



Ag Rialáil Gairmithe Sláinte
agus Cúraim Shóisialaigh

Regulating Health +
Social Care Professionals

Public Consultation Report

**Social Workers Registration Board Criteria for
restoration to the register bye-law 2012**

November 2012



Contents

About the Social Workers Registration Board	2
The Public Consultation Process	2
Overview of Responses to Consultation	3
Conclusion	10
Appendix 1: Proposed Bye-Law	
Appendix 2: Advertisement placed in national media	
Appendix 3: Press release issued	
Appendix 4: Copy of Online Feedback Form	



About the Social Workers Registration Board

The Social Workers Registration Board has statutory responsibility for the registration of members of the profession, maintaining the register of members; approval and monitoring of education and training programmes; establishing the code of professional conduct and ethics and standards of performance to which social workers must adhere and recognition of qualifications gained outside the State.

It was the first of twelve Boards to be established at CORU, the umbrella body for the regulation of 12 health and social care professions.

The Public Consultation Process

Background

Following their registration, a Social Worker may be removed from the Register for a number of reasons:

- a) the Social Workers Registration Board may remove from the Register the name of a registrant who applies to the Board for voluntary removal.
- b) the Health and Social Care Professionals Council may direct the Social Workers Registration Board to remove from the Register the name of a registrant who fails to pay their annual retention fee.

The Board is required by the Health and Social Care Professionals Act 2005 to make a bye-law to set out the criteria for restoration to the Register of:

- a) a registrant who voluntarily withdraws from the Register and;
- b) a registrant who is removed from the Register because they failed to pay the annual renewal fee.

In September 2012, CORU launched a public consultation seeking the views of the public, the professions and other interested parties on the bye-law before making the Bye-law with the approval of the Health and Social Care Professionals Council.

Publicising the Consultation Process

A number of channels were used to publicise the consultation process and invite the submission of observations. These included:

- An advertisement was placed in the Irish Independent on Thursday 30 August 2012 (see Appendix 2).
- A press release was issued to the following medical publications: Irish Medical News, Irish Medical Times, Medical Independent and Health Matters. See Appendix 3 for a copy of the press release issued.



- An online feedback form was developed and the link, along with an explanation of the consultation, was emailed to all registered social workers. The email was also sent to a targeted list of over 1,000 stakeholders, including the Professional Bodies, Trade Unions, educators and other interested parties who have previously corresponded with CORU (see Appendix 4).
- Information on the consultation, along with a link to the online feedback form, was hosted on the CORU website.

People were invited to participate in the consultation process in a number of ways:

- They could ring CORU to request a copy of the draft bye-law and to offer feedback
- They could visit CORU's office to view the draft bye-law and give their feedback in person.
- They could visit www.coru.ie and choose to complete an online feedback form, to print a copy of the form and post it, or email it to CORU.
- They could email submissions to consultation@coru.ie

Overview of Responses to Consultation

9 responses were received to the public consultation:

Email	1
Telephone	0
Online feedback form	8
Post	0

Online Feedback Form

Respondents were asked to identify if they were offering feedback on their own behalf or on behalf of an organisation.

Individual	7
Organisation	1
Unknown	0

Submissions were received on behalf of the following organisations:

- Irish Society of Chartered Physiotherapists
- Data Protection Commissioner



Questions asked and overview of responses received

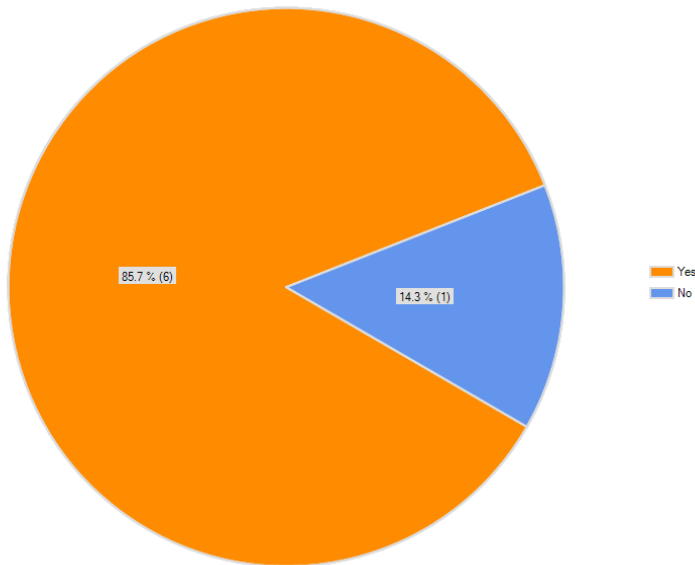
Question 1:

Is the language used in the bye-law clear and easy to follow and understand?

Responses Received:

Yes - 86%

No – 14%



Our Response:

Some feedback was received that the questions asked in the online feedback form were not easy to understand. We will take this feedback on board for future consultations.

Question 2:

Within 6 months of the date of voluntary removal, an applicant must complete a restoration application form. Please provide any comments you have.

Summary of responses received:

This requirement was said to be reasonable.

The issue of being removed from the register due to failure to pay the fee was described as “insufficient grounds” by one respondent.

It was also expressed that if a registrant is voluntarily removed from the register, then the onus should be on the applicant to make a new application regardless of how long since they have been removed.



Our Response:

Payment of the annual retention fee is set down as a requirement for retention of registration in the Health and Social Care Professionals Act.

Payment of the fee is essential to ensure the work of CORU is adequately resourced in order to fulfil our legislative mandate and carry out our work.

In order to facilitate registrants who may wish, for professional or personal reasons, to take a break from the practice of their profession for up to two years, the Board does not consider it necessary that a full registration application be required on restoration within this time. This applies where the registrant has informed the Board of their wish to be removed voluntarily from the register and outlined their reasons for wishing to be removed.

There will be a single restoration application form:-

- a) Registrants who have been removed from the register voluntarily and are off the register for up to two years, must use the form to apply for restoration to the register.
- b) Registrants who have been removed for non-payment of annual retention fees and are seeking restoration within six months of when the payment became due, must also complete the restoration form.

Certain sections of the form will only apply to those who have been removed voluntarily from the register and have been off the register for more than six months. The aim of these sections is to ascertain employment details of a person while off the register, details regarding practice of the profession outside of the State, and to establish that the registrant remains a fit and proper person to practise their profession.

Question 3:

Between 6 months and two years after the date of voluntary removal, an applicant must complete a restoration application form. Please provide any comments you have.

Summary of responses received:

This requirement was said to be reasonable.

The situation of people on maternity leave was raised. Maternity leave can amount to 10 months if paid and unpaid leave is taken and, in this situation, it was felt that twelve months to two years would be a more reasonable requirement.

Our Response:

A person who removes themselves voluntarily from the register will only have to complete a new application for registration if they are off the register for more than two years. However, they must complete a restoration application form if they have been off the register less than two years.



Question 4:

Between 6 months and two years after the date of voluntary removal, an applicant must:

- Provide the Board with details of their occupation and any employment (paid or unpaid) during the period since their name was removed
- If practising as a social worker outside the State, provide particulars and a certificate of good standing from the equivalent regulatory body in that State.

Please provide any comments you have.

Summary of responses received:

This requirement was said to be reasonable.

The issue of people returning to work in Ireland from another country where a regulatory body may not exist was raised with the point being made that the option of a reference from a Line Manager should be considered in such a situation.

Our Response:

Under current practice, the Board will attempt to establish whether a regulatory body exists in another country. Where there is none or where no reliable information is forthcoming, the Board may consider other appropriate evidence from the individual seeking to reassure the Board that they are of good standing.

Question 5:

Between 6 months and two years after the date of voluntary removal, an applicant must satisfy the Board that they are a fit and proper person to engage in the practice of the profession of social work. To demonstrate this they must

- a) Submit a Garda Vetting declaration form
- b) Complete and sign a declaration as to health and character
- c) Complete and sign a declaration that they know of no reason why their name should not be restored to the Register
- d) Confirm that they have read, understood and agree to comply with the Code of Professional Conduct and Ethics for Social Workers

Please provide any comments you have.

