



2001 CHAPTER 3

PART I

SOCIAL CARE WORKERS

Registration

The register

- 3.—**(1) The Council shall maintain a register of—
- (a) social workers; ^{F1} . . .
 - (b) social care workers of any other description specified by order made by the Department.^{F2}; and
 - (c) visiting social workers from relevant European States.]
- ^{F3}(2) There shall be a separate part of the register for—
- (a) social workers;
 - (b) each description of social care workers specified pursuant to subsection (1) (b); and
 - (c) visiting social workers from relevant European States.
- (2A) For the purposes of this Part—
- (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;
 - (c) the part mentioned in subsection (2)(c) is the “visiting European part” of the register.]

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(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.

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| F1 | 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) |
| F2 | S. 3(1)(c) and preceding word inserted (3.12.2007) by European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101) , regs. 1(2), 245(a) |
| F3 | 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) |

Applications for registration

4.—(1) An application for registration [^{F4} in the principal part, or an added part, of the register ^{F5}...] shall be made to the Council in accordance with rules made by it.

(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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| F4 | Words in s. 4(1) substituted (3.12.2007) by European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101) , regs. 1(2), 246 |
| F5 | Words in s. 4(1) omitted (13.5.2016) by virtue of Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016 (c. 23) , ss. 6(3) , 8 |

Grant or refusal of registration

5.—(1) [^{F6}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—

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- (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.

[^{F7}(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).]

F6 Words in s. 5(1) substituted (3.12.2007) by [European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **247**

F7 S. 5(4) added (12.10.2009) by [Safeguarding Vulnerable Groups \(Northern Ireland\) Order 2007 \(S.I. 2007/1351 \(N.I. 11\)\)](#), arts. 1(3), 60(1), **Sch. 7 para. 5** (with arts. 2(4), 53, 57(3), 61(4)); S.R. 2009/346, **art. 3**, Sch.

[^{F8}**Visiting social workers from relevant European States**

5A.—(1) This section applies to an exempt person (“V”) who is lawfully established as a social worker in a relevant European State other than the United Kingdom.

(2) Subsection (3) applies if V has the benefit of regulation 8 of the General Systems Regulations in connection with the provision by V of services as a social worker in the United Kingdom on a temporary and occasional basis (V having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by V of services as a social worker).

(3) V is entitled to be registered in the visiting European part of the register ^{F9}...; and the Council shall give effect to the entitlement.

(4) If V is entitled under subsection (3) to be registered in the visiting European part of the register but is not registered in that part, V shall be treated as being registered in that part.

(5) V's entitlement under subsection (3) ceases if V ceases, whether as a result of the operation of regulation 17 of the General Systems Regulations or otherwise, to have the benefit of regulation 8 of those Regulations in connection

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with the provision by V of services as a social worker in the United Kingdom on a temporary and occasional basis.

(6) If—

(a) V's entitlement under subsection (3) ceases by reason of the operation of subsection (5), and

(b) V is registered in the visiting European part of the register ^{F10} ...,

the Council may remove V from that part.

(7) Subsections (1) to (6) are not to be taken to prejudice the application, in relation to persons registered in the visiting European part of the register ^{F11} ..., of rules under section 6.]

F8 S. 5A. inserted (3.12.2007) by [European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **248**

F9 Words in s. 5A(3) omitted (13.5.2016) by virtue of [Health and Personal Social Services \(Amendment\) Act \(NorthernIreland\) 2016 \(c. 23\)](#), ss. **6(3)**, 8

F10 Words in s. 5A(6)(b) omitted (13.5.2016) by virtue of [Health and Personal Social Services \(Amendment\) Act \(NorthernIreland\) 2016 \(c. 23\)](#), ss. **6(3)**, 8

F11 Words in s. 5A(7) omitted (13.5.2016) by virtue of [Health and Personal Social Services \(Amendment\) Act \(NorthernIreland\) 2016 \(c. 23\)](#), ss. **6(3)**, 8

Removal, etc. from register

6.—(1) The Council shall by rules determine circumstances in which, and the means by which—

(a) a person may be removed from a part of the register, whether or not for a specified period;

(b) a person who has been removed from a part of the register may be restored to that part;

(c) a person's registration in a part of the register may be suspended for a specified period;

(d) the suspension of a person's registration in a part of the register may be terminated;

[^{F12}(da) a person's registration in a part of the register may be made subject to conditions (whether or not for a specified period);

(db) the conditions to which a person's registration in a part of the register is subject may be varied or revoked;

(dc) the duration for which a person's registration in a part of the register is subject to conditions may be varied;

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- (dd) an agreement with a registered person that the person will comply with specified undertakings (whether or not for a specified period) may be made;
 - (de) an agreement of a kind mentioned in paragraph (dd) may be varied or revoked;
 - (df) a warning may be given to a registered person;
 - (dg) advice may be given to a registered person;]
 - (e) an entry in a part of the register may be removed, altered or restored.
- (2) The rules shall make provision as to the procedure to be followed, and the rules of evidence to be observed, in proceedings brought for the purposes of the rules, whether before the Council or any committee of the Council.
- (3) The rules shall provide for such proceedings to be in public except in such cases (if any) as the rules may specify.
- (4) Where a person's registration in a part of the register is suspended under subsection (1)(c), he shall be treated as not being registered in that part notwithstanding that his name still appears in it.

