

Consultation

EU exit: amendments to registration and fees rules

Last updated 17 November 2020

Introduction

The UK left the EU on 31 January 2020 and entered a transition period to negotiate a new relationship with the EU. This transition period will end on 31 December 2020. The UK and EU are currently negotiating the terms of a future relationship, including the recognition of professional qualifications.

Social Work England currently operates in accordance with the Mutual Recognition of Professional Qualifications Directive 2005 (European Union Directive 2005/36/EC on the Mutual Recognition of Professional Qualifications, sometimes called 'MRPQ') which forms part of the negotiations. The directive provides the framework under which members of the European Economic Area (the EEA, members of the EU, plus Liechtenstein, Norway and Iceland) allow the professional qualifications of EEA nationals to be recognised in an EEA state other than the one in which the qualification was obtained.

When the transition period comes to an end on 31 December 2020, it is expected that the directive will be removed from many professional regulators' legislation. In lieu of a negotiated agreement between the UK and the EU, Social Work England and many other regulators in the UK will not have a continuing legislative basis for continuing to recognise EEA qualifications. This has already been provided for in legislation by the UK government, and only legislation could amend this. This is [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc\) \(EU Exit\) Regulations 2019](#), referred to in this document as the "EU Exit Regulations". Please note that these regulations are subject to change.

As of 1 January 2021, we will instead consider EEA qualifications using our 'international' [route to register](#). This consultation sets out the changes we need to make to our rules to comply with the legislation made by the government and prepare for 1 January.

The legal changes

The UK government has developed EU exit regulations (the EU Exit Regulations) that make changes to [The Social Workers Regulations 2018](#) in the event that an agreement is not reached with the EU by the end of the year.

Specifically, the Social Workers Regulations ('the regulations') will remove the dedicated route to registration for professional qualifications of EEA nationals, or individuals with

EEA qualifications. These changes have been implemented by the Government to ensure a smooth end to the transition period. To ensure that our ways of working comply with these changes we need to make amendments to our [registration rules](#) and [fees rules](#).

We consider what we've proposed the only way in which to implement these changes. However, we would like to hear from you on the questions we have set out in this consultation and, in particular, if you think there is any other way to implement the changes while still complying with the amended Social Workers Regulations 2018.

[The EU Exit Regulations are available here](#), and the [Social Workers Regulations 2018 are available here](#). At annexe 1 we have shown the parts of the Social Workers Regulations 2018 that will be changed by the EU Exit Regulations, with the changes shown as tracked changes.

How we are consulting

Our regulations require us to consult when we make substantive amendments to our rules (Social Workers Regulations, regulation 3(5)). We also want to reach those who may be affected by the amendments and seek their views on the changes we make.

In addition to making this document accessible on our website, we will be getting in touch with:

- Registered social workers;
- Employers of registered social workers;
- People with lived experience of social work;
- People providing, assessing or funding education and training for registered social workers and prospective social workers; and
- Those who are likely to be affected by the proposed rules, i.e. applicants from the EEA.

Summary of proposed changes

The changes to the Social Workers Regulations ('the regulations') remove the registration route for individuals who are EEA nationals, have another form or EEA enforceable right, or have qualifications from the EEA (referred to as 'exempt persons' in the regulations).

The changes anticipate that at the end of the transition period there will be no route in any agreement for the recognition of qualifications from the EEA, and exempt persons will be treated as [international applicants](#).

As a result, the changes proposed to the registration rules 2019 and the fees rules 2019 also remove the references to the registration route for EEA exempt persons. This includes removing:

- References to parts of the regulations that have been removed by the EU Exit Regulations (Registration Rules 2019, rules 1(2), 17(2), and 25);
- References to the registration of visiting social work professionals from the EU, i.e. those who only wish to practise temporarily and occasionally in England (Registration Rules 2019, rules 4(2) and 37 to 39);
- The specific rights an exempt person has in relation to the English language testing requirements (Registration Rules 2019, rule 11(5));
- The admissibility of certificates from a 'competent authority' (normally an EU state's regulator) attesting to an exempt person's qualifications and experience (Registration Rules 2019, rule 22(6)(b));
- Reference to a scrutiny fee for exempt persons when applying for registration, as they will now pay the scrutiny fee applicable to an international applicant (Fees Rules 2019, rule 4(3) and schedule 1).

There are also transitional arrangements for applications that have already been processed at the point the EU route is removed, and these will continue to be considered under the EU route.

At annexe 2 are the proposed changes to the Registration Rules 2019 and the Fees Rules 2019.

How to respond

The consultation period is 5 weeks and will end on 22 December 2020. Following the consultation, we will consider responses and publish a consultation response along with the final rules.

You can respond to this consultation in several ways. We have provided an [online survey](#), or you can choose to respond via our consultation email address.

All questions in the online survey are optional. You can see a copy of the questions below.

If you would like a copy of the questions by email, please contact us at consultation.responses@socialworkengland.org.uk

If you need any reasonable adjustments to help you respond, please contact us at consultation.responses@socialworkengland.org.uk

Please complete the survey or return your response by **12pm midday on Tuesday 22 December 2020**.

Consultation questions

1. Do you have proposals on how else we might apply the amendments made to the Social Workers Regulations 2018 by the EU Exit Regulations?
2. Do you think there are any other amendments to Social Work England's rules that need to be made in order to comply with the changes to the Social Workers Regulations 2018?
3. Do you think that the changes to the Registration Rules 2019 and the Fees Rules 2019 have the potential to impact people based on protected characteristics positively, neutrally or negatively? If so, how? (The Equality Act (2010) lists nine protected characteristics: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.)
4. Any other comments you might have.

Annexe 1

The Social Workers Regulations 2018, as amended by the EU Exit Regulations

2.— Interpretation

(1) In these Regulations—

“register” means the register described in section 39(1)4 of the Act;

“registrar” means any person appointed under regulation 8(1);

“regulatory body” means a body, other than the regulator, which authorises a person to practise a health or social care profession which is regulated under any enactment, whether in the United Kingdom or elsewhere;

“relevant institutions” has the meaning given in regulation 20(5);

“remedial direction” has the meaning given in regulation 36(2)(b);

“removal order” has the meaning given in paragraph 13(1)(a) of Schedule 2;

“rules” means rules made in accordance with regulation 3;

“suspension order” has the meaning given in paragraph 13(1)(b) of Schedule 2; and

“warning order” has the meaning given in paragraph 13(1)(d) of Schedule 2.

~~(2) In these Regulations “exempt person” means—~~

~~(a) a national of a relevant European State, other than the United Kingdom,~~

~~(b) a national of the United Kingdom who is seeking access to, or is pursuing, the social work profession by virtue of an enforceable EU right, or~~

~~(c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the social work profession, no less favourably than a national of a relevant European State.~~

~~(3) For the purposes of paragraph (2) "national", in relation to a relevant European State, means the same as it does for the purposes of the EU Treaties but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from EU provisions relating to the free movement of persons and services.~~

(4) For the purposes of these Regulations, whether a person has a recognised qualification is determined in accordance with Schedule 1.

