

Suitability to work in social care – guidance notes

for social workers trained and qualified outside the UK



This guidance tells you how to complete Section 6 (Character and conduct) and Section 8 (About your health) of the application form. It also tells you what additional information you should send with your application form to the NISCC.

Registration helpline

You can contact the registration helpline for help with any section of the application form.

Open Monday to Friday – 10.00 to 12.00 and 14.00 to 16.00

Telephone: **+44 (0)28 9041 7633**

Email: **registration@nisocialcarecouncil.org.uk**

Website: **www.niscc.info**

Code of Practice for Social Care Workers

The Northern Ireland Social Care Council (NISCC) will register people who can satisfy us that they are suitable for work in social care. We will take into account standards set out in the Code of Practice for Social Care Workers (code of practice) when undertaking our assessment of your application to join the Social Care Register (register). The code of practice is a list of statements that describe the standards of professional conduct and practice required of social care workers, social workers and student social workers as they go about their daily work. A booklet containing the codes of practice for both employers and social care workers is included in the application pack.

When making its assessment, the NISCC must take into account the applicant's conduct, both within and outside the workplace, and whether this is likely to constitute a risk to people using social care services. This is made clear in paragraph 5 of the code of practice – and particularly in paragraph 5.8 – which requires social care workers to uphold public trust and confidence in social care services by not behaving in any way, either in or outside work, that would call into question their suitability to work in social care services.

Once registered, all social care workers, including social workers and student social workers are responsible for making sure that their conduct does not fall below the standards set out in the code of practice, and that no action or omission on their part harms the well-being of people using social care services.

The NISCC expects all registrants to meet the standards set out in the code of practice, and may take action if they fail to do so. We will take into account the standards set out in the code when considering issues of misconduct and decisions as to whether a registrant should remain on the register.

Suitability Assessment

We will undertake a suitability assessment if there is any evidence that calls into question your suitability to work in social care. The criteria used for our suitability assessment are based on our statutory duty to make sure that we register only those people who are of good character and conduct, and who are physically and mentally fit to perform social care work.

You have an obligation to provide an accurate account in response to our questions within the application form.

Character and conduct

Section 6 of the application form asks you for information relating to your character and conduct.

Why does the NISCC need to know this information?

Under the Health and Personal Social Services Act (NI) 2001, the NISCC is required to be satisfied of an applicant's good character and conduct.

Section 6 is broken down into three parts:

- Part A relates to criminal matters;
- Part B relates to matters of discipline; and
- Part C relates to the protection of children and people who use social care services.

A. Criminal matters

One of the ways the NISCC measures good character and conduct is by asking you to tell us whether you have, in the UK or outside the UK, ever received the equivalent of any of the following:

Conviction	<p>A conviction is a finding of guilt for an offence, made by a criminal court against an offender.</p> <p>You must declare each finding of guilt for every offence considered by a criminal court (including a finding of guilt following a guilty plea). Please note that this is not limited (in the UK) to prosecution by the Crown Prosecution Service; it may include prosecution by a local authority, HM Revenue and Customs, the Health and Safety Executive, the Food Standards Agency, the Department for Work and Pensions or the Information Commissioner, for example.</p>
Caution	<p>A caution is a formal warning not to commit any further offences. It can only be administered by the police, once three conditions are met:</p> <ul style="list-style-type: none"> • you made a full and frank admission to the police; • there was sufficient evidence to prosecute for the offence; and • you consented to the caution being administered.
Reprimand or final warning	<p>This is equivalent to a caution for offenders under the age of 18.</p>
Bind over	<p>When bound over, you are obliged to keep the peace or be of good behaviour, usually for a specific period of time. A bind over is administered by the courts and can apply to a wide group of people including offenders, defendants following acquittal, witnesses, complainants at a criminal trial, juveniles and parents of juveniles.</p>

Anti-Social Behaviour (NI) Order (ASBO)	An ASBO is an Anti-Social Behaviour Order made by the civil or criminal courts.
Prosecutions pending	You must tell us if you have been informed that you will be prosecuted for an offence or offences, but the proceedings are still pending.

Even if you answer ‘yes’ to any of the above in your application form, it does not necessarily mean that you will not be registered. However, we will need more information about anything you have declared so that we can assess your suitability to be registered, in accordance with our statutory duties.

What do I need to declare?

You should declare all convictions, cautions, final warnings, bind overs, ASBOs and pending prosecutions even if, in the case of convictions, they are spent under the Rehabilitation of Offenders (NI) Order 1978 or related legislation outside the UK. Even if you were conditionally or absolutely discharged, you should declare this information on the form.

Do I need to declare motoring offences?

