STATUTORY RULES OF NORTHERN IRELAND

# 2016 No. 410

# HEALTH AND SOCIAL CARE

## The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Independent Guardian) Regulations (Northern Ireland) 2016

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| *Made - - - -* | *22nd November 2016* |
| *Coming into operation* | *19th December 2016* |

The Department of Health(**1**) makes the following Regulations in exercise of the powers conferred by sections 21(5) and 27(6) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015(**2**) and Articles 23(1), (2)(d) and (f), (5)(a) and (c), (7)(a) and 48(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**3**).

In accordance with Article 23(8) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 the Department has consulted with such persons as it considers appropriate.

### Citation and commencement

**1.** These Regulations may be cited as the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Independent Guardian) Regulations (Northern Ireland) 2016 and shall come into operation on 19th December 2016.

### Interpretation

**2.** In these Regulations—

"the 2001 Act" means the Health and Personal Social Services Act (Northern Ireland) 2001(**4**);

"the 2015 Act" means the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015;

"social worker" shall be construed in accordance with section 2(2)(a) of the 2001 Act.

(**1**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), section 1(5)
(**2**) 2015 c. 2 (N.I.)
(**3**) S.I. 2003/ 431 (N.I.9)
(**4**) 2001 c. 3 (N.I.)

### Training and qualifications

**3.** To be eligible for appointment as an independent guardian, a person shall—

(a) be registered as a social worker in the principal part of the register maintained by the Northern Ireland Social Care Council under section 3 of the 2001 Act; and

(b) have a minimum of five years' post qualifying social work experience with children and families, including direct work with children, court related experience and inter-agency working.

### Support and supervision

**4.**—(1) A charity which appoints a person as an independent guardian under section 21 of the 2015 Act must—

(a) provide, or secure the provision of, support to the independent guardian; and

(b) make arrangements for the independent guardian to have access to formal supervision, provided once every fourteen days during the first six months from and including the date of appointment, and once per month thereafter.

(2) For the purpose of paragraph (1)(a), support includes—

(a) administrative support, advice and assistance; and

(b) training and development that will enable the independent guardian to—

(i) meet post registration training and learning requirements set by the Northern Ireland Social Care Council;

(ii) become a qualified person as defined in section 84(2)(a) of the Immigration and Asylum Act 1999(**5**) who is regulated at level 2 in accordance with arrangements made for registration by the Office of the Immigration Services Commissioner under section 85 of, and Schedule 6 to, that Act; and

(iii) enhance their knowledge and skills in relation to the duties of an independent guardian.

(3) In this regulation—

"formal supervision" means one to one supervision, where a senior employee of the charity is given responsibility to work with the independent guardian to oversee, manage or direct the independent guardian to meet organisational, professional and personal objectives; and

"senior employee" means a social worker who has a minimum of five years' post qualifying experience, including at least one year's experience of managing or supervising social workers and is of appropriate seniority to undertake management and supervision requirements for the independent guardian.

### Amendment to the Children's Homes Regulations (Northern Ireland) 2005

**5.**—(1) The Children's Homes Regulations (Northern Ireland) 2005(**6**) shall be amended in accordance with paragraph (2).

(2) In regulation 15(2) (contact and access to communications) after sub-paragraph (c) insert—

"(cc) any independent guardian appointed for the child under section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015;".

(**5**) 1999 c. 33
(**6**) S.R. 2005 No. 176