



Northern Ireland Social Care Council

NISCC (Registration) Rules 2016

April 2016

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The Northern Ireland Social Care Council, with the consent of the Department of Health, Social Services and Public Safety, makes the following Rules in exercise of the powers conferred by Sections 4, 5 (2) and (3), 6 (1) to (3), 7, 12 (1) to (2C) and 18 (1) and (2) of the Health and Personal Social Services Act (Northern Ireland) 2001 and Regulation 8 of the Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001¹.

The Council has consulted those persons required by Section 12 (3) of the Act.

¹ S.R. 2001 No. 313 as amended by S.R. 2002 No.349

Part I

Introduction

Citation, commencement and revocation

1. (1) These Rules may be cited as the Northern Ireland Social Care Council (Registration) Rules 2016 and shall come into operation on 1st April 2016.
- (2) The Northern Ireland Social Care Council (Registration) Rules April 2015 are revoked.

Interpretation

2. (1) In these Rules -
 - “**Access NI**” is a branch of the Department of Justice, and provides a criminal history disclosure service in Northern Ireland;
 - “**the Act**” means the Health and Personal Social Services Act (Northern Ireland) 2001;
 - “**admonishment**” is a reprimand from the Conduct Committee of the Council which is recorded and placed on a Registrant’s entry on the Register for a period of up to five years;
 - “**applicant**” means a person applying for registration to the register as a social worker or a 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;

“annual fee date” is the date on which a Registrant must pay their fee each year to maintain registration on the Social Care Register;

“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 Health and Care Professions Council or the Scottish Social Services Council;

“Care Tribunal” means the statutory body established under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;

“Conduct Committee” means the Committee of that name constituted in accordance with the Council’s Conduct Rules;²

“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 (January 2012);

“employer” means an employer of a registrant or applicant for registration;

“entry” means the particulars entered onto the Register as specified in Rule 26;

² NISCC Conduct Rules can be found on the NISCC Website – www.niscc.info

“exceptional circumstances” mean circumstances where the registrant is unable to complete the stated requirement in the relevant rule due to circumstances beyond the registrant’s control;

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

“Institution” means an establishment from which an applicant has accepted an offer, has been admitted to or has attended an approved course;

“Interim Suspension Order” means an Order for suspension of the registrant’s registration made by the Preliminary Proceedings Committee;

“lapsed” in relation to a Registrant means a person who is not permitted to practise due to one of the reasons set out in Rule 10 (3), but remains on the Register for the purpose of investigation into alleged misconduct;

“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;

“management position” means a manager of a residential care home,

a children's home, a day care setting, a domiciliary care agency, or a residential family centre;

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

“Online Portal” is the electronic means by which an application for registration may be submitted;

“Parties” means the Council and the applicant (or their representatives) at the Registration Committee proceedings;

“period of assessed employment” means a period of employment for one year required by the Council;

“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 Committee” means the Committee of that name constituted in accordance with Rule 13;

“social care worker” means a social care worker of a description specified in an Order made by the Department under s.3 (1) (b) of the Act³,

³ S.R. 2003 No.139, S.R. 2004 No.56 and S.R. 2006 No.396.

“Standards of Conduct and Practice” are the standards of conduct and practice expected of social workers and social care workers published by the Council under Section 9 (1) of the Act;

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

“Suspension Order” means an Order for the suspension of the registrant’s registration made by the Conduct Committee;

“Visiting European part” of the Register refers to the part of the Register which lists visiting social workers from relevant European States as referred to in Section 3 (1) (c) of the Act.

- (2) 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 (6) (e) (renewal of registration), Rule 10 (1) (c) (General Systems Regulations), 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.
- (3) In these Rules, any reference to the date on which the annual fee is due is a reference to -
 - (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 February it shall be treated as having been made on 1 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 February it shall be treated as

having been made on 1 March;
other than in exceptional circumstances as deemed by the Council.