With the exception of fixed penalty notices for speeding, you need to declare all motoring offences.

Do I need to declare matters that have happened outside the UK?

If a decision has been made about you in any part of the world, which has the same effect as one of those described in the table, you should declare it. You should also declare any prosecutions pending anywhere in the world.

All countries have different legal systems and legislation, and it would be impossible to list all the variations here.

You must make your declaration about Character and conduct in section 6 of the application form and on a continuation sheet if required. Any continuation sheets should be marked clearly with your name and date of birth.

We ask your endorser to check this information when endorsing your application. For further information about endorsement, see Section 7 of the **General Guidance** notes.

How will the NISCC assess suitability regarding criminal matters?

In practice, many criminal convictions or other decisions listed will not affect your suitability to work in social care. It is difficult to give guidelines on the type of decisions that will render you unsuitable, as each case will be considered on its own merits. We will take into account a broad range of information when we are considering your suitability. This includes:

- the seriousness of the offence or subject matter of the decision;
- the length of time since it occurred;
- whether you have a pattern of offending;
- whether your situation has changed since the offence was committed (or since the event resulting in the decision occurred);
- the circumstances surrounding the offence or subject matter of the decision;
- your explanation for the offence or subject matter of the decision;
- the relevance of the offence or subject matter of the decision to social care work; and
- evidence submitted by you to support your good character and your commitment to working safely in social care and upholding the trust and confidence of people who use social care services.

What information does the NISCC need to complete the suitability assessment regarding criminal matters?

If you have answered 'yes' to any of the questions about criminal matters on the application form, we require the following **additional information for each criminal matter**, including motoring offences (but excluding fixed penalty notices for speeding):

- when it occurred;
- what age you were at the time;
- the nature of the offence or other related matter and what the circumstances surrounding it were;
- your explanation of the offence or other related matter;
- details of any prosecutions following non-compliance with a conditional caution and the reason why the conditions were not met;
- whether a bind over was ever breached, the reasons why and whether a sum of money was forfeited;
- whether your ASBO was civil or criminal and on what basis was it made (e.g. conviction or other evidence collected by the PSNI or the Housing Executive);
- background information about any charges or prosecutions pending and, if known, any court dates;
- what penalty was imposed and for how long;
- who imposed the penalty and in what country (e.g. a court in France);
- whether your penalty was reduced and, if so, for how long;
- whether you received a custodial sentence and, if so, for how long;
- whether you were placed on probation and, if so, for how long;
- whether you undertook formal rehabilitation; and
- in your opinion, what risk you pose to people who use social care services and whether you are able to uphold the trust and confidence of those people.

You are required to provide full details about your character and conduct in section 6 of the application form. If we later find out that you have given false information or withheld relevant details, your registration may be called into question.

You may also wish to enclose copies of any official documents relating to the offence and any penalty imposed.

We also consider the order of your employment, study and sabbatical history and any unexplained gaps alongside any declaration you make.

See also ‘Character references and additional information’ on page 9 of this document, and the notes relating to Section 7 in the general guidance notes.

B. Matters of discipline

Another way in which the NISCC measures your character and conduct is by asking you to tell us whether any of the following, or equivalent, apply to you, in or outside the UK.

- Are you currently the subject of any disciplinary investigation?
- Have you ever had a disciplinary finding against you?
- Have you ever had your employment terminated for unprofessional behaviour or misconduct?
- Have you ever left an organisation before the outcome of a disciplinary investigation was known?
- Have you ever been suspended or disqualified from any professional training programme?
- Have you ever been suspended or deregistered for professional misconduct by any other regulatory or licensing body or professional register?

Even if you answer ‘yes’ to any of these questions in your application form, it does not necessarily mean that you will not be registered. However, we will need more information about anything you have declared here so that we can assess your suitability to be registered, in accordance with our statutory duties.

You should declare all disciplinary findings, even if they are spent under the disciplinary rules and codes of practice of the employer, university or regulatory, licensing or professional body concerned. If we later find out that you have given false information or withheld relevant details, your registration may be called into question.

How will the NISCC assess suitability regarding matters of discipline?

In practice, many disciplinary findings will not affect your suitability to work in social care. It is difficult to give guidelines on the type of findings that will render you unsuitable, as each case will be considered on its own merits. We will take into account a broad range of information when we are considering your suitability. This includes:

- the seriousness of the disciplinary finding;
- the length of time since it took place;
- whether you have a pattern of similar disciplinary findings;
- whether your situation has changed since the disciplinary matter occurred;
- the circumstances surrounding the disciplinary matter and your explanation for it arising;
- the relevance of the disciplinary finding to social care work; and
- evidence submitted by you to support your good character and your commitment to working safely in social care and upholding the trust and confidence of people who use social care services.

