

The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017

A CONSULTATION DOCUMENT

JULY 2017

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Foreword

As Permanent Secretary of the Department of Health I am committed to promoting excellence in the delivery of essential social services and to safeguarding public protection. The roll out of compulsory registration to the social care workforce is an essential component in the delivery of quality services and in particular strengthening protection for service users and their families and improving standards of care.

The Department established the Northern Ireland Social Care Council (NISCC) in 2001 with delegated responsibility to the NISCC to register the social care workforce. The NISCC Register opened in 2003 with registration on a voluntary basis.

A consultation on roll out of compulsory registration to the social care workforce was undertaken in 2009. The Policy recognises that vulnerable people put tremendous trust in the social care workforce and it is appropriate that the workforce should not only be held accountable for meeting agreed standards of conduct and practice but that there is a means of enforcing such arrangements.

Based on analysis of the results of the 2009 Consultation Exercise it was agreed that roll out would be progressed on a phased priority basis.

Regulations were introduced in 2013 to enforce the compulsory registration of a member of care staff of a children's home; a residential care home; or a nursing home and a manager: of a residential care home; a day care setting; or a domiciliary care agency.

The draft amendment Regulations set out in this document extend the NISCC Register to include:

- a member of care staff of a day care setting;
- a member of care staff of a residential family centre;
- a person who is supplied by a domiciliary care agency to provide personal in the care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance; and
- a manager of a residential family centre.

They intend to prohibit persons from taking up specified social care positions without being registered on the Register. The amendments to the Regulations will introduce an offence on the employer should they fail to comply with these Regulations without reasonable excuse.

This consultation represents an important step forward on our journey to complete compulsory registration for the social care workforce in Northern Ireland and to improve safeguards to strengthen public protection and increase public confidence and standards in the delivery of essential social services now and in the future.

I very much welcome your views on the draft amendment Regulations.

Richard Pengelly
Permanent Secretary, Department of Health

Introduction

1. This consultation document sets out draft amendments to the Prohibition and Fitness of Workers Regulations to introduce compulsory registration of the following groups of social care workers:
 - a member of care staff of a day care setting;
 - a member of care staff of a residential family centre;
 - a person who is supplied by a domiciliary care agency to provide personal in the care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance; and
 - a manager of a residential family centre.
2. The amendment Regulations give effect to the Policy endorsed by the Northern Ireland Assembly, through the passing of the Health and Personal Social Services (Northern Ireland) Act 2001 (the Act) the detail of which was the subject of a previous public consultation in 2009.
3. The Act provides the definition of a social care worker and empowers the Department of Health to bring forward subordinate legislation to govern the registration of specified groups of social care workers. The Northern Ireland Social Care Council (Description of Social Care Workers) Order (Northern Ireland) 2006 cites the description of social care workers for the purposes of registration.

Background to the Registration of the Social Care Workforce

4. The Department established the Northern Ireland Social Care Council (NISCC) on 1 October 2001 as a non-Departmental Public Body (NDPB). The NISCC is accountable to the Department for the discharge of its statutory duties.
5. The policy intent in setting up the NISCC and introducing a system of statutory registration of the social care workforce is to protect service users from poor standards of conduct and practice. The NISCC functions are as follows:
 - Set and promote high standards of conduct and practice among social care workers;
 - Ensure high standards of professional training of social workers;
 - Strengthen and support the professionalism of the workforce; and
 - Raise public confidence in social care services.
6. The NISCC regulatory system includes registration against agreed standards and a mechanism for re-registration whereby social care workers must demonstrate they continue to meet the standards for continued registration with the NISCC.