(5) Subject to paragraph (6), "registered social worker" means a person whose name is entered in the register in accordance with Part 2, where their registration has not been removed, and "registered" is to be construed accordingly.

(6) A person who is—

(a) registered as a social worker in the register maintained by the Health and Care Professions Council under article 5(1) of the Health and Social Work Professions Order 2001 immediately before the coming into force of these Regulations, and

(b) whose registration has not lapsed or been removed in accordance with the provisions of that Order,

is deemed to be a registered social worker for the purposes of these Regulations.

8.— Appointment of the registrar and keeping of the register

(1) The regulator may appoint a member of the regulator's staff as registrar.

(2) The registrar has the following functions—

(a) the functions of the regulator set out in this Part other than—

(i) under regulation 19 (registration appeals),

(ii) any power or duty to make rules, and

(b) any other functions that the regulator delegates to the registrar¹.

(3) In these Regulations "function" , in relation to the regulator, means a function of the regulator set out in Part 2 of the Act or in these Regulations.

(4) The regulator must ensure that the register enables—

(a) information to be recorded in accordance with this Part, and

(b) the regulator, the registrar, any advisers, and any other adjudicator, case examiner or investigator appointed under these Regulations, to access information held on it as necessary to enable them to carry out their functions under these Regulations.

(5) The regulator must amend information recorded in the register, where the regulator is satisfied that the information is incorrect, or that there has been a material change of circumstances since it was recorded.

(6) Any copy of, or extract from, the register relating to information recorded in accordance with this Part is evidence of the matters mentioned in it.

(7) A certificate purporting to be signed by the regulator certifying that a person—

(a) is, or is not, registered,

(b) was, or was not, registered at a specific date or during a specified period, or

(c) has never been registered,

is evidence of the matters certified.

~~(8) On application by a social worker who wishes to practise in a relevant European State other than the United Kingdom, the regulator must provide them with such documentary evidence as is required by the relevant provisions of Directive 2005/36/EC of the European Parliament and of the Council of 7th September 2005² on the recognition of professional qualifications, as those provisions are amended from time to time.~~

(9) The regulator must publish the information recorded in the register in such manner and at such times as it considers appropriate, and make that information available for

public inspection at all reasonable times, but it is not required to publish information which is—

- (a) evidence of spent convictions,
- (b) a warning given under paragraph 6(2)(a) or 12(1)(a) of Schedule 2 (warnings regarding future conduct or performance given in fitness to practise proceedings), where a period of at least five years has elapsed since the warning was given,
- (c) any information annotated on the register under regulation 12(1) which, in the opinion of the regulator, it is not in the public interest to publish,

where "spent conviction" means a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974.

9.— Content of the register

(1) The following information must be recorded in the register in relation to a registered social worker—

- (a) their name,
- (b) the reference number assigned to their entry,
- ~~(c) whether regulation 18(3) applies (visiting social work professional from a relevant European State),~~
- (d) whether their registration is subject to a condition in accordance with regulation 11(3),
- (e) the date of registration, and
- (f) their social work qualification.

(2) Where a registered social worker is, or has been, subject to fitness to practise proceedings, details of the following must be recorded in their entry in the register—

- (a) any interim suspension order or interim conditions of practice order made by adjudicators under paragraph 8(2) or 11(1) of Schedule 2, including where the order is

varied, revoked or replaced on a review under paragraph 14 of that Schedule or any action taken on appeal to the High Court under paragraph 16 of that Schedule,

(b) any order imposed, or advice given, by case examiners on a disposal without hearing under paragraph 9(3) of Schedule 2,

(c) any advice given by adjudicators under paragraph 12(3)(a) of Schedule 2 following a determination that the social worker's fitness to practise is impaired,

(d) any final order made by adjudicators under paragraph 12(3)(b) of Schedule 2, including where that order is varied, revoked or replaced on a review under paragraph 15 of that Schedule or any action taken on appeal to the High Court under paragraph 16 of that Schedule.

(3) The regulator may record any other information in the register it considers appropriate.

(4) An order mentioned in paragraph (2)(a), (b) or (d) may not be recorded until the expiry of the period within which an appeal against the order could be made, or where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.

(5) Any information recorded in accordance with paragraph (2) must remain on the register—

(a) in the case of an interim order, a conditions of practice order, or a suspension order, for the period during which the order remains in force or such longer period as the regulator determines in accordance with rules made under paragraph (6),

(b) in the case of a warning order, or advice given, for such period as the regulator specifies in rules made under paragraph (6).

(6) The regulator—

(a) must make rules setting out—

(i) qualifications that are relevant for the purposes of paragraph (1)(f), and

(ii) the period for which information mentioned in paragraph (5)(b) must remain in the register, and

(b) may make rules setting out further provision as to the content of the register including, in particular—

(i) qualifications, specialisms, accreditation and competences that are relevant for the purposes of regulation 12(1) (annotation of entries in the register), and

(ii) the longer period for which information mentioned in paragraph (5)(a) must remain in the register,

with the proviso that any period for which information mentioned in paragraph (5) must remain on the register under those rules must be proportionate in all the circumstances of each case.

10.— Procedure for registration

(1) A person who wishes to be registered as a social worker must apply to the regulator in accordance with this Part and rules made under paragraph (4).

(2) Where a person who is eligible to be registered in accordance with regulation 11—

(a) applies to be registered following any procedure set by rules made under paragraph (4), and

(b) pays any fee payable in accordance with rules made under regulation 17(3),

the regulator must register that person by recording the information set out in regulation 9(1) in the register, and must notify them accordingly.

(3) In any case where the regulator refuses to register a person, it must notify the person of that decision and the reasons for it, and of their right to appeal under regulation 19(1)(a).

(4) The regulator must make rules setting out the procedure for dealing with applications for registration which must, in particular—

(a) include the time within which any step must be taken,

(b) where they make provision for an application to be determined within a specified period which runs from the date on which the completed application is received, provide that an application is not to be regarded as incomplete only on the ground that

information requested in accordance with regulation 11(4) (as to necessary knowledge of English) has not been provided.

~~(5) This regulation, and regulations 11 to 17, do not apply in relation to a person to whom regulation 18 applies (visiting social work professional from a relevant European State).~~

11.— Determination of eligibility for registration

(1) The regulator must consider any question as to the eligibility of a person to be registered, or to continue to be registered, in accordance with this regulation and rules made under paragraph (6).

(2) In the case of a registration under regulation 10, a person is eligible to be registered where the regulator is satisfied that they—

(a) have a recognised qualification which was awarded—

(i) within such period, not exceeding five years ending with the date of the application for registration, as is set in rules made under paragraph (6)(a), or

(ii) before the period mentioned in paragraph (i), and the person has met such requirements as to additional education, training and experience as are determined by the regulator to apply to them,

(b) are capable of safe and effective practice in accordance with the professional standards relating to proficiency, performance, and conduct and ethics,

(c) have the necessary knowledge of English, and

(d) have not been convicted of a listed offence (other than a conviction that has been quashed).

