



Registration and Regulation of the Social Care Workforce

Guidance for Employers

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Contents

	Page
Part One – Registration of the Social Care Workforce	
Introduction	1
Employers’ Responsibilities	1
Staff Recruitment	5
Registrant’s Responsibilities	5
Part Two – Regulation of Registered Social Care Workers	
Introduction	6
Employers’ Responsibilities	6
Informing the NISCC About Misconduct	6
NISCC Procedure Following Receipt of Information	7
Employers’ Disciplinary Procedures	9
Public Access to Information	9
Contact	9
Employer Referral Form	9
Appendix One – Flowchart of the Conduct Process	10

Part One - Registration of the Social Care Workforce

Introduction

The Northern Ireland Social Care Council (NISCC) was set up on 1 October 2001 under the Health and Personal Social Services Act (Northern Ireland) 2001. The Act requires the Council to promote high standards of conduct and practice among social care workers and high standards in their training.

In line with the Act, the NISCC has begun the process of registering the social care workforce. Registration will be phased in over a number of years. Social care workers in the first priority group¹ were required to have applied for registration by 31 May 2005.

The roll out of registration to other groups is decided by the DHSSPS in consultation with the NISCC. Information on next groups for registration is available from the NISCC.

This guidance is intended to help employers with their responsibilities to help their staff comply with the law. The NISCC is keen to work with employers to agree the most effective means by which their responsibilities may be achieved.

Employers' Responsibilities

Employers have the following responsibilities in the registration process:

- 1. To decide who will verify and who will endorse applications**
- 2. To notify the NISCC of any information you have which may lead to a change in the registration of an individual**
- 3. To ensure that any registered social care workers you employ have maintained their registration, including registrants with dual registration**
- 4. To notify the NISCC of any information about a social care worker who is not currently registered, which might be relevant to future decisions about that worker's registration**
- 5. To advise staff on extended absence from the workplace, for example, on sickness or maternity leave, of the requirements regarding registration**
- 6. To undertake the employer responsibilities for the Assessed Year in Employment (AYE) as specified in the Departmental Circular HSS (SSI) AYE 1/2005, and the NISCC AYE Guidance for Registrants and their Employers (September 2005)**
- 7. To ensure that any social work student on placement is registered**

¹ The first priority group included: social workers, those working in a designated social work post, Team Leaders and all care staff in residential child care, heads of residential homes and day care centres who are not registered with another regulatory body.

1. To decide who will verify and who will endorse applications

Where an applicant is employed in social care work their application for registration must be endorsed by an employer and their identity must be verified.

In some organisations the Verifier and Endorser may be the same person. In large organisations this may not be practical and other arrangements may be made for verification, for example, a Team Leader may be nominated by their employer to verify applications. The Endorser must be a senior representative of the organisation.

In summary, therefore:

- The Verifier is asked to confirm the identity of the applicant.
- The Endorser is asked to confirm the suitability of the applicant for registration. The Endorser should check any declarations the applicant has made with regard to any criminal convictions or disciplinary actions against them. The NISCC welcomes any additional comments from an Endorser where criminal convictions or any disciplinary action is declared.

Employers need to agree with the NISCC who will act as the Endorser(s) on behalf of their organisation, and provide the Council with sample signatures.

Employers should be aware that the Endorser is the person the NISCC will contact if any issues arise in the future about a registrant's conduct.

2. To notify the NISCC of any information you have which may lead to a change in the registration of an individual

Employers must notify the Council of any changes in the circumstances of a registrant particularly in relation to the conduct of the registrant. (For further information see Guidance on Regulation in Part Two of this document).

Employers will need to:

- (a) Identify a person within their organisation who will provide the Council with such information; this may be the same person who acts as Endorser, and
- (b) Decide how the information will be communicated to the Council.

The NISCC will need to be notified of who has responsibility for notification of changes in circumstances

3. To ensure that any registered social care workers you employ have maintained their registration, including registrants with dual registration

Social care workers are required to renew their registration every three years and to pay an annual registration fee; failure to do so will affect their registration status.

Employers should:

- (a) Have a system in place to check the registration status of any newly employed social care workers and
- (b) Do an annual check on existing registrants. Registration status can be checked on the NISCC website.

Some social care workers will be registered with another relevant regulatory organisation, for example, the Nursing and Midwifery Council, and may choose to have dual registration. Where dual registration is in place, checks should be made with both regulatory Councils.