Service of documents

- 3.** (1) Subject to Rules 20 and 21, in these Rules unless the context otherwise specifies, any reference to the sending of a communication to any person is a reference to it being sent:
- (a) in the case of the Council, its committees or the Committee Clerk, to the offices of the Council;
 - (b) in the case of an Applicant or Registrant, to the Applicant or Registrant's home or electronic address, as appropriate, as it appears on the Register or, if the last known address differs from the address in the Register, the Applicant or Registrant's last known address; and
 - (c) in all other cases, to the last known address of that person.
- (2) Subject to Rules 20 and 21, any reference to the sending of a communication to an Applicant or Registrant is a reference to it being sent by:
- (a) registered post or by a postal service in which delivery is recorded, or
 - (b) by electronic mail to the electronic e-mail address notified by the Applicant or Registrant as the address for communications in accordance with Rule 4 (2) (f).

Any such communication shall be treated as having been served on the day after it was posted or electronically mailed, as the case may be.

Part II

Registration Procedure

Application for Registration

- 4.** (1) An application for registration shall specify each part of the Register in which registration is sought and shall be submitted to the Council:
- (a) through the Council's On Line Portal; or
 - (b) in writing on the form approved by the Council.
- (2) Any application under Paragraph (1) shall include the following information:
- (a) the applicant's personal details, including full name (and previous name if any), title, date of birth and address and registration number, if registered with a Care Council;
 - (b) details of any criminal convictions (whether or not spent in accordance with the Rehabilitation of Offenders (Northern Ireland) Order 1978, formal cautions issued by the Police in any part of the United Kingdom or any other country, any binding over or fixed penalties (other than minor motoring offences), and any charges pending);
 - (c) the applicant's professional details, including the name of Awarding Body and the qualification gained (if a social worker);
 - (d) the name and address of the applicant's current employer (if any);
 - (e) in the case of a student, the name of the Institution which is providing, or is to provide, the degree course;
 - (f) an electronic e-mail address, which will be the address to which the applicant consents that communications from the Council and its Committees should be sent; and
 - (g) such other information as the Council may reasonably require.
- (3) The application form shall -

- (a) contain a warning to the applicant –
 - (i) about the consequence (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, a 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 Standards of Conduct and Practice and may be subject to disciplinary action under the Council's Conduct Rules for any breach of the Standards.
 - (b) be verified and endorsed –
 - (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 such person as the Council may determine;
 - (c) be sent to the Council.
- (4) The applicant shall provide in connection with the application, on the form approved for that 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 {an employer or other} person acceptable to the Council as being fit to provide such an endorsement);

- (ii) good conduct;
 - (iii) physical and mental fitness to practise the work expected of persons registered in that part of the Register in which registration is sought; and
 - (iv) competence.
- (b) in the case of an application for registration as a social worker, evidence as to –
- (i) the applicant's qualifications, in accordance with the provisions of Paragraphs (10) (d) or (11);
 - (ii) name of the body that awarded such qualifications;
 - (iii) date of award of such qualifications;
 - (iv) name of Institution for the purpose of obtaining the qualifications;
 - (v) dates attended at such Institution;
 - (vi) name in which the qualifications are held.
- (c) a statement that the applicant has read and understood the Standards of Conduct and Practice and an undertaking to abide by the Standards, 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 Access (NI) including details of any pending criminal proceedings, and any previous criminal convictions (whether or not 'spent' in accordance with the Rehabilitation of Offenders (Northern Ireland) Order 1978 and formal cautions issued by the Police in any part of the United Kingdom or any other country) in respect of the applicant;

- (e) in the case of an application for registration as a social care worker, a signed endorsement from an employer, stating that the applicant has satisfactorily completed induction, or will complete induction by the estimated date appropriate to their post.
- (5) 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 is participating or will participate in the degree course.
- (6) 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.
- (7) Where the Council receives information under Paragraph (6), it shall inform the applicant of the information received, and shall give the applicant an opportunity of commenting on that information within a period of 28 days beginning with the day on which the information is given to the applicant.
- (8) 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.
- (9) Except where the Council is minded to make a reference to the Registration Committee under Rules 8(7) or 15, the Council shall send a communication of its decision to the applicant or registrant.
- (10) 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 from the commencement of employment other than in exceptional circumstances or where the registrant is on maternity, adoption or fostering leave;
- (d) (where the applicant is a social worker or student) 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 Section 54 (1) of the Regulation of Care (Scotland) Act 2001; Section 63 of the Care Standards Act 2000; or Article 15 (5) of the Health and Social Work Professions Order 2001.

- (11) 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, 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 was granted otherwise than in a relevant European State, but 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 for the purposes of registration.