(3) Where the regulator is satisfied that a person would be eligible to be registered (or to have their registration renewed, or their entry restored) if a condition were met the regulator may, with that person's consent, grant their application for registration, renewal or restoration (as the case may be) subject to that condition.

(4) In any case where the regulator is not satisfied, having considered any evidence, information or documents provided in support of their application for registration or

renewal, that a person has the necessary knowledge of English to be eligible to be registered, or to continue to be registered, the regulator may, ~~subject to paragraph (5) —~~

(a) request the person to provide further evidence, information or documents, and

(b) require the person to undergo an examination or other assessment, and provide information in respect of that examination or assessment, provided that it notifies the person of their right to appeal under regulation 19(1)(b),

within such period as is determined by the regulator in rules, and the regulator may draw such inferences as it deems appropriate if the person fails to undergo an examination or assessment, or fails to provide or disclose any evidence, under this paragraph.

~~(5) The regulator —~~

~~(a) may only take the action in paragraph (4)(b) in the case of an exempt person, if it is not satisfied that they have the necessary knowledge of English having first made a request under paragraph (4)(a) and considered any further evidence, information or documents provided in response to such a request,~~

~~(b) may not make a request under paragraph (4)(a) in relation to an exempt person falling within paragraph 1(b) or (c) of Schedule 1, unless it has first notified them that the regulator recognises that, by virtue of being an exempt person falling within paragraph 1(b) or (c) of Schedule 1, they are entitled to be registered, subject to meeting any other requirements for registration.~~

(6) The regulator must make rules in relation to determining eligibility, including in particular —

(a) any period within which a recognised qualification must have been awarded,

(b) setting out the process and criteria by which the regulator will determine —

(i) requirements as to additional education, training or experience that may be imposed for the purposes of an application for registration, and

(ii) any such requirements that are applicable in relation to any person applying for registration,

(c) setting out the process and criteria by which the regulator will determine, for the purposes of paragraph (2)(b), whether a person is capable of safe and effective practice in accordance with the professional standards relating to proficiency, performance, and conduct and ethics, including any evidence of good health and good character that may be required,

(d) setting out the process for determining whether a person has the necessary knowledge of English, including any evidence, information or documents which must be provided, and the criteria by which the regulator will determine for the purposes of an application for renewal or restoration whether a person must meet requirements as to necessary knowledge of English,

(e) setting out the circumstances in which the regulator may—

(i) grant registration subject to a condition,

(ii) review, vary or remove such a condition,

(iii) remove a person's entry from the register for failure to meet such a condition,

(f) requiring registered social workers to meet the professional standards relating to continuing professional training and development, and setting out the circumstances in which a registered social worker who fails to comply with any such requirement may be removed from the register.

(7) Where rules made under paragraph (6)(e) or (f) provide for removal from the register, the rules must provide—

(a) for the social worker to be notified of their right to appeal under regulation 19(1)(c) or

(d) (as the case may be), and

(b) that an entry may not be removed from the register before the expiry of the period within which such an appeal may be made, or if an appeal is made, the appeal is withdrawn or otherwise finally disposed of.

~~18.—Visiting social work professionals from relevant European States~~

~~(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 2015¹ 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 2007², 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.~~

19.— Registration appeals

(1) A person may appeal, in accordance with rules made under paragraph (5), against—

(a) a decision to refuse to register a person under regulation 10(3),

(b) a decision to require a person to undergo an examination or other assessment under regulation 11(4)(b) on the ground that the regulator was not satisfied that the person had the necessary knowledge of English,

(c) a decision to remove a person from the register for failure to meet a condition attached to their registration in accordance with rules made under regulation 11(6)(e),

(d) a decision to remove a person from the register for failure to comply with a requirement to meet the professional standards relating to continuing professional training and development in accordance with rules made under regulation 11(6)(f),

~~(e) a decision to refuse to recognise a person as an exempt person under regulation 11(8),~~

(f) a decision to remove a person's entry from the register under regulation 13(6),

(g) a decision to remove an entry from the register, where the regulator is satisfied that their registration was fraudulently procured or incorrectly made, under regulation 14(1)(a),

(h) a decision to refuse to restore registration under regulation 15(10),

~~(i) a decision to refuse to register a person under regulation 18(2),~~

(j) failure by the regulator to issue a decision under this Part within any relevant time limit, and

(k) any other decision the regulator specifies in rules.

(2) Paragraph (1) does not apply in relation to a case where the decision was made solely on the ground that the person—

(a) failed to pay any fee payable in accordance with rules made under regulation 17(3), or

(b) failed to apply in accordance with any procedure set by relevant rules.

(3) The regulator must appoint two or more advisers, or members of the regulator's staff, as the regulator thinks fit as adjudicators to consider an appeal under this regulation in accordance with rules made under paragraph (5), provided that the adjudicators may not be individuals who were involved in the decision that is the subject of the appeal.

(4) The regulator, and the adjudicators, may require persons other than the person concerned to attend and give evidence, or produce documents, to the adjudicators.

(5) The regulator must make rules setting out the procedure for appeals which must, in particular—

(a) specify the timescales within which any steps in an appeal are to be taken,

(b) provide for the adjudicators to dispose of the appeal with or without a hearing, but with the proviso that they must hold a hearing if the person concerned requests it,

(c) provide, in relation to any hearing, for the person concerned to—

(i) attend, and be represented,

(ii) make oral representations,

(iii) call witnesses,

(d) require the regulator to notify the parties of the adjudicators' determination of the appeal,

(e) require the regulator to publish the details of the adjudicators' determination and the reasons for it, provided that if the adjudicators' determination is favourable to the person concerned, the regulator is not required to publish it unless the person concerned so requests, but may do so with their consent.

(6) The adjudicators may—

(a) dismiss the appeal,

(b) quash the decision,

(c) substitute for the decision being appealed any other decision that the decision maker could have made, or

(d) remit the decision to the regulator to be disposed of in accordance with the adjudicators' directions.

(7) Where the adjudicators —

(a) dismiss the appeal,

(b) substitute for the decision being appealed any other decision that the decision maker could have made, or

(c) remit the decision to the regulator to be disposed of in accordance with the adjudicators' directions,

the regulator must inform the appellant of their right to appeal to the County Court.

(8) Where paragraph (7) applies, a person may appeal to the County Court against the adjudicators' determination, and the County Court may—

(a) dismiss the appeal,

(b) quash the adjudicators' determination,

(c) substitute for the adjudicators' determination any other determination that the adjudicators could have made, or

(d) remit the matter to the adjudicators to be disposed of in accordance with the directions of the Court,

and may make any order as to costs as it thinks fit.

