration at the end of the registration period determined by the Regulator, and each successive registration period, when the registered social worker was registered in accordance with regulation 10(2).

Timeframe for applying

46. (1) The Regulator may notify a registered social worker of the date on which their registration will expire and the latest date by which their registration must be renewed.

(2) A registered social worker must apply to renew their registration no sooner than three months before their registration is due to expire and no later than the date on which their registration expires.

(3) The Regulator may extend the timeframe for applying for renewal of registration in the event that a registered social worker cannot apply for renewal by the latter date in rule 46(2) because of any error on the part of the Regulator.

Eligibility for renewal

47. A registered social worker is not eligible to have their registration renewed if they are subject to Rule 13.

48. (1) A registered social worker applying to renew their registration must provide the following information to the Regulator:

- (a) Evidence, in a form determined by the Regulator, that they meet the professional standards relating to continuing professional training and development;

- (b) evidence in accordance with Rule 15 of these Rules; and
- (c) where the Regulator determines that it is necessary for the registered social worker to do so, evidence that they have the necessary knowledge of English.

(2) To determine whether rule 48(1)(c) applies, the Regulator will apply the criteria in rule 16 of these Rules.

(3) If the evidence supplied by the applicant under paragraph (1) does not satisfy the Regulator that they meet the requirements of paragraph (1), it may request any further evidence which it considers necessary in support of the renewal application.

49. A registered social worker is eligible to have their registration renewed if they provide information in accordance with rule 48 and make a declaration that the information they have previously provided to the Regulator under rule 22 has not otherwise changed since their initial registration or previous renewal, as the case may be.

Continuing Professional Development

50. A registered social worker must maintain an up-to-date record of their continuing professional development in order to demonstrate to the Regulator upon request that they meet the requirements of Rule 48(1)(a) of these Rules.

51. The Regulator will notify a registered social worker if they intend to inspect any continuing professional development records that the registered social worker has submitted to demonstrate compliance with Rule 48(1)(a) of these Rules.

52. If, upon inspection, the registered social worker has not provided information to the Regulator which complies with Rule 48(1)(a) of these Rules, the Regulator may:

- (1) decide to remove the registered social worker from the Register using the procedure set out in Part 2 of the Social Work England (Registration – Removal from the register and Registration Appeals) Rules 2019.
- (2) apply conditions to the registered social worker's entry on the Register, using the procedure set out in Rules 30-36 of the Rules.



Registration period

53. Where the Regulator decides that the registered social worker is eligible to have their registration renewed, the period of renewed registration is 1 December -30 November.

Procedure

54. A registered social worker is able to apply to renew their registration between 1 September and 30 November each year.

PART EIGHT

Restoration to the register

55. This Part applies where an applicant has made a restoration application in accordance with regulation 15, with the exception of applicants who were removed as a result of a removal order.

Persons not eligible to have their registration restored

56. A registered social worker is not eligible to have their registration restored if they are subject to Rule 13

Eligibility for restoration

57. (1) An applicant applying to have their entry in the register restored must provide the following information to the Regulator:

- (a) evidence that they meet the professional standards relating to continuing professional training and development;
- (b) evidence in accordance with rule 15; and
- (c) where the Regulator determines that it is necessary for the registered social workers to do so, evidence that they have the necessary knowledge of English.

(2) To determine whether rule 57(1)(c) applies, the Regulator will apply the criteria in rule 16 of these Rules.

(3) An applicant must provide, as soon as possible, any further information or evidence requested by the Regulator which it considers necessary in support of the restoration application.

58. An applicant is eligible to have their registration restored if they provide information in accordance with rule 57 and make a declaration that the information they have previously provided to the Regulator under rule 22 has not otherwise changed since their last period of registration.

Registration period

59. Where the Regulator decides that the applicant is eligible to have their registration restored, the first period of renewed registration will be to the end of the current registration period.

Refusal to restore

60. Where the Regulator determines not to restore the applicant's entry on the register, the applicant may appeal this decision in accordance with Part 3 of the Social Work England (Registration – Removal from the register and Registration Appeals) Rules 2019.

