

STATUTORY INSTRUMENTS

2016 No. 1030

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

PART 7 U.K.

SOCIAL WORKERS

CHAPTER 4 U.K.

**AMENDMENT OF THE REGULATION AND
INSPECTION OF SOCIAL CARE (WALES) ACT 2016**

Introductory U.K.

119. The Regulation and Inspection of Social Care (Wales) Act 2016 ^{M1} (Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016) is amended in accordance with this Chapter.

Marginal Citations

M1 2016 anaw 2.

Amendment of section 66 (English text) U.K.

120.—(1) In the English language text, section 66(1) (interpretation of Parts 3 to 8) is amended as follows.

(2) In the appropriate places, insert—

““social care manager” (*“rheolwr gofal cymdeithasol”*) has the meaning given by section 79(1)(b);”;

““visiting European social care manager part” (*“rhan rheolwyr gofal cymdeithasol Ewropeaidd sydd ar ymweliad”*), in relation to the register, is to be interpreted in accordance with section 80(3);”;

““visiting European social worker part” (*“rhan gweithwyr cymdeithasol Ewropeaidd sydd ar ymweliad”*), in relation to the register, is to be interpreted in accordance with section 80(3).”.

(3) Omit the definition of “visiting European part”.

Amendment of section 66 (Welsh text) U.K.

121.—(1) In the Welsh language text, section 66(1) (dehongli Rhannau 3 i 8) is amended as follows.

(2) In the appropriate places, insert—

“mae i “rheolwr gofal cymdeithasol” (*“social care manager”*) yr ystyr a roddir gan adran 79(1)(b).”;

“mae “rhan rheolwyr gofal cymdeithasol Ewropeaidd sydd ar ymweliad” (*“visiting European social care manager part”*), mewn perthynas â'r gofrestr, i'w ddehongli yn unol ag adran 80(3);”;

“mae “rhan gweithwyr cymdeithasol Ewropeaidd sydd ar ymweliad” (“*visiting European social worker part*”), mewn perthynas â'r gofrestr, i'w ddehongli yn unol ag adran 80(3);”.

(3) Omit the definition of “rhan ymwelwyr Ewropeaidd”.

Amendment of section 74 (English text) U.K.

122.—(1) In the English language text, section 74(3) (rules: fees) is amended as follows.

(2) For “European part”, substitute “ European social worker part or visiting European social care manager part ”.

Amendment of section 74 (Welsh text) U.K.

123.—(1) In the Welsh language text, section 74(3) (rheolau: ffioedd) is amended as follows.

(2) For “rhan ymwelwyr Ewropeaidd”, substitute “rhan gweithwyr cymdeithasol Ewropeaidd sydd ar ymweliad neu'r rhan rheolwyr gofal cymdeithasol Ewropeaidd sydd ar ymweliad”.

Amendment of section 79 (English text) U.K.

124.—(1) In the English language text, section 79(1)(b) (meaning of “social care worker” etc) is amended as follows.

(2) After “provided”, insert “ (referred to in those Parts as a “social care manager”) ”.

Amendment of section 79 (Welsh text) U.K.

125.—(1) In the Welsh language text, section 79(1)(b) (ystyr “gweithiwr gofal cymdeithasol” etc.) is amended as follows.

(2) After “ohono”, insert “ (y cyfeirir ato yn y Rhannau hynny fel “rheolwr gofal cymdeithasol”) ”.

Amendment of section 80 (English text) U.K.

126.—(1) In the English language text, section 80 (the register) 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 (see section 90A).”.

(3) In subsection (2), after paragraph (c) insert—

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

(4) In subsection (3)—

(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.”.

Amendment of section 80 (Welsh text) U.K.

127.—(1) In the Welsh language text, section 80 (y gofrestr) is amended as follows.

(2) In subsection (1)—

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

“(d) o reolwyr gofal cymdeithasol sydd ar ymweliad o Wladwriaethau Ewropeaidd perthnasol (gweler adran 90A).”.

(3) In subsection (2), after paragraph (c) insert—

“(d) ar gyfer rheolwyr gofal cymdeithasol sydd ar ymweliad o Wladwriaethau Ewropeaidd perthnasol.”.

(4) In subsection (3)—

- (a) in paragraph (c), for “ymwelwyr Ewropeaidd” substitute “ gweithwyr cymdeithasol Ewropeaidd sydd ar ymweliad ”;
- (b) after paragraph (c), insert—

“(d) y rhan a grybwyllir yn is-adran (2)(d) yw'r “rhan rheolwyr gofal cymdeithasol Ewropeaidd sydd ar ymweliad.”.

