



Northern Ireland Social Care Council Registration and Fitness to Practise Proceedings Continuity Arrangements During the COVID-19 Pandemic

Introduction

1. Following Government advice on social distancing and non-essential travel during the Covid-19 pandemic, the Northern Ireland Social Care Council (Social Care Council) offices are currently closed to staff, registrants and visitors to protect their health and well-being. Staff continue to work remotely from home.
2. The safety and well-being of people who use social care services remains our priority. As a result, we have made some temporary changes to our fitness to practise procedures during this period to ensure that high risk concerns are taken forward where we believe that anyone working in the sector poses a risk.

Fitness to Practise Priorities

3. We have postponed all scheduled fitness to practise hearings until further notice and are focusing on cases which raise the most serious public protection concerns, and ones where there is the possibility of restrictions being lifted to allow registrants back into safe practice. As always, we will only be making new interim order applications in cases where we believe that there is a serious risk to service users or the public.
4. In review cases, the level of risk may have lessened. Based on the evidence that the registrant provides, and in the current emergency, considering whether restrictions could be lessened will be a key part of the Committee's considerations bearing in mind that a registrant being able to return to safe practice could help to alleviate the extreme pressures in the social care system.
5. During this time, our priorities will be:
 - Triaging all referrals upon receipt and assessing the risk posed by the individual;
 - Applying for urgent Interim Orders and reviewing existing Interim Orders;
 - Reviewing existing substantive Orders;

- Assessing non-straightforward applications for registration;
 - Reviewing existing registration conditions.
6. We will prioritise any applications from registrants for the review of an existing Interim Order where there is new information that could result in their return to the workforce.

Impact of Adjourned Court Hearings

7. Depending on the length of time an Interim Order has already been in place pending the outcome of criminal proceedings, some cases may be impacted by Court hearings being adjourned or delayed as a result of the pandemic. In a limited number of cases, it may become necessary for the Council to apply under its *exceptional circumstances* Rule for an Order to be imposed for longer than the normal maximum of two years. Registrants who are affected will have the right to request an early review at any time.

Changes to Hearing Arrangements

8. Our normal arrangements in regards to attendance at hearings do not allow us to observe the Government's advice on non-essential travel or social distancing. To bring the Committee Members and the Parties together would result in unnecessary contact, with the potential to spread the virus and put people at risk. To keep everyone involved safe, we have adopted some of the measures implemented by the NI Court Service and will be holding hearings remotely by using video conferencing facilities.
9. Holding hearings remotely brings new and different challenges. Having received legal advice on how we can proceed with hearings remotely whilst also adhering to the requirements of fairness and justice, our default position will be that neither Party joins the hearing and that both the Council and the Registrant email their submissions in advance for the Committee to read. This will mean that Committees make their decisions based only on the papers. We need to make sure that this temporary process is open, transparent and fair for everyone, and to make sure that this happens the Council will lodge its written submissions for Interim Order review hearings by email to the Committee Clerk 14 days before the date of the hearing. The Clerk will share these with the Registrant by email, and ask the Registrant to lodge their written submissions no later than 7 days in advance of the hearing. The Committee will receive both sets of written submissions along with the case papers. The Clerk is available by telephone or email to provide support to the Registrant through this process.
10. For new Interim Order hearings, registrants will be served 14 days in advance rather than the normal minimum of 7 days, other than in exceptional circumstances. The Council will lodge its written submissions with the Committee Clerk ten days before the date of the hearing. The Clerk will provide these to the Registrant and will support the Registrant to lodge their written submissions at least three days before the date of the hearing.

11. Registrants (and / or their representatives) may still avail of their right to attend the remote hearing via video or audio link if they wish to do so and, if they wish to do this, should discuss it with the Clerk as soon as possible. If a registrant attends the remote hearing, the Council will also attend to present its case in the normal way. Neither Party will need to lodge written submissions in advance if both Parties are attending.
12. We will provide registrants with lots of support around these temporary arrangements. Contact details for the Clerk will be included in the paper work which is sent to a registrant in advance of their hearing, and we will be happy to explain the processes to them and help them to participate as much as they want to in the proceedings.

Notice of Hearings and Decisions

13. With all Social Care Council staff working from home, we will be serving registrants with notice of hearing dates by email rather than by the usual Track and Trace (Special Delivery) post. We will use the email address which is held on the Register, which will be the email address notified by the Registrant to the Council as an address for communications. If there is no email address on our Register, we will send the Notice to an email address which the Registrant has used to communicate with us in the past. If there is no email address available, the Clerk will telephone the Registrant to obtain an email address to which the Notice can be sent. We will only post documents if a registrant does not have an email address or access to an electronic device.
14. Notices and accompanying case papers sent by email will be password protected to ensure complete confidentiality. The password to open the documents may only be obtained by making contact with the appropriate staff member. Full details on how to do this will be contained within the email. Security questions will be asked to confirm the identity of the caller before the password will be divulged.
15. A Notice served by email will be treated as having been served on the day after it was emailed. We do not have to show that the Registrant has read or accessed the email, only that we sent it to the correct email address and that we gave enough notice of the hearing in line with our Rules.
16. In the event that a registrant does not engage with the process, send written submissions or make contact with us after receiving notice of the proceedings, the Committee will decide whether or not to proceed with the hearing in the Registrant's absence in the normal way.
17. Decisions will also be sent via email and will be password protected to ensure confidentiality.

Publication of Outcomes

18. The publication of hearing outcomes on our website will continue in accordance with our Publication and Disclosure Policy. We will also continue to advise referrers of outcomes as usual.

Applications for Registration

19. To support the social work and social care sector during the pandemic, we have made arrangements to enable those who wish to join or return to the sector to be able to register as quickly as possible. It is vital that as many social workers and social care workers as possible are allowed to work, and we are reviewing the small number of non-straightforward application cases which have been referred to our fitness to practise team to see if there are any applicants who can be registered without referral to the Registration Committee.
20. However, there will still be applications which need to be referred for a Registration Committee hearing where a certain type of conviction exists or where an issue has been declared on the application form. These hearings, and cases where registration conditions are due for review, will follow the temporary arrangements as set out above, with the exception of the lodging of written submissions. Written submissions may be provided by the Applicant or Registrant 7 days in advance of the hearing whether or not they decide to attend. The Council will not lodge written submissions for the Committee's consideration in either event but, as always, will attend to present the case if the Applicant or Registrant avails of their right to attend.

Review Arrangements

21. These continuity arrangements will be kept under continuous review and amendments made as necessary. They will cease to have effect as soon as it is safe to do so.

Updated on 21 May 2020

Approved by Patricia Higgins, Interim Chief Executive, on 22 May 2020