Failure to comply

- 61.
- (1) If a registered social worker fails to provide information or evidence requested in accordance with rule 48(3), or rule 57(3), the Regulator may take action in accordance with regulation 16(4).
 - (2) Where a registered social worker has failed to provide sufficient evidence in accordance with rule 48(1), the Regulator may refuse to renew the registered social worker's entry in the register, taking account of Rule 27 of these Rules.
 - (3) Where a decision is made to remove an entry in the register in accordance with rule 61(2) the Regulator must follow the procedures in Part 2 of The Social Work England (Registration – Removal from the register and Registration Appeals) Rules 2019.
 - (4) Regulation 13(2) applies where a registered social worker fails to renew their registration within a timeframe specified in accordance with these Rules.

DRAFT

Social Work England

Rules

The Social Work England (Registration – Removal from the register and Registration Appeals) Rules 2019

PART 1

Introductory Text

Citation and commencement

1. (1) Social Work England has made these Rules in accordance with regulation 3 of The Social Workers Regulations 2018.
- (2) These Rules are made in exercise of powers conferred by regulation 14(6) and 19(5) of The Social Workers Regulations 2018.
- (3) These Rules are to be cited as The Social Work England (Registration – Removal from the register and Registration Appeals) Rules 2018.
- (4) These Rules come into force on *date TBC*.

Interpretation

2. In these Rules -

‘adjudicator’ means an individual appointed under regulation 19(3).

‘appellant’ means a person who has appealed in accordance with regulation 19(1).

‘entry in the register’ means information recorded in the register in accordance with regulation 9.

‘listed offence’ has the meaning given in regulation 26(8).

‘register’ means the register of social workers in England described in section 39(1) of the Children and Social Work Act 2017.

‘registered social worker’ has the meaning given in regulation 2(5).

‘registration appeal’ means an appeal made in accordance with regulation 19.

'regulation' means a regulation in The Social Workers Regulations 2018, and ' Regulations' shall be interpreted accordingly.

'Regulator' means Social Work England

'removal order' means an order issued in accordance with paragraph 13(1)(a) of Schedule 2.

'Social Work England' means the body corporate established by section 36(1) of the Children and Social Work Act 2017.

'Social Work England Portal' means a tool delivered via the Regulator's website that provides a secure communication channel for the Regulator to communicate with the registrant.

PART 2

Removal from the register

3. Other than removal under regulation 14(1)(b) or 14(1)(e), the procedures in this Part must be followed where the Regulator proposes to remove a registrant's entry in the register under regulation 14(1).

4. (1) Where the Regulator becomes aware that a registrant's entry in the register may have been fraudulently procured or incorrectly made, it may request such evidence or information as it considers necessary to determine whether this is the case, including making a request to the registrant in accordance with regulation 16(2).

(2) The recipient of a request made under paragraph (1) must respond within 28 calendar days of service (and rule 22 shall apply).

(3) A request under paragraph (1) must –

(a) be in writing;

(b) specify the name and address to which the evidence or information must be sent; and

(c) inform the individual of the Regulator's powers under regulation 16(5) if they fail to provide the information or evidence requested.

(d) inform the individual that they would be committing an offence if they fail to provide information or evidence requested, as set out in regulation 32(1)

(4) If a person other than a registrant fails to provide information or evidence requested in accordance with rule 4(2), they commit an offence, as set out in regulation 32(1) and are liable on summary conviction to a fine.

5. Where the Regulator intends to remove a registrant's entry in the register in accordance with regulation 14(1)(g), notification of the death must be received in writing.

Making representations

6. (1) Where the Regulator proposes to remove a registrant's entry in the register in accordance with regulation 14(1), other than 14(1)(c) and 14(1)(g), or in accordance with rule 61(2) of The Social Work England (Registration) Rules 2019, the Regulator must –

- (a) notify the registrant of the proposed removal, and reasons for it;
- (b) inform the registrant that they have 28 calendar days from the date of service to make representations against the removal (and rule 23 shall apply);
- (c) inform the registrant of the Regulator's powers under rule 10; and
- (d) inform the registrant of the relevant rights of appeal under regulation 19.

7. Where the Regulator proposes to remove a registrant's entry in the register under regulation 14(1)(a) and intends to make an interim order in accordance with regulation 14(7), the process set out in rule 20 of the Social Work England (Fitness to Practise) Rules 2019 shall apply.

8. The Regulator must consider any representations and notify the registrant of its decision within 28 calendar days of receiving the representations, and of their right to appeal under regulation 19(1)(g) and Part 3 of these rules.