~~(9) A person may appeal to the County Court against a decision of the regulator under Part 3 of the European Union (Recognition of Professional Qualifications) Regulations 2015 or, in the case of a social worker falling within regulation 78(3)(a) of those Regulations, a decision of the regulator under Part 3 of the European Communities (Recognition of Professional Qualifications) Regulations 2007, requiring an exempt person to complete an adaptation period, or pass an aptitude test, in connection with becoming entitled by virtue of that Part of those Regulations to have access to, and to pursue, the social work profession in the United Kingdom.~~

~~(10) On an appeal under paragraph (9) the County Court may—~~

~~(a) dismiss the appeal,~~

~~(b) quash the regulator's decision,~~

~~(c) substitute for the regulator's decision any other decision that the regulator could have made, or~~

~~(d) remit the matter to the regulator to be disposed of in accordance with the directions of the Court,~~

~~and may make any order as to costs as it thinks fit.~~

Schedule 1

1.

A person has a recognised qualification if they—

(a) have an approved qualification,

~~(b) are an exempt person and have a right to practise as a social worker in the United Kingdom by virtue of Part 3 of the European Union (Recognition of Professional Qualifications) Regulations 2015¹ or, in the case of a person falling within regulation 78(3)(a) of those Regulations, by virtue of Part 3 of the European Communities~~

~~(Recognition of Professional Qualifications) Regulations 2007 (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that they may be required to undertake pursuant to those Parts of those Regulations),~~

(c) have undergone training in the social work profession outside the United Kingdom, and either—

(i) hold a qualification which the regulator is satisfied attests to a standard comparable to that attested to by an approved qualification, or

(ii) do not hold such a qualification, but the person has undergone such additional training or experience, in the United Kingdom or elsewhere, as satisfies the regulator, following any test of competence as it may require them to take, that they meet the requisite standard for admission to the register, or

(d) have undergone training in the social work profession in Wales, Scotland or Northern Ireland, and—

(i) the training is recognised by the regulator as meeting the standard which it requires for admission to the register, or

(ii) the training is not so recognised but they have undergone, whether in England or elsewhere, such additional training or professional experience as satisfies the regulator that they have the requisite standard of proficiency for admission to the register.

~~2.~~

~~In considering whether an exempt person to whom paragraph (1)(c) applies is to be regarded as having a recognised qualification, the regulator must take into account—~~

~~(a) if the person holds a qualification in social work which—~~

~~(i) was granted otherwise than in a relevant European State, but~~

~~(ii) has been accepted by a relevant European State, other than the United Kingdom, as qualifying them to practise as a social worker in that State,~~

~~the acceptance of that qualification, and~~

~~(b) all other qualifications, knowledge or experience, wherever acquired, which are relevant to the determination of whether the person is to be regarded as having a recognised qualification.~~

Annexe 2

Amendments to the Registration Rules 2019 and the Fees Rules 2019

Part 1: Introduction

Citation and commencement

1. (1) Social Work England has made these Rules in accordance with regulation 3 of The Social Workers Regulations 2018.

(2) These Rules are made in exercise of powers conferred by regulation 9(6), 10(4), 11(6) and (7), 12(2), 13(5), 14(6), 15(11), and 16(6) and ~~18(9)~~ of The Social Workers Regulations 2018.

(3) These Rules may be cited as The Social Work England (Registration) Rules 2019 and come into force on the date on which section 39(1) of the Children and Social Work Act 2017 comes into force.

Interpretation

2. In these Rules:

the 'Act' means the Children and Social Work Act 2017. 'annotate', 'annotated' and 'annotation' refer to the recording of a relevant qualification, specialism, accreditation or competence in accordance with regulation 12 and as defined in Part 6 of these Rules.

'annotation application' means an application made in accordance with regulation 12.

'applicant' means a person applying in accordance with regulation 10(1) to be registered, a person applying in accordance with regulation 13(1) to renew their registration, a person applying to have an annotation recorded in their entry in the register in accordance with regulation 12(1), or a person applying in accordance with regulation 15(1) to have their registration restored.

‘approved qualification’ means a qualification approved under the education and training approval scheme in accordance with regulation 20(2).

‘entry in the register’ means information recorded in the register in relation to a registered social worker in accordance with regulation 9.

‘listed offence’ has the meaning given in regulation 26(8).

‘Professional Standards’ has the meaning given in regulation 2.

‘recognised qualification’ is to be construed in accordance with Schedule 1 of the Regulations.

‘register’ means the register of social workers in England described in section 39(1) of the Act. ‘registered social worker’ has the meaning given in regulation 2 (5).

‘registration application’ means an application made in accordance with regulation 10.

‘regulation’ means a regulation in The Social Workers Regulations 2018, and ‘regulations’ shall be interpreted accordingly.

‘regulator’ means Social Work England or a person carrying out the functions of the regulator as set out in the Regulations.

‘regulatory body’ has the meaning given in regulation 2(1).

‘renewal application’ means an application made in accordance with regulation 13.

‘renewed’ means the renewing of registration in accordance with regulation 13(3), and ‘renewal’ shall be construed accordingly.

‘restoration application’ means an application made in accordance with regulation 15.

‘Schedule’ means a schedule of the Regulations.

‘warning order’ means an order issued in accordance with paragraph 13(1)(d) of Schedule 2.

Part 2: Content of the register

3. This Part applies when the regulator is recording information in the register in accordance with regulation 9.

4. (1) The following qualifications must be recorded in the register in accordance with regulation 9(1)(f):

(a) a qualification recognised in accordance with paragraph 1 of Schedule 1.

~~(2) The register must also record instances where an exempt person is listed in accordance with regulation 18.~~

5. In addition to the information listed in regulation 9, the regulator must also record in the register a registered social worker's:

(1) date of birth.

(2) home or correspondence address.

(3) where provided, address of current employer.

(4) information provided under rule 15.

6. Where a registered social worker has been given a warning order in accordance with paragraph 13(1)(d) of Schedule 2, the details of the order will remain recorded in the registered social worker's entry on the register for as long as the order remains in force as directed, in accordance with rule 49 of the Social Work England (Fitness to Practise) Rules 2019.

7. Where a registered social worker has been given advice in accordance with paragraph 6(2)(b), paragraph 9(2)(b) or paragraph 12(1)(b) of Schedule 2, the details of the advice will remain recorded in the registered social worker's entry in the register for the period determined by the adjudicator giving the advice, in accordance with rule 48 of the Social Work England (Fitness to Practise) Rules 2019.

8. Warnings given by adjudicators in accordance with paragraph 12(1)(a) of Schedule 2 and by case examiners in accordance with paragraph 6(2)(a) of Schedule 2 will remain recorded in the registered social worker's entry in the register for a period determined by

the adjudicator or case examiner, in accordance with rule 48 of the Social Work England (Fitness to Practise) Rules 2019.

9. Other than as set out above, where a registered social worker has been given an order in accordance with paragraphs 11, 12 or 13 of Schedule 2, the details of the order will remain recorded in the registered social worker's entry in the register for the period specified in rule 50 of the Social Work England (Fitness to Practise) Rules 2019.

10. (1) Where a registered social worker has been removed from the register in accordance with regulation 14(1) or 14(2), or for any other reason, the removal, and reasons for it, must be recorded and published by the regulator.

