



**Professional registration and employment considerations for  
registered nurses who work in social care settings in  
Northern Ireland**

The range of environments in which registered nurses work is continuously developing in response to the needs of patients and clients. One of the most significant developments in terms of the provision of health and social care in Northern Ireland has been the growth of community-based care for people with mental ill-health and people with a learning disability.

As a result, registered nurses who were formerly employed in hospital settings are now increasingly providing care via a social care model, supporting people to live as independently as possible in the community.

### **Compulsory registration of the social care workforce**

The Northern Ireland Social Care Council [NISCC] is the regulatory body charged with registering and regulating the social care workforce; that is, staff employed in social care roles who work in adult residential care homes, nursing homes, day care settings, domiciliary care settings (including supported living services) and children's homes. The legislation clearly states that staff working in social care settings fall under the definition of social care worker, regardless of their actual job title. This applies even if a social care worker is a registered nurse.

The Health and Personal Social Services Act (Northern Ireland) 2001 determines at Section 2 (2), that a social care worker means a person who:

- a) engages in relevant social work
- b) is employed at -
  - i. a children's home
  - ii. a residential home
  - iii. a nursing home
  - iv. a day care setting
  - v. a residential family centre
- c) manages an establishment mentioned in paragraph (b): or,
- d) is supplied by a domiciliary care agency to provide personal care to people in their own homes who, for reasons of illness, infirmity or disability are unable to provide it for themselves without assistance.

In 2013, legislation was enacted that provided NISCC with powers for the compulsory registration of social care workers, prohibiting any social care worker

from working in a children's home, a residential care home or a nursing home unless they are registered with NISCC.

The legislation, however, provides for some exceptions to compulsory registration with NISCC. Those who are excepted from the definition of social care worker include individuals who are registered with any of a number of specified regulatory bodies. The Nursing and Midwifery Council [NMC] is identified as one such regulatory body. Nurses who are registered with the NMC are therefore excepted within the relevant regulations from compulsory registration with NISCC if they have a valid NMC registration. A nurse who works in a social care setting and is designated as a social care worker can choose to have dual registration with the NMC and the NISCC. However, there is no requirement to do this. **Any nurse registered with the NMC who is working in a social care setting does not need to register with NISCC as long as they maintain a live registration with the NMC.**

### **Registration requirements when working in services registered and regulated by the Regulation and Quality Improvement Authority**

Health and social care services that are required to register with the Regulation and Quality Improvement Authority [RQIA] and which are subject to regulation and inspection are defined in legislation. These include the range of social care services, such as supported living services (which are defined as domiciliary care - a service delivered in a person's own home) and residential care homes.

#### **Registered Manager**

The Northern Ireland Department of Health sets out regulations and minimum standards for each service type. The qualifications and experience required for registration as the manager of each service type are detailed in Department of Health relevant minimum standards documents. The qualification(s) and associated professional registration requirements are:

- (a) A professional social work qualification and registration on the appropriate part of the NISCC register without condition; or
- (b) A first level registered nurse qualification on the appropriate part of the NMC register; or
- (c) allied health professions registration with the Health Professions Council [HPC].

Registered nurses who are registered managers of social care services are therefore required to either maintain their registration with NMC or register with NISCC.

## **Social care staff**

Each set of Department of Health minimum standards includes a specific standard regarding the recruitment of staff. Minimum standards require that the “registration status with relevant regulatory bodies is confirmed” as part of the staff recruitment process. The minimum standard can be considered to have been met as long as a social care worker is registered with the appropriate and relevant regulatory body, as defined in the social care workforce regulations.

## **Revalidation**

Social care and the integration of health and social care varies across the four countries of the UK. In some roles, registered nurses are providing nursing care and support to meet the needs of those in their care, some of whom have very complex nursing needs. Registered nurses working in social care settings may be using their nursing skills extensively to meet the needs of some individuals requiring their care and support. The NMC has confirmed that it does not perceive a barrier for a registered nurse working in a social care model of care in Northern Ireland from being registered with the NMC so long as each registrant is able to demonstrate that they are relying on their nursing knowledge and skills. This means that, for the purposes of revalidation with the NMC, a registrant will have to meet the practice hour’s requirement and will have to demonstrate that, in their practice, they are relying on their nursing knowledge and skills. It is the responsibility of the individual registrant to ensure that they meet the requirements for revalidation. It is also important that the registrant references the NMC standards for competence for registered nurses, which detail the standards that must be maintained consistently throughout the careers of all nurses.