- (12) Where the Council has sought additional information from the applicant for the purpose of determining whether an application for registration should be granted and the Council has not received the information within 28 days of it being sought, the Council may end the application.

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 has received the Notice of Commencement from the Institution and is satisfied that the student has begun participating in the degree course.
- (2) Where an application for registration has been granted by the Council in respect of a student, and the Notice of Commencement from the Institution has been received, but the 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, 10 or 20 (16) (d), the registrant's entry in the Register shall remain effective –
- (a) where the registrant is a social worker, for 3 years from the date of granting of the application for registration by the Council;
- (b) where the registrant is a social care worker, for 5 years from the date of granting the application for registration by the Council;

- (c) where the registrant is a social care worker in a management position, for 3 years from the granting of the application for registration by the Council;
 - (d) where the registrant is a student, for the duration of the registrant's degree course, or eight years beginning with the date of granting of the application for registration by the Council, whichever is the later;
 - (e) where an Interim Suspension Order or a Suspension Order has been imposed on the registrant's registration, until the expiration of the appropriate period specified in sub-paragraphs (a) to (d) or expiration or revocation of the Interim Suspension Order or Suspension Order, whichever last occurs.
- (2) No later than 28 days before the expiry of the period referred to in Paragraphs (1) (a) to (e), the Council shall send a communication to the registrant advising –
- (a) the date of expiry of registration; and
 - (b) guidance on how to renew their registration.
- (3) Notwithstanding Paragraphs (1) (a) to (e), a registrant's registration shall not cease if the registrant submits an application for renewal and is renewed on the Register before the end of the period specified in that paragraph.
- (4) The Council reserves the right in exceptional circumstances to extend the period referred to in Paragraphs (1) (a) to (e), before removal by 14 days, to enable an application for renewal of registration to be made.
- (5) 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, in accordance with Paragraph (1) (d).

- (6) The Council reserves the right in exceptional circumstances to extend the period referred to in Paragraph (4) should the Council deem it necessary in order to ensure due process is followed in the application or renewal process.

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; and
 - (b) before undertaking any period of assessed employment, a student shall apply to the Council for registration in the part of the Register for social workers.
- (2) An application for registration in accordance with Paragraph (1) (b) 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) (b) 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.
- (4) In exceptional circumstances, the Council will consider and grant or reject as the case may be an application to extend the registrant's entry in the Register for a period, to be determined by the Council, to facilitate the completion of the period of assessed employment.
- (5) Notwithstanding Paragraphs (3) and (4), a registrant's registration shall not cease if the registrant provides the Council with notification of successful completion of the period of assessed employment before the end of the period specified in Paragraph (3) or the extended period

determined by the Council in accordance with Paragraph (4).

- (6) The Council reserves the right in exceptional circumstances to extend the period referred to in Paragraphs (3) or (4), before removal by 14 days to enable an application for renewal of registration to be made.
- (7) The Council reserves the right in exceptional circumstances to extend the period referred to in Paragraph (6), should the Council deem it necessary in order to ensure due process is followed.

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 is made by an applicant and granted by the Council, the registrant's entry in the Register will be effective for a period of 3 years beginning with the next annual fee due date, unless Rule 10 or Rule 20 (16) or the Council's Conduct Rules apply.
- (3) Where an application for renewal of registration as a social worker or social care worker in a management position is granted by the Council, the registrant's entry in the Register will be effective for a period of 3 years beginning with the date of the granting of the application, unless Rule 10 or Rule 20(16) or the Council's Conduct Rules apply.
- (4) Where an application for renewal of registration as a social care worker is granted by the Council, the registrant's entry in the Register will be effective for a further period of 5 years beginning with the date of the granting of the application, unless Rule 10 or Rule 20 (16) or the Council's Conduct Rules apply.
- (5) Applications for renewal of registration shall be made in the format approved by the Council for that purpose.

- (6) The Council shall only grant an application to renew registration where -
- (a) it is satisfied that the registrant has satisfactorily fulfilled any condition attached to the registration;
 - (b) it has received satisfactory evidence, as set out in Rule 4 (4) above, of an applicant's –
 - (i) good character;
 - (ii) good conduct;
 - (iii) 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(2B) 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 is not required to undertake 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.
- (7) Where a registrant has failed to complete the post registration training and learning requirements as set out in Paragraph (6) (c), or fails to furnish upon request from the Council information sought detailing the post registration training and learning completed, the Council shall refer

the registrant's application to the Registration Committee, and such failure may be treated as misconduct, giving rise to proceedings under the Council's Conduct Rules.

