



# Health and Personal Social Services Act (Northern Ireland) 2001

## 2001 CHAPTER 3

An Act to establish a Northern Ireland Social Care Council and make provision for the registration, regulation and training of social care workers; to make provision about the recovery of charges in connection with the treatment of road traffic casualties in health services hospitals; to amend the law about the health and personal social services; to confer power to regulate the profession of pharmaceutical chemist; and for connected purposes. [20th March 2001]

### PART I

#### SOCIAL CARE WORKERS

##### *Preliminary*

##### **The Northern Ireland Social Care Council**

1.—(1) There shall be a body corporate to be known as the Northern Ireland Social Care Council (referred to in this Part as “the Council”) which shall have the functions conferred on it by or under this Part or any other statutory provision.

(2) It shall be the duty of the Council to promote—

- (a) high standards of conduct and practice among social care workers; and
- (b) high standards in their training.

- (3) The Council shall, in the exercise of its functions, act—
- (a) in accordance with any directions given to it by the Department; and
  - (b) under the general guidance of the Department.
- (4) Schedule 1 shall have effect with respect to the Council.

**“Social care worker”, etc.**

2.—(1) This section has effect for the purposes of this Part.

(2) “Social care worker” means a person (other than a person excepted by regulations) who—

- (a) engages in relevant social work (referred to in this Part as a “social worker”);
- (b) is employed at—
  - (i) a children's home;
  - (ii) a residential care home;
  - (iii) a nursing home;
  - (iv) a day care setting;
  - (v) a residential family centre;
- (c) manages an establishment of a description mentioned in paragraph (b); or
- (d) 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) Regulations may provide that persons of any of the following descriptions shall be treated as social care workers—

- (a) a person engaged in work for the purposes of the [<sup>F1</sup>social care] functions of [<sup>F2</sup>the Regional Board or an][<sup>F3</sup>HSC trust];
- (b) a person engaged in the provision of personal care for any person;
- (c) a person who manages, or is employed in, an undertaking which consists of or includes supplying, or providing services for the purpose of supplying, persons to provide personal care;
- (d) a person engaged in the provision of services which are similar to services which may or must be provided by [<sup>F4</sup>the Regional Board] or [<sup>F5</sup>HSC trusts] in the exercise of their [<sup>F1</sup>social care] functions;
- (e) a person employed in connection with the discharge of functions of the Department under Article 149 of the Children (Northern Ireland) Order 1995 (NI 2) (inspection of children's homes etc.);
- (f) a person participating in a course approved by the Council under section 10 for persons wishing to become social workers.

(4) “Relevant social work” means social work which is required in connection with any health, education, probation or [<sup>F1</sup>social care] provided by any person.

- <sup>F6</sup>(5) . . . . .
- <sup>F6</sup>(6) . . . . .
- <sup>F6</sup>(7) . . . . .

<b>F1</b>	Words in Act substituted (1.4.2009) by <a href="#">Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(a)</a> (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, <a href="#">art. 2</a>
<b>F2</b>	Words in s. 2(3)(a) substituted (13.5.2016) by <a href="#">Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016 (c. 23), ss. 6(2)(a)</a> , 8
<b>F3</b>	Words in Act substituted (1.4.2009) by <a href="#">Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(d)</a> (with Sch. 6 para. 1(3)); S.R. 2009/114, <a href="#">art. 2</a>
<b>F4</b>	Words in s. 2(3)(d) substituted (13.5.2016) by <a href="#">Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016 (c. 23), ss. 6(2)(b)</a> , 8
<b>F5</b>	Words in Act substituted (1.4.2009) by virtue of <a href="#">Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(d)</a> (with Sch. 6 para. 1(3)); S.R. 2009/114, <a href="#">art. 2</a>
<b>F6</b>	S. 2(5)-(7) omitted (31.12.2020) by virtue of <a href="#">The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593)</a> , reg. 1(2), <a href="#">Sch. 10 para. 3</a> (with reg. 12A, Sch. 10 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 18); 2020 c. 1, Sch. 5 para. 1(1)

*Registration*

**The register**

- 3.**—(1) The Council shall maintain a register of—
- (a) social workers [<sup>F7</sup>and] ; <sup>F8</sup> . . .
  - (b) social care workers of any other description specified by order made by the Department.; <sup>F9</sup>
  - <sup>F9</sup>(c) . . . . .
- [<sup>F10</sup>(2) There shall be a separate part of the register for—
- (a) social workers [<sup>F11</sup>and] ;
  - (b) each description of social care workers specified pursuant to subsection (1) (b); <sup>F12</sup>
  - <sup>F12</sup>(c) . . . . .
- (2A) For the purposes of this Part—

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*Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001. (See end of Document for details)*

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(a) the part mentioned in subsection (2)(a) is the “principal part” of the register;

(b) a part mentioned in subsection (2)(b) is an “added part” of the register;<sup>F13</sup>

<sup>F13</sup>(c) ] .....

