



Ag Rialáil Gairmithe Sláinte
agus Cúraim Shóisialaigh

Regulating Health +
Social Care Professionals

Recognition of International Qualifications

(Qualifications gained outside of the Republic of Ireland)

Policy and Criteria

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An Chomhairle um Ghairmithe Sláinte agus Cúraim Shóisialaigh
Health and Social Care Professionals Council



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1. Introduction

This policy sets out the rules by which the Registration Boards will operate their functions in relation to the recognition of professional qualifications, including those undertaken in the Boards' capacity as Competent Authorities, in the context of relevant legislative provisions.

The specific legislation in effect at the time of writing is:

- Directive 2005/36/EC of the European Parliament and of the Council of 09 September 2005 on the recognition of professional qualifications (as amended) (the **“Directive”**)
- The Health and Social Care Professionals Act 2005 (as amended) (the **“Act”**)
- The European Union (Recognition of Professional Qualifications) Regulations 2017(S.I. No 8 of 2017) (the **“Regulations”**)

All of the above are subject to amendment. Where a conflict emerges between this policy and primary or secondary legislation in effect at National or EU level the legislation shall take precedence over this policy.

2. Context

Applicants for registration must hold either:

- a qualification awarded in the State which has been approved by the Registration Board or
- a qualification awarded outside the State which is recognised by the Registration Board.

On the day a register opens for a designated profession, the Registration Board becomes the Competent Authority for that profession under the Directive. A Competent Authority is established for the purposes set out in that legislation, including the recognition of professional qualifications. In addition, the Registration Board is responsible for assessing qualifications from outside the EU/EEA, for the purpose of registration, which are not covered by that Directive.

All applications for recognition of qualifications awarded outside the State will be assessed and determined in accordance with the provisions of the Directive, regardless of whether they come within the ambit of the Directive or not.

Recognition of a qualification by the Competent Authority/Registration Board has no function, effect or status in the State other than to demonstrate that an applicant holds an



approved qualification in the relevant profession for the purpose of registration in accordance with Section 38 of the Act.

Applicants whose first language is not English may be required to provide evidence as to their knowledge of the language necessary to practice the profession in the State as part of the Registration process but not as part of the Recognition process¹.

3. Making an Application

3.1 Eligibility

For an application to be considered it must fulfil eligibility criteria in relation to the status of:

- The individual,
- The profession,
- The right to practice, and
- The qualification

If all criteria are not met, the application will not be considered.

3.1.2 Individual

All individuals are eligible to apply for recognition of their qualification.

3.1.3 Profession

The profession for which the applicant is qualified, in the country where the qualification was awarded (“the Home State”), must be the same as that profession which s/he wishes to pursue in Ireland². The profession is the same if the activities covered are comparable³.

3.1.4 Practice

An applicant must be eligible to practice the profession in the Home State (i.e. the State where the qualification was obtained). This is to be confirmed in the form of an attestation of competence to be provided by the Home State Competent Authority or an equivalent body acceptable to the Registration Board. However, it is not required that applicants be currently registered to practice in the Home State. The requirement is that applicants should be

¹ See Regulation 85 SI 8 2017 and Article 53 Directive 2005/36/EC

² Article 4(2) Directive 2005/36/EC

³ Article 4(2) Directive 2005/36/EC



eligible to practice without completing any further training or assessment (this applies to the qualification and training standard required, not language provisions etc.).

3.1.5 Qualification

An applicant must have successfully completed regulated education and training in the Home State.

For a qualification to be eligible to be considered, it must be at an appropriate level. The Directive sets out five levels of qualification which are also listed in Schedule 4 of the Regulations. Where an applicant's qualification is classified at level (a) and the approved national qualification is classified at level (e), the applicant may be considered ineligible to apply and refused access to, and pursuit of, the profession⁴.

Qualification special cases:

Applicants from non-regulating states

An applicant must have successfully completed regulated education and training in the Home State.

An applicant may have qualified in a State which does not regulate the profession or the relevant professional education and training. However, if the applicant has proof of practising the profession for one year (or for an equivalent overall duration on a part time basis) of the previous ten years in a non-regulating State the qualification is eligible for consideration.⁵

While all individuals may apply, regardless of the State in which they qualified, an eligible person who has qualified outside the EU and who

- a) has had those qualifications recognised in a Member State, and
- b) has three years professional experience (i.e. post registration or equivalent) in that Member State certified by the Member State

also comes within the ambit of the Directive.

