



# Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

## PART 4

### SOCIAL CARE WORKERS

#### *Appeals to the tribunal*

#### **104 Appeals against decisions of a registration appeals panel**

- (1) This section applies where a registration appeals panel—
  - (a) makes a determination under section 98(1)(b) that an entry in the register should not be restored for a reason that relates to the person's fitness to practise;
  - (b) directs under section 98(4) that a person may not make further applications for restoration to a part of the register, or confirms such a direction under section 99(2);
  - (c) makes a determination in respect of an application for restoration referred to it by virtue of rules made under section 100(2)(e) for a reason that relates to the person's fitness to practice;
  - (d) makes a determination under section 103 in respect of an appeal against a decision of the registrar.
- (2) The person to whom the panel's decision relates may appeal against it to the tribunal.
- (3) An appeal under this section must be brought before the end of the period of 28 days beginning with the date of the panel's decision.
- (4) But the tribunal may allow an appeal to be made to it after the end of the period mentioned in subsection (3) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay in applying for permission to appeal out of time).

- (5) On an appeal under this section, the tribunal may—
- (a) confirm the decision,
  - (b) substitute for the panel’s decision another decision which the panel could have made, or
  - (c) remit the case to SCW to dispose of in accordance with the directions of the tribunal.

## **105 Other appeals: decisions made under the General Systems Regulations**

- (1) This section applies where SCW has made a decision—
- (a) under regulation 9(2) of the General Systems Regulations as to whether a person is providing services as a social worker in the United Kingdom on a temporary and occasional basis, or
  - (b) under Part 3 of those Regulations in respect of an aptitude test, or period of adaptation, in connection with a person’s becoming permitted, by virtue of that Part, to have access to, and to pursue, the profession of social worker in the United Kingdom.
- (2) The person to whom the decision relates may appeal against it to the tribunal.
- (3) An appeal under subsection (2) must be brought before the end of the period of 28 days beginning with the date the person was notified by SCW of the decision.
- (4) But the tribunal may allow an appeal to be made to it after the end of the period mentioned in subsection (3) if it is satisfied that there is a good reason for the failure to appeal before the end of the period (and for any delay in applying for permission to appeal out of time).
- (5) On an appeal under this section, the tribunal may—
- (a) confirm the decision,
  - (b) substitute for the decision appealed against another decision that SCW could have made, or
  - (c) remit the case to SCW to dispose of in accordance with the directions of the tribunal.