What information does the NISCC need to complete the suitability assessment regarding matters of discipline?

For each disciplinary finding or current investigation, or where you have left an organisation before the outcome of an investigation was known, you must tell us:

- the name of the employer, university or regulatory, licensing or professional body that imposed the disciplinary finding;
- what your position is/was within the organisation;
- when the incident occurred;
- whether it is still under investigation and, if so, when the outcome will be known;
- where you have left the organisation before the outcome of an investigation was known, the nature of the investigation and your reasons for leaving before the outcome was known;
- the nature of the disciplinary matter and the circumstances surrounding it;
- your explanation of how it occurred;
- what penalty was imposed and for how long;
- whether you have successfully completed any rehabilitation or remedial training that was imposed; and
- in your opinion, what risk you pose to people who use social care services and whether you are able to uphold the trust and confidence of those people.

You are required to provide full details about your character and conduct in Section 6 of the application form. If we later find out that you have given false information or withheld relevant details, your registration may be called into question.

You may also wish to include copies of the transcript of the original disciplinary investigation and a copy of the report or letter detailing the disciplinary findings.

We also consider the order of your employment, study and sabbatical history and any unexplained gaps alongside any declaration you make.

See also ‘Character references and additional information’ on page 9 of this document, and the notes relating to Section 7 in the general guidance notes.

C. Protection of children or people who use social care services

Why does the NISCC need to know this information?

The NISCC needs to know if you have ever been subject to any of the orders listed below, and whether your child or any dependant has been removed from your care by court order in or outside the UK as a result of child protection proceedings:

- the Protection of Children and Vulnerable Adults (NI) Order 2003 (POCVA);
- the Protection of Vulnerable Adults (POVA) list;
- the Protection of Children (POCA) list; and/or
- Section 142 of the Education Act 2000 (formerly List 99).

We also need to know if you have ever been:

- ordered to comply with the registration requirements under the Sex Offenders Act 1997; or
- ordered to comply with the notification requirements under the Sexual Offences Act 2003; or
- been the subject of an order under Part 2 of the Act (including a Notification Order, a Sexual Offences Prevention Order, a Foreign Travel Order or a Risk of Sexual Harm Order).

Please note that you must disclose details of the above, even if the order made was on an interim basis and/or was varied or discharged on appeal, and regardless of the age of the order.

Even if you answer 'yes' to any of the above in your application form, it does not necessarily mean that you will not be registered. We need to be satisfied of your suitability to be registered, in accordance with our statutory duties.

How will the NISCC assess suitability regarding the protection of children or people who use social care services?

It is difficult to give guidelines on what will render you unsuitable, as each case will be considered on its own merits. We will take into account a broad range of information when we are considering your suitability. This includes:

- whether your situation has changed since the order was made;
- your circumstances at the time;
- your explanation for the order;
- the relevance of the order to social care work; and
- evidence submitted by you to support your good character and your commitment to working safely in social care and upholding the trust and confidence of people who use social care services.

What information does the NISCC need to complete the suitability assessment regarding the protection of children or people who use social care services?

To assess your character and conduct properly, the NISCC needs you to provide **all relevant information**. This includes:

- when the order was made;
- whether the order is still in place and, if so, when it will expire;
- how long the order was made for;
- your circumstances at the time;
- your explanation for the order;
- whether your situation has changed since the order was made; and
- in your opinion, what risk you pose to people who use social care services and whether you are able to uphold the trust and confidence of those people.

You are required to provide full details about your character and conduct in Section 6 of the application form. If we later find out that you have given false information or withheld relevant details, your registration may be called into question.

We also consider the order of your employment, study and sabbatical history and any unexplained gaps alongside any declaration you make.

See also ‘Character references and additional information’ below and the notes relating to Section 7 in the general guidance notes.

Character references and additional information

In addition to your endorsement, the NISCC may require a further character reference. This should be from someone who knows you well in a professional capacity and who can confirm your good character and rehabilitation with regard to your conviction(s). The person providing the reference should have known you for a period of at least two years. They must not be:

- related to you by birth, marriage or civil partnership;
- conducting a personal relationship or living with you in any capacity; or
- a co-director of a company with you.

We will write to you if we require this or any more information. We may also contact your employer, university, regulatory or licensing body or a third party as part of our suitability assessment.

If we subsequently find out that you have given false information or withheld relevant details, your registration may be called into question.

Please make sure that you record your name and date of birth on any additional documentation you include with your application. Please attach this documentation to the form.

Assessment and registration decision

When we have enough information, we will assess your suitability to register. We will take into account all of the information we have gathered.

