

## **EXPLANATORY MEMORANDUM TO**

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

**S.R. 2017 No. 207**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 8(3) and 57(3) of the Health and Personal Social services Act Northern Ireland) 2001 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 and is subject to the Negative resolution procedure.

#### **2. Purpose**

- 2.1. These Regulations make provision to prohibit social care workers from working in prescribed positions unless they are registered in a relevant part of the Register maintained by the Northern Ireland Social Care Council (NISCC). The Regulations also impose a requirement on providers (i.e. persons carrying on specified establishments or agencies) not to employ persons in any of those prescribed positions unless they comply with the requirement to register. A provider who fails to comply with this requirement without reasonable excuse is guilty of an offence.

#### **3. Background**

- 3.1. This is part of a planned rollout of registration of the Social Care workforce with NISCC in order to strengthen public protection and improve the safety and quality of social care provision.

#### **4. Consultation**

- 4.1. Responses to the consultation exercise on the policy proposal to introduce compulsory registration of prescribed groups of Social Care Workers with NISCC which ran from August until October 2009 were broadly supportive of the proposal.

#### **5. Equality Impact**

- 5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. The outcome of the Equality Impact screening on the policy proposals is that no human rights engagements are anticipated as a result of the policy. A full Equality Impact Assessment (EQIA) was therefore not considered necessary.

#### **6. Regulatory Impact**

- 6.1. The outcome of a Regulatory Impact screening determined that a full assessment was not required as the policy is not anticipated to have an

adverse impact on business or charities and that the involvement of the statutory or voluntary sector agencies will not impose any greater burden than they already carry in relation to existing statutory duties.

## **7. Financial Implications**

- 7.1. Registration of the prescribed groups of social care workers will be met within existing budgets.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. These Regulations do not breach Section 24 of the Northern Ireland Act 1998, as they are considered to be compatible with any of the Convention rights or community law and they do not discriminate against a person on the grounds of religious belief or political opinion.

## **9. EU Implications**

- 9.1. Not applicable.

## **10. Parity or Replicatory Measure**

- 10.1. Registration of the social care workforce is a devolved matter. Apart from the introduction of compulsory registration for social workers and social work students, each devolved administration has made different decisions regarding the introduction of compulsory registration and arrangements for enforcement.

## **11. Additional Information**

- 11.1. Not applicable.