Summary of responses received:

These requirements were said to be reasonable.



A question was raised as to whether or not the Board will have to wait for Garda vetting before agreeing to restoration or if it will accept the declaration and allow registration.

In relation to an applicant seeking to be restored to the Register between 6 months and two years after the date of voluntary removal being required to complete and sign a declaration as to health and character, the Data Protection Commissioner said they would not seek to raise an issue where the questions posed are in line with those already used in Section 3 of the CORU application form.

In relation to Regulation 3(3)(a) & (b) in the Bye-Law, the Data Protection Commissioner felt that these provisions appear to be very broad in nature and suggested that "as reasonably required" by the Board could be included to ensure that all such requests for information are subject to a "reasonableness" test.

Our Response:

Garda vetting disclosure information helps the Board in satisfying itself that the person continues to meet the fit and proper requirements of registration. For this reason, it is important that Garda vetting disclosure information is obtained before a registrant resumes practice.

The questions will be in line with those already in Section 3 of the CORU registration application form.

The requirements of Regulation 3(3)(a) and (b) reflect the provisions under Section 37(3) of the HSCP Act 2005 which states:

"The registration board may:

- (a) verify or require the applicant to verify anything contained in the application,
- (b) request the applicant to supply to the board, within a reasonable time specified by the board, further information relating to the application, and
- (c) require that information requested under paragraph (b) be supplied by means of a statutory declaration."

Question 6:

A person must make a new application for registration if they want to return to the Register more than two years after the date of voluntary removal or more than 6 months after the annual renewal date where they have been removed from the register for failure to pay the annual fee.

Summary of responses received:

This requirement was said to be reasonable.

A view was expressed that this requirement was too onerous and that a genuine inability to pay the fee should not result in removal from the register.



Our Response:

In the case of those who have been removed for non-payment of fees, there is no provision in the Act to allow these to be restored to the register after 6 months of the due date for their fee. Therefore a new application is required. (Please note, however, that we will not require copies of valid documents that we already hold on file)

In the case of a registrant having removed themselves voluntarily and is off the register for more than two years, the Board deems that a new application is the best way to record and assess changes to a registrant's circumstances in the intervening period.

Question 7:

Please provide any additional comments on the draft bye-law here

Summary of responses received:

The situation of young practitioners emigrating to gain employment and returning at short notice to find they have to make a new application was raised with the suggestion being made that CORU undertake a campaign to ensure that practitioners are aware of these requirements or that CORU allow a restoration process up to 2 years.

It was also felt that there needs to be a discussion around what constitutes grounds for removal from the register i.e. what is deemed to be a breach of the Code of Professional Conduct and Ethics and is there a weighting.

Further information was also sought on how breaches are to be investigated, what right of reply there will be in respect of complaints made and whether or not legal representation will be available.

Our Response:

When a person is removed from the register, either voluntarily or for non-payment, they will be written to with an explanation of what they must do in order to return to the Register. In the case where Garda vetting is required, it is important that the person knows that up to three months may be required to process Garda vetting. This will be communicated to registrants.

The purpose of the bye-law is to set the criteria for restoration within two years of voluntary removal. The Code of Professional Conduct and Ethics is not directly relevant to this bye-law.

Question 8:

Did you find this consultation feedback form useful?

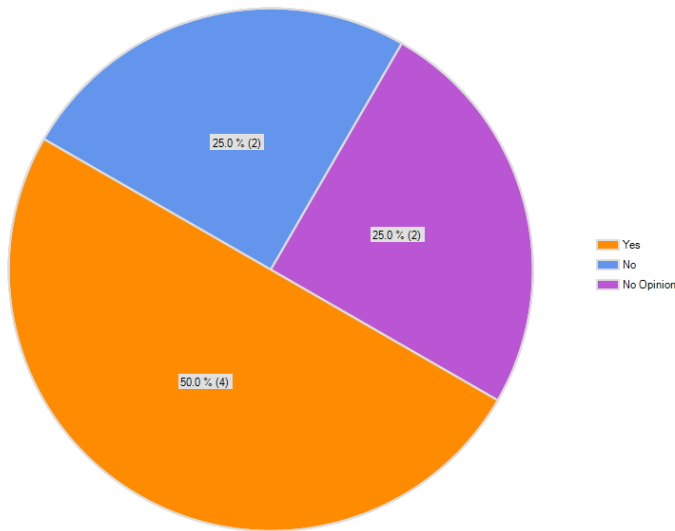


Response:

Yes – 50%

No – 25%

No Opinion – 25%



Summary of Responses Received:

Feedback was received that the language used in the online form was “over-complicated”.