- (8) Where a registrant has failed to complete the post registration training and learning requirements due to suspension from the Register, the Council will waive those requirements for the period of the suspension.
- (9) The Council shall not refer a registrant to the Registration Committee in accordance with Paragraph (7) where that registrant has failed to complete the post registration training and learning requirements due to exceptional circumstances or where the registrant is on maternity, adoption or fostering leave.

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 without referring the matter to the Registration Committee.
- (2) Where a person's name has been removed from the Register under Paragraph (1), 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 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 may remove a registrant's entry from the Register without reference to the Registration Committee where –
- (a) subject to Paragraph (4), the registrant has made a satisfactory application, in writing, for voluntary removal from the Register;
 - (b) the Council receives satisfactory written notification of the death of a registrant;
 - (c) the exempt person, who is registered in the visiting European part of the Register, falls within the provisions of Regulation 17 (1) (b) of the General Systems Regulations;
 - (d) subject to Paragraph (3), the registrant has failed to make the appropriate application for renewal of registration before the end of the period specified in Rule 6 (1) (a) to (c) or, as the case may be Rule 6(4);
 - (e) subject to Paragraph (3), the registrant has failed to pay the annual fee after the appropriate communication has been sent by the Council as set out in Rule 23 (3) and (4).
 - (f) subject to Paragraph (3) the registrant has failed to provide evidence of the satisfactory completion of a period of assessed employment or a request for an extension in accordance with Rule 7 (4);
 - (g) the registrant is registered in the part of the Register for social workers, and that the registrant is no longer a social worker unless that registrant is subject to current or pending enquiries, investigation, or disciplinary proceedings under the Council's Conduct Rules; or
 - (h) the 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; or

- (i) a Registrant is no longer eligible to work in the UK.
- (2) The Council shall remove a registrant's entry from the Register where:
- (a) the Registration Committee has considered an application for renewal of registration and directed that the registrant's name should be removed from the Register; or
 - (b) the Registration Committee is satisfied that a Registrant has not complied with conditions imposed upon the Registrant's registration; or
 - (c) the Conduct Committee makes a Removal Order under the Council's Conduct Rules.
- (3) The Council shall lapse any registrant who is the subject of an investigation by the Council into alleged misconduct and:
- (a) has failed to renew his registration on time; or
 - (b) has failed to pay the appropriate fee; or
 - (c) has failed to complete the period of assessed employment required by the Council.
- (4) The Council 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 by an employer or under the Council's Conduct Rules.
- (5) Where the Council has removed a registrant's entry from the Register, the Council shall send, in hard copy, written notification to:
- (i) the former registrant at his / her home address as appears

- on the Register;
- (ii) the former registrant's last known employer (if any);
- (iii) the Institution at which the former registrant was participating in the degree course, if applicable;
- (iv) the Care Council with whom the former registrant is registered to inform 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 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 out in SCHEDULE 2.
- (3) The Council shall treat an application for restoration as an initial application for registration, and the procedures set out in this Part II 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 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 beginning on the date of rejection of the last application.

Part III

Registration Committee

Constitution, membership and quorum of Registration Committee

- 13.** (1) The Council shall appoint 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, including the Chair, 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 who shall be a lay person and not be a member of the Council.
- (6) Council Members shall not sit as members on the Registration Committee.
- (7) The Council shall endeavour to appoint to the Registration Committee a Committee 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 person, the Council shall endeavour to ensure that a Committee 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 4 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) 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.
- (2) 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) The advice of the legal adviser shall be given in the presence of 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 Council may appoint a medical adviser to advise the Registration Committee.
- (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) The advice of the medical adviser shall be given in the presence of the Parties. Any advice given by the medical adviser during the private

deliberations of the Registration Committee shall subsequently be repeated 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 shall 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 evidence 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 England, Wales or Northern Ireland (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.
- (6) The Registration Committee may admit the determination of a regulatory body set out in SCHEDULE 4 in proceedings against an applicant, as prima facie evidence of any facts found proven by that regulatory body.
- (7) Notwithstanding Paragraph (6), the applicant shall be entitled to adduce evidence to the Registration Committee in rebuttal of any findings made by a regulatory body set out in SCHEDULE 4.

