

SCHEDULE 1

Regulation 4(1)

APPEAL UNDER ARTICLE 22 OF THE HEALTH AND PERSONAL SOCIAL SERVICES (QUALITY, IMPROVEMENT AND REGULATION) (NORTHERN IRELAND) ORDER 2003 AGAINST A DECISION OF THE REGULATION AND IMPROVEMENT AUTHORITY OR AN ORDER OF A JUSTICE OF THE PEACE

Initiating an appeal

1.—(1) A person who wishes to appeal to the Care Tribunal under Article 22 of the 2003 Order against a decision of the Regulation and Improvement Authority under Part III of the 2003 Order, or an order made by a Justice of the Peace under Article 21 of the Order, must do so by application in writing to the Care Tribunal.

(2) An application under this paragraph must be received by the Secretary to the Care Tribunal no more than 28 days after service of notice of the decision on the applicant.

(3) An application under this paragraph may be made on the application form available from the Secretary to Care Tribunal.

(4) An application under this paragraph must –

- (a) give the applicant's name and full postal address, if the applicant is an individual his date of birth and, if the applicant is a company, the address of its registered office;
- (b) give the name, address and profession of the person (if any) representing the applicant;
- (c) give the address within the United Kingdom to which the Care Tribunal should send documents concerning the appeal;
- (d) give, where these are available, the applicant's telephone number, fax number and e-mail address and those of the applicant's representative;
- (e) identify the decision or order against which the appeal is brought and give particulars of –
 - (i) whether the appeal is against a refusal of registration, an imposition or variation of conditions of registration, a refusal to remove or vary any condition, or a cancellation of registration;
 - (ii) whether the appeal is against a decision of the Regulation and Improvement Authority or an order made by a Justice of the Peace;
 - (iii) where the appeal is in respect of a cancellation of registration, whether the establishment or agency in respect of which the appeal is made remains open and, in the case of an establishment, the number of residents in that establishment;
- (f) give a short statement of the grounds of appeal; and
- (g) be signed and dated by the applicant.

Acknowledgement and notification of application

2.—(1) On receiving an application, made within the period for bringing an appeal specified in Article 22 of the 2003 Order, the Secretary must –

- (a) immediately send an acknowledgement of its receipt to the applicant; and
 - (b) enter particulars of the appeal, and the date of its receipt in the records and send a copy of it, together with any documents supplied by the applicant in support of it, to the respondent.
- (2) If in the Secretary's opinion there is an obvious error in the application –
- (a) he may correct it;
 - (b) he must notify the applicant in writing that he has done so; and

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- (c) unless, within five working days of receipt of notification under head (b) the applicant notifies the Secretary in writing that he objects to the correction, the application shall be amended accordingly.

Response to application

3.—(1) The Secretary must send the information provided by the applicant under paragraph 1 to the respondent together with a request that it respond to the application within 20 working days of receiving it.

(2) If the respondent fails to respond as requested, it shall not be entitled to take any further part in the proceedings.

(3) The response must –

- (a) acknowledge that the respondent has received a copy of the application;
- (b) indicate whether or not the respondent opposes it, and if it does, give the reasons why it opposes the application;
- (c) provide the following information and documents –
 - (i) the name, address and profession of the person (if any) representing the respondent and whether the Secretary should send documents concerning the appeal to the representative rather than to the respondent; and
 - (ii) in the case of an appeal under Article 22(1)(a) of the 2003 Order, a copy of the written notice of the decision (which is the subject of the appeal) served under Article 20(3) of that Order, and the reasons for the decision; or
 - (iii) in the case of an appeal under Article 22(1)(b) of the Order, a copy of the order made by the Justice of the Peace.

(4) The Secretary must without delay send to the applicant a copy of the response and the information and documents provided with it.

Misconceived appeals etc.

4.—(1) The Chairman may at any time strike out the appeal on the grounds that –

- (a) it is made otherwise than in accordance with paragraph 1;
- (b) it is outside the jurisdiction of the Care Tribunal or is otherwise misconceived; or
- (c) it is frivolous or vexatious.

(2) Before striking out an appeal under this paragraph, the Chairman must –

- (a) invite the parties to make representations on the matter within such period as he may direct;
- (b) if within the period specified in the direction the applicant so requests in writing, afford the parties an opportunity to make oral representations;
- (c) consider any representations the parties may make.

(3) Where the Chairman strikes out an appeal made under paragraph (1), regulation 25 (costs) shall apply as if the references to “the Care Tribunal” were instead references to “the Chairman”.

(4) Where, under paragraph (1), the Chairman has made a determination to strike out an appeal (“the determination”), the applicant may apply to the Chairman, for the determination to be set aside.

(5) An application under paragraph (4) must –

- (a) be made not later than 10 working days after the date upon which notice of determination was sent to the applicant; and
- (b) must be in writing stating the grounds in full.

(6) In the case of an application under paragraph (4), the Chairman, may, if he considers that it is appropriate to do so, set aside the determination (including, where applicable, a costs order made pursuant to paragraph (3)), and may give such directions in exercise of his powers under Part IV of these Regulations as he considers appropriate.

(7) Before setting aside the determination, the Chairman may invite the parties to make representations on the matter within such period as he may direct.

(8) Where the determination is set aside, the Secretary shall alter the relevant entry in the records.