Individuals may choose to register and maintain registration with both the NMC and NISCC. In these circumstances, the individual will be subject to the requirements of registration and maintaining registration with both the NMC and NISCC.

## **Employment contract issues**

Almost all staff employed by the HSC are covered by the standard terms and conditions of employment as outlined in the *NHS terms and conditions of service handbook (amendment number 36) October 2016*. The only exceptions are doctors, dentists and some very senior managers. Therefore, all RCN members employed by the HSC enjoy identical terms and conditions of employment, irrespective of whether their role is defined as nursing or social care. In any change management circumstance where staff are in a potential redeployment situation with their employer, we advise members to seek advice from the RCN.

## **The Health and Social Care Pension Scheme**

The pension arrangements for HSC employers have a number of historical elements. The pension scheme has been revised and altered on a number of occasions. Employees may be in different parts of the scheme or have protected benefits depending on their length of service. Most significantly, certain employees may be covered by special class provisions. These provisions are part of the 1995 scheme and were discontinued for new entrants in the subsequent reforms leading to the 2008 and 2015 schemes. Special class status allows members to retire earlier (at 55 instead of 60) without a reduction in their pension or, in the case of those with Mental Health Officer [MHO] status, to accumulate pensionable service at a faster rate.

The scheme regulations state the requirements for special class status. This provision allows members to have a normal pension age of 55 rather than 60. Special class members can retire at 55 without any reduction in pension benefits. In order to qualify for special class status, an individual must be employed as either a nurse, health visitor or midwife, a physiotherapist, a nursing auxiliary or a health care assistant. There is specific advice from the Pensions Agency for people employed as managers in relevant services.

MHO status provides additional benefits for a defined group of staff working in mental health services. The primary benefit is a doubling of years beyond 20 years of service to allow a member to build up full pension benefits considerably earlier. Such members are able to retire with full pension benefits from age 55. The regulations define an MHO as: "An officer employed whole time on the medical or nursing staff, (including nurse managers as above) of a hospital used wholly or partly for the treatment of people suffering from mental disorder, who devotes all, or almost all, of their time to the treatment or care of people suffering from mental disorder". As with general special class status, members must be either a nurse or health care assistant in order to qualify. The regulation now covers those who work on a part-time basis. The Pensions Agency publishes guidance regarding how managers and educators might retain special class status.

Special class status does not 'follow' someone throughout their career. Each post will have to meet the requirements of the regulations in order for special class status to be retained. Problems may arise where a member changes post either voluntarily or as a result of imposed changes, for example following a service redesign. The RCN is aware of cases where members have believed that their special class pension status is protected on moving posts but, when they later seek information about their accrued rights, they are informed that they are not listed as enjoying either normal special class or enhanced MHO status. The reason given is that the post they are in is not classed as a nursing post and/or the service in which they work is not defined as a nursing service. This is despite reassurances by their employer that they may have been given at the time of transfer or that there is a requirement for them to maintain nursing registration in the post.

Our advice to members is that they should obtain written confirmation from the HSC pension scheme as to the current and future entitlement to special class status before they accept a post outside the normal nursing service. If the post is arising as part of a management of change process, any loss of pension rights would need to be considered when assessing the suitability of the post for redeployment. If members have already transferred, they are advised to check directly with the HSC pension scheme as to the status of their pension. Once again, should there be any difficulties obtaining this information, they should contact the RCN for advice on 0345 772 6100.

### **Relevant legislation and guidance**

Health and Personal Social Services Act (Northern Ireland) 2001

The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003

The Northern Ireland Social Care Council (Social Care Workers) Regulations (Northern Ireland) 2006

The Statutory Rules of Northern Ireland 2013 No 225

Standards for competence for registered nurses (NMC 2014)

<https://www.nmc.org.uk/standards/additional-standards/standards-for-competence-for-registered-nurses/>

RQIA legislation

<https://www.rqia.org.uk/guidance/legislation-and-standards/legislation/>

RQIA minimum standards

<https://www.rqia.org.uk/guidance/legislation-and-standards/standards/>

HSC pension scheme guides

<http://www.hscpensions.hscni.net/quick-links/scheme-guides/>

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