⁴ See Article 11 Directive 2005/36/EC, or Regulation 19 SI 8 2017, for an explanation of the levels (a) to (e) referenced here

⁵ Article 13(2) Directive 2005/36/EC; Regulation 21(2) SI 8 2017



Acquired rights

An eligible person who benefits from acquired rights set out in legislative, regulatory or administrative provisions in the Home State, is eligible to seek recognition under the general system of recognition in the Directive. In this case, the former training is considered to correspond to the level of the current training requirement in the Home State for the purpose of applying Article 13 (i.e. establishing the level of the qualification)⁶. Thereafter the content of the actual qualification and any subsequent training or lifelong learning shall be assessed on its own merit.

3.2 Process

3.2.1 Making a complete application

Applications must be made in the format prescribed by CORU. Applications that do not use the forms and systems in place at the time of application will not be considered.

Only applications which are confirmed complete and which demonstrate compliance with the criteria for eligibility will be considered valid. An application is not complete if the fee has not been paid in full or if any of the required documents are missing, including any verifications required as part of the application.

An application will be considered invalid if any element of the application is found to be fraudulent or false.

The Executive (i.e. the staff of CORU) shall undertake the task of confirming that the applicant has submitted a valid and complete application and that all required documents, translated and witnessed as appropriate, are present to support the application.

The timeframe allowed for considering an application does not begin until the application is complete.

An application must be complete before the assessment process is commenced and the application is considered. A list of the criteria and the required evidence and documentation is provided in the application form.

Invalid or incomplete applications will be returned with a reasoned explanation.

If a query on essential criteria/content of an application arises advice may be sought from the Registration Board by the Executive where appropriate.

⁶ Article 12 Directive 2005/36/EC; Regulation 20(2) SI 8 2017



3.2.2 Timeframe for submission of documents

In accordance with the provisions of the legislation, an application shall be acknowledged within one month of receipt and the applicant informed of any missing document.

Missing documents must be submitted within six months or the application will be closed and the fee returned less the administration fee. Where an application is closed for this reason the applicant is entitled to submit an entirely new application with the full fee.

3.2.3 Assessment and assessment timeframe

The Registration Board will assess the qualification(s) awarded outside the State by reference to the Standards of Proficiency (outcomes) required of the national reference qualifications in place at the time when the application for recognition is made. They are the minimum standards necessary to protect the public. In the process, the Standards of Proficiency represent the formal qualifications required in the Host Member State referenced in the Directive (i.e. the reference qualification) as they establish the benchmark requirement for entry to the profession and do not address other aspects of academic standards which are not required for professional recognition.

Where professional traineeship⁷ is a specified condition for access to the profession, the requirements will be considered as part of the recognition process. Proportionality will be carefully considered in the assessment of this criterion.

The Registration Board may establish a Panel of Assessors who may be assigned to consider applications and make recommendations to the Board. Two or more assessors will assess each application.

An application will be assessed to establish whether:

- a) the training the applicant has received covers substantially different matters than those covered by the evidence of formal qualifications required in Ireland; or
- b) the regulated profession in Ireland comprises one or more regulated professional activities which do not exist in the corresponding profession in the applicant's home State, and the training required in Ireland covers

⁷ Article 3(1)(j) Directive 2005/36/EC "professional traineeship": without prejudice to Article 46(4), a period of professional practice carried out under supervision provided it constitutes a condition for access to a regulated profession, and which can take place either during or after completion of an education leading to a diploma;"



substantially different matters from those covered by the applicant's attestation of competence or evidence of formal qualifications.

“Substantial differences” in training means substantial differences in areas in which knowledge skills and competences acquired are essential for the exercise of the profession.

In such scenarios, the next steps will be to:

- a) first ascertain whether the differences identified are substantial, and are essential to performance of the profession in Ireland; and
- b) if they are substantial and essential, consider whether any other knowledge skill and competence acquired by the professional in the course of professional experience or lifelong learning addresses these substantial differences

If the application does not contain sufficient information to confirm whether the substantial differences are addressed through lifelong learning or professional experience the applicant shall, where possible, be advised of the substantial differences and provided with an opportunity to submit any relevant evidence within a reasonable timeframe.

The assessment will be completed and the decision made within the three month time limit, which may be extended to 4 months, which begins the day the file becomes complete.

Substantial differences identified must be expressed in terms of the Standards of Proficiency required of the profession at the time, specifically the indicators provided for each Domain. Differences should not be expressed solely in terms of time spent in practical or professional training, often described as placements.

