



# **Northern Ireland Social Care Council**

## **NISCC (Registration) Rules 2008**

May 2008

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## **(Registration) Rules 2008**

The Northern Ireland Social Care Council, in exercise of its powers under sections 4, 5(2)(a)(iii) and (b) and (3), 6(1)(e), 7, 10, 12 (1), 18 (1) and (2) of the Health and Personal Social Services Act (Northern Ireland) 2001, and of all other powers enabling the Council in that behalf, and with the consent of the Department of Health, Social Services and Public Safety, hereby makes the following Rules:

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## Part I

### Introduction

#### Citation, commencement and revocation

- 1.— (1) These Rules may be cited as the Northern Ireland Social Care Council (Registration) Rules 2008, and shall come into force on 30 May 2008.
- (2) The Northern Ireland Social Care Council (Registration) Rules October 2007 are hereby revoked.

#### Interpretation

2. — (1) In these Rules —

**“the Act”** means the Health and Personal Social Services Act (Northern Ireland) 2001;

**“applicant”** means a person applying for registration as a registered social care worker, or a person applying for renewal of such registration;

**“approved course”** means a course for persons wishing to become social workers, approved by the Council and specified in SCHEDULE 1 to these Rules;

**“bank authority”** means any form of authority which a person may give to a bank including a letter of authority, banker's order, standing order or variable direct debit to pay to the Council any fees on the date on which such fees are due;

**“Care Council”** means the Care Council for Wales, the General Social Care Council or the Scottish Social Services Council;

**“Care Tribunal”** means the statutory body established to consider appeals against the decisions of the Northern Ireland Social Care Council regarding the registration of social workers and social care workers;

**“code of practice for social care workers”** means the code of practice laying down the standards of conduct and practice expected of social workers and social care workers published by the Council under Section 9(1) (a) and (b) of the Act;

**“Conduct Committee”** means the Committee of that name constituted in accordance with the Council's Conduct Rules;

**“Council”** means the Northern Ireland Social Care Council;

**“degree course”** means a course of education and training in social work at honours level, approved by the Council in accordance with the Northern Ireland Social Care Council Rules for the Approval of the Degree in Social Work (May 2003);

**“employer”** means an employer of a social worker or social care worker;

**“entry”** means the particulars entered onto the register as specified in rule 26 of these Rules;

**“exempt person”** has the meaning as defined in section 2 (7) of the Health and Personal Social Services Act (NI) 2001<sup>1</sup>

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<sup>1</sup> Amended by SI2007/3101 (Health and Personal Social Services Act (NI) 2001)

**“General Systems Regulations”** means the European Communities (Recognition of Professional Qualifications) Regulations 2007;

**“institution”** means an establishment where an applicant has accepted an offer from, has been admitted by or attended an approved course;

**“lay person”** means a person who is not, and has not within 5 years of an appointment to the Registration Committee, been —

- (a) a social worker or social care worker; or
- (b) involved in the training, education, appointment, employment, supply, supervision, monitoring or representation of social workers or social care workers;

**“legal adviser”** means a barrister or solicitor who has been qualified to practise in Northern Ireland, for not less than 10 years;

**“medical adviser”** means a medical practitioner, registered under the Medical Act 1983, appointed by the Council;

**“Northern Ireland post qualifying education and training partnership”** means a body approved by the Council to determine and manage the PQ arrangements set out in the PQ Framework.

**“parties”** means the Council and the applicant (and/or their representatives) at the Registration Committee proceedings, where that Committee has exercised its discretion to allow the applicant to make oral submissions;

**“Preliminary Proceedings Committee”** means the Committee of that name constituted in accordance with the Council’s Conduct Rules;

**“register”** means the register maintained by the Council under section 3 of the Act;

**“registrant”** means a person registered in the register;

**“registration”** means the entry in the register relating to a particular registrant;

**“Registration Committee”** means the Committee of that name constituted in accordance with rule 13 of these Rules;

**“social care employer”** means an employer of a social worker or social care worker;

**“student”** means an applicant or registrant who has been admitted by, or accepted on offer from, an institution to participate in a degree course, or who is participating in such a course;

**“Visiting European part”** of the Register has the meaning as defined in section 3 (1) (c) of the Health and Personal Social Services Act (NI) 2001<sup>2</sup>

(1A) These Rules shall not apply in relation to registration in the visiting European part of the Register maintained by the Council under section 3 (1) (c) of the Act, except for rule 8 (4) (e) (renewal of registration) rule 26 (the form of the Register), rule 27 (the keeping of the Register) and rule 28 (issue and form of certificates) and Schedule 3

(2) In these Rules, any reference to the date on which the annual fee is due is a reference to:

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<sup>2</sup> Amended by SI2007/3101 (Health and Personal Social Services Act (NI) 2001)

- (a) the anniversary of the date on which the entry was first made in the register and on that date in every subsequent year and if the entry was first made on 29<sup>th</sup> February it shall be treated as having been made on 1<sup>st</sup> March;
  - (b) where an entry in the register has been removed and is subsequently restored, the anniversary of the date on which restoration was made and on that date in every subsequent year and if restoration was made on 29<sup>th</sup> February it shall be treated as having been made on 1<sup>st</sup> March.
- (3) In these Rules, unless the context otherwise requires —
- (a) words in the singular include the plural and words in the plural include the singular;
  - (b) any reference to a numbered rule is a reference to the rule bearing that number in these rules; and
  - (c) any reference in a rule to a numbered paragraph, is a reference to the paragraph bearing that number in that rule.