Further information to be sent by the applicant and respondent

5.—(1) As soon as the respondent has provided the information set out in paragraph 3, the Secretary must write to each party requesting that he send to the Secretary within 15 working days after the date on which he receives the Secretary's letter the following information –

- (a) the name of any witness whose evidence the party wishes the Care Tribunal to consider (and whether the party may wish the Care Tribunal to consider additional witness evidence from a witness whose name is not yet known) and the nature of that evidence;
- (b) whether the party wishes the Chairman to give any directions or exercise any of his powers under Part IV of these Regulations;
- (c) whether the party wishes there to be a preliminary hearing with regard to directions;
- (d) a provisional estimate of the time the party considers will be required to present his case;
- (e) the earliest date by which the party considers he would be able to prepare his case for hearing; and
- (f) in the case of the applicant, whether he wishes his appeal to be determined without a hearing.

(2) Once the Secretary has received the information referred to in sub-paragraph (1) from both parties, he must without delay send a copy of the information supplied by the applicant to the respondent and that supplied by the respondent to the applicant.

Changes to further information supplied to the Care Tribunal

6.—(1) Either party, within 5 working days of receiving the further information in respect of the other party from the Secretary, may ask the Secretary in writing to amend or add to any of the information given under paragraph 5(1).

(2) If the Care Tribunal receives any further information under sub-paragraph (1) from either party he must, without delay, send a copy of it to the other party.

SCHEDULE 2

Regulation 4(2)

APPEAL UNDER ARTICLE 78A OF THE CHILDREN (NORTHERN IRELAND) ORDER 1995 AGAINST A DECISION OF THE REGULATION AND IMPROVEMENT AUTHORITY REFUSING TO GIVE CONSENT UNDER ARTICLE 78(3) AND 94(3) OF THAT ORDER

Initiating an appeal

1.—(1) A person who wishes to appeal to the Care Tribunal under Article 78A or 94A of the 1995 Order against a decision of the Regulation and Improvement Authority must do so by application in writing to the Care Tribunal.

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(2) An application under this paragraph must be received by the Secretary no later than 28 days after service of notice of the decision on the applicant.

(3) An application under this paragraph may be made on the application form available from the Care Tribunal.

(4) An application under this paragraph must –

- (a) give the applicant's name and full postal address, if the applicant is an individual his date of birth and, if the applicant is a company, the address of its registered office;
- (b) give the name, address and profession of the person (if any) representing the applicant;
- (c) give the address within the United Kingdom to which the Secretary should send documents concerning the appeal;
- (d) give, where these are available, the applicant's telephone number, fax number and e-mail address and those of the applicant's representative;
- (e) give sufficient information concerning the decision appealed against to make it clear whether it falls within Article 78(3) or Article 94(3) of the Children (Northern Ireland) Order 1995;
- (f) give a short statement of the grounds of appeal; and
- (g) be signed and dated by the applicant.

Acknowledgement and notification of application

2.—(1) On receiving an application, the Secretary must –

- (a) immediately send an acknowledgement of its receipt to the applicant; and
- (b) subject to the following provisions of this paragraph, enter particulars of the appeal and the date of its receipt in the records and send a copy of it, together with any documents supplied by the applicant in support of it, to the respondent.

(2) If the Chairman is of the opinion that the applicant is asking the Care Tribunal to do something which it cannot do, he may notify the applicant in writing –

- (a) of the reasons for his opinion; and
- (b) that the appeal will not be entered in the records unless within five working days the applicant notifies the Chairman in writing that he wishes to proceed with it.

(3) If in the Secretary's opinion there is an obvious error in the application –

- (a) he may correct it;
- (b) he must notify the applicant accordingly; and
- (c) unless within five working days of receipt of notification under head (b) the applicant notifies the Secretary in writing that he objects to the correction, the application shall be amended accordingly.

Response to application

3.—(1) The Secretary must send the information provided by the applicant under paragraph 1 to the respondent together with a request that it respond to the application within 20 working days of receiving it.

(2) If the respondent fails to respond as requested it shall not be entitled to take any further part in the proceedings.

(3) The response must –

- (a) acknowledge that the respondent has received a copy of the application;

- (b) indicate whether or not it opposes it, and if it does, why; and
- (c) provide the following information and documents –
 - (i) the name, address and profession of the person (if any) representing the respondent and whether the Care Tribunal should send documents concerning the appeal to the representative rather than to the respondent; and
 - (ii) a copy of the written notice of the decision which is the subject of the appeal and the reasons for the decision.
- (4) The Secretary must without delay send to the applicant a copy of the response and the information and documents provided with it.

Misconceived appeals etc.

- 4.—(1) The Chairman may at any time strike out the appeal on the grounds that –
 - (a) it is made otherwise than in accordance with paragraph 1;
 - (b) it is outside the jurisdiction of the Care Tribunal or is otherwise misconceived; or
 - (c) it is frivolous or vexatious.
- (2) Before striking out an appeal under this paragraph, the Chairman must –
 - (a) invite the parties to make representations on the matter within such period as he may direct;
 - (b) if within the period specified in the direction the applicant so requests in writing, afford the parties an opportunity to make oral representations; and
 - (c) consider any representations the parties may make.
- (3) Where the Chairman strikes out an appeal under paragraph (1), regulation 25 (costs) shall apply as if the references to “the Care Tribunal” were instead references to “the Chairman”.
- (4) Where, under paragraph (1), the Chairman has made a determination to strike out an appeal (“the determination”), the applicant may apply to the Chairman, for the determination to be set aside.
- (5) An application under paragraph (4) must –
 - (a) be made not later than 10 working days after the date on which notice of the determination was sent to the applicant; and
 - (b) must be in writing stating the grounds in full.
- (6) In the case of an application under paragraph (4), the Chairman, may, if he considers that it is appropriate to do so, set aside the determination (including, where applicable, a costs order made pursuant to paragraph (3)), and may give such directions in exercise of his powers under Part IV of these Regulations as he considers appropriate.
- (7) Before setting aside the determination, the Chairman may invite the parties to make representations on the matter within such period as he may direct.
- (8) Where the determination is set aside, the Secretary shall alter the relevant entry in the records.