(2) In these circumstances the record of removal must be recorded and published for a period of five years or until such time as the registered social worker is restored, taking into account rule 50 of the Social Work England (Fitness to Practise) Rules 2019.

Publishing the register

11. The following information will not be included in any published version of the register:

(1) The information in rule 5, other than the postal town of the address recorded in accordance with rule 5(3).

(2) The information in rule 8 where the warning has been given in accordance with paragraph 6(2)(a) of Schedule 2.

(3) The information in rule 7 where the advice has been given in accordance with paragraph 6(2)(b) of Schedule 2.

Part 3: Eligibility to be registered

12. This Part applies where the regulator is considering the eligibility of an applicant to be registered, or to continue to be registered as the case may be, in accordance with regulation 11.

Persons not eligible for registration

13. An applicant is not eligible to be registered if they are subject to a:

(1) conviction for a listed offence (other than a conviction that has been quashed);

(2) conviction for an offence committed elsewhere which, if committed in England and Wales, would constitute a listed offence.

Recognised qualifications and additional education

14. (1) A recognised qualification must have been awarded within five years of an applicant applying to be registered:

(2) Where a recognised qualification was awarded more than five years before an applicant applies to be registered the applicant must demonstrate that they have:

(a) relevant additional education or training against the following criteria:

(i) evidence of 60 days of updating their skills, knowledge and experience in accordance with guidance produced by the regulator.

(3) Where the applicant provides evidence in accordance with rule 14(2) this may include:

(a) supervised practice;

(b) formal study; or

(c) private study;

and the regulator must set out in guidance how this evidence must be demonstrated.

(4) The period for any activity relied upon for the purposes of meeting the condition set out in rule 14(2) must be no more than 12 months prior to the date of any application.

Safe and effective practice

15. To determine that an applicant is capable of safe and effective practice in accordance with professional standards relating to proficiency, performance and conduct and ethics, the regulator must require the applicant:

(1) To confirm that they have not been convicted (including conviction by court martial) or cautioned in the United Kingdom for any criminal offence or, if not the case, provide details of any conviction or caution.

(2) To confirm that they have not been convicted of any offence (including conviction by court martial), which, if committed in England and Wales, would constitute a criminal offence; or if not the case, provide details of any conviction.

(3) To confirm that they have not been subject to any determination by any regulatory body to the effect that the applicant's fitness to practise is impaired or, if not the case, provide details of any determination to the effect that the applicant's fitness to practise is impaired, including the regulatory body in question, the date and the outcome.

(4) To confirm that they are not, or have not been, listed on the adults' and/or children's list under the Protection of Vulnerable Groups (Scotland) Act 2007 or Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, or subject to a barring order under The Safeguarding Vulnerable Adults Act (2006), or if not the case, to provide details of any such listing or barring order.

(5) To confirm that they do not have a continuing or episodic physical or mental health condition which, although in remission at the time of the application for registration, may be expected to cause a recurrence that may impair their fitness to practise as a social worker or, if not the case, provide details of any such physical or mental health condition.

(6) To confirm that they have read and understood the regulator's professional standards and provide confirmation that they will undertake to abide by them.

Knowledge of English

16. To determine that an applicant has the necessary knowledge of English, the regulator must be satisfied that the applicant:

(1) has within the last five years passed a test of their knowledge of English that has been approved under the regulator's education and training approval scheme; or

(2) has within the last five years obtained an overall score of 7 or more in the International English Language Testing System (Academic) test; or

(3) has been registered and practising for at least one year within the most recent five years in a country where the regulator recognises English is the first and native language and an English language assessment was required for registration; or

(4) has obtained a recognised qualification within the meaning of schedule 1 to the regulations within the most recent five years that was awarded in a country where the

regulator recognises English is the first and native language and can provide evidence that the qualification was entirely taught and examined in English.

17. (1) Where the regulator is not satisfied that an applicant has the necessary knowledge of English, it may take action in accordance with regulation 11(4).

(2) Where the regulator decides to take action in accordance with regulation 11(4), ~~and having considered the requirements of regulation 11(5),~~ it must require the applicant to:

(a) respond within 10 working days to any request made in accordance with regulation 11(4)(a) for further evidence, information or documents.

(b) respond within 28 calendar days to any request made in accordance with regulation 11(4)(b) to undergo examination or assessment.

(3) Where the regulator imposes a requirement in accordance with regulation 11(4)(b) that the applicant undergoes examination or assessment, on the ground that the regulator was not satisfied that the applicant has the necessary knowledge of English, the regulator must notify the applicant of their right to appeal under regulation 19(1)(b).

(4) Rule 17(2)(b) does not apply during any period when an appeal can be made or has been made and has not yet been decided.

18. Where an applicant appeals successfully against the regulator's decision to require them to undergo further examination or assessment, the regulator must assess the application on the basis of:

(1) the evidence already provided; and

(2) any further evidence provided as a result of the appeal outcome in support of the applicant having the necessary knowledge of English.

19. Rule 26 applies where the regulator is not satisfied that the applicant has the necessary knowledge of English and:

(1) The applicant has not appealed;

(2) The applicant has appealed unsuccessfully and has not undergone further examination or assessment or responded within the timeframe specified in accordance with rule 17(2)(b); or

(3) The timeframe in rule 17(2)(a) has been exceeded.

Part 4: Procedure for registration

20. This Part applies when the regulator is processing registration applications made in accordance with regulation 10.

Applications for registration

21. (1) An application for registration must be made in a form specified by the regulator.

(2) The application shall include:

(a) A warning about the consequences of providing false or misleading information;

(b) A warning that failure to notify the regulator as soon as practicable if any of the information that is registered in relation to the applicant ceases to be accurate may lead to suspension or removal of their entry in the register;

(c) A statement that registered status is dependent on compliance with the professional standards and any other codes and standards relevant to social work and that failure to comply with any of these may be taken into account in any fitness to practise proceedings.

(3) An application can be submitted in writing or electronically.

(4) The application must:

(a) Be completed by the applicant;

(b) Be signed by the applicant, or confirmed by the applicant; and

(c) Be verified by an appropriate person or organisation for the purpose of establishing the identity of the applicant.

Information to be provided by applicants

22. An applicant must provide, along with an application form in accordance with rule 21, the following information and declarations:

(1) Their personal details:

(a) Full name (and former name if any).

(b) Date of birth.

(c) Nationality.

(d) Gender identity.

(e) Home address.

(f) All work addresses at which they are currently employed as a social worker.

(g) Telephone number.

(h) Email address.

(2) Evidence of identity that can be verified by the regulator.

(3) Details of any other previous or current registration with a social work or healthcare regulatory body anywhere in the UK, including registration number.

(4) The information required in rule 15

(5) Current, or prospective, employers (if any).

(6) (a) In the case of a person applying on the basis of Schedule 1 paragraph 1(a) or paragraph 1(c)(i) (social work qualification), evidence of a social work qualification including:

(i) Certificate or other evidence of course completion.

(ii) Name and full address, including country, of course provider.