4. To notify the NISCC of any information about a social care worker who is not currently registered, which might be relevant to future decisions about that worker's registration

In order to ensure the protection of the public and in the public interest, the NISCC has a policy on Receipt of Information about social care workers who are not registered. We will retain any relevant information we receive about social care workers who are, or will become, eligible to register on the social care register.

Employers, as part of their duty to protect, should refer any employee who has been dismissed or has resigned in the course of disciplinary proceedings, where there is concern about that person working with vulnerable people. This applies to social care workers who have applied for registration and also to those staff who are likely to be registered in the future.

Employers should make their staff aware of this policy and should use the form provided (Employer Referral Form – Unregistered Social Care Workers) if they have any information about a social care worker which might call into question that person's future registration with the NISCC.

5. To advise staff on extended absence from the workplace, for example, on sickness or maternity leave, of the requirements regarding registration

Staff on sick leave, maternity or other extended leave, should be advised to register with the NISCC before returning to work.

The registration process takes some time to complete so staff should be advised to apply for registration approximately three months before returning to work.

6. To undertake the employer responsibilities for the Assessed Year in Employment (AYE) as specified in the Departmental Circular HSS (SSI) AYE 1/2005, and the NISCC AYE Guidance for Registrants and their Employers (September 2005)

From April 2006 all new social work graduates² entering employment should be registered on the social work part of the Register. NISCC Registration Rules require these registrants to successfully complete the AYE.

These staff should be clearly identified in the human resources information system with a time restriction and a system should be in place to track individual progress through to successful completion.

Employers are responsible for confirming the competence of the employee (although it is the registrant's responsibility to ensure the Certificate of Completion is returned to the NISCC). Sample forms and guidance notes are available from the NISCC and can be downloaded from the website www.niscc.info

7. To ensure that any social work student on placement is registered

Employers should check that any student on placement in their agency is registered on the social work student part of the Register.

The NISCC should be informed of any concerns about the student's practice that might be relevant to registration.

² New social work graduate = Degree in Social Work graduate

Staff Recruitment

Employers should check that applicants for posts designated for registration are registered on the **Northern Ireland** Social Care Register. Anyone registered with another Social Care Council should apply to have their registration transferred.

As the DHSSPS brings forward Regulations for the registration of other social care workers, recruitment advertising should state clearly that such posts are designated for registration.

Registrants' Responsibilities

Registrants have the following responsibilities in the registration process:

- 1. To submit an application form with supporting documentation**
- 2. To inform the NISCC of any relevant changes in their circumstances**
- 3. To pay an annual registration fee**
- 4. To renew their registration at 3 yearly intervals**
- 5. To meet the NISCC requirements on Post Registration Training and Learning**
- 6. If a new social work graduate, to complete successfully the AYE and ensure the Certificate of Completion is returned to the NISCC within the required timescale**

Part Two - Regulation of Registered Social Care Workers

Introduction

The NISCC Code of Practice for Employers of Social Care Workers sets out the responsibilities of employers in relation to the regulation of social care workers. The purpose of workforce regulation is to protect and promote the interests of service users and carers, to strengthen and support the professionalism of the workforce and to help raise standards of practice. The Code is intended to complement rather than replace or duplicate existing employers' policies and it forms part of the wider package of legislation, requirements and guidance that relate to the employment of staff.

This guidance is intended to:

- (a) Clarify the procedures that employers should follow, and
- (a) Explain the NISCC procedures when allegations are made.

Employers' Responsibilities

Under the Code of Practice employers must promote the NISCC codes of practice to social care workers, service users and carers and co-operate with the NISCC proceedings. This includes:

- Informing the NISCC about any misconduct by registered social care workers that might call into question their registration and inform the worker that a report has been made to the NISCC (5.5), and
- Co-operating with NISCC investigations and hearings and responding appropriately to the findings and decisions of the NISCC. (5.6)

Informing the NISCC about misconduct

The NISCC should be informed in the following circumstances:

- When a worker is dismissed, regardless of any intention to appeal
- When a worker resigns during a disciplinary investigation
- When a worker is suspended pending the outcome of a disciplinary investigation
- When the employer becomes aware of a criminal charge or conviction against the worker
- Any other circumstance which the employer feels may have a bearing on the worker's registration.

If an employer is unsure as to whether it is appropriate to inform the NISCC, please contact the Professional Adviser (Conduct) who will provide general advice on individual cases.

Referrals regarding misconduct should normally be made on the Employer Referral Form (enclosed in the booklet accompanying this pack). This should usually be completed by a senior person in the organisation, for example, the lead endorser or a Director of Human Resources. You should also send the Council any available supporting documentation and a list of information sent.

