



Legal Adviser to the NISCC's Registration and Fitness to Practise Committees

Information Pack

Closing Date: **Friday 01 June 2018 at 4 pm**

Interview Date: **Thursday 14 June 2018**

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Introduction

The Northern Ireland Social Care Council (NISCC) is the regulator for social workers and social care workers in Northern Ireland. It is our role to protect the public through improving safeguards for vulnerable people and by upholding standards and public trust in social work and social care.

Those performing the following social work and social care roles must be registered with NISCC in order to practise:

1. Social workers;
2. Social work students;
3. A member of care staff at a:
 - a. Children's home
 - b. Residential care home
 - c. Nursing home;
 - d. Day care setting; and
 - e. Residential family centre.
4. 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.
5. A manager of a:
 - a. Residential care home
 - b. Day care setting
 - c. Residential family centre
 - d. Domiciliary care agency.

There are currently approximately 40,000 social workers, student social workers and social care workers on our Register.

Regulatory Committees

NISCC's regulatory Committees are governed by two sets of Rules:

- NISCC (Registration) Rules 2017;
- NISCC Fitness to Practise Rules 2016.

There are four regulatory Committees:

1. NISCC refers to the **Registration Committee** any application for registration which it is not minded to grant, or 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 had been convicted of a criminal offence, and where the case is not appropriate for consensual disposal, NISCC 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. 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)** 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 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 once a month.

The Fitness to Practise Committee holds about 20 to 25 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.

Main Responsibilities

The main responsibilities of a legal adviser are as follows:

- (Where requested) to give advice to NISCC on questions of law arising in connection with any matter which NISCC is considering;
- Read all case papers provided by the NISCC Committee Management team in advance of meetings and hearings;
- Conduct pre-hearing reviews;
- Attend hearings and meetings, advising the Committee before the start of the hearing / meeting of any preliminary matters;
- 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;
- 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;
- Expedient 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;
- Draft guidance notes on specific issues to assist Committees.

Personnel Specification

Applicants must clearly demonstrate evidence of meeting the qualifications and experience 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, with not less than 10 years' post-qualifying experience.
- 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 1979 as amended, 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.
- Be in good standing with your regulatory body and have had no adverse findings made against you by a regulatory body.

Essential Criteria

1. At least one year's experience within the last three years as a legal adviser to healthcare regulatory Committees;
2. Demonstrate up to date working knowledge of relevant case law;
3. Demonstrate a good understanding of the importance of the role of NISCC in public protection;
4. Demonstrate a good knowledge of the legislation governing NISCC and its Committees;
5. Possess highly effective communication skills and the ability to work collaboratively and to establish and maintain effective working relationships;
6. The ability to assimilate and evaluate complex information quickly;
7. Good drafting skills, using plain English and avoiding unnecessary legal or technical jargon;
8. Understanding of the importance of upholding the public interest in the work of NISCC;
9. Demonstrate commitment to the Seven Principles of Public Life

On Appointment

Remuneration

Legal advisers are paid a daily fee of £560. NISCC does not pay VAT. The fee covers attendance at a Committee and includes preparatory work. An hourly rate of £70 is paid for pre-hearing reviews. NISCC 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 NISCC is not obliged to offer, a minimum number of sittings per year or per period of appointment.

Hearings commence from 9.30 am onwards. 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 usually held at the NISCC offices in Belfast. On occasion, hearings may be held at an outside venue.

Training

NISCC will provide an induction programme for legal advisers. More information will be provided if your application is successful.

Appraisal System

All legal advisers will 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 NISCC'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 received by 4 pm on Friday 01 June 2018. Late applications will not be considered. We would encourage you to submit your application electronically to niscc.committee@hscni.net. The time at which an electronic application is received will be determined by the time indicated automatically on the email. If you are sending an application by post, you should be aware that mail may not be delivered to NISCC until after 4 pm. If you submit your application electronically, you will receive an acknowledgement email.

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. If you are registered with another regulator, it could result in fitness to practise proceedings being brought against you.

Selection Process

An indicative timetable for the process is as follows:

Closing Date	Friday 01 June 2018
Sifting	Monday 04 June 2018
Shortlist	Tuesday 05 June 2018
Interviews	Thursday 14 June 2018

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 personnel specification. You will be informed in writing whether or not you have been shortlisted for interview.

Interviews - interviews will be competency based and will last for approximately 30 – 45 minutes. 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

NISCC 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 Frances Bloodworth on 028 9536 2932 or at niscc.committee@hscni.net.

Feedback

You may request feedback about any decision made concerning your application during the selection process. All requests for feedback must be made within seven days from the date of the written notification which you receive. 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 NISCC 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 an enquiry about any aspect of the role or about making an application, please contact Melissa Stewart, Committee Clerk, on 028 9536 2933 or email niscc.committee@hscni.net.

Appendix 1

The Seven Principles of Public Life

As a public body, the NISCC 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.