It was felt that the recommendations in the bye-law are reasonable but that if there are any concerns from the professional body about particular requirements it may have been useful to hear them.

The retention fee payable by registrants was also raised.

Our Response:

It is not our intention to make the language ‘over-complicated’. However, the language must be appropriate to the legal context.

Conclusion

The feedback received demonstrated broad agreement with the principles of the bye-law and no amendments were made to the bye-law. However, the issues raised have informed the development of our restoration process and will be incorporated into our administrative procedures in dealing with applications for restoration.



CORU is committed to producing information materials which are clear and easy to understand. We are grateful to the people who provided feedback on the consultation process and we will take it on board for future consultations.

Acknowledgements

CORU would like to extend our appreciation and thanks to all those that participated in the consultation process.



Appendix 1: Copy of the Draft Bye-Law

S.I. No. of 2012

SOCIAL WORKERS REGISTRATION BOARD CRITERIA FOR RESTORATION TO THE REGISTER BYE-LAW 2012

The Social Workers Registration Board, in exercise of the powers conferred on it by section 31 of the Health and Social Care Professionals Act 2005, with the approval of the Health and Social Care Professionals Council, hereby makes the following bye-law:

1. (1) The bye-law may be cited as the Social Workers Registration Board Criteria for Restoration to the Register Bye-law 2012.

 (2) The bye-law comes into operation on [INSERT DATE] 2012.

2. (1) In this bye-law –

 “the Act” means the Health and Social Care Professionals Act 2005 (Number 27 of 2005);

 “the applicant” means a person who submits an application to the board for restoration to the register;

 “the board” means the Social Workers Registration Board established under section 26(1)(k) of the Act ; and

 “register” means the register of the Social Workers Registration Board established and maintained under section 36 of the Act.

 (2) In this bye-law any phrase introduced by the terms “including”, “include”, “in particular” or other similar expression shall be construed



as illustrative and shall not limit the sense or meaning of the words preceding those terms.

- (3) For the purposes of paragraph 3(2), an applicant shall be deemed to have applied for restoration upon the date the board receives an application for restoration under paragraph 3(2) from the applicant.

3. For the purposes of section 39(2)(c) of the Act, the board has determined that a person must meet the following criteria for restoration to the register:

- (1) If an applicant applies for restoration within 6 months of the date of removal of his or her name from the register, an applicant must
 - (a) Complete a restoration application form and submit it to the board.
- (2) If an applicant applies for restoration 6 or more months after, and within 2 years (or such other period as the board may determine from time to time) of, the date of removal of his or her name from the register, an applicant must:
 - (a) Complete a restoration application form and submit it to the board;
 - (b) Provide the board with details of his or her occupation and any employment (whether paid or unpaid) during the period since his or her removal from the register;
 - (c) in circumstances where he or she engaged in the practice of the profession of social work outside the State since his or her removal from the register, provide particulars regarding his or her practice of the profession of social work outside the State, as appropriate and provide a certificate of good standing/ current professional status or equivalent from the regulatory body in the country where he or she engaged in such practice, where appropriate; and
 - (d) satisfy the board that he or she is a fit and proper person to engage in the practice of the profession of social work and