Further information to be sent by the applicant and respondent

- 5.—(1) As soon as the respondent has provided the information set out in paragraph 3 the Secretary must write to each party requesting that he send to the Secretary within 15 working days after the date on which he receives the Secretary’s letter the following information –
 - (a) the name of any witness whose evidence the party wishes the Care Tribunal to consider (and whether the party may wish the Care Tribunal to consider additional witness evidence from a witness whose name is not yet known) and the nature of that evidence;

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- (b) whether the party wishes the Chairman to give any directions or exercise any of his powers under Part IV of these Regulations;
- (c) whether the party wishes there to be a preliminary hearing with regard to directions;
- (d) a provisional estimate of the time the party considers will be required to present his case;
- (e) the earliest date by which the party considers he would be able to prepare his case for hearing; and
- (f) in the case of the applicant, whether he wishes his appeal to be determined without a hearing.

(2) Once the Secretary has received the information referred to in sub-paragraph (1) from both parties, he must without delay send a copy of the information supplied by the applicant to the respondent and that supplied by the respondent to the applicant.

Changes to further information supplied to the Care Tribunal

6.—(1) Either party, within 5 working days of receiving the further information in respect of the other party from the Secretary, may ask the Secretary in writing to amend or add to any of the information given under paragraph 5(1).

(2) If the Secretary receives any further information under sub-paragraph (1) from either party he must, without delay, send a copy of it to the other party.

SCHEDULE 3

Regulation 4(3)

APPEALS AND APPLICATIONS FOR LEAVE TO APPEAL UNDER ARTICLE 11 OF THE PROTECTION OF CHILDREN AND VULNERABLE ADULTS (NORTHERN IRELAND) ORDER 2003 AND APPEALS UNDER ARTICLE 70(2) OR 88A(2) OF THE EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1986 AGAINST A DECISION TO PROHIBIT OR RESTRICT THE PERSON'S EMPLOYMENT OR FURTHER EMPLOYMENT OR A DECISION NOT TO REVOKE OR VARY SUCH A DECISION AND APPLICATION FOR LEAVE FOR A REVIEW OF PROHIBITION OR RESTRICTION

Initiating an appeal

1.—(1) A person who wishes to appeal to the Care Tribunal –

- (a) under Article 11(1)(a) of the 2003 Order against a decision to include him in the DWC (NI) list;
- (b) under Article 70(2) or 88A(2) of the Education and Libraries (Northern Ireland) Order 1986, against a decision to prohibit or restrict the persons employment or further employment; or against a decision not to revoke or vary such a decision,

must do so by application in writing to the Secretary.

(2) An application under this paragraph must be received by the Care Tribunal no later than the first working day after the expiry of three months from the date of the letter informing the applicant of the decision.

(3) An application under this paragraph may be made on the application form available from the Secretary.

(4) An application under this paragraph must –

- (a) give the applicant's name, date of birth and full postal address;

- (b) give sufficient information concerning the decision appealed against to make it clear whether it falls within sub-paragraph (1)(a) or (1)(b);
- (c) give the reasons why the applicant believes he should not be included in the DWC (NI) list, or why he believes the decision should not have been made, or why that decision should be revoked or varied, as the case may be;
- (d) give the name, address and profession of the person (if any) representing the applicant;
- (e) give the address within the United Kingdom to which the Secretary should send documents concerning the appeal;
- (f) give, where these are available, the applicant's telephone number, fax number and e-mail address and those of the applicant's representative; and
- (g) be signed and dated by the applicant.

Applying for leave

2.—(1) An application for leave –

- (a) to appeal to the Care Tribunal under Article 11(1)(b) of the 2003 Order against a decision not to remove the applicant from the DWC (NI) list; or
- (b) to have the issue of the applicant's inclusion in the DWC (NI) list determined under Article 11(2) of the 2003 Order by the Care Tribunal,

must be made in writing to the Secretary.

(2) An application under sub-paragraph (1)(a) must be received by the Care Tribunal no later than the first working day after the expiry of three months from the date of the letter informing the applicant of the decision.

(3) An application under this paragraph may be made on the application form available from the Secretary.

(4) An application under this paragraph must –

- (a) give the applicant's name, date of birth and full postal address;
- (b) give sufficient information to make it clear whether the application falls within sub-paragraph (1)(a) or (b);
- (c) give the reasons why the applicant believes the decision was wrong or, as the case may be, why he believes he should not be included in the DWC (NI) list;
- (d) give the dates of any previous appeal under the 2003 Order and (where applicable) application for leave which the applicant has made to the Care Tribunal;
- (e) give details of any new evidence or material change of circumstances since that appeal and (where applicable) application for leave was determined which might lead the Care Tribunal to a different decision;
- (f) in the case of an application to have the issue of his inclusion in the DWC (NI) list determined by the Care Tribunal, give details of any civil or criminal proceedings relating to the misconduct of which the applicant is alleged to have been guilty;
- (g) give the name, address and profession of the person (if any) representing the applicant;
- (h) give an address within the United Kingdom to which the Secretary should send documents concerning the appeal and application for leave;
- (i) give, where these are available, the applicant's telephone number, fax number and e-mail address and those of the applicant's representative; and
- (j) be signed and dated by the applicant.