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) Proceedings of the Registration Committee shall be in public except that the Registration Committee shall sit in private where the Council is

mind to place conditions on an applicant's registration or refuse an applicant's registration.

- (3) Not less 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, as appropriate;
 - (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 of Referral;
 - (d) set out the applicant or registrant's right 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) Not less 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) Not less than seven 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 of the application; and
 - (d) any representations the applicant has submitted in accordance with Paragraph (4) (c).

- (7) Rule 4 (6) and 4 (7) applies to the Registration Committee as it applies to the Council, and for the purpose of this Rule, the Registration Committee may adjourn and upon notice to the applicant or registrant, reconsider the matter at a later date.

- (8) The Council's case may be presented to the Committee by an officer of the Council, or by a solicitor or counsel.

- (9) The applicant or registrant may appear in person or 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) Subject to Paragraph (11), the Registration Committee may permit the applicant or registrant to be represented by a person other than that listed in Paragraph (9).

- (11) Any application to be represented by a person other than that listed in Paragraph (9) shall be sent to the clerk not later than 14 days 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) 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 applicant or registrant is not present or represented at the proceedings, the Registration Committee, on being satisfied that the applicant or registrant was given due notice of the proceedings, may determine the matter in the absence of the applicant or registrant.

- (15) 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) announcement of the Committee's decision.

- (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) vary or lift conditions;
 - (f) 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 or registrant of the conditions that the Committee is minded to impose;
 - (b) the Registration Committee shall afford the applicant or registrant, or the applicant's or registrant's representative, the opportunity to make specific representations upon them;
 - (c) the Registration Committee may adjourn and issue directions as to the time in which any representation or supporting evidence should be served.
- (18) Where the Registration Committee has determined that conditions should be imposed on an applicant's or registrant'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 or registrant'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), 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, if applicable.

(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) set out any conditions imposed on, varied or lifted from the applicant's or registrant's registration;
- (d) set out the applicant's or registrant'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 the decision 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), a registrant may apply to the Committee to resume its consideration of the case, where the registrant 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 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) Not less 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 to the registrant 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 registrant's right to make written representations to the Council within 14 days of service of the Notice of Resumed Consideration; and
 - (c) set out the registrant's right 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 set out in SCHEDULE 2, and shall be non-refundable.
- (2) Subject to Rule 25, the Council shall refuse to make an entry in the Register in respect of such a person unless the application 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 set out in SCHEDULE 2 and shall be non-refundable.
- (2) The Council may remove from the Register any registrant who, after the appropriate communication specified in either Paragraphs (3) or (4) has been sent, fails to pay the annual fee within the specified period.
- (3) (a) Where a registrant has not given the Council a bank authority, the Council shall send the registrant a communication 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, the Council may decide that the registrant’s entry should be removed from the Register.
- (4) Where the 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

communication stating that if the annual fee is not paid within the period of 28 days beginning the day after the communication 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, and shall be non-refundable.
- (2) Subject to Rule 25, 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, the Council may choose to waive any fees to be charged to an applicant or registrant, where -
- (a) (in the case of students) that applicant or registrant wishes to resume participation in a degree course;
 - (b) that registrant's registration has been suspended by the Council;
 - (c) that applicant has previously been refused registration on the grounds of a pending criminal charge or disciplinary action and that charge or action is dropped.
 - (d) in such exceptional circumstances as the Council may determine.

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) address at which the registrant practises;
 - (d) where the registrant is a student, the address of the Institution in which the registrant is participating in the degree course;
 - (e) any effective conditions imposed on the registrant's registration;
 - (f) any effective admonishment;
 - (g) any effective Interim Suspension Order;
 - (h) any effective Suspension Order;
 - (i) whether the registrant has been removed from the Register.
- (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 in a secure manner.
- (2) Where an Interim Suspension Order or 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 registrant's 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, or such other documentary evidence as it considers appropriate.

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;
 - (iv) period of registration.
- (b) state whether the registrant's registration is subject to conditions;
and
- (c) be signed on behalf of the Council.
- (3) Where a registrant seeks a replacement certificate of registration, a replacement fee must be paid in accordance with SCHEDULE 2.