Background to the roll out of compulsory registration

7. The NISCC Register opened on 1 April 2003.
8. The Department agreed a phased implementation plan with the NISCC to progress the registration of the social work and social care workforce(s).
9. In 2004 registration with the NISCC for social work students was made a requirement of study of the Degree in Social Work.
10. In 2005 a Commencement Order bringing into effect Section 8(6) (b) of the Health and Personal Social Services Act (Northern Ireland) 2001 (the Act) in relation to enforcement of registration for social workers was made. This introduced protection of the title of 'social worker' making it an offence for anyone not registered as a social worker to use or take that title with intent to deceive. It has been compulsory for social workers in Northern Ireland to be registered since 1 June 2005.
11. By 2009 although significant progress had been made in registering parts of the workforce, it was accepted that without compulsion, registration of the workforce was unlikely to be achieved within an acceptable timeframe. Based on the results of the 2009 Consultation Exercise it was agreed that compulsory registration of the remaining groups would be progressed on a phased priority basis.
12. In 2013, the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013(d) were introduced to make registration compulsory for:
 - a member of care staff of:
 - a children's home;
 - a residential care home;
 - or a nursing home;
 - and a manager of:
 - a residential care home;
 - a day care setting;
 - or a domiciliary care agency.

This Consultation

13. This consultation focuses on a set of draft regulations - the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 - which seek to introduce compulsory registration for the following groups:
 - a member of care staff of a day care setting;
 - a member of care staff of a residential family centre;
 - a person who is supplied by a domiciliary care agency to provide personal in the care in their own homes for persons who by reason of

illness, infirmity or disability are unable to provide it for themselves without assistance; and

- a manager of a residential family centre.

Enforcement of registration

14. Responses to the 2009 Consultation demonstrated that there was strong support for a mechanism to enforce compulsory registration of individual social care workers, however there were concerns that placing an offence on individual social care workers could be disproportionate, given the profile of this workforce, and thereby create an undue burden on individuals.
15. It is therefore proposed that, as with the current provision under the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013, the draft amendment Regulations will place an offence on an employer where they continue to employ a social care worker, who is not registered with the NISCC, in the positions listed in paragraph 15 above.

Description of the draft Regulations

16. The draft amendment Regulations attached at **Appendix 1** contain Regulations 1, 2 and 3 which relate to general matters of citation, commencement and interpretation
17. Regulation 4 adds the prescribed positions which are the subject of this consultation
18. Regulation 5 corrects typographical errors which exist within regulation 5 of the principal (2013) Regulations.
19. Regulation 6 introduces a grace period from the date these Regulations come into operation for the registration of the relevant groups in the existing social care workforce, and a grace period for which new entrants to the social care workforce must achieve registration.
20. Regulation 7 revokes regulation 6 of the principal (2013) Regulations. Regulation 7 also revokes Regulation 8 of the principal (2013) Regulations to remove duplication of offences, as the same offence appears in:
 - the Children's Homes Regulations (Northern Ireland) 2005;
 - the Nursing Homes Regulations (Northern Ireland) 2005;
 - the Residential Care Homes Regulations (Northern Ireland) 2005;
 - the Day Care Setting Regulations (Northern Ireland) 2007;
 - the Domiciliary Care Agencies Regulations (Northern Ireland) 2007; and
 - the Residential Family Centres Regulations (Northern Ireland) 2007.²¹

21. Regulations 8–13 make significant amendments to the relevant regulations within each group as listed above to ensure that the requirements to register in the relevant part of the register do not apply to the persons who are allowed to work as volunteers.
22. In practice, persons would not be volunteering in a managerial position and there is no exemption for compulsory registration for those in such positions.

Equality and Human Rights Implications

23. Section 75 of the Northern Ireland Act 1998 requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:
 - persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
 - men and women generally;
 - persons with a disability and persons without; and
 - persons with dependants and persons without.
24. In addition, and without prejudice to the above obligations, public authorities should also, in carrying out their functions relating to Northern Ireland, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
25. In accordance with guidance produced by the Equality Commission for Northern Ireland and in keeping with Regulation 75 of the Northern Ireland Act 1998, the proposals for the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers amendment Regulations (Northern Ireland) 2012 have been equality screened and a preliminary decision has been taken that a full EQIA is not required. In addition, it is considered that the provisions of the Regulations are compatible with the European Convention on Human Rights and the European Convention on the Rights of the Child.
26. Departments have an obligation to act in accordance with the Human Rights Act 1998, introduced in October 2000, and the European Convention on Human Rights. The Human Rights Act gives legal force to the concepts of dignity, respect, equality and fairness. In relation to human rights, the purpose of screening is to identify:
 - whether the policy/decision is likely to engage a person's human rights and, if so, what nature this engagement is (positive, negative or neutral);
 - if negative, who is impacted and how; and
 - any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to that particular policy/decision.

