



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 4

SOCIAL CARE WORKERS

Restoring an entry to the register

95 Duty to restore a register entry

If the registrar is satisfied that an entry, or an annotation to an entry, has been removed from the register in error, the registrar must restore that entry or annotation to the register.

96 Power to restore a register entry

- (1) This section applies where an entry is removed from the register under—
 - (a) section 92 (removal by agreement);
 - (b) section 94 (entries based on false or misleading information).
- (2) The registrar may, on the application of the person to whom the entry related, restore the entry to the register.
- (3) The registrar may grant an application for restoration under this section only if satisfied that the applicant meets the registration requirements specified in section 83(2).
- (4) The registrar must give notice to the applicant as to whether his or her application has been granted.
- (5) If the application for restoration is not granted the registrar must also give the applicant notice of—
 - (a) the reasons for the decision, and
 - (b) any right of appeal in connection with the decision.

97 Restoration following fitness to practise proceedings

- (1) This section applies where a fitness to practise panel has made a removal order under—
 - (a) section 138(9) (disposal following a finding of impairment);
 - (b) section 152(8)(e) (decisions following review of undertakings);
 - (c) section 153(9)(d) (decisions on review of conditional registration orders);
 - (d) section 154(8)(d) (decisions on review of suspensions orders).
- (2) Subject to subsection (3), the person to whom the order relates may make an application to the registrar for the entry in respect of the person to be restored to the register (but see section 98(4) for provision about circumstances in which a registration appeals panel may prevent a person making such an application).
- (3) The person to whom the order relates may not—
 - (a) make an application for restoration before the expiry of the period of 5 years beginning with the date on which the order was made, or
 - (b) make more than one application for restoration to the register within a period of 12 months.
- (4) The registrar must refer an application made under subsection (2) to a registration appeals panel for determination (see section 98).
- (5) Where a registration appeals panel has given a direction under section 98(4) (suspension of the right to apply for restoration)—
 - (a) the person in respect of whom the direction is given may make an application to the registrar for a review of the direction, and
 - (b) the registrar must refer the application to a registration appeals panel for determination.
- (6) A person may not make an application under subsection (5)(a)—
 - (a) before the expiry of the period of 3 years beginning with the date on which the direction is given, or
 - (b) within the period of 3 years beginning with the date of a previous application for review.

98 Restoration proceedings

- (1) Where the registrar has referred an application for restoration of a person's ("P") entry in a part of the register to a registration appeals panel under section 97(4), the panel must—
 - (a) determine that the entry in respect of P is to be restored to the relevant part of the register, or
 - (b) determine that the entry in respect of P must not be restored to that part of the register.
- (2) The registrar must give P notice of the panel's determination.
- (3) If the panel makes a determination under subsection (1)(b) the registrar must also give notice to P of—
 - (a) its reasons for making the determination, and
 - (b) any right of appeal in connection with the determination.
- (4) If—

- (a) P has made two or more applications under section 97(2) for restoration to the same part of the register, and
 - (b) a registration appeals panel, on the second or any subsequent application, refuses restoration to that part of the register under subsection (1)(b),
- the panel may direct that P may not make further applications under section 97(2) for restoration to that part of the register.
- (5) If the registration appeals panel gives a direction under subsection (4), the registrar must give notice to P of—
 - (a) that direction, and
 - (b) P's right to appeal under section 104.
 - (6) If a registration appeals panel makes a determination under subsection (1)(a) the panel must direct the registrar to restore P's entry to the register.

99 Review of suspension of right to apply for restoration

- (1) Subsection (2) applies where—
 - (a) a registration appeals panel has given a direction under section 98(4) in respect of P (suspension of the right to apply for restoration), and
 - (b) a referral for the review of the direction has been made by the registrar under section 97(5)(b).
- (2) A registration appeals panel must review the direction, and may confirm or revoke it.
- (3) The registrar must give P notice of the panel's decision on review.
- (4) Where the panel confirms the direction, the registrar must also give P notice of—
 - (a) the panel's reasons for confirming the direction, and
 - (b) the right of appeal under section 104.

100 Rules about applications under section 96 and 97

- (1) SCW must by rules make provision about the procedure in connection with an application for—
 - (a) restoration under section 96 or 97;
 - (b) review of a direction given under section 98(4) (suspension of a right to apply for restoration).
- (2) The rules may, in particular, make provision about—
 - (a) the form and manner in which an application may be made;
 - (b) the information to be provided in support of an application;
 - (c) the period within which an application may be made;
 - (d) the period within which any notice required to be given by the registrar must be provided;
 - (e) circumstances in which an application for restoration under section 96 may be referred to a registration appeals panel for determination;
 - (f) the criteria by reference to which a registration appeals panel is to determine whether or not an entry is to be restored or a direction is to be confirmed or revoked;

Status: This is the original version (as it was originally enacted).

- (g) circumstances in which a fee will be charged for making an application to restore an entry to the register and circumstances in which such a fee may be reduced or waived.