

2001 CHAPTER 3

PART I

SOCIAL CARE WORKERS

Training

Approval of courses, etc.

10.—(1) The Council may, in accordance with rules made by it, approve courses in relevant social work for persons who are or wish to become social workers.

(2) An approval given under this section may be either unconditional or subject to such conditions as the Council thinks fit.

(3) Rules made by virtue of this section may in particular make provision—

[^{F1}(a) about the provision of courses, including their content and methods of completing them;]

(b) as to the provision to the Council of information about courses;

(c) as to the persons who may participate in courses, or in parts of courses specified in the rules;

(d) as to the numbers of persons who may participate in courses;

(e) for the award by the Council of certificates of the successful completion of courses;

(f) about the lapse and renewal of approvals; and

(g) about the withdrawal of approvals.

(4) The Council may—

Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001, Cross Heading: Training. (See end of Document for details)

- (a) conduct, or make arrangements for the conduct of, examinations in connection with such courses as are mentioned in this section or section 14; and
- (b) carry out, or assist other persons in carrying out, research into matters relevant to training for relevant social work.

(5) A course for persons who wish to become social workers shall not be approved under this section unless the Council considers that it is such as to enable persons completing it to attain the required standard of proficiency in relevant social work.

(6) In subsection (5) “the required standard of proficiency in relevant social work” means the standard described in rules made by the Council.

(7) The Council shall from time to time publish a list of the courses which are approved under this section.

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[^{F2}Recognition of attainment of standards by social workers

10A.—(1) The Council may—

- (a) make rules describing standards of proficiency that may be attained by persons who are social workers;
- (b) by rules make provision for and in connection with the recognition by the Council of the attainment of any standard of proficiency described in the rules.

(2) Rules made by virtue of subsection (1)(b) may—

- (a) provide for the way in which a standard is to be attained in order for it to be recognised (which may be by completing a course or otherwise);
- (b) provide for the way in which the attainment of a standard is to be recognised (which may be by the award of a certificate or otherwise).

(3) The Council may conduct, or make arrangements for the conduct of, assessments in connection with the recognition by the Council of the attainment of any standard of proficiency described in the rules.]

F2 S. 10A inserted (13.5.2016) by Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016 (c. 23), ss. 4(1), 8

Qualifications gained outside Northern Ireland

11.—[^{F3}(A1) An applicant for registration in the principal part of the register ^{F4}... satisfies the requirements of this section if the applicant is an exempt person who by virtue of Part 3 of the General Systems Regulations is permitted

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to pursue the profession of social worker in the United Kingdom (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the applicant may be required to undertake pursuant to that Part of those Regulations).]

(1) An applicant for registration [^{F5}in the principal part of the register] satisfies the requirements of this section if—

- (a) ^{F6}
- (b) he has, elsewhere than in Northern Ireland, undergone training in relevant social work and either—
 - (i) that training is recognised by the Council as being to a standard sufficient for such registration; or
 - (ii) it is not so recognised, but the applicant has undergone in Northern Ireland or elsewhere such additional training as the Council may require.

- (2) ^{F7}
- (3) ^{F7}
- (4) ^{F7}

F3	S. 11(A1) inserted (3.12.2007) by European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101) , regs. 1(2), 251(a)
F4	Words in s. 11(A1) omitted (13.5.2016) by virtue of Health and Personal Social Services (Amendment) Act (NorthernIreland) 2016 (c. 23) , ss. 6(3) , 8
F5	Words in s. 11(1) substituted (3.12.2007) by virtue of European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101) , regs. 1(2), 251(b)(i)
F6	S. 11(1)(a) omitted (3.12.2007) by European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101) , regs. 1(2), 251(b)(ii)
F7	S. 11(2)-(4) omitted (3.12.2007) by European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101) , regs. 1(2), 251(c)

Post registration training

12.—(1) The Council may make rules requiring persons registered under this Part in any part of the register to undertake further training.

(2) The rules may, in particular, make provision with respect to persons who fail to comply with any requirements of rules made by the Council, including provision for their registration to cease to have effect.

[^{F8}(2A) Subsections (1) and (2), so far as relating to a person (“P”) who is registered as a social worker only in the visiting European part of the register, have effect subject to, respectively, subsections (2B) and (2C).

(2B) Rules made under subsection (1)—

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- (a) may not impose requirements on P if P is required to undertake, in P's home State, further training in relation to the profession of social worker; and
- (b) where they impose requirements on P—
 - (i) shall take account of the fact that P is a fully qualified social worker in P's home State, and
 - (ii) shall specify that training which P is required to undertake by the requirements may be undertaken outside the United Kingdom.

(2C) Where rules make provision such as is mentioned in subsection (2), the rules must secure that any sanction imposed in relation to P by or under that provision is appropriate and proportionate in view of P's continued lawful establishment as a social worker in P's home State.

(2D) In this section “home State”, in relation to P, means the relevant European State in which P is lawfully established as a social worker.]

(3) Before making, or varying, any rules by virtue of this section the Council shall take such steps as are reasonably practicable to consult the persons who are registered in the relevant part of the register and such other persons as the Council considers appropriate.

<p>F8 S. 12(2A)-(2D) inserted (3.12.2007) by European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), 252</p>

Visitors for certain social work courses

13.—(1) The Council may by rules make provision for the visiting of places at which or institutions by which or under whose direction—

- (a) any relevant course (or part of such a course) is, or is proposed to be, given; or
 - (b) any examination is, or is proposed to be, held in connection with any relevant course.
- (2) The rules may make provision—
- (a) for the appointment of visitors;
 - (b) for reports to be made by visitors on—
 - (i) the nature and quality of the instruction given, or to be given, and the facilities provided or to be provided, at the place or by the institution visited; and
 - (ii) such other matters as may be specified in the rules;
 - (c) for the payment by the Council of fees, allowances and expenses to persons appointed as visitors;
 - (d) for such persons to be treated, for the purposes of Schedule 1, as members of the Council's staff.

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- (3) In subsection (1) “relevant course” means—
- (a) any course for which approval by the Council has been given, or is being sought, under section 10; or
 - (b) any training which a person registered [^{F9}in the principal part of the register] may be required to undergo after registration.

<p>F9 Words in s. 13(3)(b) substituted (3.12.2007) by European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), 253</p>

Functions of the Department

- 14.—**(1) The Department has the function of—
- (a) ascertaining what training is required by persons who are or wish to become social care workers;
 - (b) ascertaining what financial and other assistance is required for promoting such training;
 - (c) encouraging the provision of such assistance;
 - (d) drawing up occupational standards for social care workers.
- (2) The Department shall encourage persons to take part in courses approved by the Council under section 10 and other courses relevant to the training of persons who are or wish to become social care workers.
- (3) If it appears to the Department that adequate provision is not being made for training persons who are or wish to become social care workers, the Department may provide, or secure the provision of, courses for that purpose.
- (4) The Department may, upon such terms and subject to such conditions as it considers appropriate—
- (a) make grants, and pay travelling and other allowances, to persons resident in Northern Ireland in order to secure their training in the work of social care workers;
 - (b) make grants to organisations providing training in the work of social care workers.
- (5) Any functions of the Department under this section—
- (a) may be delegated by it to the Council; or
 - (b) may be exercised by any person, or by employees of any person, authorised to do so by the Department.
- (6) Articles 13 to 15 of the Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11) apply in relation to an authorisation given under subsection (5)(b) as they apply in relation to an authorisation given under Part III of that Order; and in subsection (5)(b) “employee” has the same meaning as in that Order.

Changes to legislation:

There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001, Cross Heading: Training.