

2005 No. 105

HEALTH AND PERSONAL SOCIAL SERVICES

**The Protection of Children and Vulnerable Adults
(Definitions) Regulations (Northern Ireland) 2005**

Made - - - - - 14th March 2005

Coming into operation 1st April 2005

The Department of Health, Social Services and Public Safety in exercise of the powers conferred by Articles 20(1) and 48(1) and (6) of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**PART I
INTRODUCTORY**

Citation and commencement

1. These Regulations may be cited as the Protection of Children and Vulnerable Adults (Definitions) Regulations (Northern Ireland) 2005 and shall come into operation on 1st April 2005.

Interpretation

2. In these Regulations –

“personal care” in relation to a vulnerable adult means –

- (a) rehabilitation, which includes time-limited programmes designed to enable that person to acquire the skills necessary to achieve independent living;
- (b) personal assistance, which includes assistance to get up and go to bed, assistance with dressing and undressing, surgical appliances, prosthesis and orthoses, mechanical and manual aids and transfers including use of a hoist;
- (c) personal hygiene, which includes bathing, showering, hair washing, shaving, oral hygiene and nail care;
- (d) continence care, which includes assistance with toileting, catheter or stoma care, skin care, laundry and bed changing directly related to continence care or illness;
- (e) assistance with eating, assistance with special diets under the guidance and direction of an appropriate professional and assistance with preparation of food where this is necessary to make sure that person eats regularly and safely;
- (f) assistance with mobility, which includes dealing with the consequences of not being able to move in so far as it impacts on the individual’s ability to meet his personal care needs;

- (g) personal safety and well-being, which includes assistance to make sure the person is kept safe which may involve assistance with the management of reminding and safety devices, supervision to reduce or eliminate risk and assistance with the management of behaviours that that may compromise the safety of the person or others; and
- (h) simple treatments, which includes assistance with the administration of medication, application of creams and lotions, simple dressings and oxygen therapy; emotional and psychological support, including counselling, advice, encouragement and supervision, the promotion of social functioning and assistance with cognitive functions which includes speech, physical and occupational therapy;

“the Order” means the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.

PART II

PROTECTION OF CHILDREN

Prescribed statutory provisions for the purposes of Article 20(1) of the Order

3. The following statutory provisions are prescribed for the purposes of paragraph (b) of the definition of “child care organisation” in Article 20(1) of the Order –

- (a) the Health and Personal Social Services (Northern Ireland) Order 1972, Articles 16 and 17(a);
- (b) the Probation Board (Northern Ireland) Order 1982, Articles 3 to 5(b);
- (c) the Adoption (Northern Ireland) Order 1987, Article 10(c);
- (d) the Health and Personal Social Services (Northern Ireland) Order 1991, Article 10 and Schedule 3(d);
- (e) the Childrens (Northern Ireland) Order 1995, Articles 73, 89, 105, 125 and 126(e);
- (f) the Further Education (Northern Ireland) Order 1997, Articles 13 and 14(f); and
- (g) the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, Article 23(g).

PART III

PROTECTION OF VULNERABLE ADULTS

Prescribed services for the purposes of Article 48(1) and (6) of the Order

4. The following services are prescribed for the purposes of paragraph (c) of the definition of “care worker” in Article 48(1) of the Order and for the purposes of paragraph (b) of the definition of “vulnerable adult” in Article 48(6) of the Order –

- (a) provision of personal care; and
- (b) assessment of the need for such care.

(a) S.I. 1972/1265 (N.I. 4)
 (b) S.I. 1982/713 (N.I. 10)
 (c) S.I. 1987/2203 (N.I. 22) amended by Article 50(1) and Schedule 4 to S.I.2003/431 (N.I. 9)
 (d) S.I. 1991/194 (N.I. 1) amended by Sections 43 and 44 of 2001 (c. 3 (N.I.))
 (e) S.I. 1995/755 (N.I. 2) Articles 89 and 105 were amended by Article 50(2) and Schedule 5 to S.I. 2003/431 (N.I. 9)
 (f) S.I. 1997/1772 (N.I. 15)
 (g) S.I. 2003/431 (N.I. 9)

Prescribed persons for the purposes of Article 48(6) of the Order

5. The following persons are prescribed for the purposes of paragraph (b) of the definition of “vulnerable adult” in Article 48(6) of the Order –

- (a) social workers or care managers;
- (b) community or district nurses;
- (c) chiropodists;
- (d) any person not falling within paragraphs (a) to (c) who provides services to a vulnerable adult in that vulnerable adult’s own home to assist with his sight, sound, speech, appearance or mobility and which may involve physical contact.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 14th March 2005.

(L.S.)

Andrew Hamilton

A senior officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Order.)

The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003, requires the Department to keep lists of persons considered unsuitable to work with children or vulnerable adults. These lists will be known as the Disqualification from Working with Children List and the Disqualification from Working with Vulnerable Adults List. These Regulations require childcare organisations and providers of care to vulnerable adults to refer individuals to the Department for inclusion in one or both Lists. These Regulations prohibit child care organisations from offering employment in a child care position to any individual who is included in the Disqualification from Working with Children List or the Department of Education's Disqualification from Working with Children List.

An organisation is a childcare organisation subject to those provisions only if its activities are regulated by, or by virtue of a statutory provision prescribed by the Department. Regulation 3 prescribes statutory provisions for these purposes.

An individual who provides services to vulnerable adults is a care worker subject to those provisions only if that individual provides for a vulnerable adult personal care or assessment of the need for such care (Regulation 4).

Regulation 5 prescribes persons for the purposes of the definition of the term "vulnerable adult", who provides services in "vulnerable adult's" own homes.

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