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Acknowledgement and notification of application

- 3.—(1) On receiving an application, the Secretary shall –
- (a) immediately send an acknowledgement of its receipt to the applicant;
 - (b) subject to the following provisions of this paragraph, enter particulars of the application and the date of its receipt in the records and send a copy of it, together with any documents supplied by the applicant in support of it, to the respondent.
- (2) If the Chairman is of the opinion that the applicant is asking the Care Tribunal to do something which it cannot do, he may notify the applicant in writing –
- (a) of the reasons for his opinion; and
 - (b) that the application will not be entered in the records unless within five working days the applicant notifies the Chairman in writing that he wishes to proceed with it.
- (3) If in the Secretary's opinion there is an obvious error in the application –
- (a) he may correct it;
 - (b) he shall notify the applicant accordingly; and
 - (c) unless within five working days of receipt of notification under head (b) of this sub-paragraph the applicant notifies the Care Tribunal in writing that he objects to the correction, the application shall be amended accordingly.

Response to application

- 4.—(1) The Secretary must send information provided by the applicant under paragraph 1 or 2, as the case may be, to the respondent together with a request that he respond to the application within 20 working days of receiving it.
- (2) If the respondent fails to respond as requested, he shall not be entitled to take any further part in the proceedings.
- (3) The response must –
- (a) acknowledge that the respondent has received a copy of the application;
 - (b) indicate whether or not he opposes it, and if he does, why; and
 - (c) provide the following information and documents –
 - (i) the name, address and profession of the person (if any) representing the respondent and whether the Care Tribunal should send documents concerning the application to the representative rather than to the respondent;
 - (ii) copies of any letters informing the applicant of the decision which is the subject of the appeal or application for leave, as the case may be;
 - (iii) copies of any information submitted with a reference under Articles 4, 5 and 7 of the 2003 Order or as a result of being named in a relevant inquiry under Article 7 of that Order and of any observations submitted on it by the applicant;
 - (iv) copies of any evidence and expert evidence relied on by the respondent in making a decision under regulations made under Articles 70(2)(e) or 88A(2)(b) of the Education and Libraries (Northern Ireland) Order 1986
- (4) The Secretary must without delay send to the applicant a copy of the response and the information and documents provided with it (subject, in the case of any material provided in accordance with sub-paragraph (3)(c)(iv), to any direction of the Chairman under regulation 16).

Misconceived appeals, applications etc.

5.—(1) The Chairman may at any time strike out the appeal or, as the case may be application for leave, on the grounds that –

- (a) it is made otherwise than in accordance with paragraph 1 or 2 (as the case may be);
- (b) it is outside the jurisdiction of the Care Tribunal or is otherwise misconceived; or
- (c) it is frivolous or vexatious.

(2) Before striking out an appeal or, as the case may be, application for leave, under this paragraph, the Chairman must –

- (a) invite the parties to make representations on the matter within such period as he may direct;
- (b) if within the period specified in the direction the applicant so requests in writing, afford the parties an opportunity to make oral representations; and
- (c) consider any representations the parties may make.

(3) Where the Chairman strikes out an appeal or an application for leave under paragraph (1), regulation 25 (costs) shall apply as if the references to “the Care Tribunal” were instead references to “the Chairman”.

(4) Where, under paragraph (1), the Chairman has made a determination to strike out an appeal or application for leave (“the determination”), the applicant may apply to the Chairman, for the determination to be set aside.

(5) An application under paragraph (4) must –

- (a) be made not later than 10 working days after the date on which notice of the determination was sent to the applicant; and
- (b) must be in writing stating the grounds in full.

(6) In the case of an application under paragraph (4), the Chairman, may, if he considers that it is appropriate to do so, set aside the determination (including, where applicable, a costs order made pursuant to paragraph (3)), and may give such directions in exercise of his powers under Part IV of these Regulations as he considers appropriate.

(7) Before setting aside the determination, the Chairman may invite the parties to make representations on the matter within such period as he may direct.

(8) Where the determination is set aside, the Secretary shall alter the relevant entry in the records.

Grant or refusal of leave

6.—(1) The Chairman shall grant or refuse leave in relation to an application under paragraph 2 without a hearing, as he sees fit.

(2) Subject to paragraph 7, if the Chairman refuses leave the application shall be dismissed.

(3) The Secretary must without delay notify the parties in writing of the Chairman’s decision, and if he has refused leave –

- (a) must notify them of his reasons for doing so; and
- (b) must inform the applicant of his right to request a reconsideration of the decision under paragraph 7.

Reconsideration of leave

7.—(1) The Chairman must reconsider a decision to refuse leave if within ten working days after receipt of a notice under paragraph 6(3) the Care Tribunal receives a written request to do so from the applicant.

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(2) If in his request under sub-paragraph (1) the applicant has asked to make representations about leave at a hearing, the Secretary must fix a hearing for those representations to be heard.

(3) The Secretary must notify the respondent of any hearing fixed for the purpose of considering whether to grant leave, and the applicant and the respondent may appear or be represented by any person at that hearing.

(4) If the Chairman again refuses leave after reconsideration –

- (a) he must give his reasons for doing so in writing; and
- (b) the Secretary must without delay send to the parties a copy of the Chairman's decision and if he has refused leave, of his reasons for doing so.

Further information to be sent by the applicant and respondent

8.—(1) As soon as the respondent has provided the information set out in paragraph 4, or as soon as leave has been granted under paragraph 6 or 7, the Secretary must write to each party requesting that he send to the Care Tribunal, within 20 working days after the date on which he receives the Secretary's letter, the following information –

- (a) the name of any witness whose evidence the party wishes the Care Tribunal to consider (and whether the party may wish the Care Tribunal to consider additional witness evidence from a witness whose name is not yet known) and the nature of that evidence;
- (b) whether the party wishes the Chairman to give any directions or exercise any of his powers under Part IV of these Regulations;
- (c) whether the party wishes there to be a preliminary hearing with regard to directions;
- (d) a provisional estimate of the time the party considers will be required to present his case;
- (e) the earliest date by which the party considers he would be able to prepare his case for hearing; and
- (f) in the case of the applicant, whether he wishes his case to be determined without a hearing.