9. Following consideration of representations the Regulator shall determine either to-

- (1) amend the entry in the register;
- (2) remove the entry in the register; or
- (3) take no further action.

10. If representations are not received after 28 calendar days the Regulator may remove the entry from the register.

PART 3

Registration appeals

11. (1) Where the Regulator has received a registration appeal exercised in accordance with regulation 19(1) the appeal must be handled in accordance with that regulation and with this Part.

12. (1) An appeal must be made in writing to the Regulator, setting out the grounds of appeal, within 28 calendar days of the appellant being notified of the decision to be appealed.

(2) An appeal made under paragraph (1) must state whether the appellant requests that the appeal is considered at an oral hearing.

13.(1) The Regulator must appoint at least two adjudicators to determine the case, of which at least one must be a lay person.

(2) The chair of any hearing or meeting must be a lay person.

14. When appointing the adjudicators, the Regulator must:

(1) appoint a legally qualified adjudicator; or

(2) appoint a solicitor or barrister of not less than 10 years standing to act as a legal adviser.

15. (1) Adjudicators may regulate their own procedures and must conduct the hearing in the manner they consider fair.

(2) Adjudicators may:

(a) decide whether to dispose of the registration appeal with or without a hearing, subject to paragraph (4);

(b) require persons other than the appellant to provide documents and, where a hearing is to be held, attend and give evidence;

(c) give directions as to what evidence is to be considered, including new evidence that has not previously been considered by the Regulator;

(d) give any other directions as they consider necessary.

(3) Where the appellant or the Regulator fails to comply with these Rules, or a direction given under paragraph (1) above, the adjudicators may –

- (a) draw adverse inferences; and
- (b) refuse to admit evidence where the failure relates to the admissibility of that evidence.

(4) If adjudicators propose to dispose of an appeal without a hearing, the appellant must be notified. If the appellant wishes to request a hearing, they must do so with 28 calendar days of receipt of the notification. A hearing must be held if the appellant requests one within this timescale.

(5) Where a hearing is to be held, the appellant must be given 28 calendar days' notice of the hearing (in accordance with rule 22(1)(a)), and the notice must include the dates, times and place of the hearing.

16. Where a hearing is held, the appellant and the Regulator may -

- (1) attend the hearing;
- (2) be represented at the hearing by a solicitor or counsel or, in the case of the appellant -
 - (a) a representative from any professional organisation of which the appellant is a member;
 - (b) at the discretion of the adjudicators, a member of the appellant's family or other suitable person;providing that that person is not to be called as a witness at the hearing;
- (3) make oral representations, either themselves or through a representative; and
- (4) call witnesses in support of their appeal, providing that they have given the adjudicators 7 calendar days' notice of their intention to call the witness.

17. (1) Subject to paragraph (2) below, a hearing under these Rules shall be held in public

(2) A hearing shall be held in private where the proceedings are to consider the physical or mental health of the appellant.

(3) the adjudicators may determine to hold part or all of the proceedings in private where they consider that to do so would be appropriate having regard to:

- (a) the vulnerability, interests or welfare of any participant in the proceedings, or
- (b) the public interest, including in the effective pursuit of the Regulator's overarching objective.

(4) The adjudicators may deliberate in camera, in the absence of the parties and of the public, at any time.

18. Where the appellant does not attend a hearing and is not represented, the adjudicators may proceed to determine the matter, including in circumstances where the appellant has previously indicated they wished to attend, if they are satisfied that the appellant has been served or all reasonable efforts have been made to serve the appellant with notice of the hearing in accordance with these Rules.

19. (1) The adjudicators must determine the outcome of the registration appeal as soon as possible (notwithstanding the provisions of rule 15(5)) and in any event within 60 working days of the appeal being received by the Regulator.

(2) Once the adjudicators have determined the outcome of the registration appeal in accordance with regulation 19(6) and (7), the Regulator must notify the outcome to the appellant, and their representatives if applicable, within 7 calendar days. and to the other parties to the appeal.

(3) Where applicable, such notification must inform the appellant of their right to appeal under regulation 19(8).

(4) The Regulator may notify –

- (a) any person by whom the appellant is employed or with whom they have an arrangement to provide services as a social worker in relation to social work; and
- (b) any other person;

of the outcome if it considers it to be in the public interest.

