



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 6

SOCIAL CARE WORKERS: FITNESS TO PRACTISE

CHAPTER 6

APPEALS AND REFERRALS TO THE TRIBUNAL

158 Appeals against decisions of a fitness to practise panel

- (1) This section applies where a fitness to practise panel—
- (a) having determined that a registered person's fitness to practise is impaired ("a finding of impairment"), makes a decision to take no further action under section 138(5);
 - (b) following a finding of impairment, gives a warning under section 138(6);
 - (c) following a finding of impairment, makes a conditional registration order under section 138(7);
 - (d) following a finding of impairment, makes a suspension order under section 138(8);
 - (e) following a finding of impairment, makes a removal order under section 138(9);
 - (f) following a finding of impairment, makes a decision in a review case under section 152(8) (disposals following review of undertakings);
 - (g) following a finding of impairment, makes a decision in a review case under section 153(6), (7) or (9) (disposals following review of conditional registration order);

Status: This is the original version (as it was originally enacted).

- (h) following a finding of impairment, makes a decision in a review case under section 154(6), (7), (8) or (10) (disposals following review of suspension order);
 - (i) makes a decision in a review case under section 155(9) or (10) (disposals following review of indefinite suspension order).
- (2) The person in respect of whom a decision of a kind listed in subsection (1) was made may appeal against the decision to the tribunal.
- (3) An appeal must be brought within the period of 28 days beginning with the day on which notice of the decision is given to the person concerned.
- (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 decision appealed against another decision that the fitness to practise panel could have made, or
 - (c) remit the case to SCW to dispose of in accordance with the directions of the tribunal.