

Welsh Government Response: The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Regulation and Inspection of Social Care) (Miscellaneous Amendments) (Wales) Regulations 2026

Technical scrutiny point 1:

The term “supervised practice” is not newly created by these Regulations and reflects a concept already widely used and understood within professional qualification recognition regimes, including the frameworks implemented under international recognition agreements. The definition of “adaptation period” inserted into the 2016 Act deliberately mirrors the terminology used in the EEA EFTA Free Trade Agreement and the Swiss Agreement, both of which envisage an adaptation period consisting of a period of supervised practice carried out under the responsibility of a suitably qualified professional.

“Supervised practice” is therefore intended to take its ordinary meaning within the context of professional regulation: a period during which an applicant practises the relevant professional activities under the oversight and responsibility of a qualified professional, in this case a qualified social care worker, during which the applicant’s competence, conduct, and ability to practise safely may be assessed. The degree of supervision required will depend on the applicant’s qualifications, experience, and the nature of any identified substantial differences between their training and the competencies required for practice in Wales.

The Regulations do not define “supervised practice” because—

1. Flexibility is required to enable Social Care Wales (SCW) to tailor the supervision arrangements to the specific circumstances of individual applicants, including (a) the nature and extent of differences between the applicant’s qualifications and those required in Wales, and (b) the specific practice setting.
2. The term is already well understood in professional qualification recognition systems and in practice by regulators and therefore does not require further statutory elaboration.

3. Over-prescription in the primary legislation could inadvertently constrain SCW's ability to ensure that supervision arrangements remain proportionate, appropriate, and adaptable to different professional contexts.

Further detail about how supervised practice is to operate in practice—such as expected supervisory standards, assessment arrangements, and record-keeping—may appropriately be set out by SCW in rules, codes of practice, or guidance issued under its existing powers.

Technical scrutiny point 2

The purpose of regulation 12 (inserting subsections (5) and (6) into section 89 of the 2016 Act) is to ensure compliance with the timeliness obligations arising under the EEA EFTA and Swiss international recognition agreements. These instruments require competent authorities to process applications from specified state professionals within a fixed period.

Subsection (6) provides that where the registrar fails to give notice of a decision within the four-month period, that failure is to be treated as a decision of the registrar for the purposes of Parts 3, 4 and 8 of the 2016 Act. The provision is not intended to deem the application either approved or refused. Rather, the effect is procedural, enabling the applicant to access the existing appeals framework where the registrar has not complied with the statutory time limit.

This is reinforced by the parallel amendment to section 101, which expressly provides an appeal right for specified state applicants where no timely decision has been given. The intention is therefore:

- not that the application is automatically approved or rejected by default;
- but that the applicant gains a right of appeal, allowing a registration appeals panel to consider the matter and, where necessary, direct the registrar to determine the application.

This approach is consistent with comparable provisions in other regulatory regimes implementing international recognition agreements and ensures that applicants are

not left without remedy in cases of administrative inaction, while preserving the regulator's essential role in determining fitness to practise.