

Northern Ireland



**Legal Adviser to the Northern Ireland Social
Care Council's Registration and Fitness to
Practise Committees**

Information Pack

Closing Date: **FRIDAY 08 SEPTEMBER 2023 at 4 pm**

Planned Interview Date: **FRIDAY 29 SEPTEMBER 2023**

Contents

| | |
|---|----|
| Introduction | 3 |
| Regulatory Committees..... | 5 |
| Purpose of Legal Adviser Role | 6 |
| Main Responsibilities | 6 |
| Personnel Specification | 7 |
| On Appointment | 9 |
| Remuneration | 9 |
| Time Commitment | 9 |
| Location..... | 9 |
| Training | 9 |
| Appraisal System | 9 |
| Term of Appointment..... | 9 |
| Conduct..... | 9 |
| Application Process | 10 |
| How to apply..... | 10 |
| Disclosure | 10 |
| Selection Process | 10 |
| Reasonable Adjustments | 11 |
| Feedback | 11 |
| Complaints..... | 11 |
| Enquiries..... | 11 |
| Appendix 1 | 12 |
| The Seven Principles of Public Life | 12 |
| Selflessness | 12 |
| Integrity | 12 |
| Objectivity..... | 12 |
| Accountability..... | 12 |
| Openness | 12 |
| Honesty..... | 12 |
| Leadership..... | 12 |

Introduction

The Northern Ireland Social Care Council (Social Care Council) is a non-departmental public body accountable to the Northern Ireland Assembly and sponsored by the Department of Health. The Social Care Council was founded in 2001 as the regulatory body for the social care workforce in Northern Ireland under the Health and Personal Social Services Act (Northern Ireland) 2001. We are one of 12 UK health and social care regulators established to ensure that health and social care workers are regulated against agreed standards.

On 01 June 2005, registration became compulsory for social workers in Northern Ireland and protection of title was enforced, meaning that anyone not registered with the Social Care Council who uses the title 'social worker' is committing an offence. It is also compulsory for the following groups of social care workers to be registered:

1. A member of care staff at a:
 - a.) Children's home;
 - b.) Residential care home;
 - c.) Nursing home;
 - d.) Day care setting;
 - e.) Residential family centre.
2. A person who is supplied by a domiciliary care agency to provide personal care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.
3. A manager of a:
 - a.) Residential care home;
 - b.) Day care setting;
 - c.) Residential family care centre;
 - d.) Domiciliary care agency.

The total number of social workers, student social workers and social care workers on the Register is currently around 43,000.

Our organisational aim is to protect the public through improving safeguards for vulnerable people, raising the standards of social care practice and strengthening the professionalism of the workforce.

Social workers and social care workers provide vital care and support to over 200,000 service users across Northern Ireland every day, helping them to live their lives as independently and safely as possible. Registration with the Social Care Council, and the requirement for registrants to continually update their training, helps to protect the public from poor standards and gives social care workers the professional recognition which they deserve.

The Social Care Council has a statutory requirement to produce and publish standards of conduct and practice which are expected of social workers and social care workers. The Standards of Conduct describe the values, attitudes and behaviours expected of registrants in their day to day

work, while the Standards of Practice outline the knowledge and skills required for competent practice. Both sets of Standards combine to provide a baseline against which a registrant's conduct and practice will be judged.

The Standards are binding on all registrants, irrespective of employment status or work setting. Fitness to practise is evaluated against these Standards and failure to comply could put registration at risk. If a concern is raised about a registrant's conduct or practice, it will be measured against the Standards when deciding what, if any, action needs to be taken.

The Standards are intended to reflect existing good practice and public expectations of the behaviour and practice of social workers and social care workers. They form part of the wider package of legislation, regulatory requirements, practice standards and employers' policies and procedures that registrants must meet.

Regulatory Committees

The Social Care Council's regulatory Committees are governed by two sets of Rules:

- NISCC (Registration) Rules 2022; and
- NISCC Fitness to Practise (Amendment) Rules 2019.

There are four regulatory Committees:

1. The Social Care Council refers to the **Registration Committee** any application for registration which it is not minded to grant, and may refer applications which it is minded to grant subject to condition(s). The Registration Committee meets in private to consider the application, and the applicant and / or their representative may attend and make oral submissions in support of their application.
2. Where an allegation of misconduct or lack of competence is made against a registrant, or where a registrant has been convicted of a criminal offence, and where the case is not appropriate for consensual disposal or direct transfer, the Social Care Council refers the case to the **Preliminary Proceedings Committee** (PPC) to determine whether the evidence is such that it should proceed to a fitness to practise hearing to test the evidence. In circumstances where it is necessary for protection of the public, or it is otherwise in the public interest or it is in the interests of the registrant, the PPC may make an Order suspending the registrant's registration, or impose conditions on the registrant's registration, until such time as the matter has been concluded.
3. The **Fitness to Practise Committee** (FtP Committee) considers the allegations against the registrant and determines:
 - Whether the facts in the allegation are proved;
 - Whether, if the facts are found proved, the registrant's fitness to practise is impaired;
 - Where the registrant's fitness to practise is impaired, what, if any, sanction to impose.