Regulatory Impact Assessment

27. A Regulatory Impact screening exercise on the current proposals in relation to Enforcement of Compulsory Registration was undertaken in 2009. Regulatory Impact assessments are carried out for purposes of determining whether policy proposals are likely to have any direct or indirect impact on businesses or on the voluntary/community sector.
28. The outcome of the Regulatory Impact screening exercise in relation to the proposals currently being consulted upon, was that a full Regulatory Impact Assessment is not required as the policy will not adversely impact on business or charities and it is not anticipated that involvement of statutory or voluntary sector agencies will impose any greater burden than they already carry in relation to their existing statutory duties.

How to respond to this consultation

29. Responses to the proposals outlined in this consultation document should be made using the enclosed questionnaire. They should arrive no later than **1 September 2017**. Contact details are available at the end of the questionnaire.

STATUTORY RULES OF NORTHERN IRELAND

2017 No.

HEALTH AND PERSONAL SOCIAL SERVICES

**The Northern Ireland Social Care Council (Social Care Workers
Prohibition) and Fitness of Workers (Amendment) Regulations
(Northern Ireland) 2017**

Made - - - - - ***

Coming into operation - - - - - ***

The Department of Health⁽¹⁾, in exercise of the powers conferred by sections 8(3) and 57(3) of the Health and Personal Social Services Act (Northern Ireland) 2001⁽²⁾ 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⁽³⁾, makes the following Regulations.

In accordance with Article 23(8) of the Order, the Department has consulted with such persons as it considers appropriate.

1.Citation, commencement and interpretation

2.—(1) These Regulations may be cited as the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 and shall come into operation on ***.

In these Regulations—

“the principal Regulations” means the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013⁽⁴⁾.

3.Amendment of the principal Regulations

4. The principal Regulations are amended in accordance with regulations 3 to 13.

5. In regulation 3 (interpretation)—

in the definition of “provider”, for “or a domiciliary care agency” substitute “a domiciliary care agency or a residential family centre”;

in the definition of “the register”, omit “of social care workers”; and

omit the definition of “social care worker”.

⁽¹⁾ Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), s. 1(5)

⁽²⁾ 2001 c. 3 (N.I.). Section 8 was amended by the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016 c.23 (N.I.), s. 3, and by the European Qualifications (Health and Social Care Professions) Regulations 2007, S.I. 2007/3101, Part 19

⁽³⁾ S.I. 2003/431 (N.I. 9)

⁽⁴⁾ S.R. 2013 No. 225

6. For regulation 4 (registration), substitute—

“**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⁽⁵⁾,

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; and
- (j) a manager of a domiciliary care agency.”.

7. In regulation 5 (duty on providers)—

in paragraph (1), omit “2003”;

in paragraph (2), for “paragraph 3” substitute “paragraph (3)”; and

in paragraph (3), for “paragraph 2” substitute “paragraph (2)”.

8.—After regulation 6 (registration of the existing work force), add—

1. “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.”.

9. The following regulations are revoked -

regulation 6 (registration of the existing work force); and

regulation 8 (offences).

Consequential Amendments

10. The Children’s Homes Regulations (Northern Ireland) 2005

11.—(2) The Children’s Homes Regulations (Northern Ireland) 2005⁽⁶⁾ shall be amended in accordance with paragraph (2).

⁽⁵⁾ S.R. 2006 No. 394

⁽⁶⁾ S.R. 2005 No. 176, as amended by the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013, S.R. 2013 No. 225, regulation 9

In regulation 25(3) (fitness of workers)—

in sub-paragraph (e), at the beginning insert “subject to sub-paragraph (g),”;

in sub-paragraph (f), substitute the full stop with a semi colon; and

after sub-paragraph (f) add—

“(g) sub-paragraph (e) does not apply to persons allowed to work as volunteers.”.

12.The Nursing Homes Regulations (Northern Ireland) 2005

13.—(3) The Nursing Homes Regulations (Northern Ireland) 2005⁽⁷⁾ shall be amended in accordance with paragraph (2).