Janis E. King (Chair) Date 15 March 2016

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

Sean Helle (Senior Officer, DHSSPS)

Dated this 25 day of March Two thousand and Sixteen

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 Central Council Education Training Social Work 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, article 15(5) of the Health and Social Work Professions Order 2001, 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
 - (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, Goldsmith's 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 & Administration 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) University of Leeds
 - (iii) University of Manchester

21. Certificate in Psychiatric Social Work
 - (i) University of Edinburgh

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)

- 27. Bath University of Technology

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 £65 -
 - (i) social workers;
 - (ii) social care managers.
2. The application, annual and renewal fee for the following applicants shall be £30 -
 - (i) social care workers.
3. The application fee for social work applicants with overseas qualifications who do not hold a letter of comparability to the Honours Degree in Social Work shall be £190. The annual fee and renewal fee shall be £65.
4. The restoration fee for the following applicants shall be £130 -
 - (i) social workers;
 - (ii) social care managers.
5. The restoration fee for social care workers shall be £60.

B. FEES FOR STUDENTS AND REGIONAL SOCIAL WORK DEGREE TRAINEES

1. Application fee
£20
2. Annual fee
£20
3. Restoration fee
£40

C. FEES FOR REPLACEMENT REGISTRATION CERTIFICATE

1. The fee for a replacement certificate for all registrants shall be £20.

Post registration training and learning requirements

1. Social workers and social care workers -
 - (1) All social workers and social care workers shall, within the period of registration, complete a minimum of 90 hours of learning and development activity which may include study, training, courses, seminars, reading, teaching or other activities which could reasonably be expected to advance the social worker's or social care worker's professional development, or contribute to the development of the profession as a whole.

2. Social workers -
 - (1) The following requirements apply to social workers in the following categories. The training specified will contribute to the 90 hours of learning and development activity mentioned in Paragraph 1 (1) above -
 - (a) Social workers in the first three year period of registration following successful completion of the Assessed Year in Employment shall complete a minimum of two requirements of the Northern Ireland Specific Award within the period of registration;
 - (b) Social workers who are appointed as a first line manager shall undertake learning and development activity in the professional supervision and appraisal of staff within two years of appointment to post;
 - (c) Social workers who are first line managers or managers in other grades above this shall undertake, within the period of registration, learning and development activities appropriate to their post. These development activities should include professional leadership and management.

3. Social Care Workers -

(1) The following requirements apply to social care workers in the following categories. The training specified will contribute to the 90 hours of learning and development activity in Paragraph 1 (1) above.

(a) Social care workers shall undertake within their period of registration learning and development activity appropriate to their job role in the following areas:

- i. Principles of Care
- ii. Safeguarding
- iii. Communication
- iv. Social Care Skills
- v. Health and Safety

(b) Senior Social Care workers, that is social care workers with supervisory responsibilities, shall undertake within their period of registration learning and development activity appropriate to their job role in the following areas:

- i. Principles of Care
- ii. Safeguarding
- iii. Communication
- iv. Social Care Skills
- v. Health and Safety
- vi. Supervision and Performance Appraisal

(c) Social Care workers in a management position shall undertake within their period of registration learning and development activity appropriate to their job role in the following areas:

- i. Principles of Care
- ii. Safeguarding
- iii. Communication

iv. Social Care Skills

v. Health and Safety

vi. Leadership and Management

4. Every social worker and social care worker registered with the Council shall keep a record of post registration training and learning undertaken.
5. Failure to meet the foregoing post registration training and learning requirements may be considered misconduct by the Council.
6. 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.

Schedule 4

Rule 19 (6)

Regulatory bodies whose determinations may be considered by the Registration Committee for the purpose of Rule 19 (6)

British Pharmaceutical Society

Care and Social Services Inspectorate Wales

Care Council for Wales

Care Quality Commission (replaced CSCI in March 2009)

Commission for Social Care Inspection (CSCI)

General Dental Council

General Medical Council

General Social Care Council

General Teaching Council for England

General Teaching Council for Northern Ireland

General Teaching Council for Scotland

General Teaching Council for Wales

Health and Care Professions Council

Health Professions Council

Nursing and Midwifery Council

Pharmaceutical Society of Northern Ireland

Regulation and Improvement Authority

Scottish Commission for the Regulation of Care

Scottish Social Services Council

Secretary of State for Education in England under Part 3, Section 8 of the Education Act 2011.