(2) Once the Secretary has received the information referred to in sub-paragraph (1) from both parties, he must without delay send a copy of the information supplied by the applicant to the respondent and that supplied by the respondent to the applicant.

Changes to further information supplied to the Care Tribunal

9.—(1) Either party, within 5 working days of receiving the further information in respect of the other party from the Secretary, may ask the Secretary in writing to amend or add to any of the information given under paragraph 8(1).

(2) If the Secretary receives any further information under sub-paragraph (1) from either party he must, without delay, send a copy of it to the other party.

SCHEDULE 4

Regulation 4(4)

APPLICATIONS FOR REVIEW AND APPLICATIONS FOR LEAVE TO REVIEW DISQUALIFICATION FROM WORKING WITH CHILDREN

UNDER ARTICLE 27 AND 28 OF THE PROTECTION OF CHILDREN AND VULNERABLE ADULTS (NORTHERN IRELAND) ORDER 2003

Initiating an application

1.—(1) A person who wishes to apply to the Care Tribunal under Article 28 of the 2003 Order for leave to seek review of disqualification from working with children must do so by application in writing to the Care Tribunal.

(2) An application under this paragraph may be made on the application form available from the Secretary.

(3) An application under this paragraph must be received by the Care Tribunal no later than the first working day following expiry of 3 months from the date of the letter informing the applicant of the decision.

(4) An application under this paragraph must –

- (a) give the applicant's name, full postal address and his date of birth;
- (b) give the name, address and profession of the person (if any) representing the applicant;
- (c) give the address within the United Kingdom to which the Care Tribunal should send documents concerning the appeal;
- (d) give, where these are available, the applicant's telephone number, fax number and e-mail address and those of the applicant's representative;
- (e) give sufficient information concerning the disqualification order;
- (f) give a short statement of the grounds for requesting leave to seek review under Article 28; and
- (g) be signed and dated by the applicant.

Acknowledgement and notification of application

2.—(1) On receiving an application, the Secretary must –

- (a) immediately send an acknowledgement of its receipt to the applicant; and
- (b) subject to the following provisions of this paragraph, enter particulars of the appeal and the date of its receipt in the records and send a copy of it, together with any documents supplied by the applicant in support of it, to the respondent.

(2) If the Chairman is of the opinion that the applicant is asking the Care Tribunal to do something which it cannot do, he may notify the applicant in writing –

- (a) of the reasons for his opinion; and
- (b) that the application will not be entered in the records unless within five working days the applicant notifies the Chairman in writing that he wishes to proceed with it.

(3) If in the Secretary's opinion there is an obvious error in the application –

- (a) he may correct it;
- (b) he must notify the applicant accordingly; and
- (c) unless within five working days of receipt of notification under heading (b) of this subparagraph the applicant notifies the Secretary to the Care Tribunal in writing that he objects to the correction, the application shall be amended accordingly.

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Response to application

3.—(1) The Secretary must send the information provided by the applicant under paragraph 1 to the respondent together with a request that it respond to the application within 20 working days of receiving it.

(2) If the respondent fails to respond as requested it shall not be entitled to take any further part in the proceedings.

(3) The response must –

- (a) acknowledge that the respondent has received a copy of the application;
- (b) indicate whether or not it opposes it, and if it does, why; and
- (c) provide the following information and documents –
 - (i) the name, address and profession of the person (if any) representing the respondent and whether the Care Tribunal should send documents concerning the appeal to the representative rather than to the respondent; and
 - (ii) a copy of the written notice of the decision which is the subject of the appeal and the reasons for the decision.

(4) The Secretary must without delay send to the applicant a copy of the response and the information and documents provided with it.

Misconceived applications etc.

4.—(1) The Chairman may at any time strike out the application on the grounds that –

- (a) it is made otherwise than in accordance with paragraph 1;
- (b) it is outside the jurisdiction of the Care Tribunal or is otherwise misconceived; or
- (c) it is frivolous or vexatious.

(2) Before striking out an application under this paragraph, the Chairman must –

- (a) invite the parties to make representations on the matter within such period as he may direct;
- (b) if within the period specified in the direction the applicant so requests in writing, afford the parties an opportunity to make oral representations; and
- (c) consider any representations the parties may make.

(3) Where the Chairman strikes out an appeal or application for leave made under paragraph (1), regulation 25 (costs) shall apply as if the references to “the Care Tribunal” were instead references to “the Chairman”.

(4) Where, under paragraph (1), the Chairman has made a determination to strike out an application for review or leave (“the determination”), the applicant may apply to the Chairman, for the determination to be set aside.

(5) An application under paragraph (4) must –

- (a) be made not later than 10 working days after the date on which notice of determination was sent to the applicant; and
- (b) must be in writing stating the grounds in full.

(6) In the case of an application under paragraph (4), the Chairman, may, if he considers that it is appropriate to do so, set aside the determination (including, where applicable, a costs order made pursuant to paragraph (3)), and may give such directions in exercise of his powers under Part IV of these Regulations as he considers appropriate.

(7) Before setting aside the determination, the Chairman may invite the parties to make representations on the matter within such period as he may direct.

(8) Where the determination is set aside, the Secretary shall alter the relevant entry in the records.