Prior to submitting the form and any supporting documentation, you must inform the registered social care worker whose conduct is in question that the information is to be passed to the NISCC

NISCC Procedure Following Receipt of Information

(A flowchart of the conduct process is included in Appendix One)

In summary, the following procedures will be followed as appropriate:

- 1. Is the information a complaint as defined in the Rules?**
- 2. Preliminary Proceedings Committee (PPC)**
- 3. Conduct Committee**

1. Is the information a complaint as defined in the Rules?

When information is received by the NISCC, we will first check the following:

- That the information provided relates to a registered social care worker; and
- That it makes a specific allegation against that worker; (the test of a “complaint” as defined by the Northern Ireland Social Care Council (Conduct) Rules).

We may then seek more information about the circumstances of the case from you, the registrant and from any other body, such as the police, involved in the case. If the complaint is not substantiated no further action will be taken and the matter will be closed. If it is thought the information provided may amount to a complaint the case may then be referred to a Preliminary Proceedings Committee (PPC).

2. Preliminary Proceedings Committee (PPC)

- (a) Initial consideration (PPC1). There will be an initial meeting at which the PPC will determine whether the complaint calls into question the suitability of the registrant to remain on the register. This will result in either no further action, an adjournment of the initial consideration, or an adjournment to a second meeting.
- (a) A second meeting (PPC2) will determine whether there is sufficient evidence to support the allegation of misconduct and whether the alleged misconduct is serious enough, if proved, to affect the worker’s registration.

The PPC may decide at the initial or/and second meeting to adjourn consideration of the case to await the outcome of an investigation by another body including further disciplinary action by an employer. There may be more than one adjournment.

If, at the second meeting, the PPC considers that there is sufficient evidence to support the allegation of misconduct, it will refer the case to a Conduct Committee. Where it does not, no further action will be taken.

The decision and the reason(s) for the PPC's decisions will be shared with the registrant and their employer(s).

Interim Suspension Order

The PPC may determine that the allegations are so serious as to warrant a registrant's immediate suspension from the register while further investigations are undertaken. This action might be taken even where an employer, or employers, have suspended or dismissed the registered worker as it may be important in the interests of public safety that the registered worker is not able to secure employment elsewhere in the sector while further proceedings are being organised. A hearing will be convened to decide whether an interim suspension order should be made and the registrant will have the right to put forward a case against suspension. Following the hearing we will inform relevant employers about the decision of the NISCC in relation to suspension.

3. Conduct Committee

Where a case is referred to a Conduct Committee hearing the possible outcomes are:

- Case dismissed

and where misconduct is found:

- Removal from the register
- Suspension from the register for up to two years
- Recording of an admonishment for up to five years
- Revocation of an interim suspension order

The definition of misconduct is: "conduct which calls into question the suitability of a registrant to remain on the register".

Registrants and employers will be informed of the decisions of Conduct Committees by a notice sent within seven days of the conclusion of a hearing.

Employers' Disciplinary Procedures

It is not the function of the NISCC to re-hear a disciplinary case. It is for employers to determine whether members of their staff are fit to continue working in particular jobs or in any posts within their organisation. The NISCC has a broader responsibility to determine whether the registered worker should be allowed to remain on the register and thereby potentially have access to vulnerable people through social care work.

However, since the outcome of an employer's disciplinary processes may form part of the evidence placed before a Conduct Committee it is important that employers are able to provide the NISCC with full and accurate records of disciplinary proceedings, including evidence used and the reasons for the decisions. The NISCC is only able to make decisions on the basis of evidence and will form its own view on the evidence supplied.

Public Access to Information

Conduct Committee hearings are normally held in public except in the following circumstance:

- Where the PPC decides that the registrant's ill health may be at the root of their alleged misconduct and the Health Procedure should be used or,
- Where a Conduct Committee decides that some or all of the proceedings should be held in private to protect the interests of vulnerable witnesses or,
- If the particular circumstances of the case outweigh the public interest in holding a public hearing.

Therefore, the majority of evidence presented to Conduct Committees will be heard in public. This may include previous decisions and actions of employers in relation to the alleged misconduct, which may become the subject of media interest, and detailed examination by the Care Tribunal (on appeal) or the High Court (in a Judicial Review).