### **Service of documents**

3. In these Rules —
- (a) any reference to the sending of a notice to an applicant or registrant, is a reference to the sending of a notice by registered post or by a postal service in which delivery or receipt is recorded, to the address of the applicant or registrant in the register or, if different, to the last-known address;
  - (b) where any notice is sent to an applicant or registrant, it shall be treated as having been served on the day after it was posted.

## Part II

### Application For Registration

4. — (1) An application for registration shall specify each part of the register in which registration is sought and shall be —
- (a) in writing;
  - (b) on the form approved by the Council for the purpose which shall require the applicant to provide the following information —
    - (i) the applicant's personal details, including full name (and previous name if any), title, age, date of birth and address or registration number, if registered with a Care Council;
    - (ii) details of any criminal convictions (including 'spent' convictions, formal cautions issued by the Police and any pending criminal proceedings in which the applicant has been formally charged);
    - (iii) the applicant's professional details, including the name and address of the institution attended, the qualification gained (if a social worker) and whether the applicant is registered with a Care Council;
    - (iv) the name and address of the applicant's current social care employer or employer(s) (if any);
    - (v) in the case of students, the name and address of the institution which is providing, or is to provide, the degree course; and
    - (vi) such other information as the Council may reasonably require.
- (2) The application form shall—
- (a) contain a warning to the applicant —
    - (i) about the consequences (including removal from the register) of providing false or misleading information; and
    - (ii) that failure to inform the Council of any material changes in the information provided as soon as reasonably practicable (including where the applicant is a student change of degree course or non participation in the degree course), may be considered misconduct by the Council; and
    - (iii) that upon registration with the Council, all applicants (including students) must comply with the code of practice for social care workers issued by the Council and may be subject to disciplinary action under the Council's Conduct Rules for any breach of the code;
  - (b) be completed and signed by the applicant and, for the purposes of establishing the identity of the applicant, verified and endorsed by —
    - (i) where the applicant is a social worker or social care worker in employment, by an employer;
    - (ii) where the applicant is a social worker who is self employed or not in employment, by a social care employer or other person acceptable to the Council as being fit to provide such verification and endorsement; or

- (c) be given or sent to the Council.
- (3) The applicant shall provide in connection with the application, on the form approved for the purpose by the Council.
- (a) evidence as to the applicant's —
    - (i) good character, as it relates to the applicant's fitness to practise the work expected of persons registered in that part of the register in which registration is sought (including endorsements from an employer or, where the applicant is self employed or not in employment, a social care employer or other person acceptable to the Council as being fit to provide such an endorsement);
    - (ii) good conduct; and
    - (iii) physical and mental fitness to practise the work expected of persons registered in that part of the register in which registration is sought;
    - (iv) competence.
  - (b) (in the case of an application for registration as a social worker) evidence as to —
    - (i) the applicant's qualification(s) in accordance with the provisions of paragraphs (9) (d) or (e) below;
    - (ii) name of the body that awarded such qualification (s);
    - (iii) date of award of such qualification (s);
    - (iv) name of Institution attended for the purpose of obtaining the qualification(s);
    - (v) dates attended at such Institution;
    - (vi) name in which the qualification(s) is/are held;
  - (c) a statement that the applicant has read and understood the code of practice for social care workers and an undertaking to abide by the code of practice, in both cases on a form approved for the purpose by the Council;
  - (d) if requested by the Council, a signed authorisation, permitting the Council to obtain information from the Police Service Northern Ireland as to the applicant's character, including details of any pending criminal proceedings, and any previous criminal convictions (including 'spent' convictions and formal cautions issued by the Police);
  - (e) (in the case of applicants for registration as a social care worker) a signed endorsement from a social care employer, stating that the applicant has satisfactorily completed induction within a period of 6 months (other than in exceptional circumstances) from the commencement of employment.
- (4) Where the applicant is a student, his identity shall be verified by a member of staff, approved by the Council from the institution at which the applicant will participate in the degree course.

- (5) The Council may, for the purposes of determining the application, seek information additional to that provided by the applicant from both the applicant and any other person or source.
- (6) Where the Council receives information under paragraph (5) above, it shall inform the applicant of the information received, and shall give the applicant an opportunity of commenting on that information within the period of 28 days beginning after the day on which the information is imparted to the applicant.
- (7) Where an applicant has more than one employer, or is a school leaver or student undertaking voluntary work or paid work in social care, the Council may require that applicant to provide a second endorsement required for the purposes of paragraphs (2)(b)(iii) and (3)(a)(i) above.
- (8) Except where the Council is minded to make a reference to the Registration Committee under Rule 15 below, the Council shall notify the applicant of its decision in writing.
- (9) The Council shall not grant an application for Registration unless —
  - (a) subject to rule 25, it has received payment of the application fee specified by the Council in schedule 2; and
  - (b) it is satisfied as to the applicant's good character, conduct, competence and health (including physical and mental fitness to perform the work of persons registered in the part of the register in which registration is sought);
  - (c) (where the applicant is a social care worker) it is satisfied that the applicant has successfully completed induction within a period of 6 months (other than in exceptional circumstances) from the commencement of employment;
  - (d) it is satisfied that the applicant —
    - (i) has successfully completed an approved course as set out in schedule 1, or the list of approved courses published by the Council; **or**
    - (ii) has been accepted by an institution to participate in a degree course; or
    - (iii) has successfully completed a course for persons wishing to become social workers approved by:
      - (aa) the Council under section 10 of the Act; or
      - (bb) a Care Council under sections 54(1) of the Regulation of Care (Scotland) Act 2001 or section 63 of the Care Standards Act 2000;
- (9A) Where the applicant is a social worker and an exempt person, but is not permitted to pursue the profession of social worker in the United Kingdom pursuant to Part 3 of the General Systems Regulations,<sup>3</sup> the Council —
  - (a) Shall take into account all his relevant qualifications, knowledge and experience, wherever acquired; and
  - (b) If the applicant holds a qualification which —
    - (i) was granted otherwise than in a relevant European State, but

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<sup>3</sup> SI2007/2781

- (ii) has been accepted by a relevant European State, other than the United Kingdom, as qualifying him to practise as a social worker in that State, shall take that acceptance into account.