The following sanctions may be imposed upon a finding of impaired fitness to practise:

- A Warning for a period of up to five years;
 - A Conditions of Practice Order;
 - A Suspension Order;
 - A Removal Order.
4. Where a registrant has been removed from the Register following a finding by the FtP Committee, he / she may make an application for restoration to the Register after a period of five years has elapsed. The **Restoration Committee** considers such applications.

A number of cases are put before the Registration and Preliminary Proceedings Committees on the same day, usually sitting at least twice a month.

The Social Care Council holds approximately 25 to 30 fitness to practise hearings each year.

Purpose of Legal Adviser Role

Committees are scheduled as frequently as case load demands and a legal adviser must be present at all proceedings. The legal adviser is also present whenever a Committee deliberates in private. The role of the legal adviser is to advise the Committee on questions of law, and to ensure that proceedings before a Committee are conducted fairly. The legal adviser carries out the functions set out in [Rule 8 of the Northern Ireland Social Care Council Fitness to Practise \(Amendment\) Rules 2019](#) and [Rule 18 of the Northern Ireland Social Care Council \(Registration\) Rules 2022](#).

Main Responsibilities

The main responsibilities of a legal adviser are as follows:

- (Where requested) to give advice to the Social Care Council on questions of law arising in connection with any matter which the Social Care Council is considering;
- Read all case papers provided by the Social Care Council's Hearings Team in advance of meetings and hearings;
- Chair pre-hearing reviews;
- Attend hearings and meetings, advising the Committee before the start of the hearing / meeting of any preliminary matters;
- Assist the Chair and Hearings Officer to effectively use time available;
- Review hearing bundles no later than 14 days in advance of a hearing to ensure that no prejudicial material is contained within them;
- Provide Committees with advice on matters of law and process, and ensure that proceedings are conducted fairly and lawfully;
- Provide appropriate support for registrants who are not legally represented;
- Intervene to advise Committees on issues of law where it appears that without intervention an error of law or irregular proceeding may be made;
- Inform all Parties of any advice given to the Committee in private;
- Ensure that matters heard are restricted to relevant matters or bring this to the attention of the Chair of the proceedings;
- Drafting of fully reasoned determinations, which accurately record the findings and decisions made by the Committee;
- Keep a written record of, and provide the Clerk with, all legal advice tendered to the Committee;
- Keep up to date with relevant and applicable case law; and
- Draft guidance notes on specific issues to assist Committees if required.

Personnel Specification

Applicants must clearly demonstrate evidence of meeting the qualifications, experience and criteria detailed below. Only information contained within the application form and CV will be considered at the shortlisting stage.

Eligibility

To be eligible to apply for the role of legal adviser, you must:

- Be a barrister or solicitor qualified to practise in Northern Ireland;
- Be a member of the Bar Council or Law Society as appropriate;
- Have no convictions which are not spent in accordance with the Rehabilitation of Offenders (Exceptions) Order Northern Ireland 1979¹, and no cautions, fixed penalties (other than minor motoring offences), conditional discharges or charges pending, or have been bound over, in the UK or any other country; and
- Be in good standing with your regulatory body and have had no adverse findings made against you by a regulatory body.

Essential Criteria

You must demonstrate on your application form how you meet the following essential criteria, which will be measured at shortlisting stage and / or during the interview stage.

| Criteria | | Method of Assessment |
|----------|---|------------------------------|
| 1. | Significant and suitable experience, which is deemed to be: <ul style="list-style-type: none">• At least three years' experience within the last five years providing legal advice to a health or social care professional regulatory Committeeor• At least three years' experience within the last five years appearing before a health or social care professional regulatory Committee; | Application Form |
| 2. | A clear understanding of the role and purpose of the Social Care Council; | Application Form |
| 3. | Up to date working knowledge of relevant case law which may impact upon Social Care Council proceedings; | Application Form / Interview |
| 4. | Possess highly effective oral and written communication skills, including the ability to provide clear and succinct legal advice to Committees during hearings, and also the ability to communicate technical legal issues effectively to a lay audience; | Application Form / Interview |
| 5. | Commitment to the Seven Principles of Public Life. | Application Form |
| 6. | Ability to assimilate and evaluate complex information quickly; | Interview |