Further information to be sent by the applicant and respondent

5.—(1) As soon as the respondent has provided the information set out in paragraph 3 the Secretary must write to each party requesting that he send to the Care Tribunal within 15 working days after the date on which he receives the Secretary's letter the following information –

- (a) the name of any witness whose evidence the party wishes the Care Tribunal to consider (and whether the party may wish the Care Tribunal to consider additional witness evidence from a witness whose name is not yet known) and the nature of that evidence;
- (b) whether the party wishes the Chairman to give any directions or exercise any of his powers under Part IV of these Regulations;
- (c) whether the party wishes there to be a preliminary hearing with regard to directions;
- (d) a provisional estimate of the time the party considers will be required to present his case;
- (e) the earliest date by which the party considers he would be able to prepare his case for hearing; and
- (f) in the case of the applicant, whether he wishes his application to be determined without a hearing.

(2) Once the Secretary has received the information referred to in sub-paragraph (1) from both parties, he must without delay send a copy of the information supplied by the applicant to the respondent and that supplied by the respondent to the applicant.

Changes to further information supplied to the Care Tribunal

6.—(1) Either party, within 5 working days of receiving the further information in respect of the other party from the Care Tribunal, may ask the Secretary in writing to amend or add to any of the information given under paragraph 5(1).

(2) If the Secretary receives any further information under sub-paragraph (1) from either party he must, without delay, send a copy of it to the other party.

SCHEDULE 5

Regulation 4(5)

APPEALS AND APPLICATIONS FOR LEAVE UNDER ARTICLE 42 (APPLICATIONS AGAINST INCLUSION IN THE LIST) OF THE PROTECTION OF CHILDREN AND VULNERABLE ADULTS (NORTHERN IRELAND) ORDER 2003

Initiating an appeal

1.—(1) A person who wishes to appeal to the Care Tribunal under Article 42(1)(a) of the 2003 Order, against a decision to include him in the DWVA (NI) list must do so by application in writing to the Care Tribunal.

(2) An application under this paragraph must be received by the Secretary no later than the first working day after the expiry of three months from the date of the letter informing the applicant of the decision.

(3) An application under this paragraph may be made on the application form available from the Secretary to the Care Tribunal.

(4) An application under this paragraph must –

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- (a) give the applicant's name, date of birth and full postal address;
- (b) give the reasons why the applicant believes he should not be included in the DWVA (NI) list;
- (c) give the name, address and profession of the person (if any) representing the applicant;
- (d) give the address within the United Kingdom to which the Secretary should send documents concerning the appeal;
- (e) give, where these are available, the applicant's telephone number, fax number and e-mail address and those of the applicant's representative; and
- (f) be signed and dated by the applicant.

Applying for leave to appeal

2.—(1) An application for leave –

- (a) to appeal to the Care Tribunal under Article 42(1)(b) of the 2003 Order against a decision not to remove the applicant from the DWVA (NI) list under Article 35 of that Order; or
- (b) to have the issue of the applicant's inclusion in the DWVA (NI) list determined under Article 42 (2) of the 2003 Order by the Care Tribunal,

must be made in writing to the Secretary.

(2) An application under sub-paragraph (1)(a) must be received by the Secretary no later than the first working day after the expiry of three months from the date of the letter informing the applicant of the decision.

(3) An application under this paragraph may be made on the application form available from the Secretary to the Care Tribunal.

(4) An application under this paragraph must –

- (a) give the applicant's name, date of birth and full postal address;
- (b) give sufficient information to make it clear whether the appeal falls within sub-paragraph (1)(a) or (b);
- (c) give the reasons why the applicant believes the decision was wrong or, as the case may be, why he believes he should not be included in the DWVA (NI) list;
- (d) give the dates of any previous appeal under Article 42 of the 2003 Order and (where applicable) application for leave, which the applicant has made to the Care Tribunal;
- (e) give details of any new evidence or material change of circumstances since that appeal and (where applicable) application for leave was determined which might lead the Care Tribunal to a different decision;
- (f) in the case of an application to have the issue of his inclusion in the DWVA (NI) list determined by the Care Tribunal, give details of any civil or criminal proceedings relating to the misconduct of which the applicant is alleged to have been guilty;
- (g) give the name, address and profession of the person (if any) representing the applicant;
- (h) give the address within the United Kingdom to which the Care Tribunal should send documents concerning the appeal and the application for leave;
- (i) give, where these are available, the applicant's telephone number, fax number and e-mail address and those of the applicant's representative; and
- (j) be signed and dated by the applicant.

Acknowledgement and notification of application

- 3.—(1) On receiving an application, the Secretary to the Care Tribunal must –
- (a) immediately send an acknowledgement of its receipt to the applicant; and
 - (b) subject to the following provisions of this paragraph, enter particulars of the application and the date of its receipt in the records and send a copy of it, together with any documents supplied by the applicant in support of it, to the respondent.
- (2) If the Chairman is of the opinion that the applicant is asking the Care Tribunal to do something which it cannot do, he may notify the applicant in writing –
- (a) of the reasons for his opinion; and
 - (b) that the application will not be entered in the records unless within five working days the applicant notifies the Chairman in writing that he wishes to proceed with it.
- (3) If in the Secretary's opinion there is an obvious error in the application –
- (a) he may correct it;
 - (b) he shall notify the applicant accordingly; and
 - (c) unless within five working days of receipt of notification under head (b) the applicant notifies the Secretary in writing that he objects to the correction, the application shall be amended accordingly.

Response to application

- 4.—(1) The Secretary must send the information provided by the applicant under paragraph 1 or 2, as the case may be, to the respondent together with a request that he respond to the application within 20 working days of receiving it.
- (2) If the respondent fails to respond as directed, he shall not be entitled to take any further part in the proceedings.
- (3) The response must –
- (a) acknowledge that the respondent has received a copy of the application;
 - (b) indicate whether or not he opposes it, and if he does, why;
 - (c) provide the following information and documents –
 - (i) the name, address and profession of the person (if any) representing the respondent and whether the Secretary should send documents concerning the appeal or, as the case may be, application for leave, to the representative rather than to the respondent;
 - (ii) copies of any letters informing the applicant of the decision which is the subject of the appeal or, as the case may be, application for leave;
 - (iii) copies of any information submitted with a reference under Articles 36(1), 37(1), 38(1) and 39 of the 2003 Order and of any observations submitted on it by the applicant.
- (4) The Secretary must without delay send to the applicant a copy of the response and the information and documents provided with it.

