STATUTORY RULES OF NORTHERN IRELAND

2013 No. 225

HEALTH AND PERSONAL SOCIAL SERVICES

The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013

Made - - - -	*20th September 2013*
Coming into operation	*21st October 2013*

The Department of Health, Social Services and Public Safety makes the following Regulations in exercise of the powers conferred by section 8(3) and 57(3) of the Health and Personal Social Services Act (Northern Ireland) 2001 [F1] and Articles 23(1), (2)(a) and (b), (3) and (4), 25(1) and 48(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 [F2].

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.

Annotations:
F1 2001 c.3 (N.I.)
F2 S.I. 2003/431 (N.I. 9)

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013 and shall come into operation on 21st October 2013.

Interpretation

2. In these Regulations references to employing a person include employing a person for payment, whether under a contract of service, a contract for services or otherwise than under a

contract but do not include allowing a person to act as a volunteer; and references to a person being employed shall be construed accordingly.

3. In these Regulations—

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

"the Order" means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;

"provider" means the person who for the time being is registered under Part III of the Order as a person who carries on a children's home, a residential care home, a nursing home, a day care setting **[**F3a domiciliary care agency or a residential family centre**]** ;

"the register" means the register F4... maintained by the Northern Ireland Social Care Council under section 3(1) of the Act;

"relevant part" means that part of the register referred to in section 3(2) of the Act which is most relevant to that person, taking into account their current employment;

F5...

"the 2006 Regulations" means the Northern Ireland Social Care Council (Social Care Workers) Regulations (Northern Ireland) 2006 F6.

Annotations:

F3 Words in
reg. 3
substituted (27.10.2017) by
The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207)
,
regs. 1(1)
,
3(a)

F4 Words in
reg. 3
omitted (27.10.2017) by virtue of
The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207)
,
regs. 1(1)
,
3(b)

F5 Words in
reg. 3
omitted (27.10.2017) by virtue of
The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207)
,
regs. 1(1)
,
3(c)

F6 S.R.
2006 No. 394

PART 2

Social care workers

Registration

[[F7]**4.**—(1) For the purposes of section 8(3) of the Act, a person, other than—

(a) a social worker who is registered in a relevant part of the register; or

(b) a person who is excepted by regulation 2 of the 2006 Regulations,

is prohibited from working in any of the positions mentioned in paragraph (2) unless they are registered in a relevant part of the register.

(2) The positions are—

(a) a member of care staff at a children's home;

(b) a member of care staff at a residential care home;

(c) a member of care staff at a nursing home;

(d) a member of care staff in a day care setting;

(e) a member of care staff at a residential family centre;

(f) 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;

(g) a manager of a residential care home;

(h) a manager of a day care setting;

(i) a manager of a residential family care centre; or

(j) a manager of a domiciliary care agency.**]**

Annotations:

F7 Reg. 4
substituted (27.10.2017) by
The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207)
,
regs. 1(1)
,
4

PART 3

Fitness of workers

Duty on providers

5.—(1) For the purposes of article 23 of the [F8]... Order, a provider shall not employ a person in any of the positions specified in Regulation 4(2) unless that person is fit to be employed.

(2) Subject to **[**[F9]paragraph (3)**]** and Regulations 6 and 7, a person is unfit to be so employed unless registered in the relevant part of the register.

(3) **[**[F10]Paragraph (2)**]** does not apply to a person who, in order to perform the duties for which the person is so employed is required by any statutory provision, other than this statutory provision to be registered with any person or body other than the Northern Ireland Health and Social Care Council and is so registered.

Annotations:

F8 Word in reg. 5(1) omitted (27.10.2017) by virtue of The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207) , regs. 1(1) , **5(a)**

F9 Words in reg. 5(2) substituted (27.10.2017) by The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207) , regs. 1(1) , **5(b)**

F10 Words in reg. 5(3) substituted (27.10.2017) by The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207) , regs. 1(1) , **5(c)**

Registration of the existing work force

[F11]**6.** . . . . . .

Annotations:

F11 Reg. 6 revoked (27.10.2017) by The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207) , regs. 1(1) , **7(a)**

[[F12]Registration of persons in employment in positions prescribed at regulation 4(2)(d), (e), (f) and (i)

6A.—(1) Subject to paragraph (2), where a person is employed in one of the positions mentioned in regulation 4(2)(d), (e), (f) and (i), regulation 5(2) shall not apply to a person required to register in a relevant part of the register until 3 months from the date this paragraph comes into operation.

(2) Paragraph (1) shall not apply to a person who has been removed from the register under rules made pursuant to section 6 of the Act.**]**