### **Entry of student names onto register**

- 5. — (1) Where an application for registration has been granted by the Council in respect of a student, that student's name shall not be entered onto the register until the Council is satisfied that the student has begun participating in the degree course; and
- (2) Where —
  - (a) an application for registration has been granted by the Council;
  - (b) that applicant has not, within two years of the date of the granting of that application, begun participating on the degree course, the Council shall not enter the name of the applicant on the Register until it receives up to date evidence of the applicant's good character, good conduct and physical and mental fitness to practise the work expected of persons registered in that part of the register in which registration is sought.

### **Duration of registration**

- 6. — (1) Subject to removal from the register in accordance with the Council's Conduct Rules or rules 9 and 10 of these Rules, the registrant's entry in the register shall remain effective—
  - (a) where the registrant is a social worker or a social care worker, for 3 years from the date of granting of the application for registration by the Council;
  - (b) Where the registrant is a domiciliary care worker for 5 years from the date of granting the application for registration by the Council
  - (c) where the registrant is a student, for the duration of the registrant's degree course, or 7 years from the date of granting of the application for registration by the Council, whichever is the later;
  - (d) where a suspension Order has been imposed on the registrant's registration, until the later of the period specified in sub-paragraphs (a) or (b) above and the expiry or revocation of the suspension Order.
- (2) No later than 28 days before the expiry of the period referred to in paragraph (1) (a) above, the Council shall send to the address of the registrant, as it appears on the register —
  - (a) a notice of expiry of registration; and
  - (b) an application form for renewal of registration.
- (3) Notwithstanding paragraph (1) (a) above, a registrant's registration shall not lapse if the registrant makes an application for renewal before the end of the period specified in that paragraph.

- (3A) The Council reserves the right in exceptional circumstances to extend the period before lapsing by 14 days to enable an application for renewal of registration to be made.
- (4) Where the registrant is a student, the Council may extend the duration of registration for the purpose of allowing the registrant to complete the degree course.

### **Application for registration upon completion of degree course**

7. — (1) Upon the successful completion of a degree course -
- (a) the applicant must undertake and satisfactorily complete a period of assessed employment required by the Council; and
  - (b) before undertaking any period of assessed employment required by the Council,
- a student shall apply to the Council for registration in the part of the register reserved for social workers.
- (2) An application for registration in accordance with paragraph (1) shall be treated as a new application for registration and the provisions of rule 4 shall apply.
  - (3) Where an application in accordance with paragraph (1) is granted by the Council, the registrant's entry in the register will remain effective for one year commencing with the date of the granting of the application by the Council or the duration of the period of assessed employment specified by the Council, whichever is the later.
  - (4) In exceptional circumstances, the Council will consider an application for an extension of the Registrant's entry in the Register to facilitate the completion of the period of assessed employment.
  - (4A) Notwithstanding paragraphs (3) and (4) above, a registrant's registration shall not lapse if the registrant makes an application for renewal before the end of the period specified in paragraphs (3) and (4).
  - (4B) The Council reserves the right in exceptional circumstances to extend the period before lapsing by 14 days to enable an application for renewal of registration to be made.

### **Renewal of Registration**

8. — (1) This rule shall not apply to students.
- (2) Where an application for registration following completion of the period of assessed employment or an application for renewal of registration is granted by the Council, the registrant's entry in the register will be effective for a further period of three years subject to removal in accordance with the provisions of these Rules or of the Council's Conduct Rules.
  - (3) Applications for renewal of registration shall be made on the form approved by the Council for the purpose.
  - (4) The Council shall only grant an application to renew registration where —

- (a) it is satisfied that the registrant has satisfactorily fulfilled any condition or conditions attached to the registrant's registration; and
- (b) it has received satisfactory evidence, as set out in rule 4(3) above, of an applicant's —
  - (i) good character;
  - (ii) good conduct;
  - (iii) good health (including physical and mental fitness to perform the work expected of persons registered in the part of the register in which registration is sought); and
  - (iv) competence;
- (c) It has received satisfactory evidence that an applicant has completed the post registration training and learning requirements set out in SCHEDULE 3; and in the case of an exempt person pursuant to Section 12 of the Act;
- (d) subject to rule 25, it has received payment of any renewal of registration fee specified by the Council; and
- (e) In the case of a social worker registered in the visiting European part of the Register, the Council has received satisfactory evidence that the registrant has undertaken post registration training and learning in relation to the profession of social worker, if the registrant has not undertaken such post registration training and learning in the registrant's home state. Any such post registration training and learning may be undertaken outside the United Kingdom.

### **Removal from the register for non participation in the degree course**

9. — (1) Subject to paragraph (3), where, for academic, health or personal reasons, a registrant is no longer participating in a degree course, the Council may remove that registrant's entry from the register.
- (2) Where a person's name has been removed from the register under paragraph (1) above, and that person wishes to resume participation in the same or another degree course, the former registrant shall make an application for restoration to the register in accordance with rule 11.
- (3) Where a registrant has been expelled or suspended from a degree course on disciplinary grounds, the Council shall refer the registrant to the Preliminary Proceedings Committee, and the provisions of paragraph 11 (interim suspension orders) of Schedule 1 to the Council's Conduct Rules shall apply.
- (4) The Council shall not grant any application for voluntary removal from the register in respect of a registrant whose entry in the register has been suspended under paragraph (3), until the determination of the matter in accordance with the Council's Conduct Rules.

