
WELSH STATUTORY INSTRUMENTS

2020 No. 1626

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

Insertion of regulation 16A

9. After regulation 16 (pending applications) of the 2019 Regulations, insert—

**“Swiss social workers and Swiss social care managers qualifying outside Wales:
saving of old law**

16A.—(1) This regulation applies to a person (“a qualifying applicant”)—

- (a) who is—
 - (i) a national of the United Kingdom,
 - (ii) a national of Switzerland, or
 - (iii) a third country national who was, immediately before IP completion day, by virtue of any enforceable EU right entitled to be treated no less favourably than a national of either the United Kingdom or Switzerland for the purposes of access to and the pursuit of social work or work as a social care manager;
- (b) who wishes to access and pursue social work or work as a social care manager in Wales on a permanent basis whether as an employee or in a self-employed capacity;
- (c) who has a relevant qualification;
- (d) who, if that relevant qualification was obtained in a third country, has three years’ professional experience in social work or work as a social care manager in Switzerland and certified by a Swiss competent authority;
- (e) who, if that relevant qualification is a professional qualification obtained in an EEA state, is lawfully established in Switzerland, unless the person is a Swiss national.

(2) Despite the amendments made by Part 1, the provisions of the 2016 Act referred to in paragraph (4) continue to apply to a registration application submitted by a qualifying applicant on or after IP completion day as they applied immediately before that day but as modified by paragraph (5).

(3) Paragraph (2) has effect until the end of the Swiss recognition period.

(4) The provisions referred to in paragraph (2) are—

- (a) in section 66(1), the definition of “the General Systems Regulations”;
- (b) section 85(1) (qualifications gained outside Wales – social workers);
- (c) section 85A (qualifications gained outside Wales – social care managers);
- (d) section 90(8) (definitions for the purposes of Parts 3 to 8 of the 2016 Act);
- (e) section 105 (other appeals: decisions made under the General Systems Regulations).

(5) Insofar as the following provisions of the 2016 Act continue to apply by virtue of paragraph (2), they apply with the following modifications—

(a) in section 85(1) (qualifications gained outside Wales – social workers), for “an exempt person” there were substituted “a Swiss social worker”;

(b) in section 85A (qualifications gained outside Wales – social care managers), for “an exempt person” there were substituted “a Swiss social care manager”;

(c) in section 90(8) (definitions for the purposes of Parts 3 to 8 of the 2016 Act)—

(i) the definitions of “exempt person”, “national” and “relevant European State” were omitted;

(ii) for the definition of “General Systems Regulations”, there were substituted—

““the General Systems Regulations” (“y *Rheoliadau Systemau Cyffredinol*”) means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059)—

(a) in relation to anything done before IP completion day, as they had effect at that time but subject to the modification that any reference to “the Care Council for Wales” is to be read as if there were substituted “Social Care Wales”;

(b) as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 15A of the Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019);”;

(iii) there were inserted, at the appropriate place—

““Swiss social care manager” has the meaning given in regulation 16A(6) of the Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019;

“Swiss social worker” has the meaning given in regulation 16A(6) of the Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019;”;

(d) in section 105 (other appeals: decisions made under the General Systems Regulations)—

(i) in subsection (1), paragraphs (a), (c) and the “or” immediately preceding paragraph (c) were omitted;

(ii) in subsection (5)(b), the words from “or, in the case” to the end were omitted.

(6) In this regulation—

“registration application” (“*cais cofrestru*”) means an application for admission to a register maintained in accordance with section 80 of the 2016 Act;

“Swiss social care manager” (“*rheolwr gofal Cymdeithasol Swisaidd*”) means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application under section 90A of the 2016 Act);

“Swiss social worker” (“*gweithiwr Cymdeithasol Swisaidd*”) means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application under section 90 of the 2016 Act).”