
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 235

**The Domiciliary Care Agencies
Regulations (Northern Ireland) 2007**

PART III

CONDUCT OF DOMICILIARY CARE AGENCIES

CHAPTER I

QUALITY OF SERVICE PROVISION

Fitness of domiciliary care workers supplied by an agency

[^{F1}13.—[^{F2}(1)] The registered person shall ensure that no domiciliary care worker is supplied by the agency unless—

- (a) he is of integrity and good character;
- (b) he has the experience and skills necessary for the work that he is to perform;
- (c) he is physically and mentally fit for the purposes of the work which he is to perform; ^{F3}...
- (d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 3[^{F4};

[^{F5}but this is subject to paragraphs (2) to (4).]

- [^{F6}(e) subject to sub-paragraphs (f) and (g), he is registered in the relevant part of the register;
- (f) sub-paragraph (e) does not apply to a person who, in order to perform the duties for which the person is so employed is required by any statutory provision, to be registered with any person or body other than the Northern Ireland Social Care Council and is so registered; and
- (g) sub-paragraph (e) does not apply to persons allowed to work as volunteers.]]

[^{F7}(2) Where the conditions set out in paragraph (3) are satisfied, the agency may supply a domiciliary care worker (“P”) to a service user even though the information and documents mentioned in paragraphs 2 and 4 to 12 of Schedule 3 other than details of registration with an appropriate regulatory body are not available.

(3) The conditions are that the registered person must ensure that—

- (a) whichever of the following certificates would be required to be obtained in respect of P under paragraph 12 of Schedule 3 in the absence of paragraph (2) has been applied for—
 - (i) a criminal record certificate pursuant to section 113A of the Police Act 1997, or
 - (ii) an enhanced criminal record certificate pursuant to section 113B of that Act;
- (b) the information and documents mentioned in paragraphs 2 and 4 to 11 of Schedule 3 have been requested; and

- (c) confirmation has been obtained in writing from the Department of Justice that P is not included in the adults' barred lists maintained under Article 6(1)(b) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.
- (4) Where the agency supplies a domiciliary care worker to a service user in the circumstances mentioned in paragraph (2), and the agency is acting otherwise than as an employment agency, the agency must—
- (a) ensure that, so far as is reasonably practicable, an appropriately qualified and experienced member of staff supervises P and is available to be contacted when P is on duty, until the information and documents mentioned in paragraphs 2 and 4 to 12 of Schedule 3 have been obtained; and
 - (b) contact the service user, or the service user's representative, at regular intervals and no less than once per month in order to monitor the service user's satisfaction with the care provided by P, and any complaints that may arise;
 - (c) inform the service user, or the service user's representative, of the position in relation to the information and documents, including when they are available; and
 - (d) terminate the supply of P to the service user where the registered person considers that the information or documents, when available, are not satisfactory.]

- F1** Reg. 13 substituted (6.4.2009) by The Establishments and Agencies (Fitness of Workers) (Amendment No. 2) Regulations (Northern Ireland) 2009 (S.R. 2009/145), regs. 1, **7(1)**
- F2** Reg. 13(1): reg. 13 renumbered (2.4.2020) by The Establishment and Agencies (Fitness of Workers) Regulations (Northern Ireland) 2020 (S.R. 2020/60), regs. 1, **7(2)(a)**
- F3** Word in reg. 13(c) omitted (27.10.2017) by virtue of The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207), regs. 1(1), **12(2)(a)**
- F4** Semicolon in Reg. 13(d) substituted for full stop (27.10.2017) by The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207), regs. 1(1), **12(2)(b)**
- F5** Words in reg. 13(1) inserted (2.4.2020) by The Establishment and Agencies (Fitness of Workers) Regulations (Northern Ireland) 2020 (S.R. 2020/60), regs. 1, **7(2)(a)**
- F6** Regs. 13(e)-(g) added (27.10.2017) by The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207), regs. 1(1), **12(2)(c)**
- F7** Reg. 13(2)-(4) inserted (2.4.2020) by The Establishment and Agencies (Fitness of Workers) Regulations (Northern Ireland) 2020 (S.R. 2020/60), regs. 1, **7(2)(b)**

Commencement Information

- I1** Reg. 13 in operation at 30.4.2007, see **reg. 1**

Changes to legislation:

There are currently no known outstanding effects for the The Domiciliary Care Agencies Regulations (Northern Ireland) 2007, Section 13.