If we consider that you should not be registered or that conditions should be attached to your registration, we will refer your application to the Registration Committee. The referral of applications to this independent panel is intended to be a check on the NISCC's processes, and to prevent officers of the NISCC from attaching unreasonable or unnecessary conditions to registrations.

The committee is not bound by the recommendation of the NISCC and will make its own decision.

It can make one of three decisions:

- register you without conditions;
- register you with conditions; or
- refuse to register you.

If conditions are imposed, we will require evidence from you during the period of your registration that you have met the conditions set.

About your health

Section 8 of the application form asks you for information relating to your health.

Please note that the requirement to tell us about your health is currently under review following the recommendations to the Government by the Disability Rights Commission (now the Equality and Human Rights Commission). Until that review is complete, you are still required to fill in this section of the form.

Why does the NISCC need to know about my health?

The law says that the NISCC is required to make sure that everyone who is registered is physically and mentally fit to work in all or selected social care environments.

The NISCC is committed to ensuring equality of opportunity for disabled people, subject to the overriding need to ensure the health and safety of people who use social care services and their families.

You are not required to make a declaration about physical or mental impairments, learning disabilities or health conditions that, in your judgement, in the normal course of your social work duties:

- can be effectively managed by you and your current or any future employer;
- would not affect your capacity to practise; and
- would not present a risk to others.

What does the NISCC need to know about my health?

Before you can be registered, the NISCC needs to know if you have a physical or mental impairment, learning disability or long-term health condition that may, in your judgement, affect your ability to work in social care safely.

The practice of social work is often undertaken with people who are vulnerable or at risk, or whose capacity to manage their affairs is temporarily or permanently affected. Accordingly, the NISCC needs to make sure that your physical or mental impairment, learning disability or long-term health condition does not affect your judgement and performance in such a way that it may present a risk to the safety of people who use social care services, yourself or your colleagues.

You need to tell us if you have:

- a physical or mental impairment, learning disability or long-term health condition that in the normal course of your social work duties might, in your judgement, present a direct risk to other people, or affect your judgement or performance in a way that poses risk to others;
- serious mental ill health or have been the subject of an order under the Mental Health (NI) Order (or its equivalent outside England and Wales); or
- a history of substance dependence.

To enable us to make an assessment, we need to know:

- what your physical or mental impairment, learning disability or long-term health condition is;
- what related medical treatment, including medication, you have received or are currently receiving and for how long the treatment is expected to continue;
- how you manage your physical or mental impairment, learning disability or long-term health condition alongside your day-to-day activities;
- what impact you think your physical or mental impairment, learning disability or long-term health condition may have on your ability to perform your role as a social worker; and
- what adjustments or support you think you may require to assist you to carry out your work in social care.

If you have declared a history of substance dependency, you need to tell us:

- what substances were involved;
- the circumstances surrounding the substance dependency and when it took place;
- what medical treatment, including medication, and support you received or are receiving; and
- how you manage the condition alongside your day-to-day activities.

You are required to provide this information in Section 8 About your health.

Alternatively, you may wish to provide your own documentation that details the information we require.

We will write to you if we require any more information. See also 'Health reports' below.

The NISCC may be able to make its suitability assessment based on this information without the need either to contact you or to seek a health report from your own doctor or consultant. This may help reduce the time required for our assessment process.

Health reports

If you answer 'yes' to the first question in Section 8, we ask you to give us your consent to request a full health report from your own doctor or other health professional who knows about your physical or mental impairment, learning disability or long-term health condition.

We will pay the cost of any health report we ask for. Occasionally we may need to get additional advice from another health specialist. If we need to do this, we will write to you with more details.

If a medical report is requested, you will receive a copy. You will then have 28 days, beginning on the day after we provide the further information to you, to comment on it.

Assessment and registration decision

When we have enough information, we will consider your application. We will take account of:

- the nature of your physical or mental impairment, learning disability or long-term health condition;
- any advice received from health specialists;
- any information you have provided; and
- how effectively you and any current or potential employer can manage the impairment, disability or condition.

We also have the option of appointing a medical adviser.

If we consider that you should not be registered or that conditions should be attached to your registration, we will refer your application to the Registration Committee. The referral of applications to this independent panel is intended to be a check on the NISCC's processes, and to prevent officers of the NISCC from attaching unreasonable or unnecessary conditions to registrations.

The committee is not bound by the recommendation of the NISCC and will make its own decision.

It can make one of three decisions:

- register you without conditions;
- register you with conditions; or
- refuse to register you.

Registration with a condition relating to your health

If we register you with a condition relating to your health, you must only do work that you are able to carry out safely. This may require discussion with your employer – for example, to agree changes to the way you carry out your duties that take account of your health condition.