Amendment of section 84 (English text) U.K.

128.—(1) In the English language text, section 84 (“appropriately qualified”) is amended as follows.

(2) In paragraph (a)(ii), after “Wales” insert “ – social workers ”.

(3) After paragraph (a), insert—

- “(aa) in the case of an application for registration as a social care manager, the applicant—
- (i) has successfully completed a course approved by SCW under section 114 for persons wishing to become social care managers,
 - (ii) satisfies the requirements of section 85A (qualifications gained outside Wales – social care managers), or
 - (iii) satisfies any requirements as to training which SCW may by rules impose in relation to social care managers;”.

Amendment of section 84 (Welsh text) U.K.

129.—(1) In the Welsh language text, section 84 (“wedi ei gymhwyso'n briodol”) is amended as follows.

(2) In paragraph (a)(ii), after “Gymru” insert “ – gweithwyr cymdeithasol ”.

(3) After paragraph (a), insert—

- “(aa) os yw'r ymgeisydd, yn achos cais i gofrestru fel rheolwr gofal cymdeithasol—
- (i) wedi cwblhau'n llwyddiannus gwrs a gymeradwywyd gan GCC o dan adran 114 ar gyfer personau sy'n dymuno dod yn rheolwyr gofal cymdeithasol,
 - (ii) yn bodloni gofynion adran 85A (cymwysterau a geir tu allan i Gymru – rheolwyr gofal cymdeithasol), neu
 - (iii) yn bodloni unrhyw ofynion o ran hyfforddiant y caiff GCC drwy reolau eu gosod mewn perthynas â rheolwyr gofal cymdeithasol;”.

Amendment of section 85 (English text) U.K.

130.—(1) In the English language text, section 85 (qualifications gained outside Wales) is amended as follows.

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

Amendment of section 85 (Welsh text) U.K.

131.—(1) In the Welsh language text, section 85 (cymwysterau a geir y tu allan i Gymru) is amended as follows.

(2) In the heading, at the end, insert “ – gweithwyr cymdeithasol ”.

Insertion of section 85A (English text) U.K.

132. In the English language text, after section 85, insert—

“85A Qualifications gained outside Wales – social care managers

85A. 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).”.

Insertion of section 85A (Welsh text) U.K.

133. In the Welsh language text, after section 85, insert—

“85A Cymwysterau a geir y tu allan i Gymru – rheolwyr gofal cymdeithasol

85A. Mae ymgeisydd ar gyfer cofrestru fel rheolwr gofal cymdeithasol mewn rhan ychwanegol o'r gofrestr yn bodloni gofynion yr adran hon os yw'r ymgeisydd yn berson esempt sydd, yn rhinwedd Rhan 3 o'r Rheoliadau Systemau Cyffredinol wedi ei ganiatáu i ddilyn proffesiwn rheolwr gofal cymdeithasol yn y Deyrnas Unedig (ar ôl, yn benodol, gwblhau unrhyw gyfnod addasu yn llwyddiannus, neu basio unrhyw brawf tueddfryd, y caiff fod yn ofynnol i'r ymgeisydd ei gwblhau yn unol â'r Rhan honno o'r Rheoliadau hynny).”.

Amendment of section 90 (English text) U.K.

134.—(1) In the English language text, section 90 (visiting social workers from relevant European States) 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”.

(5) In subsection (8)—

(a) in the definition of “exempt person”—

- (i) in paragraph (b), after “Wales” insert “, or to engage in work as a social care manager in Wales,”;
- (ii) in paragraph (c), after “Wales,” insert “ or as regards the right to engage in work as a social care manager in Wales,”;
- (b) for the definition of “the General Systems Regulations” substitute—
““the General Systems Regulations” (“*y Rheoliadau Systemau Cyffredinol*”) means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059);”.

Amendment of section 90 (Welsh text) U.K.

135.—(1) In the Welsh language text, section 90 (gweithwyr cymdeithasol sydd ar ymweliad o Wladwriaethau Ewropeaidd perthnasol) is amended as follows.

(2) For “ymwelwyr Ewropeaidd”, in each place where the words occur, substitute “ gweithwyr cymdeithasol Ewropeaidd sydd ar ymweliad ”.

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

(4) In subsection (5)—

(a) for “17” substitute “ 24 ”;

(b) for “8” substitute “ 12 ”.