In regulation 21(5) (fitness of workers)—

in sub-paragraph (e), for “sub-paragraph (f)” substitute “sub-paragraphs (f) and (g)”;

in sub-paragraph (f)—

substitute the full stop with a semi colon; and

after the semi colon insert “and”; and

after sub-paragraph (f) add—

“(g) sub-paragraph (e) does not apply to persons allowed to work as volunteers.”.

14.The Residential Care Homes Regulations (Northern Ireland) 2005

15.—(4) The Residential Care Homes Regulations (Northern Ireland) 2005⁽⁸⁾ shall be amended in accordance with paragraph (2).

In regulation 21(5) (fitness of workers)—

in sub-paragraph (e), for “sub-paragraph (f)” substitute “sub-paragraphs (f) and (g)”;

in sub-paragraph (f)—

substitute the full stop with a semi colon; and

after the semi colon insert “and”; and

after sub-paragraph (f) add—

“(g) sub-paragraph (e) does not apply to persons allowed to work as volunteers.”.

16.The Day Care Setting Regulations (Northern Ireland) 2007

17.—(5) The Day Care Setting Regulations (Northern Ireland) 2007⁽⁹⁾ shall be amended in accordance with paragraph (2).

In regulation 21(3) (fitness of workers), after sub-paragraph (d) add—

“(e) subject to sub-paragraphs (f) and (g), he is registered in the relevant part of the register;

(f) sub-paragraph (e) 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, to be registered with any person or body other than the Northern Ireland Social Care Council and is so registered; and

(g) sub-paragraph (e) does not apply to persons allowed to work as volunteers.”.

⁽⁷⁾ S.R. 2005 No. 160, as amended by the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013, S.R. 2013 No. 225, regulation 10

⁽⁸⁾ S.R. 2005 No. 161, as amended by the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013, S.R. 2013 No. 225, regulations 10 and 11

⁽⁹⁾ S.R. 2007 No. 234, as amended by the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013, S.R. 2013 No. 225, regulation 12

18.The Domiciliary Care Agencies Regulations (Northern Ireland) 2007

19.—(6) The Domiciliary Care Agencies Regulations (Northern Ireland) 2007(**10**) shall be amended in accordance with paragraph (2).

In regulation 13 (fitness of domiciliary care workers supplied by an agency)—

omit the “and” at the end of sub-paragraph (c);

in sub-paragraph (d) substitute the full stop with a semi colon; and

after sub-paragraph (d) add—

“(e) subject to sub-paragraphs (f) and (g), he is registered in the relevant part of the register;

(f) sub-paragraph (e) 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, to be registered with any person or body other than the Northern Ireland Social Care Council and is so registered; and

(g) sub-paragraph (e) does not apply to persons allowed to work as volunteers.”.

20.The Residential Family Centres Regulations (Northern Ireland) 2007

21.—(7) The Residential Family Centres Regulations (Northern Ireland) 2007(**11**) shall be amended in accordance with paragraphs (2) to (4).

In regulation 2(1) (interpretation) in the appropriate place insert—

““the register” means the register of social care workers maintained by the Northern Ireland Social Care Council under section 3(1) of the 2001 Act;”;

““the relevant part” means that part of the register referred to in section 3(2) of the 2001 Act which is most relevant to that person, taking into account their current employment;”.

In Regulation 9(2)(b) (fitness of registered manager) after head (ii) add—

“(iii) subject to head (iv), he is registered in the relevant part of the register;

(iv) head (iii) 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, to be registered with any person or body other than the Northern Ireland Social Care Council and is so registered.
”.

In Regulation 18(4) (fitness of workers)—

omit the “and” at the end of sub-paragraph (c);

in sub-paragraph (d) substitute the full stop with a semi colon; and

after sub-paragraph (d) add—

“(e) subject to sub-paragraphs (f) and (g), he is registered in the relevant part of the register;

(f) sub-paragraph (e) 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, to be registered with any person or body other than the Northern Ireland Social Care Council and is so registered; and

(g) sub-paragraph (e) does not apply to persons allowed to work as volunteers.”.