Contact

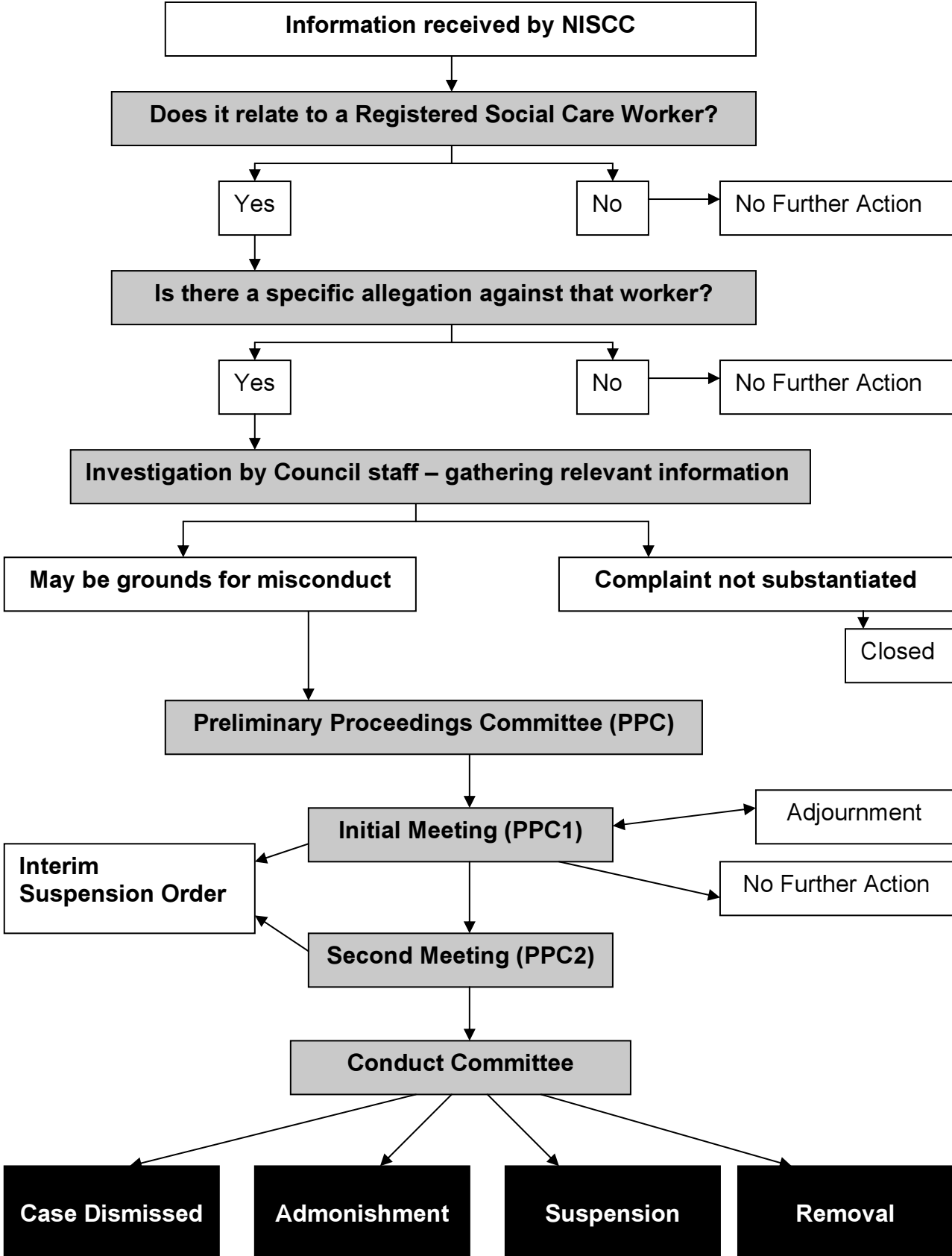
If you need any further information or advice we will be happy to assist you with any aspect of making a referral. Please contact:

The Director of Registration or Professional Adviser (Conduct), Northern Ireland Social Care Council, 7th Floor, Millennium House, 19 – 25 Great Victoria Street, Belfast BT2 7AQ

Employer Referral Form

The Employer Referral Form can be downloaded from the NISCC website; www.niscc.info However, under the Northern Ireland Social Care Council (Conduct) Rules, in order for the PPC to consider a complaint, a signed complaint form must be submitted. You must therefore, submit a signed hard copy of the form to the Registration Manager at NISCC.

Appendix One – The Conduct Process



**For further information about Registration and Regulation of the
Social Care Workforce**

Contact:

Registration Manager
Northern Ireland Social Care Council
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