
STATUTORY INSTRUMENTS

2007 No. 3101

**The European Qualifications (Health and
Social Care Professions) Regulations 2007**

PART 18

SOCIAL WORKERS: CARE STANDARDS ACT 2000

Amendment of the Care Standards Act 2000

230. The Care Standards Act 2000(1) shall be amended in accordance with this Part.

Amendment of section 55

231. In section 55(2) (interpretation), after subsection (5) add—

“(6) “The General Systems Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007 ([S.I. 2007/2781](#)).

(7) “Relevant European State” means an EEA State or Switzerland.

(8) “Exempt person” means—

- (a) a national of a relevant European State other than the United Kingdom,
- (b) a national of the United Kingdom who is seeking to engage in relevant social work by virtue of an enforceable Community right, or
- (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable Community right, entitled to be treated, as regards the right to engage in relevant social work, no less favourably than a national of a relevant European State;

and in this subsection, “national”, in relation to a relevant European State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and the Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services.”.

Amendment of section 56

232. In section 56 (the register)—

(a) in subsection (1), omit “and” at the end of paragraph (a), and after paragraph (b) insert—
“; and

(c) visiting social workers from relevant European States.”; and

(b) for subsection (2) substitute—

“(2) There shall be a separate part of the register—

(1) [2000 c.14](#).

(2) There are no relevant amendments to section 55.

- (a) for social workers;
 - (b) for each description of social care workers specified pursuant to subsection (1)(b); and
 - (c) for visiting social workers from relevant European States.
- (2A) For the purposes of this Part—
- (a) the part mentioned in subsection (2)(a) is the “principal part” of the register;
 - (b) a part mentioned in subsection (2)(b) is an “added part” of the register;
 - (c) the part mentioned in subsection (2)(c) is the “visiting European part” of the register.”.

Amendment of section 57

233. In section 57 (applications for registration), in subsection (1), for “under this Part” substitute “in the principal part, or an added part, of the register maintained by a Council”.

Amendment of section 58

234. In section 58 (grant or refusal of registration), in subsection (1), for “If the Council” substitute “In the case of an application under section 57(1), if the Council”.

Insertion of section 58A

235. After section 58 insert—

“Visiting social workers from relevant European States

58A.—(1) This section applies to an exempt person (“V”) who is lawfully established as a social worker in a relevant European State other than the United Kingdom.

(2) Subsection (3) applies if V has the benefit of regulation 8 of the General Systems Regulations in connection with the provision by V of services as a social worker in the United Kingdom on a temporary and occasional basis (V having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by V of services as a social worker).

(3) V is entitled to be registered in the visiting European part of the register maintained by a Council; and the Council shall give effect to the entitlement.

(4) If V is entitled under subsection (3) to be registered in the visiting European part of a register but is not registered in that part, V shall be treated as being registered in that part.

(5) V’s entitlement under subsection (3) ceases if V ceases, whether as a result of the operation of regulation 17 of the General Systems Regulations or otherwise, to have the benefit of regulation 8 of those Regulations in connection with the provision by V of services as a social worker in the United Kingdom on a temporary and occasional basis.

(6) If—

- (a) V’s entitlement under subsection (3) ceases by reason of the operation of subsection (5), and
- (b) V is registered in the visiting European part of the register maintained by a Council,

that Council may remove V from that part.

(7) Subsections (1) to (6) are not to be taken to prejudice the application, in relation to persons registered in the visiting European part of the register maintained by a Council, of rules under section 59.”.

Amendment of section 60

236. In section 60 (rules about registration)—

- (a) in paragraph (b), for “for registration or” substitute “under section 57(1) for registration or applying”; and
- (b) in paragraph (c), after “removal from the register” insert “under section 58A(6) or”.

Amendment of section 61

237. In section 61 (use of title “social worker” etc), in subsection (1)—

- (a) after “relevant register” insert “, and is not registered as a visiting social worker from a relevant European State in any relevant register,”; and
- (b) in paragraph (b), for “so registered”, in the first place those words appear, substitute “registered in either of those ways”.

Substitution of section 64

238. In section 64(3) (qualifications gained outside a Council’s area)—

- (a) before subsection (1) insert—

“(A1) An applicant for registration in the principal part of the register maintained by a Council satisfies the requirements of this section if the applicant is an exempt person who by virtue of Part 3 of the General Systems Regulations is permitted to pursue the profession of social worker in the United Kingdom (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the applicant may be required to undertake pursuant to that Part of those Regulations).”;
- (b) in each of subsections (1) and (2)—
 - (i) for “as a social worker in” substitute “in the principal part of”, and
 - (ii) omit paragraph (a); and
- (c) omit subsections (3) to (5).

Amendment of section 65

239. In section 65 (post registration training), after subsection (2) insert—

“(2A) Subsections (1) and (2), so far as relating to a person (“P”) who is registered as a social worker only in the visiting European part of the register, have effect subject to, respectively, subsections (2B) and (2C).

(2B) Rules made under subsection (1)—

- (a) may not impose requirements on P if P is required to undertake, in P’s home State, further training in relation to the profession of social worker; and
- (b) where they impose requirements on P—
 - (i) shall take account of the fact that P is a fully qualified social worker in P’s home State, and

(ii) shall specify that training which P is required to undertake by the requirements may be undertaken outside the United Kingdom.

(2C) Where rules make provision such as is mentioned in subsection (2), the rules must secure that any sanction imposed in relation to P by or under that provision is appropriate and proportionate in view of P's continued lawful establishment as a social worker in P's home State.

(2D) In this section "home State", in relation to P, means the relevant European State in which P is lawfully established as a social worker."

Amendment of section 66

240. In section 66 (visitors for certain social work courses), in subsection (3)(b), for "part for social workers" substitute "principal part".

Amendment of section 68

241. In section 68 (appeals to the Tribunal), after subsection (1) insert—

"(1A) An appeal shall lie to the Tribunal against a decision of a Council under Part 3 of the General Systems Regulations in respect of an aptitude test, or period of adaptation, in connection with a person's becoming permitted, by virtue of that Part of those Regulations, to have access to, and to pursue, the profession of social worker in the United Kingdom."

Amendment of section 71

242. In section 71 (rules)—

- (a) in subsection (2), after "functions" insert ", but subject to subsection (3A)";
- (b) in subsection (3)(a), after "register" insert ", but subject to subsection (3A)"; and
- (c) after subsection (3) insert—

"(3A) Rules made by a Council under this Part may not make provision for the payment of fees in connection with registration in the visiting European part of the register."