
STATUTORY INSTRUMENTS

2016 No. 1030

**The European Qualifications (Health and
Social Care Professions) Regulations 2016**

PART 7

SOCIAL WORKERS

CHAPTER 1

AMENDMENT OF THE CARE STANDARDS ACT 2000

Introductory

99. The Care Standards Act 2000 ^{M1} is amended in accordance with this Chapter.

Marginal Citations

M1 c. 14.

Amendment of section 55

100.—(1) Section 55 (interpretation) ^{M2} is amended as follows.

(2) After subsection (4), insert—

“(4A) “Social care manager” means a person who falls within the description in subsection (2)(c).”.

(3) For subsection (6), substitute—

“(6) “The General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059).”.

(4) In subsection (8)—

(a) in paragraph (b), after “work” insert “, or to engage in work as a social care manager in Wales, ”;

(b) in paragraph (c), after “work” insert “, or the right to engage in work as a social care manager in Wales, ”.

Marginal Citations

M2 [Section 55](#) was amended by section 95 of, and Schedule 5 to, the Health and Social Care Act 2008, and by [S.I. 2007/3101](#) and 2011/1043. There are other amendments but these are not relevant to these Regulations.

Amendment of section 56

101.—(1) Section 56 (the register) ^{M3} is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (b), omit the “and” at the end;
- (b) in paragraph (c), at the end insert “ ; and ”;
- (c) after paragraph (c), insert—

“(d) visiting social care managers from relevant European States.”.

(3) In subsection (2)—

- (a) in paragraph (b), omit the “and” at the end;
- (b) in paragraph (c), at the end insert “ ; and ”;
- (c) after paragraph (c), insert—

“(d) for visiting social care managers from relevant European States.”.

(4) In subsection (2A)—

- (a) in paragraph (c), after “European” insert “ social worker ”;
- (b) after paragraph (c), insert—

“(d) the part mentioned in subsection (2)(d) is the “visiting European social care manager part” of the register.”.

Marginal Citations

M3 Section 56 was amended by section 230 of, and Schedule 15 to, the [Health and Social Care Act 2012](#) (c.7) and by [S.I. 2007/3101](#).

Amendment of section 58

102.—(1) Section 58 (grant or refusal of registration) ^{M4} is amended as follows.

(2) In subsection (2), after paragraph (a) insert—

“(aa) in the case of an applicant for registration as a social care manager—

- (i) he satisfies the requirements of section 64A; or
- (ii) he satisfies any requirements as to training which the Council may impose in relation to social care managers;”.

Marginal Citations

M4 There are amendments to section 58, but these are not relevant to these Regulations.

Amendment of section 58A

103.—(1) Section 58A (visiting social workers from relevant European States) ^{M5} is amended as follows.

(2) For “European part”, in each place where the words occur, substitute “ European social worker part ”.

(3) In subsection (2) for “8” substitute “ 12 ”.

(4) In subsection (5)—

- (a) for “17” substitute “ 24 ”;
- (b) for “8” substitute “ 12 ”.

Marginal Citations

M5 Section 58A was inserted by S.I. 2007/3101 and was amended by section 230 of, and Schedule 15 to, the Health and Social Care Act 2012.

Insertion of section 58B

104. After section 58A, insert—

“58B Visiting social care managers from relevant European States

(1) This section applies to an exempt person (“X”) who is lawfully established as a social care manager in a relevant European State other than the United Kingdom.

(2) Subsection (3) applies if X has the benefit of regulation 12 of the General Systems Regulations in connection with the provision by X of services as a social care manager in the United Kingdom on a temporary and occasional basis (X having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by X of services as a social care manager).

(3) X is entitled to be registered in the visiting European social care manager part of the register, and the Welsh Council must give effect to the entitlement.

(4) If X is entitled under subsection (3) to be registered in the visiting European social care manager part of the register but is not registered in that part, X is to be treated as having been registered in that part.

(5) X's entitlement under subsection (3) ends if X ceases, whether as a result of the operation of regulation 24 of the General Systems Regulations or otherwise, to have the benefit of regulation 12 of those Regulations in connection with the provision by X of services as a social care manager in the United Kingdom on a temporary and occasional basis.

(6) If—

(a) X's entitlement under subsection (3) ceases by reason of the operation of subsection (5); and

(b) X is registered in the visiting European social care manager part of the register, the Welsh Council may remove X 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 social care manager part of the register, of rules under section 59.”.

Amendment of section 60

105.—(1) Section 60 (rules about registration) ^{M6} is amended as follows.

(2) In paragraph (c), after “section 58A(6)” insert “ , section 58B(6) ”.

Marginal Citations

M6 Section 60 was amended by section 230 of, and Schedule 15 to, the Health and Social Care Act 2012, and by S.I. 2007/3101. There are other amendments but these are not relevant to these Regulations.

Amendment of section 64

106.—(1) Section 64 (qualifications gained outside the Welsh Council's area)^{M7} is amended as follows.

(2) In the heading, at the end, insert “ – social workers ”.

Marginal Citations

M7 The heading to section 64 was substituted by section 230 of, and Schedule 15 to, the Health and Social Care Act 2012. There are other amendments to section 64, but these are not relevant to these Regulations.

Insertion of section 64A

107. After section 64, insert—

“64A Qualifications gained outside the Welsh Council's area – social care managers

64A. An applicant for registration as a social care manager in an added part of the register 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 care manager 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).”.

Amendment of section 65

108.—(1) Section 65 (post registration training)^{M8} is amended as follows.

(2) In subsection (2A)—

(a) for “part of the register,” substitute “ social worker part of the register, or as a social care manager only in the visiting European social care manager part of the register, ”;

(b) omit “, respectively,”.

(3) In subsection (2B), after “worker”, in both places where the word occurs, insert “ or social care manager ”.

(4) In subsection (2C), after “worker” insert “ or social care manager ”.

(5) In subsection (2D), after “worker” insert “ or social care manager ”.

Marginal Citations

M8 Section 65 was amended by S.I. 2007/3101. There are other amendments but these are not relevant to these Regulations.

Amendment of section 68

109.—(1) Section 68 (appeals to the Tribunal)^{M9} is amended as follows.

(2) After subsection (1A), insert—

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

(1C) An appeal shall lie to the Tribunal against a decision of the Welsh Council under regulation 67 of the General Systems Regulations to send an alert about a person.”.

(3) In subsection (2), after “effect” insert “ or, in the case of an appeal under subsection (1C), direct that the alert be withdrawn or amended ”.

Marginal Citations

M9 Section 68 was amended by [S.I. 2007/3101](#). There are other amendments but these are not relevant to these Regulations.

Amendment of section 71

110.—(1) Section 71(rules)^{M10} is amended as follows.

(2) In subsection (3A), for “European part” substitute “ European social worker part or visiting European social care manager part ”.

Marginal Citations

M10 Section 71(3A) was inserted by [S.I. 2007/3101](#) and amended by section 230 of, and Schedule 15 to, the Health and Social Care Act 2012. There are other amendments to section 71, but these are not relevant to these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) Regulations 2016, CHAPTER 1.