



2001 CHAPTER 3

PART I

SOCIAL CARE WORKERS

Miscellaneous and supplemental

Appeals to the Social Care Tribunal

15.—(1) Registered Homes Tribunals shall be known instead as Social Care Tribunals.

(2) An appeal against a decision of the Council under this Part in respect of registration shall lie to a Social Care Tribunal.

(3) On an appeal against a decision, a Social Care Tribunal may confirm the decision or direct that it shall not have effect.

(4) A Social Care Tribunal shall also have power on an appeal against a decision—

- (a) to vary any condition for the time being in force in respect of the person to whom the appeal relates;
- (b) to direct that any such condition shall cease to have effect; or
- (c) to direct that any such condition as it thinks fit shall have effect in respect of that person.

(5) The Council shall comply with any direction given by a Social Care Tribunal under this section.

(6) In the Registered Homes Order—

- (a) for “Registered Homes Tribunal” (wherever occurring) there shall be substituted “Social Care Tribunal”;

- (b) for “Registered Homes Tribunals” (wherever occurring) there shall be substituted “Social Care Tribunals”;
- (c) in Article 30(1) after “1995” there shall be inserted “or under Part I of the Health and Personal Social Services Act (Northern Ireland) 2001”;
- (d) Article 34 applies in relation to appeals under this section with the substitution for references to the Board of references to the Council.

(7) In the [Children \(Northern Ireland\) Order 1995 \(NI 2\)](#) in Articles 78(3), 87(1), 94(3) and 103(1) for “Registered Homes Tribunal” there shall be substituted “Social Care Tribunal”.

Publication, etc. of register

16.—(1) The Council shall publish the register in such manner, and at such times, as it considers appropriate.

(2) Any person who asks the Council for a copy of, or of an extract from, the register shall be entitled to have one.

Cesser of functions of CCETSW

17. The Central Council for Education and Training in Social Work shall cease to exercise in relation to Northern Ireland the functions conferred on it by or under section 10 of the Health and Social Services and Social Security Adjudications Act [1983 \(c. 41\)](#).

Rules

18.—(1) Rules made by the Council under this Part may make provision for the payment of reasonable fees to the Council in connection with the discharge of the Council’s functions.

(2) In particular, the rules may make provision for the payment of such fees in connection with—

- (a) registration (including applications for registration or for amendment of the register);
- (b) the approval of courses under section 10;
- (c) the provision of training;
- (d) the provision of copies of codes of practice or copies of, or extracts, from the register,

including provision requiring persons registered under this Part to pay a periodic fee to the Council of such amount, and at such time, as the rules may specify.

(3) No rules shall be made by the Council under this Part without the consent of the Department.

Default powers of Department

19.—(1) The powers conferred by this section are exercisable by the Department if it is satisfied that the Council—

- (a) has without reasonable excuse failed to discharge any of its functions; or
- (b) in discharging any of its functions, has without reasonable excuse failed to comply with any directions or guidance given by it under section 1(3) in relation to those functions.

(2) The Department may—

- (a) make an order declaring the Council to be in default; and
- (b) direct the Council to discharge such of its functions, and in such manner and within such period or periods, as may be specified in the direction.

(3) If the Council fails to comply with the Department's direction under subsection (2), the Department may—

- (a) discharge the functions to which the direction relates itself; or
- (b) make arrangements for any other person to discharge those functions on its behalf.

Interpretation of this Part – “children’s home”

20.—(1) Subject to the provisions of this section, for the purposes of this Part an establishment is a children’s home if it provides care and accommodation for children.

(2) An establishment is not a children’s home merely because a child is cared for and accommodated there by a parent or relative of his or by a person who fosters him (within the meaning of Article 119(3) of the [Children \(Northern Ireland\) Order 1995 \(NI 2\)](#)).

(3) An establishment is not a children’s home if it is—

- (a) a residential care home;
- (b) a hospital or nursing home;
- (c) a school at which board and lodging are not provided for pupils;
- (d) a residential family centre;
- (e) used primarily for or in connection with the provision of cultural, recreational, leisure, social or physical activities; or
- (f) excepted by regulations.

Interpretation of this Part – “residential care home” and “nursing home”

21.—(1) Subject to subsections (3) and (4), in this Part “residential care home” has the meaning given by Article 3 of the Registered Homes Order.

(2) Subject to subsections (3) and (5), in this Part “nursing home” has the meaning given by Article 16 of the Registered Homes Order.

(3) An establishment is not a residential care home or a nursing home if it is a children’s home.

(4) For the purposes of subsection (1), Article 3 of the Registered Homes Order shall have effect with the omission of—

(a) paragraph (2)(d); and

(b) paragraph (2)(f).

(5) For the purposes of subsection (2), Article 16 of the Registered Homes Order shall have effect with the omission of—

(a) paragraph (1)(b) and (c); and

(b) paragraph (2)(b) and (d).

Interpretation of this Part – general

22. In this Part—

“child” means a person under the age of 18;

“day care setting” means a place where persons in need of personal care may attend for the purposes of rehabilitation or counselling, but where they are not provided with board;

“domiciliary care agency” means an undertaking (other than one of a description excepted by regulations) which consists of or includes arranging the provision of 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;

“personal care” has the same meaning as in the Registered Homes Order, but does not include any prescribed activity;

“the Registered Homes Order” means the [Registered Homes \(Northern Ireland\) Order 1992 \(NI 20\)](#);

“residential family centre” means any establishment (other than one of a description excepted by regulations) at which—

(a) accommodation is provided for children and their parents;

(b) the parents' capacity to respond to the children’s needs and to safeguard their welfare is monitored or assessed; and

(c) the parents are given such advice, guidance or counselling as is considered necessary,

and for the purposes of this definition “parent”, in relation to a child, includes any person who is looking after him;

“school” has the same meaning as in the [Education and Libraries \(Northern Ireland\) Order 1986 \(NI 3\)](#);

“undertaking” includes any business or profession and—

- (a) in relation to a public body, includes the exercise of any functions of that body;
- (b) in relation to any other body of persons, whether corporate or unincorporate, includes any of the activities of that body.