(3) The Department may by order provide for a specified part of the register to be closed, as from a date specified by the order, so that on or after that date no further persons can become registered in that part.

(4) The Department shall consult the Council before making, varying or revoking any order under this section.

(5) The register may be kept by means of a computer.

**F7** Word in s. 3(1)(a) inserted (31.12.2020) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/593), reg. 1(2), **Sch. 10 para. 4(a)(i)** (with reg. 12A, Sch. 10 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 18); 2020 c. 1, Sch. 5 para. 1(1)

**F8** Word in s. 3(1)(a) omitted (3.12.2007) by virtue of [European Qualifications \(Health and Social Care Professions\) Regulations 2007](#) (S.I. 2007/3101), regs. 1(2), **245(a)**

**F9** S. 3(1)(c) and word omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/593), reg. 1(2), **Sch. 10 para. 4(a)(ii)** (with reg. 12A, Sch. 10 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 18); 2020 c. 1, Sch. 5 para. 1(1)

**F10** S. 3(2)(2A) substituted (3.12.2007) for s. 3(2) by [European Qualifications \(Health and Social Care Professions\) Regulations 2007](#) (S.I. 2007/3101), regs. 1(2), **245(b)**

**F11** Word in s. 3(2)(a) inserted (31.12.2020) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/593), reg. 1(2), **Sch. 10 para. 4(a)(i)** (with reg. 12A, Sch. 10 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 18); 2020 c. 1, Sch. 5 para. 1(1)

**F12** S. 3(2)(c) and word omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/593), reg. 1(2), **Sch. 10 para. 4(a)(ii)** (with reg. 12A, Sch. 10 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 18); 2020 c. 1, Sch. 5 para. 1(1)

**F13** S. 3(2A)(c) omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/593), reg. 1(2), **Sch. 10 para. 4(b)** (with reg. 12A, Sch. 10 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 18); 2020 c. 1, Sch. 5 para. 1(1)

### Applications for registration

4.—(1) An application for registration [<sup>F14</sup> in the principal part, or an added part, of the register <sup>F15</sup>...] shall be made to the Council in accordance with rules made by it.

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(2) An application under subsection (1) shall specify each part of the register in which registration is sought and such other matters as may be required by the rules.

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| <p><b>F14</b> Words in s. 4(1) substituted (3.12.2007) by <a href="#">European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101)</a>, regs. 1(2), <b>246</b></p> <p><b>F15</b> Words in s. 4(1) omitted (13.5.2016) by virtue of <a href="#">Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016 (c. 23)</a>, ss. <b>6(3)</b>, 8</p> |
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### Grant or refusal of registration

5.—(1) [<sup>F16</sup>In the case of an application under section 4(1), if the Council] is satisfied that the applicant—

- (a) is of good character;
- (b) is physically and mentally fit to perform the whole or part of the work of persons registered in any part of the register to which his application relates; and
- (c) satisfies the following conditions,

it shall grant the application, either unconditionally or subject to such conditions as it thinks fit; and in any other case it shall refuse it.

(2) The first condition is that—

- (a) in the case of an applicant for registration as a social worker—
  - (i) he has successfully completed a course approved by the Council under section 10 for persons wishing to become social workers;
  - (ii) he satisfies the requirements of section 11; or
  - (iii) he satisfies any requirements as to training which the Council may by rules impose in relation to social workers;
- (b) in the case of an applicant for registration as a social care worker of any other description, he satisfies any requirements as to training which the Council may by rules impose in relation to social care workers of that description.

(3) The second condition is that the applicant satisfies any requirements as to conduct and competence which the Council may by rules impose.

[<sup>F17</sup>(4) For the purposes of subsection (1)(a), in considering whether a person is of good character, the Council may have regard to whether he is included in a barred list (within the meaning of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007).]

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| <p><b>F16</b> Words in s. 5(1) substituted (3.12.2007) by <a href="#">European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101)</a>, regs. 1(2), <b>247</b></p> |
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