Misconceived applications for leave, appeals etc.

- 5.—(1) The Chairman may at any time strike out the appeal or, as the case may be, application for leave, on the grounds that –
- (a) it is made otherwise than in accordance with paragraph 1 or 2 (as the case may be);
 - (b) it is outside the jurisdiction of the Care Tribunal or is otherwise misconceived; or

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- (c) it is frivolous or vexatious.
- (2) Before striking out an appeal or application for leave, as the case may be, under this paragraph, the Chairman must –
 - (a) invite the parties to make representations on the matter within such period as he may direct;
 - (b) if within the period specified in the direction the applicant so requests in writing, afford the parties an opportunity to make oral representations; and
 - (c) consider any representations the parties may make.
- (3) Where the Chairman strikes out an appeal or application for leave made under paragraph (1), regulation 25 (costs) shall apply as if the references to “the Care Tribunal” were instead references to “the Chairman”.
- (4) Where, under paragraph (1), the Chairman has made a determination to strike out an appeal or application for leave (“the determination”), the applicant may apply to the Chairman, for the determination to be set aside.
- (5) An application under paragraph (4) must –
 - (a) be made not later than 10 working days after the date upon which notice of determination was sent to the applicant; and
 - (b) must be in writing stating the grounds in full.
- (6) In the case of an application under paragraph (4), the Chairman, may, if he considers that it is appropriate to do so, set aside the determination (including, where applicable, a costs order made pursuant to paragraph (3)), and may give such directions in exercise of his powers under Part IV of these Regulations as he considers appropriate.
- (7) Before setting aside the determination, the Chairman may invite the parties to make representations on the matter within such period as he may direct.
- (8) Where the determination is set aside, the Secretary shall alter the relevant entry in the records.

Grant or refusal of leave

- 6.—(1) The Chairman shall grant or refuse leave in relation to an application under paragraph 2 without a hearing, as he sees fit.
- (2) Subject to paragraph 7, if the Chairman refuses leave the application shall be dismissed.
- (3) The Secretary must without delay notify the parties in writing of the Chairman’s decision, and if he has refused leave –
 - (a) must notify them of his reasons for doing so; and
 - (b) must inform the applicant of his right to request a reconsideration of the decision under paragraph 7.

Reconsideration of leave

- 7.—(1) The Chairman must reconsider a decision to refuse leave if within ten working days after receipt of a notice under paragraph 6(3) the Care Tribunal receives a written request to do so from the applicant.
- (2) If in his request under sub-paragraph (1) the applicant has asked to make representations about leave at a hearing, the Secretary must fix a hearing for those representations to be heard.
- (3) The Secretary must notify the respondent of any hearing fixed for the purpose of considering whether to grant leave, and the applicant and the respondent may appear or be represented by any person at that hearing.
- (4) If the Chairman again refuses leave after reconsideration –

- (a) he must give his reasons for doing so in writing; and
- (b) the Secretary must without delay send to the parties a copy of the Chairman's decision and if he has refused leave his reasons for doing so.

Further information to be sent by the applicant and respondent

8.—(1) As soon as the respondent has provided the information set out in paragraph 4, or as soon as leave has been granted under paragraph 6 or 7, the Secretary must write to each party requesting that he send to the Care Tribunal, within 20 working days after the date on which he receives the Secretary's letter, the following information –

- (a) the name of any witness whose evidence the party wishes the Care Tribunal to consider (and whether the party may wish the Care Tribunal to consider additional witness evidence from a witness whose name is not yet known) and the nature of that evidence;
- (b) whether the party wishes the Chairman to give any directions or exercise any of his powers under Part IV of these Regulations;
- (c) whether the party wishes there to be a preliminary hearing with regard to directions;
- (d) a provisional estimate of the time the party considers will be required to present his case;
- (e) the earliest date by which the party considers he would be able to prepare his case for hearing; and
- (f) in the case of the applicant, whether he wishes his case to be determined without a hearing.

(2) Once the Secretary has received the information referred to in sub-paragraph (1) from both parties, he must without delay send a copy of the information supplied by the applicant to the respondent and that supplied by the respondent to the applicant.

Changes to further information supplied to the Care Tribunal

9.—(1) Either party, within 5 working days of receiving the further information in respect of the other party from the Secretary, may ask the Secretary in writing to amend or add to any of the information given under paragraph 8(1).

(2) If the Secretary to the Care Tribunal receives any further information under sub-paragraph (1) from either party he must, without delay, send a copy of it to the other party.

SCHEDULE 6

Regulation 4(6)

APPEALS UNDER SECTION 15 OF THE HEALTH AND PERSONAL SOCIAL SERVICES ACT (NORTHERN IRELAND) 2001 AGAINST A DECISION OF THE COUNCIL IN RESPECT OF REGISTRATION UNDER PART I OF THAT ACT

Initiating an appeal

1.—(1) A person who wishes to appeal to the Care Tribunal under Section 15 of 2001 Act against a decision of the Council under Part I of that Act in respect of registration must do so by application in writing to the Care Tribunal.

(2) An application under this paragraph may be made on the application form available from the Secretary to the Care Tribunal.

(3) An application under this paragraph must be received by the Secretary no later than 28 days after the date of service on the applicant of notice of the decision.