20.(1) The Regulator must make arrangements to record oral submissions or witness evidence given in person under these Rules.

(2) The Regulator may access a transcript of any recording of proceedings, including for the purposes of audit and training and must supply a transcript of any recording on request of the Professional Standards Authority,

(3) The Regulator must supply a transcript of any recording to the parties to the proceedings at which the party was entitled to be present.

21. (1) The Regulator must publish the details of the adjudicators' determinations, and reasons provided for it, unless paragraph (2) applies.

(2) Where the adjudicator's determination is favourable to the appellant, the Regulator must not publish the adjudicator's determination unless the appellant so requests.

PART 4

Notice

22.(1) (a) A notice or communication to the appellant or registrant (as the case may be) under these Rules must be –

(i) Placed on the Social Work England Portal where the appellant or registrant has agreed to accept notices or communications from the Regulator via the Social Work England Portal, or

(ii) Sent by next day delivery service or ordinary post to an address provided by the appellant or registrant to the Regulator.

(b) Service of any notice or communication may be established by

(i) (aa) A signed statement from a person causing the notice or communication to be placed on the Social Work England Portal, and

(bb) A certified copy of a message sent by electronic mail to the appellant or registrant informing the appellant or registrant of the placement of the notice or communication on the Social Work England Portal; or

(ii) a confirmation of posting issued by or on behalf of the Post Office, or other postal operator or delivery service, or

(iii) a signed statement from the person sending by ordinary post or delivering the notice or document in accordance with this rule.

(2) Where any notice or communication is sent or otherwise served under these Rules, it must be treated as having been served

- (a) where the notice or communication is placed on the Social Work England Portal, on the day an electronic message is sent to the appellant or registrant informing them of the placement of the notice or communication on the Social Work England Portal,
 - (b) where the notice or communication has been left at an address, on the day it was left,
 - (c) Where the notice or communication has been sent by next day delivery service, the day after the date it was sent,
 - (d) Where the notice or communication has been sent by ordinary post, two days after it was sent.
- (3) (a) The appellant or registrant may nominate a solicitor, professional body, or trade union to accept service on their behalf of any notice or communication sent under these Rules.
- (b) Where the appellant or registrant makes a nomination under sub-paragraph (a), service may be proved by delivery to the nominee under the provisions of paragraph (2).

Social Work England

Rules

The Social Work England (Registration – Fees) Rules 2019

PART 1

Citation, commencement and Interpretation

Citation and commencement

1. (1) Social Work England has made these Rules in accordance with regulation 3 of The Social Workers Regulations 2018.

(2) These Rules are made in exercise of powers conferred by regulation 17 of The Social Workers Regulations 2018.

(3) These Rules are to be cited as The Social Work England (Registration – Fees) Rules 2019.

(4) These Rules come into force on *date TBC*.

Interpretation

2. In these Rules -

‘applicant’ refers to a person applying in accordance with regulation 10(1) to be registered, a person applying in accordance with regulation 13(1) to renew their registration, or a person applying in accordance with regulation 15(1) to have their registration restored.

‘entry in the register’ refers to information recorded in the register in accordance with regulation 9.

‘fee’ refers to any fee charged in accordance with regulation 17.

‘register’ refers to the register of social workers in England required by section 39(1) of the Children and Social Work Act 2017.

‘registered social worker’ has the meaning given in regulation 2(5).

‘registration application’ refers to an application made in accordance with regulation 10, and ‘application for registration’ is construed accordingly.

‘registration period’ refers to the period defined by rule 28 of The Social Work England (Registration) Rules 2019.

‘Regulations’ refers to The Social Workers Regulations 2018 and ‘regulation’ shall be construed accordingly.

‘Regulator’ refers to Social Work England or a person carrying out the functions of the Regulator set out in the Regulations.

‘renewal application’ refers to an application made in accordance with regulation 13, and ‘application for renewal’ shall be construed accordingly.

‘renewed’ refers to the renewing of registration in accordance with regulation 13, and ‘renewal’ shall be construed accordingly.

‘restoration application’ refers to an application made in accordance with regulation 15, and ‘application for restoration’ shall be construed accordingly.

‘Social Work England’ refers to the body corporate established by section 36(1) of the Children and Social Work Act 2017.