## Removal from the register for other reasons

10. — (1) Notwithstanding any provisions for removal of a registrant's entry from the register in accordance with the Council's Conduct Rules, the Council shall remove a registrant's entry from the register where —
- (a) the registrant has failed to make any application for renewal of registration before the expiry of the 3 year period specified in rule 6(1)(a) above, and the Registration Committee has directed that the registrant's name should be removed from the register;
  - (aa) the registrant has failed to make any application for renewal where the Council has extended the period specified in rule 6 (3A) above, and the registration committee has directed that the registrant's name should be removed from the register;
  - (b) the Registration Committee has considered an application for renewal of registration and directed that the registrant's name should be removed from the register;
  - (c) the registrant has made an application, in writing, for voluntary removal from the register, subject to Rule 10(2) and Rule 10(3) and Rule 10(4);
  - (d) the Council has granted registration in accordance with Rule 7 and the Council has not received notification from the Registrant by the due date as to: -
    - (i) the satisfactory completion of the period of assessed employment; or
    - (ii) a request for an extension, in accordance with Rule 7(4) of the period of assessed employment;and the Registration Committee has directed that the Registrant's entry should be removed from the Register;
  - (e) the Council receives written notification of the death of a registrant, evidenced by the original or certified true copy of a death certificate.
- (2) The Registration Committee shall not consider any application by a registrant for voluntary removal from the register, where that registrant is the subject of current or pending disciplinary proceedings under the Council's Conduct Rules.
- (3) The Council may at its discretion remove a Registrant's Registration from the Register, at the request of that Registrant, where that Registrant is registered with a Care Council, without referring the request to the Registration Committee.
- (4) The Council shall remove a Registrant's Registration from a relevant part of the Register without referring the matter to the Registration Committee in the following circumstances:
- (a) where a Registrant is registered in the part of the Register for Social Workers, and that the Registrant is no longer a social worker;
  - (b) where a Registrant is registered in the part of the Register for Social Care Workers, and that Registrant is no longer a social care worker, unless that Registrant is subject to current or pending enquiries, investigation, or disciplinary proceedings under the Council's Conduct Rules;

- (c) where a registrant has failed to pay the annual fee after appropriate notices have been issued by the Council as set out in Rule 23 (3) (b) and rule 23 (4);
  - (d) the exempt person, who is registered in the visiting European part of the Register, shall be removed from that part of the Register if he does not comply with regulation 17 of the General Systems Regulations.
- (5) Where the Registration Committee has determined, in accordance with the procedures in Part III below, that a registrant's entry should be removed from the Register—
- (a) the Council shall amend the register to remove the registrant's registration; and
  - (b) the Council shall inform—
    - (i) the former registrant;
    - (ii) the former registrant's last known employer(s) (if any);
    - (iii) the institution at which the former registrant was participating in the degree course,
    - (iv) the Northern Ireland Post Qualifying Education and Training Partnership, if the former registrant is enrolled with that partnership.

that the social worker or social care worker or student is no longer registered with the Council.

### **Application for restoration to the register**

11. — (1) Save where removal from the register was as a result of a determination made by the Council's Conduct Committee, an application for restoration may be made to the Council.
- (2) An application for restoration shall be accompanied by the payment of the restoration fee set by the Council.
  - (3) The Council shall treat an application for restoration as an initial application for registration, and the procedures set out in rule 4 and part III, shall apply.
  - (4) Where an application for restoration is made by a person whose name was removed from the register for non participation in a degree course, that person shall provide, in addition to the information required in rule 4 —
    - (a) evidence of admittance by an institution to participate in a degree course; and
    - (b) reasons for withdrawal from the original degree course.
  - (5) Where an application for restoration is made by a person whose name was removed from the Register for non-completion of the period of assessed employment, that person shall provide, in addition to the information required in Rule 4:-
    - (a) evidence of acceptance by an employer to complete the period of assessed employment; and

- (b) reasons for non-completion of the period of assessed employment.
- (6) An application for restoration where removal from the register was as a result of a determination made by the Council's Conduct Committee, shall be made in accordance with the procedure set out in the Council's Conduct Rules.

### **Consideration of repeat applications**

- 12. Where an applicant has made two unsuccessful applications for registration or restoration, the Council may refuse to consider any further applications from that applicant until the expiry of two years from the date of rejection of the last application.

## **Part III**

### **Registration Committee**

#### **Constitution, membership and quorum of Registration Committee**

- 13.— (1) The Council shall establish a Registration Committee.
- (2) The Registration Committee shall consist of up to five members, appointed by the Council.
- (3) The quorum of the Registration Committee shall be three, and the Registration Committee shall sit with either three or five members present.
- (4) The Registration Committee shall include a lay person as a member.
- (5) The Council shall appoint a Chair of the Registration Committee. The Chair shall be a lay person and shall not be a member of the Council.
- (6) The Chair of the Council shall not sit as a member on the Registration Committee.
- (7) The Council shall endeavour to appoint to the Registration Committee, a member who is registered in the same part of the Register as the applicant or registrant whose case is under consideration. Where the Council is unable to appoint such a member, the Council shall ensure that a member is appointed to the Committee who has experience or understanding of the area of social care work practised by the Applicant or Registrant whose case is under consideration.
- (8) Members of the Registration Committee shall be appointed for a period not exceeding 4 years and shall be eligible for re-appointment for a further period not exceeding 2 years.
- (9) No member of the Registration Committee shall sit as such to consider an applicant or registrant's case, if that member —
- (a) has knowledge of the facts of the case, prior to the consideration of the matter by the Committee; or
- (b) has sat on a Committee which previously decided a case concerning the applicant or registrant.