- (i) submit a signed Garda Vetting disclosure form to the board permitting An Garda Síochána to furnish the board with a statement that there are no convictions registered against the applicant or a statement of all convictions and/or prosecutions, successful or not, pending or completed, in the State or elsewhere as the case may be;
 - (ii) complete and sign a questionnaire together with such supplementary information as may be required, in a format satisfactory to the board as to health and character;
 - (iii) complete and sign a declaration that he or she knows of no reason why his or her name should not be restored to the register; and
 - (iv) complete and sign a declaration that he or she has read, understood and agrees to comply with the Code of Professional Conduct and Ethics for Social Workers.
- (3) An applicant shall:
- (a) verify any information or details contained in his or her application for restoration where required by the board;
 - (b) supply to the board any further information relating to the application for restoration where requested by the board and within such period of time as may be specified by the board;
 - (c) provide any information which is required in connection with an application for restoration to the register to be supplied by means of a statutory declaration where required by the board; and
 - (d) comply with such requirements of the board (as amended, revoked or substituted from time to time) in respect of the education, training and continuing professional development of registered social workers as may apply.

4. A person who applies for restoration to the register:



- (1) pursuant to section 40(2) of the Act 6 or more months after the date on which the required fee became due; or
- (2) pursuant to section 39(2) of the Act 2 or more years (or such other period as the board may determine from time to time) after the date of that person's removal from the register pursuant to a voluntary application for removal;

shall not be considered by the board and instead the board shall notify that person of the requirement for him or her to make a new application for registration in accordance with section 37 of the Act.



GIVEN under the seal
of the Social Workers Registration Board

[INSERT DATE] 2012

Chairperson, Social Workers Registration Board

and

Member, Social Workers Registration Board



EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

This bye-law sets out the criteria for restoration to the register established by the Social Workers Registration Board for applicants who had been voluntarily removed from the register under section 39.



Appendix 2: Copy of Advertisement



Ag Rialáil Gairmithe Sláinte
agus Cúraim Shóisialaigh
Regulating Health +
Social Care Professionals

Public Consultation

The Social Workers Registration Board wants to hear the views of the public, the profession and other interested parties on a draft bye-law on the criteria for restoration to the Register for Social Workers who have been voluntarily removed from the Register and Social Workers who have been removed from the Register due to failure to pay the annual retention fee by the due date.

Further information on the consultation including the text of the bye-law and a feedback form can be found on www.coru.ie or by contacting us on 01 2933160 or emailing consultation@coru.ie

The closing date for submitting comments is 5.00pm on Thursday, 27 September 2012.

Submissions received after this date will not be considered.

CORU is the registered business name of the Health and Social Care Professionals Council and the Social Workers Registration Board. CORU is responsible for protecting the public by regulating health and social care professionals. It includes the Health and Social Care Professionals Council and the 12 registration boards being established under the Health and Social Care Professionals Act 2005.



Appendix 3: Press Release

Public Consultation Launched on Bye-Law Governing Restoration to Social Workers Register

30 August 2012: The Social Workers Registration Board has today launched a public consultation process on a draft bye-law governing restoration to the Social Workers Register for a person who has come off the Register.

A person can come off the Register on a voluntary basis or due to non-payment of the annual retention fee within the required time. The draft bye-law deals with the steps a person must take in order to have their name returned to the Register.

Launching the public consultation, Ginny Hanrahan, Registrar, explained that: “The Social Workers Registration Board’s goal is to protect the public by fostering high standards among the professionals required to register with us. We must ensure that we have robust registration processes in place so that the public can have confidence in the profession of Social Work”.

The Social Workers Registration Board has statutory responsibility for the registration of members of the profession; approval and monitoring of education and training programmes; establishing the code of professional conduct and ethics and standards of performance to which social workers must adhere and recognition of qualifications gained outside the State. It was the first of twelve Boards to be established under the remit of CORU, the multi-profession regulator for the health and social care professions.

A copy of the bye-law can be viewed on www.coru.ie or can be requested by emailing consultation@coru.ie or contacting the Board on 01 2933160.

Feedback can be provided by filling in an online feedback form available on www.coru.ie, by emailing consultation@coru.ie, or in writing to Public Consultation, CORU, 13 - 15 The Mall, Beacon Court, Bracken Rd., Sandyford, Dublin 18.

The consultation process will close at 5.00pm on Thursday 27 September. Any submissions received after this time will not be considered.

