

SCHEDULE 2

Fitness to practise proceedings

PART 4

Review of orders

Review of interim orders

14.—(1) The regulator must review any interim order made under paragraphs 8(2) or 11(1)(a) (including any such order as has been extended or varied)—

- (a) within the period of six months beginning on the date on which the order was made,
- (b) thereafter, before the end of the period of three months, beginning on the date of the decision of the immediately preceding review, for so long as the order continues in force, and
- (c) where new evidence relevant to the order has become available after the making of the order, or the last review.

(2) The regulator may apply to the High Court to extend, or further extend, the period for which an interim order has effect.

(3) On an application under sub-paragraph (2) the High Court may—

- (a) substitute a different period for which the interim order has effect, or
- (b) confirm the order.

(4) Where the High Court substitutes a different period for which the interim order has effect the regulator must notify any person who was notified of the making of the interim order.

(5) Subject to sub-paragraph (6), on a review under sub-paragraph (1) the regulator may—

- (a) revoke the order,
- (b) revoke or vary any condition imposed by the order,
- (c) confirm the order,
- (d) replace an interim conditions of practice order with an interim suspension order (or vice versa) having effect for the same period, provided it is satisfied that to do so is necessary for the protection of the public or in the best interests of the social worker,

(6) The regulator may not take any of the steps in sub-paragraph (5) unless it has first informed the social worker of the proposed step and given them the opportunity—

- (a) to make written submissions, or
- (b) to attend before it and be represented, in order to make oral submissions.

(7) Where sub-paragraph (5) applies, the regulator must inform the following of the terms of the order and the reasons for it—

- (a) the social worker,
- (b) any person by whom the social worker is employed, or with whom they have an arrangement, to provide services as a social worker or in relation to social work (where known),
- (c) any other regulatory body with which the social worker is registered (where known), and
- (d) where the fitness to practise proceedings were instigated following a complaint against the social worker, the complainant.

Review of final orders

15.—(1) The regulator must review a suspension order, or a conditions of practice order, before its expiry, and may—

- (a) with effect from the date on which the order would have expired, extend or further extend the period for which the order has effect, provided that the extended period does not exceed three years,
- (b) with effect from the expiry of the order, make any order which the case examiners or the adjudicators (as the case may be) could have made at the time they made the order, provided that the period for which the orders have effect does not exceed three years in total,
- (c) in the case of a suspension order, with effect from its expiry make a conditions of practice order with which the social worker must comply if they resume practice as a social worker at the end of the period of suspension specified in the order.

(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker, and may—

- (a) confirm the order,
- (b) extend, or further extend, the period for which the order has effect, provided that the extended period does not exceed three years,
- (c) reduce the period for which the order has effect, but in the case of a warning order, not so that it has effect for less than one year beginning on the date when the order was made under paragraph 12(3)(b),
- (d) substitute any order which the adjudicators could have made at the time they made the order under paragraph 12(3)(b),
- (e) revoke the order, and in the case of a suspension order may make the revocation subject to the social worker satisfying such requirements as to additional education or training and experience as apply to them,
- (f) revoke or vary any condition imposed by the order.

(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under regulation 25(5), and a final order does not have effect until after the expiry of that period.

(4) Sub-paragraphs (1) and (2) apply in relation to an order made on a review under those paragraphs, as they apply to an order made under paragraph 12(3)(b).

(5) The regulator may not take any action mentioned in sub-paragraphs (1) or (2) unless it has first informed the social worker of the proposed action and given them the opportunity—

- (a) to make written submissions, or
- (b) to attend before the regulator and be represented, in order to make oral submissions.

(6) Where the regulator takes any action mentioned in sub-paragraphs (1) or (2) it must inform the following accordingly—

- (a) the social worker,
- (b) any person by whom the social worker is employed, or with whom they have an arrangement, to provide services as a social worker or in relation to social work (where known),
- (c) any regulatory body with which the social worker is registered (where known), and
- (d) where the fitness to practise proceedings were instigated following a complaint against the social worker, the complainant.