
STATUTORY INSTRUMENTS

2018 No. 893

The Social Workers Regulations 2018

PART 3

Registration of social workers

Visiting social work professionals from relevant European States

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

(2) If paragraph (3) applies—

- (a) EP is eligible to be registered in the register, and
- (b) the regulator must register EP by recording the information set out in regulation 9(1)(c), and must notify them accordingly.

(3) This paragraph applies if EP has the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015^{M1} or, in the case of a person falling within regulation 78(3)(a) of those Regulations, has the benefit of regulation 8 of the European Communities (Recognition of Professional Qualifications) Regulations 2007^{M2}, in connection with the provision by EP of relevant services in the United Kingdom on a temporary and occasional basis (EP having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by EP of relevant services).

(4) If EP is entitled under paragraph (2) to be registered, but is not registered, EP is to be treated as being so registered.

(5) If EP ceases—

- (a) whether as a result of the operation of regulation 24 of the European Union (Recognition of Professional Qualifications) Regulations 2015, or otherwise, to have the benefit of regulation 12 of those Regulations, or
- (b) whether as a result of the operation of regulation 17 of the European Communities (Recognition of Professional Qualifications) Regulations 2007, or otherwise, to have the benefit of regulation 8 of those Regulations,

in connection with the provision by EP of relevant services in the United Kingdom on a temporary and occasional basis, then EP's entitlement under paragraph (2) ceases and, if EP is registered, the regulator may remove EP's entry from the register.

(6) Paragraph (7) applies if—

- (a) EP's establishment in State A is subject to a condition (including a limitation) relating to EP's practice as a social worker,
- (b) EP's name is registered in the register, and
- (c) a question arises as to EP's fitness to practise by reason of misconduct.

(7) The matters that may be counted as misconduct include (in particular) any act or omission by EP, during the course of the provision by EP of relevant services in the United Kingdom on a

temporary and occasional basis, that is a breach of the condition referred to in paragraph (6)(a) or would be such a breach if that condition applied in relation to practice of the social work profession outside State A.

(8) Paragraphs (1) to (5) are not to be taken to prejudice the application of any other provision of these Regulations under which a registered social worker's entry may be removed from the register, or under which a social worker's registration may be suspended.

(9) The regulator may make rules requiring persons falling within this regulation to meet the professional standards relating to continuing professional training and development, and setting out the circumstances in which a person who fails to comply with any such requirement may be removed from the register, provided that those rules—

- (a) do not impose requirements on EP in connection with EP's pursuit of the social work profession if EP is required to undertake continuing professional development in relation to social work in State A,
- (b) where they impose requirements on EP in connection with EP's pursuit of the social work profession—
 - (i) take account of the fact that EP is fully qualified to pursue the social work profession in State A, and
 - (ii) specify that any continuing professional development which EP is required to undertake under the rules may be undertaken outside the United Kingdom, and
- (c) provide that any sanction imposed in relation to EP by or under the rules is appropriate and proportionate in view of EP's continued lawful establishment as a member of the social work profession in State A.

(10) In any case where the regulator refuses to register a person in accordance with paragraph (2), the regulator must notify them accordingly, and of their right to appeal under regulation 19(1)(i).

(11) In this regulation “relevant services” means services provided as a social worker.

Marginal Citations

M1 [S.I. 2015/2059](#), as amended by [S.I. 2016/1094](#).

M2 [S.I. 2007/2781](#); these Regulations were revoked by [S.I. 2015/2059](#) but with transitional and savings provisions in relation to persons whose home state is Switzerland.

Status:

Point in time view as at 02/12/2019. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Social Workers Regulations 2018, Section 18.