#### **Voting**

- 14.— (1) Decisions of the Registration Committee shall be taken by simple majority.
- (2) The Chair of the Registration Committee shall not exercise a casting vote.
- (3) Any abstention shall be deemed to be a vote in favour of the applicant or registrant.

#### **Reference to the Registration Committee**

- 15.— (1) The Council shall refer to the Registration Committee —
- (a) subject to paragraph (2), any application for registration, or renewal of registration, which it is not minded to grant;
- (b) any application for registration, or renewal of registration which it is minded to grant subject to conditions.

- (c) any proposal to remove a registrant's entry in the register, other than in accordance with the Council's Conduct Rules.
- (2) The Council shall not refer to the Registration Committee any application which is refused solely on the grounds that—
  - (a) an applicant does not possess the academic qualifications or training stipulated by the Council in SCHEDULE 1; or
  - (b) an applicant does not meet the conditions set out in rule 4(9)(e).
- (3) The Council may refer any other application for registration or renewal of registration to the Registration Committee.

### **The legal adviser**

- 16.—
- (1) A legal adviser shall be present at all proceedings before the Registration Committee to advise the Committee on questions of law, and shall be present during the deliberations of the Committee.
  - (2) The role of the legal adviser shall be to ensure that the proceedings are conducted fairly. To this end, the legal adviser shall inform the Registration Committee forthwith of any irregularity in the conduct of proceedings before that Committee.
  - (3) The Registration Committee shall maintain a record of any advice tendered by the legal adviser.
  - (4) Where the Registration Committee has exercised its discretion to allow the Applicant to make oral submissions, the advice of the legal adviser shall be given before the Parties. Any advice given by the legal adviser during the private deliberations of the Registration Committee shall subsequently be repeated before the parties.
  - (5) The parties shall have the opportunity to make representations on the advice given by the legal adviser.
  - (6) The legal adviser shall not participate in the decision making of the Registration Committee, and shall not be entitled to vote.

### **The medical adviser**

- 17.—
- (1) The Registration Committee may, in such circumstances as it sees fit, appoint a medical adviser.
  - (2) The role of the medical adviser shall be to advise the Registration Committee on any issues that may arise in relation to the physical and mental fitness of an applicant (or a registrant).
  - (3) The Registration Committee shall maintain a record of any advice tendered by the medical adviser.
  - (4) Where the Registration Committee has exercised its discretion to allow the applicant to make oral submissions, the advice of the medical Adviser shall be given before the parties.
  - (5) The parties shall be entitled to make representations on the contents of the advice given by the medical adviser.
  - (6) The medical adviser shall not participate in the decision making of the Committee, and shall not be entitled to vote.

## **The clerk**

18. — (1) The Registration Committee shall be assisted by a clerk.
- (2) The clerk shall be responsible for the administrative arrangements for the proceedings before the Registration Committee and shall keep a record of decisions made by the Registration Committee, and the reasons for them.
- (3) The clerk shall not participate in the decision making of the Registration Committee, and shall not be entitled to vote.

## **Evidence to be considered by the Registration Committee**

- 19.— (1) The Registration Committee may allow —
  - (a) the applicant or registrant to give oral evidence; and
  - (b) the parties to make oral submissions.
- (2) Save where the Registration Committee considers it necessary to resolve disputes of fact which, in its opinion, are material to the issues under consideration, it shall not normally consider oral testimony from any other witnesses.
- (3) The Registration Committee may receive documentary evidence submitted by the applicant or the Council, provided that any written statement shall be signed by the person making it and shall contain a statement of truth.
- (4) Subject to the advice of the legal adviser, the Registration Committee may admit evidence whether or not such evidence would be admissible in a Court of Law.
- (5) Where an applicant or registrant has been convicted of a criminal offence —
  - (a) a copy of the certificate of conviction, certified by a competent officer of a Court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and
  - (b) the findings of fact upon which the conviction is based shall be admissible as proof of those facts.

## **Procedure of the Registration Committee**

20. — (1) Subject to the rules herein, the rules of natural justice and the requirements of a fair hearing, the Registration Committee may decide its own procedure.
- (2) The Registration Committee shall sit in private.
- (3) No later than 28 days before the Registration Committee proceedings, the Council shall send the applicant or registrant a notice of referral.
- (4) The Notice of Referral shall —
  - (a) give the date, time and venue of the Registration Committee proceedings;
  - (b) set out the proposed conditions on an applicant's registration and the reasons for such proposal, or the reasons for refusing an application for registration or renewal of registration, or for removal of registration;

- (c) set out the right of the applicant or registrant to make written representations to the Council, within 14 days of service of the notice;
  - (d) inform the applicant or registrant that the Committee may, at its discretion, allow the applicant or registrant upon request, to attend the proceedings and to make oral submissions in person or through a representative; and
  - (e) enclose copies of any material to be put before the Registration Committee.
- (5) No later than 14 days before the Registration Committee proceedings, the applicant or registrant shall provide to the clerk, copies of any documents on which the applicant or registrant intends to rely.
- (6) No later than 7 days before the Registration Committee proceedings, the clerk shall send to each Committee member:
  - (a) a copy of the notice of referral;
  - (b) copies of all the documents which the applicant or registrant has submitted
  - (c) any information, or copies of any documents obtained by the Council which are relevant to the application; and
  - (d) any representations the applicant has submitted in accordance with paragraph (4)(d).
- (7) Rule 4 (5) and (6) applies to the Registration Committee as it applies to the Council, and for the purposes of this rule, the Registration Committee may adjourn and, upon notice to the applicant or registrant, reconsider the matter at a later date.
- (8) Where the Registration Committee has exercised its discretion to allow the applicant or registrant to make oral submissions, the Council's case may be presented to the Committee by an officer of the Council, or by solicitor or counsel.
- (9) Where the Registration Committee has exercised its discretion to allow the applicant to make oral submissions, the applicant or registrant may be represented by —
  - (a) solicitor; or
  - (b) counsel; or
  - (c) a representative from the applicant's trade union; or
  - (d) a representative from the applicant's professional body.
- (10) The Registration Committee may, at its discretion, permit the applicant or registrant to be represented by a person other than that listed in paragraph (9) above.
- (11) Any application to be represented by a person other than that listed in paragraph (9) above, should be sent to the clerk in advance of the Registration Committee proceedings.
- (12) A person who represents or accompanies the applicant or registrant shall not be entitled to be called as a witness at the proceedings.
- (13) Where the Registration Committee has exercised its discretion to allow the applicant or registrant to make oral submissions, the Committee may exclude from the whole or any part of the proceedings, any person whose conduct, in