F12 S. 6(1)(da)-(dg) inserted (13.5.2016) by [Health and Personal Social Services \(Amendment\) Act \(NorthernIreland\) 2016 \(c. 23\), ss. 1, 8](#)

Rules about registration

7. The Council may by rules make provision about the registration of persons under this Part and, in particular—

- (a) as to the keeping of the register;
- (b) as to the documentary and other evidence to be produced by those applying [^{F13}under section 4(1) for registration or applying] for additional qualifications to be recorded, or for any entry in the register to be altered or restored;
- (c) for a person's registration to remain effective without limitation of time (subject to removal from the register [^{F14}under section 5A(6) or] in accordance with rules made by virtue of section 6) or to lapse after a specified period or in specified cases, or to be subject to renewal as and when provided by the rules.

F13 Words in s. 7(b) substituted (3.12.2007) by [European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), regs. 1\(2\), 249\(a\)](#)

F14 Words in s. 7(c) inserted (3.12.2007) by [European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), regs. 1\(2\), 249\(b\)](#)

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[^{F15}Power to obtain information etc

7A.—(1) The power under subsection (2) may be exercised for the purpose of assisting the Council in performing a function under section 5, 5A or 6 in respect of a person (“the relevant person”).

(2) If the Council considers that any person (except the relevant person) is able to provide information or produce a document that appears relevant to the performance of the function, it may by notice require the person to provide the information or produce the document.

(3) Subsection (2) does not require or permit any disclosure of information which is prohibited by or under any other statutory provision.

(4) But where information is held in a form in which the prohibition operates because the information is capable of identifying an individual, the Council may, in exercising the power under subsection (2), require that the information be put into a form which is not capable of identifying that individual.

(5) In determining for the purposes of subsection (3) whether a disclosure is not prohibited, by reason of being a disclosure of personal data which is exempt from the non-disclosure provisions of the Data Protection Act 1998 by virtue of section 35(1) of that Act, assume that the disclosure is required by this section.

(6) Subsection (2) does not apply to information or a document which the person could not be compelled to provide or produce in civil proceedings before the county court.

(7) If a person fails to provide any information or produce any document within 14 days of the person being required to do so under this section, the Council may apply to the county court for an order requiring the information to be provided or the document to be produced.]

F15 S. 7A inserted (13.5.2016) by [Health and Personal Social Services \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 23\), ss. 2\(1\), 8](#)

[^{F16}Investigations under section 6: information about, and to, a registered person's employers

7B.—(1) This section applies where a specified kind of investigation under section 6 is being undertaken in respect of a registered person.

(2) The Council may by notice require the registered person to give details of—

- (a) all relevant employers, and
- (b) any person who was a relevant employer at any time during a period stated in the notice.

(3) The Council may notify any relevant employer of the investigation.

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(4) Section 7A(3), (5) and (7) apply for the purposes of subsection (2).

(5) In this section—

“relevant employer” means—

- (a) any person who employs the registered person to do relevant work, and
- (b) any person who has an arrangement with the registered person for the registered person to do relevant work;

“relevant work” means—

- (a) anything that, if done by a person, would result in the person being a social care worker, and
- (b) anything done anywhere outside Northern Ireland that, if done in Northern Ireland by a person, would result in the person being a social care worker;

“specified” means specified by rules made by the Council.”.]

F16 S. 7B inserted (13.5.2016) by [Health and Personal Social Services \(Amendment\) Act \(NorthernIreland\) 2016 \(c. 23\), ss. 2\(2\), 8](#)

Registration – enforcement

8.—(1) If a person who is not registered [^{F17}in the register as a social worker or a visiting social worker from a relevant European State,] with intent to deceive another—

- (a) takes or uses the title of social worker;
- (b) takes or uses any title or description implying that he is [^{F18}registered in either of those ways], or in any way holds himself out as so registered,

he is guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) The Department may by regulations make provision for prohibiting persons from working in such positions as may be prescribed unless they are registered in, or in a particular part of, [^{F19}the register] .

(4) Regulations under subsection (3) may provide that a contravention of any specified provision of the regulations shall be an offence.

(5) A person guilty of an offence under such regulations shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

^{F20}(6)

F17 Words in s. 8(1) substituted (13.5.2016) by [Health and Personal Social Services \(Amendment\) Act \(NorthernIreland\) 2016 \(c. 23\), ss. 3\(2\), 8](#)

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- F18** Words in s. 8(1)(b) substituted (3.12.2007) by [European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **250(b)**
- F19** Words in s. 8(3) substituted (13.5.2016) by [Health and Personal Social Services \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 23\)](#), **ss. 3(3)**, 8
- F20** S. 8(6) omitted (13.5.2016) by virtue of [Health and Personal Social Services \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 23\)](#), **ss. 3(4)**, 8

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