



# Briefing for SROs

## Mutually Recognised Professional Qualifications (MRPQ)

Briefing for Brexit Senior Responsible Officers to highlight how Mutually Recognised Professional Qualifications will change after Brexit.

July 2019



## Background

**The Mutual Recognition of Professional Qualifications Directive (the Directive) provides a reciprocal framework of rules which enables EEA and Swiss nationals to have their professional qualifications recognised in a state other than the one in which the qualification was obtained. It also provides rules for recognition of non-EEA and non-Swiss qualifications held by EEA or Swiss nationals. The Directive provides several routes to recognition, including:**

- automatic recognition based on minimum training conditions or professional experience that applies to doctors, nurses, dental practitioners, veterinary surgeons, midwives, pharmacists and architects;
- the ‘general system’ under which, subject to exceptions, regulators must not refuse applicants who seek to practise a regulated profession in the UK if they hold the qualifications required by an EEA State or Switzerland (some might be subject to an aptitude test or an adaptation period); and
- a mechanism for those who want to work on a temporary or occasional basis in another EEA State or Switzerland.

## What are the implications for the MRPQ Directive by the UK leaving the EU?

Until the UK leaves the EU, the [European Union \(Recognition of Professional Qualifications\) Regulations 2015](#) remain unchanged and their existing guidance in this area, [Mutual recognition of professional qualifications: guidance for regulatory bodies](#). However, following the UK’s exit from the EU, the UK will no longer be subject to the Directive.

The Secretary of State for Health and Social Care announced that [EU workers with professional qualifications can continue to practise in the UK after the UK leaves the EU, with or without a deal](#). The UK Government is seeking agreement(s) regarding mutual recognition of qualifications and information exchange on sanctioned professionals post-Brexit. However, there are no guarantees in this process as UK will be a third country as defined by the EU.

Parts of the current version of the Directive (Directive 2005/36/EC as amended by Directive 2013/55/EU) have been implemented in the UK by the European Union (Recognition of Professional Qualifications) Regulations 2015 and are supplemented by UK sector-specific legislation for certain professions. The amended 2015 Regulations do not apply in relation to [certain professions](#), including many health and social care roles (i.e. medics, dentists, nurses and midwives). Additional secondary legislation laid by other UK Government departments and the Welsh Government includes provisions relating to doctors, nurses, dental practitioners, midwives, pharmacists and other health and care professions.

## UK level regulation

[The European Qualifications \(Health and Social Care Professions\) \(Amendment\) \(EU Exit\) Regulations 2018](#) amends the legislation of UK health and social care regulatory bodies. The Department for Health and Social Care is responsible for this legislation and it is regulated by the General Medical Council and the Nursing and Midwifery Council.

The UK has retained a system of recognition for EEA or Swiss qualifications similar to the current system for those who currently have automatic recognition (near automatic recognition). UK regulators will continue to recognise those EEA or Swiss qualifications without additional tests, other than language skills tests and checks on fitness to practise where necessary. UK regulators will have the ability to, in future, designate qualifications which will remove them from the near automatic recognition route.

EEA or Swiss qualifications for those health and social care professionals who were previously in scope of the general system will be considered against UK qualification standards. If those qualifications are comparable to UK qualifications then the qualification will be recognised without additional tests, other than language skills tests.

## Wales level regulation

As the amended 2015 Regulations only cover the general system of recognition, Wales issued corresponding Statutory Instruments.

[The Regulation and Inspection of Social Care \(Qualifications\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2019](#) makes similar provision for social care professionals in Wales to those made by the European Qualifications (Health and Social Care Professions) (Amendment) (EU Exit) Regulations 2018. This will ensure that a common framework for the recognition of social care professionals within the UK continues to exist post-EU exit. EEA or Swiss qualifications for social care professionals who were previously in scope of the general system will be considered against UK qualification standards. If those qualifications are comparable to UK qualifications, then the qualification will be recognised without additional tests other than checks on language skills. Social Care Wales, the workforce regulator, will have the discretion to decide how to treat noncomparable EEA or Swiss qualifications.