- the opinion of the Committee, has disrupted or is likely to disrupt the proceedings.
- (14) Where the Registration Committee has exercised its discretion to allow the applicant or registrant to make oral submissions, but the applicant or registrant is not present or represented at the proceedings, the Registration Committee, on being satisfied that the applicant was given due notice of the proceedings, may determine the matter in the absence of the applicant.
- (15) Where the Registration Committee has exercised its discretion to allow the applicant or registrant to make oral submissions, the order of proceedings shall be as follows —
- (a) the Council's representative shall make an opening statement of the reason for the Council's proposals;
  - (b) the applicant or registrant shall have a right of reply, either in person or through a representative (if present);
  - (c) the Council's representative shall produce evidence in support of the Council's proposals;
  - (d) the applicant or registrant, either in person or through a representative may produce evidence;
  - (e) where the applicant or registrant gives evidence, the Council's representative and the Committee shall have the opportunity to ask questions of that applicant or registrant;
  - (f) determination of the application by the Registration Committee; and
  - (g) (where the Registration Committee has exercised its discretion to allow oral submissions) announcement of the Committee's decision in the presence of the Parties.
- (16) The Registration Committee may—
- (a) grant the application for registration, or renewal of registration;
  - (b) refuse the application for registration, or renewal of registration;
  - (c) impose conditions on registration for a specified period;
  - (d) direct that the registrant's entry be removed from the register;
  - (e) refer an application for renewal to the Council's Preliminary Proceedings Committee, where a complaint of misconduct has been made against an applicant.
- (17) Where the Registration Committee has considered the evidence available and is minded to impose conditions different to those set out in the notice of referral—
- (a) the clerk to the Registration Committee shall notify the applicant of the conditions that the Committee is minded to impose;
  - (b) the Registration Committee shall afford the applicant (or the applicant's representative where the Registration Committee has exercised its discretion to allow the applicant to make oral submissions) the opportunity to make specific representations upon them;
  - (c) the Registration Committee may adjourn and issue directions as to the time in which any representations or supporting evidence should be served.

- (18) Where the Registration Committee has determined that conditions should be imposed on an applicant's registration for a specified period, it shall consider at the end of that determination, whether, before the end of the specified period, the applicant's compliance with such conditions should be reviewed by the Committee, and if so, shall direct that the Registration Committee should resume its consideration of the matter at a future date.
- (19) In exercising its powers under paragraphs 16 and 17 above, the Registration Committee shall act in accordance with the principle of proportionality.
- (20) The Registration Committee shall —
- (a) at the conclusion of the proceedings, record its decision and the reasons for it in writing; and
  - (b) within 7 days of the conclusion of the proceedings send a notice of decision to—
    - (i) the applicant or registrant;
    - (ii) the Council ;
    - (iii) the employer(s) (if any);
    - (iv) the institution at which the student is participating in the degree course.
    - (v) the Northern Ireland Post Qualifying Education and Training Partnership, if the applicant or registrant is enrolled with that partnership
- (21) The notice of decision shall —
- (a) set out the decision of the Registration Committee;
  - (b) specify the reasons for the Registration Committee's decision;
  - (c) clearly set out any conditions imposed or removed on the applicant's registration;
  - (d) set out the applicant's right of appeal to the Care Tribunal, provided that such appeal is lodged in writing within 28 days from the date of the notice of decision; and
  - (e) inform the applicant that the Registration Committee's decision —
    - (i) in respect of a decision to refuse an application, took effect from the date on which it was made; or
    - (ii) where the applicant is a student and the Registration Committee has granted the application (with or without conditions) the student's name will not be entered onto the Register until the Council is satisfied that the student has begun to participate in the degree course.
- (22) A record of any advice tendered by the legal adviser or the medical adviser shall be sent to the applicant or registrant, and the Council, together with the notice of decision.

## **Resumed Consideration of a Case**

21. — (1) In addition to a direction made by the Registration Committee under Rule 20(18) above, an applicant may apply to the Committee to resume its consideration of the case, where the applicant considers that there has been a material change of circumstances, in order for the Committee to consider varying or lifting any conditions imposed on the applicant's registration.
- (2) The Registration Committee may, after considering legal advice from the legal adviser, and if it is satisfied that there has been a material change in circumstances, direct that it should resume its consideration of the case.
- (3) No later than 28 days before the date on which the Registration Committee is to resume its consideration of the matter, the clerk to the Registration Committee shall send the applicant a notice of resumed consideration.
- (4) The notice of resumed consideration shall —
  - (a) specify the date, time and venue of the proceedings;
  - (b) set out the applicant's right to make written representations to the Council, within 14 days of service of the notice; and
  - (c) inform the applicant that the Registration Committee may, at its discretion, allow the applicant, upon request, to attend the proceedings and to make oral submissions in person or through a representative.
- (5) The procedure at the resumed proceedings shall be the same as at the original proceedings.