All recommendations presented to the Registration Board will clearly indicate that the Assessor(s) have assessed the application in accordance with this policy.

The Assessor(s) will clearly recommend, and properly substantiate, to the Registration Board whether an application should be:

- (i) recommended for recognition;
- (ii) recommended for a compensation measure; or
- (iii) recommended for refusal on the basis that the profession to which the qualification relates is not the same as the profession in the State, in that the activities covered are not comparable.

Duly substantiated decisions shall be communicated to applicants as soon as reasonably possible after they are made.



3.2.4 Compensation Measures

1. Compensation measures may be imposed if
 - a. the training the applicant has received covers substantially different matters to those covered by the evidence of formal qualifications required in Ireland;

or

 - b. the regulated profession in Ireland comprises one or more regulated professional activities which do not exist in the corresponding profession in the applicant's home State, and the training required in Ireland covers substantially different matters from those covered by the applicant's attestation of competence or evidence of formal qualifications.⁸
2. If a compensation measure is required, the applicant must be offered the choice between an adaptation period and an aptitude test, unless the applicant holds a qualification at level (a) as described in Article 11 of the Directive where the CORU level is (c), or level (b) where the CORU level is (d) or (e). In such cases, the Registration Board may stipulate either an adaptation period or an aptitude test.
3. If the applicant makes a choice and subsequently wishes to alter his or her choice the approval of the Registration Board shall be sought in advance. The Registration Board has the option to delegate decision making on this issue to the Registrar.
4. If the applicant chooses a period of adaptation as the compensation measure, he or she must complete and submit an official period of adaptation proposal form (available from CORU). The applicant must get the approval of the Registration Board or designated committee for the proposed period of adaptation, prior to commencing the compensation measure.
5. Applicants are requested to confirm their choice within thirty days of issue of the decision letter.

⁸ Article 14(1) Directive 2005/36/EC



6. Any costs associated with a period of adaptation or aptitude test must be borne by the applicant, once they reflect actual costs and would apply to Irish nationals in similar situations. Costs may include the costs of processing the assessment of the compensation measure as well as the cost of its provision.
7. The fee for a compensation measure administered by CORU is designated by the Health and Social Care Professionals Council. Fees charged by other providers may in some circumstances be subject to approval by CORU.
8. Normally, an applicant who has failed a compensation measure will be offered a single opportunity to repeat.
9. An applicant who fails to demonstrate proficiency in the areas of substantial differences identified, having had a second opportunity to complete a compensation measure (aptitude test, period of adaptation or both) will be refused recognition.
10. While an applicant may opt for a different compensation measure for the second opportunity this will not increase the number of opportunities the applicant has to successfully complete the compensation measures. The maximum number of opportunities is two. So if, for example, an applicant fails an aptitude test he or she could then opt to do an adaptation period (if approved), and if he or she fails that there are no further opportunities to successfully complete the compensation measures.
11. An applicant who is refused recognition can make a new application at any time.
12. An assessor who has undertaken the initial assessment of the qualification may also carry out an assessment of the compensation measure.



3.2.5 Period of Adaptation

Definition:

“The pursuit of a regulated profession in the host Member State under the responsibility of a qualified member of that profession, such period of supervised practice possibly being accompanied by further training. This period of supervised practice shall be the subject of an assessment. The detailed rules governing the adaptation period and its assessment as well as the status of a migrant under supervision shall be laid down by the competent authority in the host Member State. The status enjoyed in the host Member State by the person undergoing the period of supervised practice, in particular in the matter of right of residence as well as obligations, social rights and benefits, allowances and remuneration, shall be established by the competent authorities in that Member State in accordance with applicable Community law⁹;”

1. Periods of adaptation, including additional academic training if applicable, must take place in the State.
2. A period of adaptation shall be a period of supervised practice under the responsibility of a qualified member of the profession. The period of adaptation may, by a decision of the Competent Authority, be supplemented with additional independently assessed academic training.
3. The Registration Board will determine the length and nature of the period of adaptation based on the deficits identified in each individual application. A period of adaptation shall be of three years' duration at a maximum, and shall normally be required to be initiated by the applicant within eighteen months of the Registration Board or designated committee approving the Period of Adaptation Proposal submitted by the Applicant (see following).
4. Once an applicant opts for a period of adaptation, it is his or her responsibility to locate an agency and supervisor willing to provide a placement, and if

⁹ Directive 2005/36/EC Article 3(g) Definitions



applicable, to locate suitable additional academic training. The official *period of adaptation proposal form* for a practice placement must be completed by the applicant, signed by the proposed agency/supervisor and submitted to CORU for approval. Approval must be granted in advance of commencement of the period of adaptation.