(5) In subsection (8)—

(a) in the definition of “person exempt”—

(i) in paragraph (b), after “yng Nghymru” insert “, neu ymgymryd â gwaith fel rheolwr gofal cymdeithasol yng Nghymru,”;

(ii) in paragraph (c), after “yng Nghymru” insert “, neu o ran yr hawl i ymgymryd â gwaith fel rheolwr gofal cymdeithasol yng Nghymru ”;

(b) for the definition of “y Rheoliadau Systemau Cyffredinol” substitute—

“ystyr “y Rheoliadau Systemau Cyffredinol” (“*the General Systems Regulations*”) yw Rheoliadau'r Undeb Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2015 (O.S. 2015/2059).”.

Insertion of section 90A (English text) U.K.

136. In the English language text, after section 90, insert—

“90A 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 registrar 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 X is registered in the visiting European social care manager part of the register, the registrar may remove X from that part if X's entitlement under subsection (3) ends by reason of the operation of subsection (5).

(7) Subsections (1) to (6) do not prevent sections 92 to 94 or Part 6 (social care workers: fitness to practice) from applying to persons registered in the visiting European social care manager part of the register.”.

Insertion of section 90A (Welsh text) U.K.

137. In the Welsh language text, after section 90, insert—

“90A Rheolwyr gofal cymdeithasol sydd ar ymweliad o Wladwriaethau Ewropeaidd perthnasol

(1) Mae'r adran hon yn gymwys i berson esempt (“X”) sydd wedi ei sefydlu'n gyfreithlon fel rheolwr gofal cymdeithasol mewn Gwladwriaeth Ewropeaidd berthnasol ac eithrio'r Deyrnas Unedig.

(2) Mae is-adran (3) yn gymwys os oes gan X fudd rheoliad 12 o'r Rheoliadau Systemau Cyffredinol mewn cysylltiad â'r ddarpariaeth o wasanaethau fel rheolwr gofal cymdeithasol gan X yn y Deyrnas Unedig ar sail dros dro ac achlysurol (os yw X wedi cydymffurfio ag unrhyw ofynion a osodir o dan Ran 2 o'r Rheoliadau hynny mewn cysylltiad â'r ddarpariaeth o wasanaethau fel rheolwr gofal cymdeithasol gan X).

(3) Mae hawlogaeth gan X i gael ei gofrestru yn y rhan rheolwyr gofal cymdeithasol Ewropeaidd sydd ar ymweliad o'r gofrestr, a rhaid i'r cofrestrydd roi effaith i'r hawlogaeth.

(4) Os oes gan X hawlogaeth o dan is-adran (3) i gael ei gofrestru yn y rhan rheolwyr gofal cymdeithasol Ewropeaidd sydd ar ymweliad o'r gofrestr ond nad yw wedi ei gofrestru yn y rhan honno, mae X i'w drin fel pe bai wedi ei gofrestru yn y rhan honno.

(5) Mae hawlogaeth X o dan is-adran (3) yn dod i ben os yw X yn peidio, pa un ai o ganlyniad i weithredu rheoliad 24 o'r Rheoliadau Systemau Cyffredinol neu fel arall, â chael budd rheoliad 12 o'r Rheoliadau hynny mewn cysylltiad â'r ddarpariaeth o wasanaethau fel rheolwr gofal cymdeithasol gan X yn y Deyrnas Unedig ar sail dros dro ac achlysurol.

(6) Os yw X wedi ei gofrestru yn y rhan rheolwyr gofal cymdeithasol Ewropeaidd sydd ar ymweliad o'r gofrestr, caiff y cofrestrydd dynnu X oddi ar y rhan honno os daw hawlogaeth X o dan is-adran (3) i ben o ganlyniad i weithredu is-adran (5).

(7) Nid yw is-adrannau (1) i (6) yn atal adrannau 92 i 94 neu Ran 6 (gweithwyr gofal cymdeithasol: addasrwydd i ymarfer) rhag bod yn gymwys i bersonau sydd wedi eu cofrestru yn y rhan rheolwyr gofal cymdeithasol Ewropeaidd sydd ar ymweliad o'r gofrestr.”.

Amendment of section 105 (English text) U.K.

138.—(1) In the English language text, section 105 (other appeals: decisions made under the General Systems Regulations) is amended as follows.

(2) In subsection (1)(a)—

- (a) for “9(2)”, substitute “ 13(2) ”;
- (b) after “United Kingdom” insert “ or as a social care manager in the United Kingdom ”;
- (c) omit the “or” at the end.