¹ S.R. 1979 No. 195 as amended by S.R. 1987 No. 393, S.R. 2001 No. 248, S.R. 2001 No. 400, S.R.2003 No. 355, S.R. 2006 No. 425, S.R. 2009 No. 173, S.R. 2009 No. 303, S.R 2012 No. 318 and S.R.2014 No. 27

| | | |
|----|---|-----------|
| 7. | Good drafting skills, using plain English and avoiding unnecessary legal or technical jargon, ensuring that the Committee's decision is presented in a clear and well-reasoned manner in line with the Rules and other relevant regulatory standards; | Interview |
| 8. | Ability to work collaboratively with others, respecting others' viewpoints and showing appropriate regard for the Committee's autonomy in reaching decisions. | Interview |

On Appointment

Remuneration

Legal advisers are provided with a payment proforma for completion after each sitting and are paid a daily fee of £560. The Social Care Council does not pay VAT. The fee covers attendance at a Committee and includes preparatory work. Where a pre-hearing review is scheduled for a date on which a legal adviser has not been booked for a Committee, an hourly rate of £70 is paid. The Social Care Council will also reimburse claims for reasonable travel and subsistence incurred as part of the legal adviser role.

Time Commitment

The time commitment required will depend on the range and extent of work undertaken by the Committees. It is anticipated that this role may require at least 15 days per year. Being appointed as a legal adviser does not guarantee, and the Social Care Council is not obliged to offer, a minimum number of sittings per year or per period of appointment.

Hearings usually commence at 9.30 am. Those who participate are expected to sit until business has been concluded for the day or until 6.30 pm, whichever happens first.

Location

Meetings and hearings are held either remotely or in person at the Social Care Council offices in Belfast. On occasion, hearings may be held at an outside venue. Legal advisers must be prepared to attend in person hearings if they are required.

Training

The Social Care Council will provide an induction programme for legal advisers. More information will be provided if your application is successful.

Appraisal System

All legal advisers may be required to take part in an appraisal system.

Term of Appointment

Legal advisers are normally appointed for a three-year term. Appointments can be renewed at the end of any period of office subject to the Social Care Council's needs and consistently high performance. There should, therefore, be no expectation of automatic reappointment.

Conduct

You will be expected to demonstrate high standards of corporate and personal conduct. Successful candidates will be asked to subscribe to a Code of Conduct.

Application Process

How to apply

You should complete and submit an application form, which can be downloaded from our website www.niscc.info, along with your CV.

Applications must be submitted by email to niscc.committee@hscni.net no later than 4 pm on Friday 08 September 2023. Late applications will not be considered. We strongly advise that you do not leave submission of your application to the last minute in case you have any problems with the form or with your internet connection. The time at which an electronic application is received will be determined by the time indicated automatically on the email. Applications will be acknowledged within two working days of receipt.

Disclosure

You should note that failure to disclose information on your application form surrounding disciplinary matters or criminal investigations or proceedings will be treated seriously and is likely to result in your term of appointment being terminated, and could result in fitness to practise proceedings being brought against you. Declaring information will not necessarily debar you from appointment.

Selection Process

An indicative timetable for the process is as follows:

| | |
|--------------|---------------------------|
| Closing Date | Friday 08 September 2023 |
| Sifting | Monday 11 September 2023 |
| Shortlisting | Tuesday 19 September 2023 |
| Interviews | Friday 29 September 2023 |

Sifting - the first stage following the closing date is to sift the applications received to ensure that all applicants meet the eligibility criteria. You will be advised in writing if you do not meet the eligibility criteria.

Shortlisting - applications which meet the eligibility criteria will then be shortlisted against the essential criteria. You will be informed in writing to the email address provided by you on the application form whether or not you have been shortlisted for interview.

Interviews - interviews will be in person and will last for approximately 45 minutes, and will involve an unseen situational judgement presentation. An alternative date will be offered only at the discretion of the interview panel if you are unable to attend on the date set. All candidates who attend interview will be informed of the outcome within 14 working days.

Please note that the dates contained within the table above are indicative only. While all efforts will be taken to ensure that the timetable is adhered to, unforeseen circumstances may dictate a change in any or all of the above dates.

Reasonable Adjustments

The Social Care Council welcomes applications from persons with a disability and persons without a disability. If you consider that a reasonable adjustment would be helpful at any stage of the process, please contact Ryan Fletcher on 028 9536 2920 or at niscc.committee@hscni.net.

Feedback

Any requests for feedback following interview should be emailed to niscc.committee@hscni.net. Your request will be acknowledged within five working days.

Complaints

If you wish to make a complaint about any aspect of the selection process, you may do so by completing the Social Care Council Complaint Form. This can be accessed on the About Us section of our website, www.niscc.info . A complaint should be lodged within 28 days of the matter(s) complained of.

Enquiries

If you have any questions about the role or about making an application, please email niscc.committee@hscni.net and we will do our best to reply within 48 hours.

Appendix 1

The Seven Principles of Public Life

As a public body, the Social Care Council expects legal advisers to demonstrate the following principles:

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.