Sealed with the Official Seal of the Department of Health on



Name

A senior officer of the Department of Health

(¹⁰) S.R. 2007 No. 235, as amended by the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013, S.R. 2013 No. 225, regulation 12

(¹¹) S.R. 2007 No. 236

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013 (“the principal Regulations”).

2. Regulation 3 amends regulation 3 of the principal Regulations to make clarifying amendments and in particular amend the definition of “provider” to include residential family centres.

3. Regulation 4 amends regulation 4 of the principal Regulations to include:—

- members of care staff in a day care setting;
- persons supplied by domiciliary care agencies 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; and
- members of care staff and managers of residential family centres

as prescribed positions from which a person is prohibited from working in unless they are registered in the relevant part of the Register maintained by the Northern Ireland Social Care Council under section 3(1)(b) of the Health and Personal Social Services Act (Northern Ireland) 2001.

4. Regulation 5 corrects some typographical errors which exist in regulation 5 of the principal Regulations.

5. Regulation 6 adds new regulation 6A, so as to allow those currently working in the newly prescribed positions, and for a limited period of time only, a grace period to become registered.

6. Regulation 7 revokes regulation 6 of the principal Regulations as it is now expired. Regulation 7 also revokes regulation 8 of the principal Regulations to avoid duplication of offences, as the same offence appears in:—

the Children’s Homes Regulations (Northern Ireland) 2005,
the Nursing Homes Regulations (Northern Ireland) 2005,
the Residential Care Homes Regulations (Northern Ireland) 2005,
the Day Care Setting Regulations (Northern Ireland) 2007,
the Domiciliary Care Agencies Regulations (Northern Ireland) 2007, and
the Residential Family Centres Regulations (Northern Ireland) 2007.

7. It is noted that the offence in the abovementioned pieces of legislation captures both the registered manager and the registered provider of the abovementioned establishments and agencies.

8. Regulation 8 makes consequential amendments to the Children’s Homes Regulations (Northern Ireland) 2005 to ensure that the requirement to register in the relevant part of the register does not apply to persons who are allowed to work as volunteers.

9. Regulation 9 makes consequential amendments to the Nursing Homes Regulations (Northern Ireland) 2005 to ensure that the requirement to register in the relevant part of the register does not apply to persons who are allowed to work as volunteers.

10. Regulation 10 makes consequential amendments to the Residential Care Homes Regulations (Northern Ireland) 2005 to ensure that the requirement to register in the relevant part of the register does not apply to persons who are allowed to work as volunteers.

11. Regulation 11 makes consequential amendments to the Day Care Setting Regulations (Northern Ireland) 2007 to ensure that the requirement to register in the relevant part of the register does not apply to persons who are allowed to work as volunteers.

12. Regulation 12 makes consequential amendments to the Domiciliary Care Agencies Regulations (Northern Ireland) 2007 to ensure that the requirement to register in the relevant part of the register does not apply to persons who are allowed to work as volunteers.

13. Regulation 13 makes consequential amendments to the Residential Family Centres Regulations (Northern Ireland) 2007 to ensure that the requirement to register in the relevant part of the register does not apply to persons who are allowed to work as volunteers.

14. It is considered that in practice persons would not be volunteering in a Managerial position. For this reason the “Fitness of Registered Manager” provisions of the legislation mentioned in regulations 10, 11, 12 and 13 have not been amended to carve out an exemption for registration of volunteers. Managers will always be required to register in the relevant part of the register.

**The Northern Ireland Social
Care Council (Social Care
Workers Prohibition) and
Fitness of Workers
(Amendment) Regulations
(Northern Ireland) 2017**

CONSULTATION RESPONSE QUESTIONNAIRE

JULY 2017

**CONSULTATION RESPONSE QUESTIONNAIRE ON THE NORTHERN IRELAND
SOCIAL CARE COUNCIL (SOCIAL CARE WORKERS PROHIBITION) AND
FITNESS OF WORKERS (AMENDMENT) REGULATIONS (NORTHERN IRELAND)
2017**

You can respond to the Consultation Document by email or post, using this Consultation Questionnaire.

Before you submit your response, please read Appendix 1, at the end of this questionnaire, about the Freedom of Information Act 2000 and the confidentiality of responses to public consultation exercises.

