The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations

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<td>11 December</td>
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<td>18 December</td>
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**Background**

1. The Committee received notification from the Scottish Government on 11 December of its intent to consent to UK Ministers making regulations on its behalf in relation to the following:
   - The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations

2. These regulations are being proposed by the UK Government for laying in the UK Parliament in relation to the European Union (Withdrawal) Act 2018 ('the Act'). A new protocol has been put in place between the Scottish Parliament and the Scottish Government to help Committees deal with these types of instruments.

3. An infographic has also been produced which shows how the Scottish Parliament scrutinises UK statutory instruments laid at the UK Parliament under the 2018 Act.

**The Instrument**

4. The notification letter from the Scottish Government states the reasons why the Scottish Government is content that Scottish devolved matters are to be included in these SIs.
Committee consideration

5. Due to the truncated timescale for the Committee’s consideration of the SI notification Committee Clerks issued correspondence to Scottish Government officials to seek clarification on two areas. A response to these questions is provided at Annexe A.

Decision

The Committee is invited to take a decision today on whether it wishes to:

   a. Write to the Scottish Government to confirm it is content for consent for a UK SI to be given,
   b. Take an alternative course of action.

Clerk to the Committee December 2018
Annexe A
Response from Scottish Government Officials to questions raised by Committee Clerks on the SI notification

Q: The notification indicates that social workers will no longer fall under the “general system” process of recognition under Directive 2005/36/EC (as amended), which is implemented in domestic law by the European Union (Recognition of Professional Qualifications) Regulations 2015. Instead, the notification indicates that the Scottish Social Services Council will have discretion to decide how to recognise the qualifications of EEA/Swiss nationals on the same basis as other non-Scottish qualified applicants under the Regulation of Care (Scotland) Act 2001. How significant is it anticipated this change will be in practice?

A: The change will not be significant in practice. The SSSC currently assesses all qualifications from outside Scotland against the Scottish standards for social work when the applicant is applying to the part of the Register for Social Workers. Current practice is to assess all such qualifications, including the qualifications of applicants from non-UK EU/EEA countries (as required under European law) and, as a matter of policy, international social work qualifications gained outside the EU/EEA. There is no current intention to change policy, and all non-UK Social Work qualifications will continue to be assessed in the same way.

Q: Why has the Parliament not been given the full 28 days to scrutinise the instrument? Is it envisaged that the laying of this instrument in the UK Parliament could be delayed?

A: Work has been ongoing with UKG policy officials on the draft SI and numerous changes have been made which have required careful scrutiny and policy clearance from a large number of officials. The UK Government’s decision to transfer social service workforce provisions from the BEIS to DHSC Instrument during the drafting process necessitated additional work in order to achieve clearance. Officials have been liaising with the UK Government to try to obtain a later laying timetable for this SI to enable the Committee to have as much scrutiny time as possible. The timetable for laying has been put back and this SI is now due to be laid in draft (affirmative procedure) in the week beginning 14 January. The Parliament will not therefore have the full time for scrutiny as set out in the protocol but will have around 21 days to consider this notification. We would be extremely grateful for the Committee’s understanding in the matter.

12 December 2018