(iii) Certificate or other evidence of qualification.

(iv) Name and full address, including country, of awarding body.

(v) Date qualification awarded.

(vi) Confirmation of the name in which the qualification is held.

~~(b) In the case of an applicant applying on the basis of Schedule 1 paragraph 1(b) or paragraph 2 (exempt person by virtue of EU mutual recognition of qualifications):~~

~~(i) the certificate or other certifying document issued by a competent authority of the attesting state attesting to the applicant's qualifications and, where appropriate, experience.~~

(c) In the case of an applicant applying on the basis of Schedule 1 paragraph 1(c)(i) or (ii) (training or experience in the UK or elsewhere) evidence that:

(i) the certificate or other certifying document attesting to the applicant's qualifications and, where appropriate, experience.

(d) In the case of an applicant applying on the basis of Schedule 1 paragraph 1(d) (training in Wales, Scotland or Northern Ireland) evidence of:

(i) Certificate or other evidence of course completion.

(ii) Name and full address, including country, of course provider.

(iii) Certificate or other evidence of qualification.

(iv) Name and full address, including country, of awarding body.

(v) Date qualification awarded.

(vi) Confirmation of the name in which the qualification is held.

And such evidence will be deemed sufficient for the purposes of registration.

(7) Confirmation that they are capable of safe and effective practice in accordance with the professional standards relating to proficiency, performance and conduct and ethics.

(8) Evidence that they have the necessary knowledge of English in accordance with these Rules.

23. Any information provided in support of an application which is not in English must be accompanied by a certified translation.

Assessment of applications

24. (1) The regulator must decide a registration application within 10 working days, starting from the day that:

(a) a completed application; or

(b) information requested under rule 24(2); is received, whichever is the latter.

(2) An applicant must provide, as soon as possible, any further information or evidence requested by the regulator which it considers necessary in support of the registration application.

(3) Rule 24(1) does not apply during any period in which:

(a) The regulator has taken action in accordance with rule 24(2) and the timeframe in rule 26(2) has not been exceeded;

(b) An appeal has been made in accordance with regulation 19(1)(b) and the appeal has not been determined by adjudicators.

25. Where an application is made under Schedule 1 ~~paragraph 1(b) or Schedule 1~~ paragraph 1(c), the regulator must:

(1) Make an assessment as to whether the applicant meets the requirement for registration in terms of their social work qualification, other training, or professional experience, ~~taking into account Schedule 1 paragraph 2.~~

(2) The assessment shall include the following activities:

(a) Consideration of how any application meets the regulator's professional standards;

(b) Consideration of how any qualification or training relied upon by the applicant meets the regulator's education and training standards;

(c) Verification of the evidence submitted as part of the application with educational bodies, professional bodies and others relied upon by the applicant.

(3) The regulator may appoint one or more advisers to undertake the assessment and will do so in accordance with the Social Work England (Appointment and Functions of Advisers and Constitution of Panels of Advisers) Rules 2019.

(4) The regulator will notify the applicant of the outcome of the assessment within 60 working days.

(5) In the event that it determines following the assessment under rule 25(2) that the application does not meet the requirements for registration, the regulator must provide the applicant with information regarding the measures they can take to meet the requirements. Such measures may include:

(a) A test of competence as determined by the regulator;

(b) A period of adaptation as determined by the regulator.

Closure of applications

26. A registration application will be closed by the regulator if:

(1) Rule 13 applies to the applicant (persons not eligible to be registered);

(2) The applicant has failed to respond within 14 days to a request made under rule 24(2);

(3) Rule 19 applies to the applicant.

27. A person whose registration application has been closed in accordance with rule 26 and who wishes to be considered for registration must make a new registration application.

Registration period

28. Where a registration application is granted by the regulator the first registration period:

(1) Shall begin on the day on which the application is granted and shall end on the next occurrence of the date specified in rule 55.

(2) Any subsequent registration periods will be in accordance with the requirements set out in rule 55.

Amending the register

29. The regulator must amend the register:

- (1) In consequence of any notification under regulation 16(1);
- (2) To add or remove any annotation in a registered social worker's entry in the register in accordance with regulation 12(1);
- (3) To reflect any interim or final order made under Part 5 of the Regulations in respect of the registered social worker;
- (4) To reflect any amendment under rules 6-10, taking into account rule 11;
- (5) To reflect the outcome of any appeal under regulations 9(2), 19, 27, 34 and paragraph 16 of Schedule 2, in respect of the registered social worker's entry in the register;
- (6) To reflect a successful application for restoration to the register.

Conditional registration

30. The regulator may grant, renew, or restore registration subject to a condition in the following circumstances:

- (1) Where the registered social worker is unable to demonstrate upon request that they have met the standards for continuing professional development, the regulator may set conditions in order that the registered social worker may meet any requirement to meet these standards.
- (2) Where an applicant or registered social worker makes a declaration in relation to their physical or mental health, the regulator may set conditions in order for the regulator to be satisfied that the applicant or registered social worker is fit to be registered.
- (3) Where an applicant or registered social worker makes a declaration that they are subject to ongoing or completed fitness to practise or other disciplinary proceedings by another regulatory body, the regulator may set conditions relating to those ongoing or completed proceedings.

31. Where the regulator is minded to grant, renew or restore registration subject to a condition as set out in rule 30, it will:

(1) Notify the applicant or registered social worker that it is minded to apply a condition, the reasons why a condition should be applied, and the period that such a condition will apply;

(2) Notify the applicant or registered social worker that in the event that they refuse to accept a condition, that the regulator will refuse to register, renew or restore the applicant or registered social worker and provide them with information on how to appeal;

(3) Require the applicant or registered social worker to respond to such notification within 10 working days; and

(a) confirm that they are satisfied that such a condition should be applied; or

(b) propose an alternative condition that in their view meets the regulator's requirements; or

(c) confirm that they do not accept the condition.

32. Where an applicant or registered social worker proposes an alternative condition in accordance with rule 31(3)(b) above, the regulator will confirm within 10 working days whether such an alternative is acceptable.

33. Where an applicant or registered social worker confirms that they do not accept such a condition in accordance with rule 31(3)(c), the regulator will take action in accordance with rule 31(2).

34. The regulator may review, vary or remove a condition in the following circumstances:

(1) At the request of the registered social worker, where the registered social worker can demonstrate to the satisfaction of the regulator that such a review, variation or removal is appropriate.

(2) Where the regulator is satisfied that such a review, variation or removal is in the interest of the public, or in the registered social worker's own interests.

(3) Before the expiry of any period of conditions, where the regulator determines that a further period of conditional registration is not necessary.

35. Where a variation in accordance with rule 32 is proposed, the regulator will follow the process described at rule 31 above.

36. (1) Where the regulator receives information or evidence that indicates that the registered social worker has failed to comply with the conditions on their registration under rule 30, the regulator may consider removing their entry in the register in accordance with regulation 14(1)(d) in the following circumstances:

(a) where the registered social worker does not respond within the period specified to a request from the regulator to demonstrate how they have complied with any conditions upon their registration; or

(b) where, following investigation of this information, the regulator is satisfied that the conditions have not been complied with.