5. Guidance regarding level and frequency of supervision of the applicant during a period of adaptation should be linked to identified differences in order to ensure public protection.
6. When the period of adaptation is completed, the applicant and the supervisor will both be required to submit reports to the Registration Board.
7. The period of adaptation report will be assessed by a member of the Panel of Assessors appointed by the Registration Board.
8. The assessor will make a recommendation to the Registration Board that a) the applicant has addressed the substantial differences, or b) the applicant has not addressed the identified substantial differences. In either case, the recommendation shall be supported by clear reasoning.



3.2.6 Aptitude Test

Definition:

“A test limited to the professional knowledge of the applicant, made by the competent authorities of the host Member State with the aim of assessing the ability of the applicant to pursue a regulated profession in that Member State. In order to permit this test to be carried out, the competent authorities shall draw up a list of subjects which, on the basis of a comparison of the education and training required in the Member State and that received by the applicant, are not covered by the diploma or other evidence of formal qualifications possessed by the applicant.

The aptitude test must take account of the fact that the applicant is a qualified professional in the home Member State or the Member State from which he comes. It shall cover subjects to be selected from those on the list, knowledge of which is essential in order to be able to pursue the profession in the host Member State. The test may also include knowledge of the professional rules applicable to the activities in question in the host Member State. The detailed application of the aptitude test and the status, in the host Member State, of the applicant who wishes to prepare himself for the aptitude test in that State shall be determined by the competent authorities in that Member State;¹⁰”

1. The aptitude test will assess the substantial differences identified in the Registration Board’s decision. The aptitude test may also include knowledge of the professional rules applicable to the profession in Ireland.
2. The aptitude test will be made available within six months of the applicant opting to take the test. The applicant will normally be required to undertake the aptitude test within one year of notification by the Registration Board.
3. Aptitude tests shall be conducted by appropriately qualified individuals or organisations appointed by CORU for this purpose.
4. Guidance on the aptitude test and on the Standards of Proficiency will be provided to the applicant.

¹⁰ Directive 2005/36/EC Article 3(h) Definitions



5. The aptitude test will be evaluated on the applicant's ability to demonstrate proficiency in the areas where substantial differences were identified.
6. On receipt of a report on the outcome of the aptitude test, the Registration Board will decide if the applicant had demonstrated proficiency in the areas where substantial differences were identified.

3.2.7 Refusal

Refusal is not generally an option where the profession is the same in that the activities covered are comparable.

Applications may be refused when the applicant has failed to successfully complete a compensation measure twice.

An application may be refused if the applicant fails to opt for, or to complete, a compensation measure.

An applicant who has been refused has the option to reapply unless otherwise precluded from doing so.

3.2.8 Withdrawal

An applicant may withdraw an application prior to the issuing of the file to the Board for consideration. An application to withdraw must be made in writing, dated and issued from a verifiable source.

Fees will generally be retained to reflect the work undertaken. A partial refund may be available according to the stage reached in the process.

3.2.9 Appeal

Certain decisions may be appealed to the Appeal Committee of Council. An appeal to Council against a decision of a Registration Board in respect of recognition must be made within 30 days from the date that an applicant receives the notice from the Registration Board that recognition has been refused. See Council's Appeals Procedure here:

<https://coru.ie/health-and-social-care-professionals/registration/registration-appeals/the-appeals-procedure-and-appeals-form/>



An applicant who comes within the ambit of the Directive must also be informed of his or her right to appeal to the High Court (42 day appeal¹¹).

Applicants should also be informed of their right to appeal to Council against a failure by a Registration Board to carry out specific functions within relevant time periods as referred to in the Regulations and the Act. Applicants must be made aware that this right to appeal must be exercised within 30 days after the expiry of the period concerned.

3.3 Partial Access

A Registration Board will consider whether or not an applicant to whom the provisions of Directive 2005/36/EC apply should be offered Partial Access when the following conditions apply:

1. The applicant is fully qualified to exercise the profession for which partial access is sought or may be applicable in the home Member State,
2. The profession in question can be objectively separated from the other activities forming part of the regulated profession in Ireland,
3. The differences between the profession to be exercised in Ireland and the profession for which partial access is being considered are so large that application of compensation measures would, in effect, require the applicant to fully retrain.

END

¹¹ Regulation 83 of Statutory Instrument no. 8 2017