
STATUTORY INSTRUMENTS

2007 No. 3101

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

PART 19

**SOCIAL WORKERS: HEALTH AND PERSONAL
SOCIAL SERVICES ACT (NORTHERN IRELAND) 2001**

Amendment of the Health and Personal Social Services Act (Northern Ireland) 2001

243. The Health and Personal Social Services Act (Northern Ireland) 2001(1) shall be amended in accordance with this Part.

Amendment of section 2

244. In section 2 (“social care worker”, etc), after subsection (4) insert—

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

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

(7) “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 3

245. In section 3 (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 for—

- (a) social workers;
- (b) each description of social care workers specified pursuant to subsection (1)(b); and
- (c) 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 4

246. In section 4 (applications for registration) in subsection (1), for “under this Part” substitute “in the principal part, or an added part, of the register maintained by the Council”.

Amendment of section 5

247. In section 5 (grant or refusal of registration), in subsection (1), for “If the Council” substitute “In the case of an application under section 4(1), if the Council”.

Insertion of section 5A

248. After section 5 insert—

“Visiting social workers from relevant European States

5A.—(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 the 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 the 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 the Council,

the 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 the Council, of rules under section 6.”.

Amendment of section 7

249. In section 7 (rules about registration)—

- (a) in paragraph (b), for “for registration or” substitute “under section 4(1) for registration or applying”; and
- (b) in paragraph (c), after “removal from the register” insert “under section 5A(6) or”.

Amendment of section 8

250. In section 8 (registration - enforcement), 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”.

Amendment of section 11

251. In section 11 (qualifications gained outside Northern Ireland)—

- (a) before subsection (1) insert—

“(A1) An applicant for registration in the principal part of the register maintained by the 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 subsection (1)—
 - (i) for “as a social worker in” substitute “in the principal part of the register”, and
 - (ii) omit paragraph (a); and
- (c) omit subsections (2) to (4).

Amendment of section 12

252. In section 12 (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 13

253. In section 13 (visitors for certain social work courses), in subsection (3)(b), for "as a social worker" substitute "in the principal part of the register".

Amendment of section 15

254. In section 15(2) (appeals to the Social Care Tribunal), after subsection (2) insert—

"(2A) An appeal shall lie to the Care Tribunal against a decision of the 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 18

255. In section 18 (rules)—

- (a) in subsection (1) after "functions" insert ", but subject to subsection (2A)";
- (b) in subsection (2)(a), after "register" insert ", but subject to subsection (2A)"; and
- (c) after subsection (2) insert—

"(2A) Rules made by the 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."