



2001 CHAPTER 3

PART I

SOCIAL CARE WORKERS

*Registration*

**The register**

- 3.—(1) The Council shall maintain a register of—
- (a) social workers; and
  - (b) social care workers of any other description specified by order made by the Department.
- (2) There shall be a separate part of the register for social workers and for each description of social care workers so specified.
- (3) The Department may by order provide for a specified part of the register to be closed, as from a date specified by the order, so that on or after that date no further persons can become registered in that part.
- (4) The Department shall consult the Council before making, varying or revoking any order under this section.
- (5) The register may be kept by means of a computer.

**Applications for registration**

- 4.—(1) An application for registration under this Part shall be made to the Council in accordance with rules made by it.

(2) An application under subsection (1) shall specify each part of the register in which registration is sought and such other matters as may be required by the rules.

### **Grant or refusal of registration**

**5.**—(1) If the Council is satisfied that the applicant—

- (a) is of good character;
- (b) is physically and mentally fit to perform the whole or part of the work of persons registered in any part of the register to which his application relates; and
- (c) satisfies the following conditions,

it shall grant the application, either unconditionally or subject to such conditions as it thinks fit; and in any other case it shall refuse it.

(2) The first condition is that—

- (a) in the case of an applicant for registration as a social worker—
  - (i) he has successfully completed a course approved by the Council under section 10 for persons wishing to become social workers;
  - (ii) he satisfies the requirements of section 11; or
  - (iii) he satisfies any requirements as to training which the Council may by rules impose in relation to social workers;
- (b) in the case of an applicant for registration as a social care worker of any other description, he satisfies any requirements as to training which the Council may by rules impose in relation to social care workers of that description.

(3) The second condition is that the applicant satisfies any requirements as to conduct and competence which the Council may by rules impose.

### **Removal, etc. from register**

**6.**—(1) The Council shall by rules determine circumstances in which, and the means by which—

- (a) a person may be removed from a part of the register, whether or not for a specified period;
- (b) a person who has been removed from a part of the register may be restored to that part;
- (c) a person's registration in a part of the register may be suspended for a specified period;
- (d) the suspension of a person's registration in a part of the register may be terminated;

(e) an entry in a part of the register may be removed, altered or restored.

(2) The rules shall make provision as to the procedure to be followed, and the rules of evidence to be observed, in proceedings brought for the purposes of the rules, whether before the Council or any committee of the Council.

(3) The rules shall provide for such proceedings to be in public except in such cases (if any) as the rules may specify.

(4) Where a person's registration in a part of the register is suspended under subsection (1)(c), he shall be treated as not being registered in that part notwithstanding that his name still appears in it.

### **Rules about registration**

7. The Council may by rules make provision about the registration of persons under this Part and, in particular—

- (a) as to the keeping of the register;
- (b) as to the documentary and other evidence to be produced by those applying for registration or for additional qualifications to be recorded, or for any entry in the register to be altered or restored;
- (c) for a person's registration to remain effective without limitation of time (subject to removal from the register in accordance with rules made by virtue of section 6) or to lapse after a specified period or in specified cases, or to be subject to renewal as and when provided by the rules.

### **Registration – enforcement**

8.—(1) If a person who is not registered as a social worker in any relevant register, with intent to deceive another—

- (a) takes or uses the title of social worker;
- (b) takes or uses any title or description implying that he is so registered, or in any way holds himself out as so registered,

he is guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) The Department may by regulations make provision for prohibiting persons from working in such positions as may be prescribed unless they are registered in, or in a particular part of, a relevant register.

(4) Regulations under subsection (3) may provide that a contravention of any specified provision of the regulations shall be an offence.

(5) A person guilty of an offence under such regulations shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) For the purposes of this section, a register is a relevant register if it is—

- (a) maintained by the Council; or
- (b) a prescribed register maintained under a provision of the law of England and Wales or Scotland which appears to the Department to correspond to the provisions of this Part.