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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1626**

**The Regulation and Inspection of Social Care (Qualifications)  
(Wales) (Amendment) (EU Exit) Regulations 2020**

**Insertion of provision concerning equal treatment and administrative co-operation under the Swiss citizens' rights agreement**

**12.** After regulation 18 (visiting Swiss social workers and visiting Swiss social care managers: saving of old law) of the 2019 Regulations (as substituted by regulation 11), insert—

**“Equal treatment and administrative co-operation under the Swiss citizen's rights agreement**

**18A.**—(1) This regulation applies to a relevant applicant.

(2) In dealing with a relevant applicant who pursues social work or work as a social care manager in Wales pursuant to regulation 18 (visiting Swiss social workers and visiting Swiss social care managers: saving of old law) in relation to any matter, Social Care Wales must treat that person no less favourably than it would treat a native applicant (within the meaning of regulation 2 of the 2007 Regulations) who lawfully provides services as a social worker or as a social care manager in Wales in relation to that matter.

(3) Where a person is providing services that if provided in Wales would constitute social work or work as a social care manager on a temporary and occasional basis in Switzerland pursuant to Article 23 of the Swiss citizens' rights agreement, Social Care Wales must cooperate with the appropriate competent authority in Switzerland and provide it with any information relevant to the legality of the individual's establishment and good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature, in accordance with section 159 of the 2016 Act (disclosure of information about fitness to practise).

(4) Where a person has made or makes an application falling within Article 31(1) or 32(1) or (5) of the Swiss citizens' rights agreement to a competent authority in Switzerland for recognition of a professional qualification awarded or recognised by Social Care Wales, Social Care Wales must—

- (a) cooperate with the competent authority in Switzerland or the person (as the case may be), in accordance with the general cooperation provision, and
- (b) provide information to the competent authority in Switzerland regarding disciplinary action taken or criminal sanctions imposed, or any serious, specific circumstances which are likely to have consequences for the pursuit of professional activities by that individual.

(5) Social Care Wales must process information for the purposes of paragraphs (3) and (4) in accordance with “the data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018(1).

(6) In this regulation—

“competent authority” (“*awdurdod cymwys*”) has the meaning given by regulation 4(1) to (3) of the 2007 Regulations, and in relation to Switzerland means a body in Switzerland which is a competent authority for the purposes of regulation 4(4) of the 2007 Regulations;

“the general cooperation provision” (“*y ddarpariaeth cydweithredu cyffredinol*”) means regulation 5(2) to (7) of the 2007 Regulations (functions of competent authorities in the United Kingdom), to the extent it applies in relation to Social Care Wales.

(7) For the purposes of this regulation, the 2007 Regulations have effect subject to the following modifications—

- (a) any reference to “social worker in Wales” has effect as if there were substituted “social worker or social care manager in Wales”,
- (b) any reference to “the Care Council for Wales” has effect as if there were substituted “Social Care Wales”.