(3) In subsection (1)(b)—

- (a) after “United Kingdom” insert “ or the profession of social care manager in the United Kingdom ”;
- (b) at the end, insert “ , or ”.

(4) In subsection (1), after paragraph (b), insert—

“(c) under regulation 67 of those Regulations to send an alert about a person.”.

(5) In subsection (5)(b), after “made” insert “ or, in the case of an appeal from a decision falling within subsection (1)(c), direct that the alert be withdrawn or amended ”.

Amendment of section 105 (Welsh text) U.K.

139.—(1) In the Welsh language text, section 105 (apelau eraill: penderfyniadau a wneir o dan y Rheoliadau Systemau Cyffredinol) is amended as follows.

(2) In subsection (1)(a)—

- (a) for “9(2)”, substitute “ 13(2) ”;
- (b) after “y Deyrnas Unedig” insert “ neu fel rheolwr gofal cymdeithasol yn y Deyrnas Unedig ”;
- (c) omit the “neu” at the end.

(3) In subsection (1)(b)—

- (a) after “y Deyrnas Unedig” insert “ neu broffesiwn rheolwr gofal cymdeithasol yn y Deyrnas Unedig ”;
- (b) at the end, insert “ , neu ”.

(4) In subsection (1), after paragraph (b), insert—

“(c) o dan reoliad 67 o'r Rheoliadau hynny i anfon rhybudd ynglŷn â pherson.”.

(5) In subsection (5)(b), after “erbyn” insert “neu, yn achos apêl yn erbyn penderfyniad sy'n dod o fewn is-adran (1)(c), cyfarwyddo bod y rhybudd yn cael ei dynnu'n ôl neu ei ddiwygio.”

Amendment of section 113 (English text) U.K.

140.—(1) In the English language text, section 113 (continuing professional development) is amended as follows.

(2) In subsection (3), 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, ”.

(3) In subsection (4), after “worker”, in both places where the word occurs, insert “ or social care manager ”.

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

Amendment of section 113 (Welsh text) U.K.

141.—(1) In the Welsh language text, section 113 (datblygiad proffesiynol parhaus) is amended as follows.

(2) In subsection (3), for “ymwelwyr Ewropeaidd o'r gofrestr yn unig,” substitute “gweithwyr cymdeithasol Ewropeaidd sydd ar ymweliad o'r gofrestr yn unig, neu fel rheolwr gofal cymdeithasol yn y rhan rheolwyr gofal cymdeithasol Ewropeaidd sydd ar ymweliad o'r gofrestr yn unig,”.

(3) In subsection (4)—

(a) in paragraph (a), after “cymdeithasol” insert “ neu reolwr gofal cymdeithasol ”;

(b) in paragraph (b)(i), after “cymdeithasol” insert “neu'n rheolwr gofal cymdeithasol”.

(4) In subsection (5), after “cymdeithasol” insert “ neu reolwr gofal cymdeithasol ”.

Amendment of section 164 (English text) U.K.

142.—(1) In the English language text, section 164 (meaning of “registered person” in Part 6) is amended as follows.

(2) For “European part”, substitute “ European social worker part or visiting European social care manager part ”.

Amendment of section 164 (Welsh text) U.K.

143.—(1) In the Welsh language text, section 164 (ystyr “person cofrestredig” yn Rhan 6) is amended as follows.

(2) For “rhan ymwelwyr Ewropeaidd”, substitute “rhan gweithwyr cymdeithasol Ewropeaidd sydd ar ymweliad neu'r rhan rheolwyr gofal cymdeithasol Ewropeaidd sydd ar ymweliad”.

Amendment of Schedule 3 (English text) U.K.

144.—(1) In the English language text, Schedule 3 (minor and consequential amendments) is amended as follows.

(2) In paragraph 39 (amendment to section 130H of the Mental Health Act 1983), after “European” insert “ social worker ”.

(3) In paragraph 42(b) (amendments to section 55 of the Care Standards Act 2000), after “subsections” insert “ (4A), ”.

Amendment of Schedule 3 (Welsh text) U.K.

145.—(1) In the Welsh language text, Schedule 3 (mân ddiwygiadau a diwygiadau canlyniadol) is amended as follows.

(2) In paragraph 39 (diwygiad i adran 130H o Ddeddf Iechyd Meddwl 1983), after “European” insert “ social worker ”.

(3) In paragraph 42(b) (diwygiadau i adran 55 o Ddeddf Safonau Gofal 2000), after “is-adrannau” insert “ (4A), ”.

Changes to legislation:

There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) Regulations 2016, CHAPTER 4.