PART 2

Fees for registration

3. This Part applies where the Regulator charges a fee in exercise of powers conferred by regulation 17.

Registration fee

4. (1) The fee to be charged for an application for registration is set out in paragraph 1 of Schedule 1 of these Rules.

(2) This fee covers the registration period determined by the Regulator when the applicant is registered in accordance with regulation 10(2).

(3) Additional fees to be charged for a registration application made by an applicant who has a recognised qualification under paragraph 1(b) or (c) of Schedule 1 to the Regulations (and who is not a person to whom regulation 18 applies) are set out in paragraph 4 of Schedule 1 to these Rules.

Renewal fee

5. (1) The fee to be charged for an application for renewal is set out in paragraph 2 of Schedule 1 of these Rules.

(2) This fee covers the registration period determined by the Regulator when the registered social worker has their registration renewed in accordance with regulation 13(3).

Restoration fee

6. (1) The additional fee to be charged for an application for restoration is set out in paragraph 3 of Schedule 1 of these Rules.

(2) This fee covers the period determined by the Regulator when the applicant has their registration restored in accordance with regulation 15(9).

Fee variations

7. The Regulator may decide at its discretion that a fee is not chargeable or to waive or reduce a fee payable, or refund all or part of any fee paid:



- (1) where it is notified under Rule 5 of The Social Work England (Registration – Removal from the register and Registration Appeals) Rules 2019 that a registered social worker has died;
- (2) where a registered social worker has been suspended from the register in accordance with paragraph 13(1) of Schedule 1 of the Regulations; or
- (3) where it considers it fair and reasonable to do so having regard to the applicant’s particular circumstances.

Payment of fees

8. (1) The fee payable for an application for registration or restoration must be paid in its entirety at the time that the application is made.

(2) An applicant or registered social worker may, with the agreement of Social Work England, pay the fee for a renewal application in instalments by direct debit. In that event, the final instalment for that registration year shall be the point at which the fee for renewal of registration has been paid in full.

Timescale for payment of fees and consequence of non-payment of fees

9. (1) Subject to paragraph (2), any fee payable must be paid upon the request of the Regulator.

(2) If a fee is to be paid by instalment in accordance with rule 8(2), the first direct debit payment must be made no later than 10 working days from the date a request to pay by direct debit is made.

(3) Where any fee payable for:

- (a) registration;
- (b) restoration; or
- (c) renewal made in accordance with Rule 8(2)

is not paid within 10 working days of a request, the applicant will not be registered or have their entry to the register restored.

(4) Where the fee for renewal of registration is not paid by the final date of renewal for that registration period, the registered social worker's entry shall be removed from the register.

(5) Where a fee for renewal of registration is being paid by instalment in accordance with rule 8(2), any instalment that is not paid shall result in the Regulator taking action in accordance with rule 9(4).

(6) In the circumstances described in Rule 9(3) and 9(4), the Regulator must write to the applicant warning them:

- (a) until such fee is paid they are not registered; and
- (b) a new application for registration or restoration must be made if the applicant wishes to be registered.

(7) Before taking any action under rule 9(3) or 9(4), the Regulator may consider the circumstances of the person concerned. If, as a result of its consideration, the Regulator decides not to take action under rule 9(3) or 9(4), the Regulator may grant the person concerned registration, restoration, or renewal as the case may be and must write to that person explaining why such action has been taken despite non-payment of a fee.

Schedule 1

Registration Fees Rules 20xx/20xx

Each application falling within a category set out in the table below shall be accompanied by the fee shown for the period December 20xx-November 20xx.

(1) Application for initial registration	
Fee for an application for initial registration made between 1 December - 28 February	£90.00
Fee for an application for initial registration made between 1 March – 31 May	£67.50
Fee for an application for initial registration made between 1 June – 31 August	£45.00
Fee for an application for initial registration made between 1 September – 30 November	£22.50
(2) Application for renewal of registration	
Fee for an application for renewal of registration	£90.00
(3) Application for restoration of registration	
Fee for an application for restoration of registration, in addition to the registration fee at (1) above	£135.00
(4) Scrutiny Fees	
Additional fee for the scrutiny of applications from applicants applying in accordance with paragraph 1(b) or paragraph 1(c) of schedule 1 of the Regulations.	£495.00