## **Part IV**

### **Fees**

#### **Application and renewal fee**

22. — (1) The fee to be charged for processing an application for registration under rule 4 (“the application fee”) or an application for renewal under rule 8 (‘the renewal fee’) is as set out in SCHEDULE 2 to these Rules, and shall be non refundable.
- (2) The Council shall refuse to make an entry in the register in respect of such a person unless the application fee or renewal fee is paid.

#### **Annual fee**

23. — (1) The fee to be charged in respect of the retention in the register of any registration in any year following the year in which registration or renewal was first made (“the annual fee”) is as set out in SCHEDULE 2 to these Rules and shall be non-refundable.
- (2) The Council shall remove from the Register, any registrant who, after appropriate notices specified in either paragraphs (3)(b) or (4) below have been sent, fails to pay the annual fee, within the specified period.
- (3) Where a registrant has not given the Council a bank authority, the Council shall —
  - (a) send the registrant a notice in writing not less than 28 days before the date on which the annual fee is due which states that the annual fee is due and the date on which it is due; and
  - (b) if the annual fee has not been paid by the date on which it is due, send a further notice (“the second notice”) in writing stating that if the annual fee is not paid within the period of 14 days beginning the day after the second notice is sent, the Council may decide that the registrant’s entry should be removed from the register.
- (4) Where a Registrant has given the Council a Bank Authority and the annual fee has not been paid in accordance with that authority by the date on which the fee is due, the Council shall send the Registrant a Notice in writing stating that, if the annual fee is not paid within the period of 28 days beginning the day after the Notice is sent, the Council may decide that the Registrant’s Entry should be removed from the Register.

#### **Restoration fee**

24. — (1) The fee to be charged for processing an application for restoring an entry in the register is as set out in SCHEDULE 2 to these Rules, and shall be non refundable.
- (2) Where a registrant has applied to be restored to the Register, the Council shall not make an entry in the Register until the restoration fee has been paid.

## **Waiver of fees**

25. Notwithstanding the provisions set out in Rules 22 to 24 above, the Council may choose to waive any fees to be charged to an applicant or registrant, where —
- (a) that applicant or registrant is already registered with a Care Council and has paid fees to that Care Council;
  - (b) (in the case of students) that applicant or registrant wishes to resume participation in a degree course;
  - (c) that registrant's registration has been suspended by the Council;
  - (d) that applicant has previously been refused registration on the grounds of a pending criminal charge or disciplinary action.

## **Part V**

### **The register**

#### **The form of the register**

26. — (1) The register shall, in respect of each person whose name is entered in the register, contain the following information —
- (a) full name known as in work and title;
  - (b) registration number;
  - (c) town in which the registrant practises;
  - (d) where the registrant is a student, the town in which the registrant is participating in the degree course.
- (2) On inquiry by an employer or by the institution at which a student is participating in the degree course, the Council may provide the following further information about the registrant —
- (a) any conditions, or interim suspension, imposed on the registrant's registration;
  - (b) any findings of misconduct and sanctions imposed by the Council's Conduct Committee.

#### **The keeping of the register**

27. (1) The register shall be kept secure in a manner which guards against falsification.
- (2) Where a suspension Order has been imposed on a registrant's registration by the Council's Conduct Committee, the Council shall enter the particulars of the Order against the name of the registrant in the register.
- (3) Where an Order referred to in paragraph (2) ceases to have effect, is revoked or is replaced by another such Order, the Council shall remove the entry relating to it in the register and, where the Order is replaced by another Order, enter the particulars of that Order in the register.
- (4) The Council may, on the application in writing of a registrant, amend the registrants' entry in the register, and in particular shall, where a registrant's registration is subject to conditions and the conditions have been removed, amend the register accordingly.
- (5) Before amending the register in accordance with an application made under paragraph (4), the Council shall satisfy itself to the accuracy of the information to be entered in the register and may require the registrant making the application to produce an Affidavit, a marriage certificate or such other documentary evidence as the Council considers appropriate in any case.

## Issue and form of certificates

28. — (1) Where the Council enters the name of a registrant in the register, it shall issue to the registrant a certificate of registration.
- (2) A certificate of registration shall be in the form determined by the Council and shall —
- (a) state the registrant's —
    - (i) name;
    - (ii) registration number;
    - (iii) date of registration;
  - (b) state whether the registrant's registration is subject to conditions; and
  - (c) be signed on behalf of the Council.

*Janet Harber* ..... (Chair)      Date *30th May 2005* .....

**The Department of Health, Social Services and Public Safety hereby consents to these Rules.**

*Paul Martin* ..... (Senior Officer, DHSSPS)