Responses should be sent to:

Email: oss@health-ni.gov.uk

Written: **Grace Shields, Office of Social Services,
Room C4.22, Castle Buildings, Stormont, BELFAST, BT4 3SQ**

To be considered as part of the response to consultation process, responses must be received by the Department of Health by 1st September 2017.

I am responding: as an individual ☐ on behalf of an Organisation ☐

Name: _____

Job Title: _____

Organisation: _____

Address: _____

Tel: _____

Fax: _____

Email: _____

Registration as a domiciliary worker and day care worker

Q1 Do you agree that the Regulation, as drafted, gives effect to the policy requiring employers to ensure the following persons in the domiciliary care and day care positions are registered with the NISCC? (Please Tick).

- a member of care staff of a day care setting;
- a member of care staff of a residential family centre;
- a person who is supplied by a domiciliary care agency to provide personal in the care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance;
- a manager of a residential family centre.

Yes

☐

No

☐

If 'no', please give reasons:

Registration of the existing social care workforce

Q2 Do you agree that the regulation, as drafted, gives effect to the policy that existing domiciliary care workers and day care workers, listed as below shall have a grace period of 3 months to apply for and obtain their registration from the date of commencement of these Regulations? (Please Tick).

- a member of care staff of a day care setting;
- a member of care staff of a residential family centre;
- a person who is supplied by a domiciliary care agency to provide personal in the care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance;
- a manager of a residential family centre.

Yes ☐ No ☐

If 'no', please give reasons:

Offences

Q3 Do you agree that the regulation, as drafted, gives effect to the policy as consulted upon in 2009, to make it an offence for an employer to employ a social care worker in any of the newly prescribed positions listed in Regulation 4 to be in post without being registered with the Northern Ireland Social Care Council? (Please Tick).

Yes

☐

No

☐

If 'no', please give reasons and give alternative suggestions:

Human Rights and Equality Implications

Section 75 of the Northern Ireland Act 1998 requires Departments in carrying out their functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity as it states in the final consultation on the Model of Regulation:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between person with a disability and persons without; and
- between persons with dependants and persons without.

In addition, without prejudice to the above obligation, Departments should also, in carrying out their functions relating to Northern Ireland, have due regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. Departments also have a statutory duty to ensure that their decisions and actions are compatible with the European Convention on Human Rights and to act in accordance with these rights.

The Department has undertaken an Equality Impact Screening on the draft Regulations and is now screening the proposals set out in this document as part of the screening process and is inviting responses to the following questions:

Q4 Are the actions which are set out in this Consultation Document likely to have an adverse impact on any group of people in terms of the nine equality dimensions? (Please Tick)

Yes

☐

No

☐

If you answered yes, please state which group(s) and the reasons why:

Q5 Are you aware of any indication or evidence – qualitative or quantitative – that the actions in this document may have an adverse impact on equality of opportunity or good relations? (Please Tick)

Yes

☐

No

☐

If you answered “yes”, please state the reasons why and suggest how these might be mitigated:

Q6 Do proposals afford an opportunity to promote equality of opportunity and/or good relations? (Please Tick).

Yes

☐

No

☐

If you answered “yes”, please outline:

Q7 Are there any aspects of these proposals where potential human rights engagements may occur? (Please Tick).

Yes ☐ No ☐

If you answered “yes”, please outline:

Further Comments

Q8 Do you have any further comments on the Department's proposals as set out in this Consultation Document? (Please Tick).

Yes ☐ No ☐

If ‘yes’, please give comments:

CONTACT DETAILS

For further information on this consultation please contact:

NAME: Grace Shields/Elaine Dempster

PHONE: 028 9052 0518

E-MAIL: oss@health-ni.gov.uk

ADDRESS: Office of Social Services, Department of Health, Room C4.22, Castle Buildings, Stormont, BELFAST, BT4 3SQ

FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office at

Information Commissioner's Office Northern Ireland

51 Adelaide Street
Belfast
BT2 8FE

Tel: 028 9026 9380

Fax: 028 9026 9388

Email: ni@ico.gsi.gov.uk

Website: <http://www.informationcommissioner.gov.uk>