If the UK leaves  
the EU with a  
deal

Healthcare professionals whose qualification have been recognised and who are registered before the agreed leave date will continue to be registered afterwards.

The [Mutual Recognition of Professional Qualification Directive](#) will continue until 31 December 2020 (end of the transition period). UK regulators will work with the Department of Health and Social Care over the next two years (2021) to review arrangements for the processing of applications to the register from individuals who have gained their health professional qualification outside of the UK.

Any qualification that is not entitled to automatic recognition will be assessed by the relevant regulator as it is currently.

If the UK leaves  
the EU without a  
deal

Healthcare professionals who apply to have their qualification recognised by a UK regulator (GMC, NMC, etc) before the agreed leave date, will have their application concluded under current arrangements. The Directive currently in place enables healthcare professional regulators to automatically recognise certain EU professional qualifications which leads to entry of the relevant professional register.

The Department of Health and Social Care has introduced a statutory Instrument which maintains existing recognition arrangements for EEA and Swiss professional qualifications, as far as possible, for a period of two years after the UK leaves the EU.

The [Recognition of Professional Qualifications \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) will come into effect and make changes to the existing regulations. There is also an [Explanatory Memorandum](#), which explains the legislation and the changes it will make to the Recognition of Professional Qualifications Regulations in more detail. This legislation will be supplemented by sector specific legislation to cover certain professions, including health and social care. The proposed new system of recognition of professional qualifications will:

- Protect recognition decisions that have already made; allow applications for recognition which have been made before exit to be concluded under the same rules as far as possible; and allow individuals to complete temporary and occasional service provision which started before exit.
- Retain a general system for recognition where UK regulators will be required to recognise EEA and Swiss qualifications which are of an equivalent standard to UK qualifications in scope, content and level.
- No longer include certain obligations on regulators such as offering compensation measures, partial access and temporary and occasional provision of services. However, it will leave regulators with the discretion to decide how to treat non-equivalent EEA or Swiss qualifications.

- Correct deficiencies in the Regulation of Professional Qualifications Regulations so that the system that is being retained can still function effectively and professionals will retain a route for recognition of their professional qualification.

From the agreed leave date, qualifications that are currently automatically recognised, will continue to have similar treatment for at least two years. Any qualification that is not entitled to automatic recognition will be assessed by the relevant regulator as it is currently. UK regulators will work with the Department of Health and Social Care over the next two years (2021) to review arrangements for the processing of applications to the register from individuals who have gained their health professional qualification outside of the UK.

### Agreements with other countries

The UK has reached agreements with Iceland, Liechtenstein and Norway, and with Switzerland, to address separation issues which include specific arrangements for the recognition of professional qualifications for these countries' nationals, which differ in some respects to the no deal position set out above.

The government will continue to work with Devolved Administrations as well as regulatory bodies to ensure the future system for the recognition of professional qualifications works across the UK.

### Implications for health and care

For EEA and Swiss professionals (as well as UK nationals holding EEA or Swiss qualifications) who have received a recognition decision in the UK before exit, these recognition decisions will not be affected and will remain valid.

EEA and Swiss professionals (as well as UK nationals holding EEA or Swiss qualifications) who have applied for a recognition decision and are awaiting a decision on exit day will, as far as possible, be able to conclude their applications in line with the provisions of the MRPQ Directive.

Professionals with EEA or Swiss qualifications who have not started an application for a recognition decision in the UK before exit will be subject to the new system of recognition, subject to Parliament's approval.

UK nationals seeking recognition to work in regulated professions in the EEA or Switzerland should check the host state's policies.

### Contact Details

**Victoria Hage**

Brexit Programme Support Officer, the Welsh NHS Confederation

---

[Victoria.Hage@welshconfed.org](mailto:Victoria.Hage@welshconfed.org) | 02920 349850