

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

Obtaining further information and referral to case examiners

5.—(1) Subject to sub-paragraph (2), [^{F1}the regulator or] the investigators may require any person who, in their opinion, is able to supply information or produce any document which appears relevant to the discharge of their functions or to those of case examiners or adjudicators under this Schedule, to attend and give evidence, or produce documents, in the fitness to practise proceedings.

(2) Nothing in sub-paragraph (1)—

- (a) requires or permits any disclosure of information which is prohibited by or under any other enactment, or
- (b) requires the production of any document which a person could not be compelled to supply or produce in proceedings in the High Court on an appeal from a decision of case examiners or adjudicators under Part 5.

(3) Any information required, and any representations made, under this Part must be provided to [^{F2}the regulator or] the investigators within such period as is specified in rules made under regulation 25(5)(b), or such longer period as [^{F2}the regulator or] the investigators may determine.

[^{F3}(4) The regulator or the investigators may take such steps as are reasonably practicable to obtain any further information relevant to carrying out their functions under this Schedule.

(5) At any stage in fitness to practise proceedings, the regulator may—

- (a) consider whether an interim order may be necessary for the protection of the public or in the best interests of the social worker, and
- (b) propose that an interim order be made in accordance with paragraph 8.

(6) Where the regulator has been notified in accordance with paragraph 8(1), it must consider whether an interim order may be necessary for the protection of the public or in the best interests of the social worker.

(7) Where the regulator considers an interim order may be necessary for the protection of the public or in the best interests of the social worker, it must appoint two or more adjudicators to consider whether to make an interim order in accordance with paragraph 8.

(8) The investigators must refer the case to the case examiners at the conclusion of the investigation.]

Changes to legislation: There are currently no known outstanding effects for the The Social Workers Regulations 2018, Paragraph 5. (See end of Document for details)

Textual Amendments

- F1** Words in Sch. 2 para. 5(1) inserted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 2(2)**
- F2** Words in Sch. 2 para. 5(3) inserted (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 2(3)**
- F3** Sch. 2 para. 5(4)-(8) substituted for Sch. 2para. 5(4) (16.12.2022) by The Social Workers (Amendment and Transitional Provision) Regulations 2022 (S.I. 2022/1216), reg. 1(2), **Sch. para. 2(4)**

Changes to legislation:

There are currently no known outstanding effects for the The Social Workers Regulations 2018, Paragraph 5.