(2) Where a decision is made to remove an entry in the register in accordance with rule 17(1) the regulator must follow the procedures in Part 2 of the Social Work England (Registration –Removal from the register and Registration Appeals) Rules 2019.

~~Part 5: Visiting social work professionals from relevant European States~~

~~**37.** This Part applies where a person falls within regulation 18, as an exempt person who is lawfully established in a relevant European State other than the United Kingdom, as a social worker.~~

~~**38.** An exempt person must be able to demonstrate that they meet the professional standards relating to continuing professional training and development.~~

~~**39. (1)** An exempt person who is unable to demonstrate that they meet the professional standards relating to continuing professional training and development may be removed from the register in accordance with the Social Work England (Registration –Removal from the register and Registration Appeals) Rules.~~

~~(2) In applying rule 39(1) the regulator will:~~

~~(a) Have full regard to whether the exempt person is required to undertake continuing professional development in relation to social work in their home State;~~

~~(b) Have full regard to any other requirements that the exempt person is required to fulfil in relation to social work in their home State;~~

~~(c) Have full regard to the extent to which the exempt person has fulfilled any requirements in relation to social work in their home State; and~~

~~(d) Give the social worker sufficient opportunity to undertake further continuing professional development either in the UK or in another European State.~~

Part 6: Annotation of entries in the register

40. This Part applies when the regulator is processing annotation applications made in accordance with regulation 12.

41. (1) A relevant qualification, specialism, accreditation or competence is one of the following:

(a) Completion of a course approved by the regulator for persons who are or wish to become an approved mental health professional.

(b) Completion of training specified by the regulator to be a best interests assessor.

(2) An application for annotation of an entry on the register that:

(a) is not in accordance with rule 41(1) or;

(b) does not contain all of the information required under rule 42

must be refused.

42. A registered social worker wishing to have their entry on the register annotated in accordance with rule 41(1) must provide the regulator with:

(1) A certificate or evidence of the qualification or training undertaken.

(2) Name and full address, including country, of the provider of the course or training relating to the application for annotation.

(3) Name and full address, including country, of awarding body.

(4) Date qualification awarded, or the date the training was completed.

(5) Confirmation of the name in which the qualification is held.

43. The regulator must be satisfied that the evidence provided is genuine and valid, and:

(1) if satisfied, add the annotation to the entry on the register within 10 working days.

(2) if not satisfied, refuse to annotate the entry on the register and provide the registered social worker with the reasons for this refusal.

44. An annotation shall remain on the register for the period in which the registered social worker is registered.

45. Where an applicant is restored to the register under the process set out in part 8 of these Rules, the applicant may also request that any previous annotation is also restored to that entry, and upon such a request the regulator will:

(a) require the applicant to provide, as soon as possible, any further information or evidence requested by the regulator which it considers necessary in support of the request, and;

(b) consider such information provided and determine whether the annotation should be restored to the entry on the register and notify the applicant of the outcome.

46. Where the regulator determines not to restore an annotation to the applicant's entry on the register, the applicant may appeal this decision in accordance with Part 3 of the Social Work England (Registration – Removal from the Register and Registration Appeals) Rules 2019.

Part 7: Renewal of registration

47. (1) This Part applies when the regulator is processing renewal applications made in accordance with regulation 13.

(2) Registered social workers may apply to renew their registration at the end of the registration period determined by the regulator, and each successive registration period, when the registered social worker was registered in accordance with regulation 10(2).

Timeframe for applying

48. (1) The regulator may notify a registered social worker of the date on which their registration will expire and the latest date by which their registration must be renewed.

(2) A registered social worker must apply to renew their registration no sooner than three months before their registration is due to expire and no later than the date on which their registration expires.

(3) The regulator may extend the timeframe for applying for renewal of registration in the event that a registered social worker cannot apply for renewal by the latter date in rule 47(2) because of any error on the part of the regulator.

Eligibility for renewal

49. A registered social worker is not eligible to have their registration renewed if they are subject to rule 13.

50. (1) A registered social worker applying to renew their registration must provide the following information to the regulator:

(a) Evidence, in a form determined by the regulator, that they meet the professional standards relating to continuing professional training and development;

(b) Evidence in accordance with rule 15 of these rules; and

(c) Where the regulator determines that it is necessary for the registered social worker to do so, evidence that they have the necessary knowledge of English.

(2) To determine whether rule 50(1)(c) applies, the regulator will apply the criteria in rule 16 of these Rules.

(3) If the evidence supplied by the applicant under paragraph (1) does not satisfy the regulator that they meet the requirements of paragraph (1), it may request any further evidence which it considers necessary in support of the renewal application.

51. A registered social worker is eligible to have their registration renewed if they provide information in accordance with rule 50 and make a declaration that the information they have previously provided to the regulator under rule 22 has not otherwise changed since their initial registration or previous renewal, as the case may be.

Continuing professional development

52. A registered social worker must maintain an up-to-date record of their continuing professional development in order to demonstrate to the regulator upon request that they meet the requirements of rule 50(1)(a) of these Rules.

53. The regulator will notify a registered social worker if they intend to inspect any continuing professional development records that the registered social worker has submitted to demonstrate compliance with rule 50(1)(a) of these Rules.

54. If, upon inspection, the registered social worker has not provided information to the regulator which complies with rule 50(1)(a) of these Rules, the regulator may:

(1) decide to remove the registered social worker from the Register using the procedure set out in Part 2 of the Social Work England (Registration –Removal from the register and Registration Appeals) Rules 2019.

(2) apply conditions to the registered social worker's entry on the Register, using the procedure set out in rules 30-36 of the Rules.

Registration period

55. Where the regulator decides that the registered social worker is eligible to have their registration renewed, the period of renewed registration is 1 December-30 November.

Procedure

56. A registered social worker is able to apply to renew their registration between 1 September and 30 November each year.

Part 8: Restoration to the register

57. This Part applies where an applicant has made a restoration application in accordance with regulation 15, with the exception of applicants who were removed as a result of a removal order. Persons not eligible to have their registration restored

58. An applicant is not eligible to have their registration restored if they are subject to rule 13.

Eligibility for restoration

59. (1) An applicant applying to have their entry in the register restored must provide the following information to the regulator:

(a) evidence that they meet the professional standards relating to continuing professional training and development;

(b) evidence in accordance with rule 15; and

(c) where the regulator determines that it is necessary for the registered social workers to do so, evidence that they have the necessary knowledge of English.

(2) To determine whether rule 59(1)(c) applies, the regulator will apply the criteria in rule 16 of these Rules.

(3) An applicant must provide, as soon as possible, any further information or evidence requested by the regulator which it considers necessary in support of the restoration application.

60. An applicant is eligible to have their registration restored if they provide information in accordance with rule 59 and make a declaration that the information they have previously provided to the regulator under rule 22 has not otherwise changed since their last period of registration.