ENDS



Appendix 4: Copy of Online Feedback Form



Ag Rialáil Gairmithe Sláinte
agus Cúraim Shóisialaigh
Regulating Health +
Social Care Professionals

Public Consultation on Bye-Law governing Restoration to the Register for Social Workers

Thank you for taking the time to participate in CORU's consultation process on a byelaw governing restoration to the Register for Social Workers. This feedback form will take approximately fifteen minutes to complete.

The Social Workers Registration Board is responsible for protecting the public by fostering high standards of professional conduct, education, training and professional competence among Social Workers. The Social Workers Register opened on 31 May 2011.

Social worker who voluntarily removed his or her name from the Register: The Social Workers Registration Board may remove from the Register the name of a registrant who applies to the Board for his or her voluntary removal. The draft byelaw sets out the criteria for the restoration to the Register of this registrant.

Social worker who has been removed from the Register for failure to pay the annual retention fee: The Health and Social Care Professionals Council may direct the Social Workers Registration Board to remove from the Register the name of a registrant who fails to pay his or her annual retention fee. A registrant can apply to have his or her name restored to the register within 6 months of the due date of the annual retention fee. This bye-law states that a registrant who seeks to be restored to the Register more than 6 months after the due date for the annual retention fee must make a new application for registration.

The byelaw does not relate to the fees payable on application for restoration to the register or for reregistration.

If you have any queries about the consultation process or completing the survey, please contact CORU on 01 2933160 or email consultation@coru.ie.

The closing date for receipt of submissions is 5:00pm on Thursday 27 September. Any submissions received after that date will not be considered.

We are currently developing a system of statutory registration for health and social care professionals. The purpose of this regulation is to protect the public. We want to hear the views of the public and the profession and by participating in this consultation process you are helping to shape how social workers are regulated.

Ginny Hanrahan

Registrar



Contact Details:

You do not need to provide this information but please do if you would like us to provide you with details on the outcome of this consultation process.

First Name: _____
Surname: _____
Email: _____
Telephone Number: _____

Would you like to be added to our database so we can contact you regarding future developments? Please say YES or NO

**Are you contributing to this survey in
(please tick one)**

a personal capacity? _____

on behalf of an organisation? _____

If on behalf of an organisation, please specify): _____

**How did you hear about this consultation?
(please tick as many as apply)**

Advertisement in a newspaper _____

Article in a publication _____

On www.coru.ie _____

On another website _____

By email _____

Other (please specify) _____





Question 1: Is the language used in the bye-law clear and easy to follow and understand?

Yes _____

No _____

Question 2: Within 6 months after the date of voluntary removal, an applicant must complete a restoration application form. Please provide any comments you have:

Question 3: Between 6 months and two years after the date of voluntary removal, an applicant must complete a restoration application form. Please provide any comments you have:

Question 4: Between 6 months and two years after the date of voluntary removal, an applicant must:

- provide the Board with details of their occupation and any employment (paid or unpaid) during the period since their name was removed
- if practising as a social worker outside the State, provide particulars and a certificate of good standing from the equivalent regulatory body in that state.

Please provide any comments you have:



Question 5: Between 6 months and two years after the date of voluntary removal, an applicant must satisfy the Board that they are a fit and proper person to engage in the practice of the profession of social work. To demonstrate this they must:

- a) Submit a Garda Vetting declaration form
- b) Complete and sign a declaration as to health and character
- c) Complete and sign a declaration that they know of no reason why their name should not be restored to the Register
- d) Confirm that they have read, understood and agree to comply with the Code of Professional Conduct and Ethics for Social Workers

Please provide any comments you have:

Question 6: A person must make a new application for registration if they want to return to the Register more than two years after the date of voluntary removal OR more than 6 months after the annual renewal date where they have been removed from the register for failure to pay the annual fee. Please provide any comments you have:



Question 7: Please provide any additional comments on the draft bye-law here:

Question 8: Did you find this consultation feedback form useful?

Yes

No

Thank you for participating in this consultation process. Your views will be taken into consideration. If you have provided your contact details you will be contacted with details on the outcome of this process.

If you have any queries please contact CORU on 01 2933160 or email consultation@coru.ie