



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

2016 anaw 2

## PART 6

SOCIAL CARE WORKERS: FITNESS TO PRACTISE

### CHAPTER 3

DISPOSAL OF FITNESS TO PRACTISE CASES

#### **138 Disposals by fitness to practise panel: finding of impairment**

- (1) This section applies where a fitness to practise panel has determined that a registered person's fitness to practise is impaired.
- (2) The panel must dispose of the matter in one of the ways mentioned in subsections (3) to (9).
- (3) The panel may make an order under section 135(2) for removal of the registered person's entry from the register by agreement.
- (4) The panel may agree undertakings with the registered person; in which case, section 136(2) and (3) apply in respect of such undertakings.
- (5) The panel may decide to take no further action in respect of the registered person.
- (6) The panel may give a warning to the registered person in respect of future conduct or performance.
- (7) The panel may make a conditional registration order, which is an order imposing conditions on the person's registration.
- (8) The panel may make a suspension order, which is an order suspending the registered person's registration.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Section 138. (See end of Document for details)

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- (9) The panel may make a removal order, which is an order for the removal of the entry relating to the registered person in the register.
- (10) But the panel may not make a removal order if the only ground on which it has determined that the registered person's fitness to practise is impaired is adverse physical or mental health.

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**Commencement Information**

**II** S. 138 in force at 3.4.2017 by S.I. 2017/309, art. 2(e) (with arts. 3, 4, Sch.)

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Section 138.