Registration period

61. Where the regulator decides that the applicant is eligible to have their registration restored, the first period of renewed registration will be to the end of the current registration period.

Refusal to restore

62. Where the regulator determines not to restore the applicant's entry on the register, the applicant may appeal this decision in accordance with Part 3 of the Social Work England (Registration –Removal from the register and Registration Appeals) Rules 2019.

Failure to comply

63. (1) If a registered social worker fails to provide information or evidence requested in accordance with rule 50(3), or rule 59(3), the regulator may take action in accordance with regulation 16(4).

(2) Where a registered social worker has failed to provide sufficient evidence in accordance with rule 50(1), the regulator may refuse to renew the registered social worker's entry in the register, taking account of rule 27 of these Rules.

(3) Where a decision is made to remove an entry in the register in accordance with rule 63(2) the regulator must follow the procedures in Part 2 of The Social Work England (Registration –Removal from the register and Registration Appeals) Rules 2019.

(4) Regulation 13(2) applies where a registered social worker fails to renew their registration within a timeframe specified in accordance with these Rules.

Fees Rules 2019

Part 1: Introduction

Citation and commencement

1. (1) Social Work England has made these Rules in accordance with regulation 3 of The Social Workers Regulations 2018.

(2) These Rules are made in exercise of powers conferred by regulation 17 of The Social Workers Regulations 2018.

(3) These Rules may be cited as The Social Work England (Registration – Fees) Rules 2019 and come into force on the date on which section 39(1) of the Children and Social Work Act 2017 comes into force.

Interpretation

2. In these Rules:

‘applicant’ means a person applying in accordance with regulation 10(1) to be registered, a person applying in accordance with regulation 13(1) to renew their registration, or a person applying in accordance with regulation 15(1) to have their registration restored.

‘entry in the register’ means information recorded in the register in accordance with regulation 9.

‘fee’ means any fee charged in accordance with regulation 17.

‘register’ means the register of social workers in England described in section 39(1) of the Children and Social Work Act 2017.

‘registered social worker’ has the meaning given in regulation 2(5).

‘registration application’ means an application made in accordance with regulation 10, and ‘application for registration’ is to be construed accordingly.

‘registration period’ means the period defined by rule 28 of The Social Work England (Registration) Rules 2019.

‘regulation’ means a regulation in the The Social Workers Regulations 2018, and ‘regulations’ shall be interpreted accordingly.

‘regulator’ means Social Work England or a person carrying out the functions of the regulator as set out in the regulations.

‘renewal application’ means an application made in accordance with regulation 13, and ‘application for renewal’ shall be construed accordingly.

‘renewed’ means the renewing of registration in accordance with regulation 13, and ‘renewal’ shall be construed accordingly.

‘restoration application’ means an application made in accordance with regulation 15, and ‘application for restoration’ shall be construed accordingly.

Part 2: Fees for registration

3. This Part applies where the regulator charges a fee in exercise of powers conferred by regulation 17.

Registration fee

4. (1) The fee to be charged for an application for registration is set out in paragraph 1 of Schedule 1 of these Rules.

(2) This fee covers the registration period determined by the regulator when the applicant is registered in accordance with regulation 10(2).

(3) Additional fees to be charged for a registration application made by an applicant who has a recognised qualification under paragraph 1(b) or (c) of Schedule 1 to the Regulations ~~(and who is not a person to whom regulation 18 applies)~~ are set out in paragraph 4 of Schedule 1 to these Rules.

Renewal fee

5. (1) The fee to be charged for an application for renewal is set out in paragraph 2 of Schedule 1 of these Rules.

(2) This fee covers the registration period determined by the regulator when the registered social worker has their registration renewed in accordance with regulation 13(3).

Restoration fee

6. (1) The additional fee to be charged for an application for restoration is set out in paragraph 3 of Schedule 1 of these Rules.

(2) This fee covers the period determined by the regulator when the applicant has their registration restored in accordance with regulation 15(9).

Fee variations

7. The regulator may decide at its discretion that a fee is not chargeable or to waive or reduce a fee payable, or refund all or part of any fee paid:

- (1) where it is notified under rule 5 of The Social Work England (Registration – Removal from the Register and Registration Appeals) Rules 2019 that a registered social worker has died;
- (2) where a registered social worker has been suspended from the register in accordance with paragraph 13(1) of Schedule 2 of the Regulations; or
- (3) where it considers it fair and reasonable to do so having regard to the applicant's particular circumstances.

Payment of fees

8. (1) The fee payable for an application for registration or restoration must be paid in its entirety at the time that the application is made.

(2) An applicant or registered social worker may, with the agreement of Social Work England, pay the fee for a renewal application in instalments by direct debit. In that event, the final instalment for that registration year shall be the point at which the fee for renewal of registration has been paid in full.

Timescale for payment of fees and consequence of non-payment of fees

9. (1) Subject to paragraph (2), any fee payable must be paid upon the request of the regulator.

(2) If a fee is to be paid by instalment in accordance with rule 8(2), the first direct debit payment must be made no later than 10 working days from the date a request to pay by direct debit is made.

(3) Where any fee payable for:

(a) registration;

(b) restoration; or

(c) renewal made in accordance with rule 8(2)

is not paid within 10 working days of a request, the applicant will not be registered or have their entry to the register restored.

(4) Where the fee for renewal of registration is not paid by the final date of renewal for that registration period, the registered social worker's entry shall be removed from the register.

(5) Where a fee for renewal of registration is being paid by instalment in accordance with rule 8(2), any instalment that is not paid shall result in the regulator taking action in accordance with rule 9(4).

(6) In the circumstances described in rule 9(3) and 9(4), the regulator must write to the applicant warning them:

(a) until such fee is paid they are not registered; and

(b) a new application for registration or restoration must be made if the applicant wishes to be registered.

(7) Before taking any action under rule 9(3) or 9(4), the regulator may consider the circumstances of the person concerned. If, as a result of its consideration, the regulator decides not to take action under rule 9(3) or 9(4), the regulator may grant the person concerned registration, restoration, or renewal as the case may be and must write to that person explaining why such action has been taken despite non-payment of a fee.

Schedule 1 - registration fees rules 2019/2020

Each application falling within a category set out in the table below shall be accompanied by the fee shown for the period December 2019-November 2020

(1)Application for initial registration	Fee
Fee for an application for initial registration made between 1 December - 28 February.	£90.00
Fee for an application for initial registration made between 1 March –31 May.	£67.50
Fee for an application for initial registration made between 1 June –31 August.	£45.00
Fee for an application for initial registration made between 1 September – 30 November.	£22.50
(2)Application for renewal of registration	Fee
Fee for an application for renewal of registration	£90.00
(3)Application for restoration of registration	Fee
Fee for an application for restoration of registration, in addition to the registration fee at (1) above	£135.00
(4)Scrutiny Fees	Fee
Additional fee for the scrutiny of applications from applicants applying in accordance with paragraph 1(b) or paragraph 1(c) of schedule 1 of the regulations.	£495.00