Dated this *30th* day of *May* ..... Two thousand and eight

## Schedule 1

### Approved courses for Social Workers

1. A course leading to a Certificate in Child Care or Home Office Letter of Recognition in Child Care (issued by the Home Office Central Training Council in Child Care from 1947 to 1971).
2. A course leading to a Certificate in Social Work (issued by the Council for Training in Social Work from 1962 to 1971).
3. A course leading to a Probation Certificate or satisfactory completion of courses by the Recruitment and Training Committee (issued or recognised as the case may be by the Recruitment and Training Committee of the Advisory Council for Probation and After Care until 1971).
4. A course leading to a Certificate or satisfactory completion of courses recognised by the Institute of Medical Social Workers (previously the Institute of Almoners).
5. A course recognised by the Association of Psychiatric Social Workers and subsequently recognised by CCETSW as an approved course for social workers.
6. A course leading to a Certificate of Qualification in Social Work (issued by the Central Council for Education and Training in Social Work from 1971 to 2002).
7. A course leading to a Letter of Comparability to the Certificate of Qualification in Social Work (issued until 1990).
8. A course leading to a Certificate in Social Service (issued by the Central Council for Education and Training in Social Work from 1975 to 1995).
9. A course leading to a Diploma in Social Work issued by the Central Council for Education and Training in Social Work, a Care Council or the Council (issued from 1991).
10. A course in relevant social work for persons who wish to become social workers, and approved by a Care Council in accordance with section 63 of the Care Standards Act 2000, section 54 of the Regulation of Care (Scotland) Act 2001 or section 10 of the Health and Personal Social Services Act (Northern Ireland) 2001.
11. Certificate or Diploma in Applied Social Studies:
  - (i) University of Aberdeen
  - (ii) Queen's University, Belfast
  - (iii) University of Bristol
  - (iv) University College, Cardiff
  - (v) University College, Dublin (National University of Ireland)
  - (vi) University of Dundee
  - (vii) University of Glasgow
  - (viii) University of Hull
  - (ix) University of Keele
  - (x) University of Leicester
  - (xi) University of Liverpool
  - (xii) University of London, Bedford College
  - (xiii) University of London, Goldsmiths' College

- (xiv) London School of Economics
- (xv) University of Newcastle upon Tyne
- (xvi) University of Nottingham
- (xvii) University of Oxford
- (xviii) University of Sheffield
- (xix) University of Southampton
- (xx) University of Surrey
- (xxi) University College, Swansea
- (xxii) New University, Ulster

12. Diploma in Social Work or Diploma in Social Work Studies:

- (i) Queen's University, Belfast
- (ii) University of Birmingham
- (iii) University of Edinburgh
- (iv) Enfield College of Tech
- (v) University of Kent, Canterbury
- (vi) University of Leicester
- (vii) London School of Economics (from 1970)
- (viii) University of Sussex

13. BA (Hons) degree in Applied Social Studies or BA (Hons) degree in Applied Social Science:

- (i) University of Bradford
- (ii) Enfield College of Tech – with appropriate social work options
- (iii) Hatfield Polytechnic
- (iv) University of Keele
- (v) Lanchester Polytechnic, Coventry

14. MA Degree in applied Social Studies:

- (i) University College, Bangor
- (ii) University of Nottingham

15. Diploma for Advanced Studies in Social Administration & Social Work (with appropriate social work options)

- (i) University of Manchester

16. Diploma in Social & Administrative Studies (with appropriate social work options)

- (i) University of Oxford

17. Bachelor of Phil (with appropriate social work options)
  - (i) University of Exeter
  - (ii) University of Liverpool
  
18. M Phil (with appropriate social work options)
  - (i) University of York
  
19. Master of Social Science (with appropriate social work options)
  - (i) University College, Dublin (National University of Ireland)
  
20. Certificate in Medical Social Work
  - (i) University of Edinburgh
  - (ii) Institute of Medical Social Workers
  
21. Certificate in Psychiatric Social Work
  - (i) University of Edinburgh
  - (ii) University of Leeds
  - (iii) University of Manchester
  
22. Certificate in Childcare
  - (i) University of Edinburgh
  
23. Diploma for Social Workers in Mental Health
  - (i) London School of Economics
  
24. MSc in Social Administration & Social Work Studies
  - (i) London School of Economics
  
25. Masters in Social Work
  - (i) University of Sussex
  
26. BA/BSc (Hons) Sociology (with appropriate social work options)
  - (i) Bath University of Technology

## **Schedule 2**

### **Fees charged by the Council**

#### **A. FEES FOR SOCIAL WORKERS AND SOCIAL CARE WORKERS**

1. The application, annual and renewal fee for the following applicants shall be £30 —
  - (i) social workers ;
  - (ii) team leaders and residential childcare staff;
  - (iii) heads of residential homes; and
  - (iv) heads of day care; and
  - (v) domiciliary care managers
  
2. The application, annual and renewal fee for the following applicants shall be £15-
  - (i) Social care workers of any other description, other than those referred to in paragraph 1 (ii) – (v) above.
  
3. The application fee for social work applicants with overseas qualifications who do not hold a letter of verification from the General Social Care Council or CCETSW shall be £155. The annual fee and renewal fee shall be £30
  
4. The restoration fee for the following applicants shall be £60
  - (i) social workers ;
  - (ii) team leaders and residential childcare staff;
  - (iii) heads of residential homes; and
  - (iv) heads of day care; and
  - (v) domiciliary care managers
  
5. The restoration fee for social care workers of other descriptions shall be £30

#### **B. FEES FOR STUDENTS AND REGIONAL SOCIAL WORK DEGREE TRAINEES**

1. Application fee  
£10
2. Annual fee  
£10
3. Restoration fee  
£20

#### **C. FEE FOR REPLACEMENT REGISTRATION CERTIFICATE**

1. The fee for a replacement certificate for all registrants shall be £10.

## **Schedule 3**

### **Post registration training and learning requirements**

- (1) Every social care worker registered with the Council shall, within the period of registration, complete 15 days [90 hours] of study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the social care worker's professional development, or contribute to the development of the profession as a whole.
- (2) Every social care worker registered with the Council shall keep a record of post registration training and learning undertaken.
- (3) Failure to meet the foregoing post registration training and learning requirements may be considered misconduct by the Council.
- (4) In the case of a social worker registered in the visiting European part of the Register, where the social worker is required to undertake post registration training and learning, the social worker shall complete 5 days (30 hours) each year, of study, training courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the social worker's professional development, or contribute to the development of the profession as a whole.