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- (4) An application under this paragraph must –
- (a) give the applicant's name, date of birth and full postal address;
 - (b) give the name, address and profession of the person (if any) representing the applicant;
 - (c) give the address within the United Kingdom to which the Care Tribunal should send documents concerning the appeal;
 - (d) give the applicant's telephone number, fax number and e-mail address and those of the applicant's representative where these are available;
 - (e) identify the decision against which the appeal is brought and give particulars of whether the appeal is against –
 - (i) the refusal of registration of the applicant as a social worker or, as the case may be, a social care worker in the relevant part of the register;
 - (ii) the removal of the applicant from a part of the register;
 - (iii) the suspension, or the refusal to terminate the suspension, of the applicant from a part of the register;
 - (iv) the grant of an application for registration subject to conditions; or
 - (v) the removal, alteration or restoration of an entry relating to the applicant in a part of the register;
 - (f) give a short statement of grounds for the appeal; and
 - (g) be signed and dated by the applicant.
- (5) In this Schedule, "register" means the register maintained by the Council under Section 3(1) of the 2001 Act and "relevant part" of the register means –
- (a) in relation to a social worker, the part of the register for social workers; and
 - (b) in relation to a social care worker of a specified description, the part of the register for a social care worker of that description.

Acknowledgement and notification of application

- 2.—(1) On receiving an application, the Secretary must –
- (a) immediately send an acknowledgement of its receipt to the applicant; and
 - (b) enter particulars of the appeal and the date of its receipt in the records and send a copy of it, together with any documents supplied by the applicant in support of it, to the respondent.
- (2) If, in the Secretary's opinion, there is an obvious error in the application –
- (a) he may correct it;
 - (b) he shall notify the applicant in writing accordingly; and
 - (c) unless within five working days of receipt of notification under head (b) the applicant notifies him in writing that he objects to the correction, the application shall be amended accordingly.

Response to application

- 3.—(1) The Secretary must send the information provided by the applicant under paragraph 1 to the respondent together with a request that he respond to the application within 20 working days of receiving it.
- (2) If the respondent fails to respond as requested, he shall not be entitled to take any further part in the proceedings.

- (3) The response must –
- (a) acknowledge that the respondent has received a copy of the application;
 - (b) indicate whether or not he opposes it, and if he does, why; and
 - (c) provide the following information and documents –
 - (i) the name, address and profession of the person (if any) representing the respondent and whether the Secretary should send documents concerning the appeal to the representative rather than to the respondent;
 - (ii) a copy of the decision which is the subject of the appeal and the reasons for the decision; and
 - (iii) a copy of the relevant entry in the register.
- (4) The Secretary must without delay send to the applicant a copy of the response and the information and documents provided with it.

Misconceived appeals etc.

- 4.—(1) The Chairman may at any time strike out the appeal on the grounds that –
- (a) it is made otherwise than in accordance with paragraph 1;
 - (b) it is outside the jurisdiction of the Care Tribunal or is otherwise misconceived; or
 - (c) it is frivolous or vexatious.
- (2) Before striking out an appeal under this paragraph, the Chairman must –
- (a) invite the parties to make representations on the matter within such period as he may direct;
 - (b) if within the period specified in the direction the applicant so requests in writing, afford the parties an opportunity to make oral representations; and
 - (c) consider any representations the parties may make.
- (3) Where the Chairman strikes out an appeal made under paragraph (1), regulation 25 (costs) shall apply as if the references to “the Care Tribunal” were instead references to “the Chairman”.
- (4) Where, under paragraph (1), the Chairman has made a determination to strike out an appeal (“the determination”), the applicant may apply to the Chairman, for the determination to be set aside.
- (5) An application under paragraph (4) must –
- (a) be made not later than 10 working days after the date upon which notice of determination was sent to the applicant; and
 - (b) must be in writing stating the grounds in full.
- (6) In the case of an application under paragraph (4), the Chairman, may, if he considers that it is appropriate to do so, set aside the determination (including, where applicable, a costs order made pursuant to paragraph (3)), and may give such directions in exercise of his powers under Part IV of these Regulations as he considers appropriate.
- (7) Before setting aside the determination, the Chairman may invite the parties to make representations on the matter within such period as he may direct.
- (8) Where the determination is set aside, the Secretary shall alter the relevant entry in the records.

Further information to be sent by the applicant and the respondent

- 5.—(1) As soon as the respondent has provided the information set out in paragraph 3, the Secretary must write to each party requesting that he send to the Care Tribunal, within 15 working days after the date on which he receives the Secretary’s letter, the following information –

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- (a) the name of any witness whose evidence the party wishes the Care Tribunal to consider (and whether the party may wish the Care Tribunal to consider additional witness evidence from a witness whose name is not yet known) and the nature of that evidence;
- (b) whether the party wishes the Chairman to give any directions or exercise any of his powers under Part IV of these Regulations;
- (c) whether the party wishes there to be a preliminary hearing with regard to directions;
- (d) a provisional estimate of the time the party considers will be required to present his case;
- (e) the earliest date by which the party considers he would be able to prepare his case for hearing; and
- (f) in the case of the applicant, whether he wishes his appeal to be determined without a hearing.

(2) Once the Secretary has received the information referred to in sub-paragraph (1) from both parties, he must without delay send a copy of the information supplied by the applicant to the respondent and that supplied by the respondent to the applicant.

Changes to further information supplied to the Care Tribunal

6.—(1) Either party, within 5 working days of receiving the further information in respect of the other party from the Secretary, may ask the Secretary in writing to amend or add to any of the information given under paragraph 5(1).

(2) If the Secretary receives any further information under sub-paragraph (1) from either party he must, without delay, send a copy of it to the other party.