



Department of
Health

An Roinn Sláinte

Máinnystrie O Poustie

www.health-ni.gov.uk

The Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations (Northern Ireland) 2018

A CONSULTATION DOCUMENT

APRIL 2018

FOREWORD

My Department established the Northern Ireland Social Care Council (NISCC) on 1 October 2001 as a Non-Departmental Public Body (NDPB) to regulate the social work and social care workforces in Northern Ireland. Regulation of the workforce contributes to the Department's overall framework, in place, to strengthen safeguards and public protection.

This consultation document seeks your views on a set of draft Regulations which relate to the committees and sub-committees of NISCC. The proposed draft amendments set out in: the Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations (Northern Ireland) 2018, are being made to clarify the Department's policy position for NISCC committees and sub-committees. Whilst the amendments presented in this consultation document are minor technical amendments the changes being proposed are important as they create greater transparency in regards to the appointment of committees and sub-committees of the NISCC, for the benefit of all stakeholders.

Your response to the proposed draft amendments would be most welcome.



Richard Pengelly
Permanent Secretary, Department of Health

Introduction

1. This consultation document seeks views on a set of draft Regulations, the Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations (Northern Ireland) 2018, which amend provisions of the Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001 (“the principal Regulations”).
2. The draft Regulations amend regulation 9 of the principal Regulations, which provides for the meetings and proceedings of the Northern Ireland Social Care Council, to include reference to its committees and sub-committees.

Background

3. The Department established the Northern Ireland Social Care Council on 1 October 2001 as a Non-Departmental Public Body (NDPB). The Northern Ireland Social Care Council is accountable to the Department for the discharge of its statutory duties.
4. The principal Regulations make provision concerning the membership and procedure of the Northern Ireland Social Care Council. Regulation 8 provides for the establishment of committees and sub-committees of the Council, regulation 9 and Standing Orders made under paragraph (2) of that regulation, and the Schedule to the principal Regulations deal with the conduct of meetings and proceedings.

Description of the draft Regulations

5. The draft Regulations attached at Appendix 1 contain regulations 1 and 2 which relate to general matters of citation, commencement and interpretation.
6. Regulation 3 amends regulation 9 of the principal Regulations substituting a new paragraph (2) which makes provision for the meetings and proceedings of any committee or sub-committee of the Council to be conducted in accordance with Standing Orders made under paragraph (3).

Equality and Human Rights Implications

7. Section 75 of the Northern Ireland Act 1998 requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:
 - persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
 - men and women generally;
 - persons with a disability and persons without; and
 - persons with dependants and persons without.
8. In addition, and without prejudice to the above obligations, public authorities should also, in carrying out their functions relating to Northern Ireland, have

regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

9. In accordance with guidance produced by the Equality Commission for Northern Ireland and in keeping with Regulation 75 of the Northern Ireland Act 1998, the amendments proposed in the Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations (Northern Ireland) 2018 have been equality screened and a preliminary decision has been taken that a full EQIA is not required. In addition, it is considered that the provisions of the Regulations are compatible with the European Convention on Human Rights and the European Convention on the Rights of the Child.
10. Departments have an obligation to act in accordance with the Human Rights Act 1998, introduced in October 2000, and the European Convention on Human Rights. The Human Rights Act gives legal force to the concepts of dignity, respect, equality and fairness. In relation to human rights, the purpose of screening is to identify:
 - whether the policy/decision is likely to engage a person's human rights and, if so, what nature this engagement is (positive, negative or neutral);
 - if negative, who is impacted and how; and
 - any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to that particular policy/decision.

Regulatory Impact Assessment

11. Regulatory Impact Assessments are carried out for purposes of determining whether policy proposals are likely to have any direct or indirect impact on businesses or on the voluntary/community sector.
12. As the amendments in the Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations (Northern Ireland) 2018 will not adversely impact on business or charities and it is not anticipated that involvement of statutory or voluntary sector agencies will impose any greater burden than they already carry in relation to their existing statutory duties, a full Regulatory Impact Assessment is not required.

Rural Impact Assessment

13. In developing the proposed amendments contained in the Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations (Northern Ireland) 2018, consideration has been given to rural needs but, as geographical location is not a major factor, the amendments are not deemed to impact on the rural needs of the people in Northern Ireland nor will they present any specific or differential rural impacts.

How to respond to this consultation

- 14.** Responses to the proposals outlined in this consultation document should be made using the enclosed questionnaire. They should arrive no later than Friday 18th May 2018.

STATUTORY RULES OF NORTHERN IRELAND

2018 No. XXX

HEALTH AND PERSONAL SOCIAL SERVICES

The Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations (Northern Ireland) 2018

Made - - - - * * *

Coming into operation - * * *

The Department of Health⁽¹⁾ in exercise of the powers conferred on it by sections 1(4) and 57(3) of, and paragraph 5 of Schedule 1 to, the Health and Personal Social Services Act (Northern Ireland) 2001⁽²⁾ and of all other powers enabling it in that behalf makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations (Northern Ireland) 2018 and shall come into operation on 1st June 2018.

2. In these Regulations “the principal Regulations” means the Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001⁽³⁾

Amendment of regulation 9 of the principal Regulations

3.—(1) For regulation 9 of the principal Regulations (meetings and proceedings) substitute—

“9.—(1) The meetings and proceedings of the Council shall be conducted in accordance with the provisions set out in the Schedule and with Standing Orders made under paragraph (3).

(2) The meetings and proceedings of any committee or sub-committee of the Council shall be conducted in accordance with Standing Orders made under paragraph (3).

(3) Subject to regulation 10 (*Disclosure of pecuniary interest and exclusion of chairman and members in proceedings on account of pecuniary interest*); the provisions set out in the Schedule; and to such directions as may be given by the Department, the Council shall make, and may vary or revoke, Standing Orders for the regulation of its proceedings and business and the proceedings and business of any committee or sub-committee of the Council, including provision for the suspension of the Standing Orders or any of them.

(4) The proceedings of the Council and any committee or sub-committee of the Council shall not be invalidated by any defect in the appointment of a member.”.

(1) Formerly the Department of Health, Social Services and Public Safety: see 2016 c. 5 (N.I.), s. 1(5)
(2) 2001 c. 3
(3) 2001 No. 313

Sealed with the Official Seal of the Department of Health on 25th May 2018.
(L.S.)

Name
A senior officer of the
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001 to include reference to any of the Council's committees and sub-committees and in so doing reflect the original policy intent.