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2001 CHAPTER 3

PART I

SOCIAL CARE WORKERS

Training

Approval of courses, etc.

10.—(1) The Council may, in accordance with rules made by it, approve courses in relevant social work for persons who are or wish to become social workers.

(2) An approval given under this section may be either unconditional or subject to such conditions as the Council thinks fit.

(3) Rules made by virtue of this section may in particular make provision—

- [^{F1}(a) about the provision of courses, including their content and methods of completing them;]
- (b) as to the provision to the Council of information about courses;
- (c) as to the persons who may participate in courses, or in parts of courses specified in the rules;
- (d) as to the numbers of persons who may participate in courses;
- (e) for the award by the Council of certificates of the successful completion of courses;
- (f) about the lapse and renewal of approvals; and
- (g) about the withdrawal of approvals.

(4) The Council may—

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- (a) conduct, or make arrangements for the conduct of, examinations in connection with such courses as are mentioned in this section or section 14; and
- (b) carry out, or assist other persons in carrying out, research into matters relevant to training for relevant social work.

(5) A course for persons who wish to become social workers shall not be approved under this section unless the Council considers that it is such as to enable persons completing it to attain the required standard of proficiency in relevant social work.

(6) In subsection (5) “the required standard of proficiency in relevant social work” means the standard described in rules made by the Council.

(7) The Council shall from time to time publish a list of the courses which are approved under this section.

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Qualifications gained outside Northern Ireland

11.—(1) An applicant for registration as a social worker satisfies the requirements of this section if—

- (a) being a national of any EEA State—
 - (i) he has professional qualifications, obtained in an EEA State other than the United Kingdom, which the Department has by order designated as having Community equivalence for the purposes of such registration; and
 - (ii) he satisfies any other requirements which the Council may by rules impose; or
- (b) he has, elsewhere than in Northern Ireland, undergone training in relevant social work and either—
 - (i) that training is recognised by the Council as being to a standard sufficient for such registration; or
 - (ii) it is not so recognised, but the applicant has undergone in Northern Ireland or elsewhere such additional training as the Council may require.

(2) An order under subsection (1)(a) may provide that a professional qualification designated by the order is to be regarded as having Community equivalence for the purposes of registration as a social worker only if prescribed conditions required by a directive issued by the Council of the European Communities are fulfilled; and different conditions may be prescribed with respect to the same qualification for different circumstances.

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(3) Any person who—

- (a) is not a national of an EEA State; but
- (b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68 (on freedom of movement for workers within the Community) or any other enforceable Community right, entitled to be treated, as regards the right to engage in relevant social work, no less favourably than a national of such a State,

shall be treated for the purposes of subsection (1)(a) as if he were such a national.

(4) In this section—

“EEA State” means a Contracting Party to the EEA Agreement;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“national”, in relation to an EEA State, means the same as it does for the purposes of the Community Treaties.

Post registration training

12.—(1) The Council may make rules requiring persons registered under this Part in any part of the register to undertake further training.

(2) The rules may, in particular, make provision with respect to persons who fail to comply with any requirements of rules made by the Council, including provision for their registration to cease to have effect.

(3) Before making, or varying, any rules by virtue of this section the Council shall take such steps as are reasonably practicable to consult the persons who are registered in the relevant part of the register and such other persons as the Council considers appropriate.

Visitors for certain social work courses

13.—(1) The Council may by rules make provision for the visiting of places at which or institutions by which or under whose direction—

- (a) any relevant course (or part of such a course) is, or is proposed to be, given; or
- (b) any examination is, or is proposed to be, held in connection with any relevant course.

(2) The rules may make provision—

- (a) for the appointment of visitors;
- (b) for reports to be made by visitors on—

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- (i) the nature and quality of the instruction given, or to be given, and the facilities provided or to be provided, at the place or by the institution visited; and
 - (ii) such other matters as may be specified in the rules;
 - (c) for the payment by the Council of fees, allowances and expenses to persons appointed as visitors;
 - (d) for such persons to be treated, for the purposes of Schedule 1, as members of the Council's staff.
- (3) In subsection (1) “relevant course” means—
- (a) any course for which approval by the Council has been given, or is being sought, under section 10; or
 - (b) any training which a person registered as a social worker may be required to undergo after registration.

Functions of the Department

14.—(1) The Department has the function of—

- (a) ascertaining what training is required by persons who are or wish to become social care workers;
- (b) ascertaining what financial and other assistance is required for promoting such training;
- (c) encouraging the provision of such assistance;
- (d) drawing up occupational standards for social care workers.

(2) The Department shall encourage persons to take part in courses approved by the Council under section 10 and other courses relevant to the training of persons who are or wish to become social care workers.

(3) If it appears to the Department that adequate provision is not being made for training persons who are or wish to become social care workers, the Department may provide, or secure the provision of, courses for that purpose.

(4) The Department may, upon such terms and subject to such conditions as it considers appropriate—

- (a) make grants, and pay travelling and other allowances, to persons resident in Northern Ireland in order to secure their training in the work of social care workers;
- (b) make grants to organisations providing training in the work of social care workers.

(5) Any functions of the Department under this section—

- (a) may be delegated by it to the Council; or

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(b) may be exercised by any person, or by employees of any person, authorised to do so by the Department.

(6) Articles 13 to 15 of the Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11) apply in relation to an authorisation given under subsection (5)(b) as they apply in relation to an authorisation given under Part III of that Order; and in subsection (5)(b) “employee” has the same meaning as in that Order.

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