



Name: Mohammed Belgami

Case Number: AP - 15140

Registration appeal hearing:

Hearing Venue: Held remotely via Microsoft Teams

Date of hearing/meeting: 15 September 2020

Hearing Outcome: Appeal dismissed.

### Introduction and attendees:

1. Mr Belgami attended remotely and was unrepresented.
2. Social Work England was represented by Mr Loran, presenting officer from Capsticks LLP, who also attended remotely.

<b>Adjudicators</b>	<b>Role</b>
Name: Paul Grant	Chair
Name: Stella Elliott	Social Work Adjudicator
Name: Angela Duxbury	Lay Adjudicator

Name: Calvin Ngwenya	Hearings Officer
Name: Laura Merrill	Hearing Support Officer
Name: Nathan Moxon	Legal Adviser

### Background to appeal:

3. Regulation 11(2) of the Social Work England Regulations 2018 provides requirements for initial registration as a social worker in England, which includes, at regulation 11(2)(c) “necessary knowledge of English”
4. Rule 16 of the Social Work (Registration) Rules 2019 provides:

“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.”
5. The panel may in accordance with Regulation 19(6) of the Regulations:
  - (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.
6. Mr Belgami is an Indian national who in March 2013 was awarded a Bachelor of Arts in Journalism, Psychology and English by Christ University in Bangalore, India, and in April 2018 was awarded a Master of Social Work (Clinical and Community Practice) from the same university.
7. He completed a Master of Arts in International Child Studies at Kings College, London, in September 2019.
8. Mr Belgami has supplied a Pearson PTE Academic Test Taker Score Report in relation to his proficiency in English, arising from a test taken on 22<sup>nd</sup> August 2018. He asserted that this should be sufficient to demonstrate his language proficiency. He also asserted that much of his education has been taught in English.
9. Following his application to join the register he was contacted in writing by Social Work England on 4<sup>th</sup> February 2020 highlighting rule 16 of the Social Work England (Registration) Rules 2019 and the requirement to score 7.0 or above in the academic version of the International English Language Testing System (IELTS).
10. A case management meeting in respect of the appeal took place between the adjudicators on 29<sup>th</sup> July 2020. The adjudicators made the following directions at the case management meeting:

1. Mr Belgami shall, by 4pm on 26<sup>th</sup> August 2020, provide evidence of how he satisfies rule 16 of the Social Work England (Registration) Rules 2019. Alternatively, he shall provide detailed written submissions, including full details as to why he is unable or unwilling to undertake an IELTS English test, despite it being a prescribed requirement within rule 16 of the Social Work England (Registration) Rules 2019. The submissions should be accompanied by any further evidence he wishes to rely upon and a list of any witnesses that he intends to call; and
  2. Social Work England shall, by 4pm on 9<sup>th</sup> September 2020, provide detailed written submissions addressing the evidence adduced by Mr Belgami and outlining whether it is accepted that he has the necessary knowledge of English, and if not, why not.
11. Within the same document, Mr Belgami was reminded of the contents of rule 16 and advised as follows:

“Mr Belgami should be aware that the panel of adjudicators is required to follow those rules. As such, he is required to show satisfaction of one of those requirements and may consider that completion of the IELTS test is the simplest way of doing so.”

**Submissions:**

12. Within written submissions, sent by Mr Belgami within an email, dated 26<sup>th</sup> August 2020, he maintains that he has sufficient English proficiency to undertake work as a social worker in England. The course at Kings College required him to complete a 16,000-word thesis in English. The Masters degree from Christ University was taught in English. He highlights that he had complied with the English language requirements prescribed by the Home Office for entry clearance into the United Kingdom, where he has worked as a ‘trainee social worker’ in Coventry. He had not initially taken the IELTS exam due to the cost, and has hitherto not completed the test.
13. Mr Belgami chose to give evidence and he sought to rely upon the aforementioned written submissions. He stated that he has proficient knowledge of English, which is demonstrated by the fact that he has obtained a post-graduate qualification in England within a university that had checked his level of English before permitting his enrolment. The university had waived the requirement of an IELTS test given that Mr

Bengami had undertaken an alternative English test, which he had completed with full marks. He also relied upon the fact that his education in India had been undertaken in English, including the assessments.

14. Mr Belgami was asked why he had not completed the IELTS test and he replied that when he applied for registration he had just finished his qualifications and had only recently started a new job. He believed the test to be expensive and unnecessary given his proficiency in English. He had not appreciated that the appeal process would take so long. He would now be able to afford the IELTS test as he has been in work for a number months as a trainee social worker. Given his lack of registration, much of his work in his current employment has been administrative although he has shadowed registered social workers and assisted with the drafting of reports, such as education reports and care leaver reports.
15. Within written submissions on behalf of Social Work England, the statutory framework is outlined. The adjudicators are reminded that rule 16 must be complied with for Mr Belgami to demonstrate satisfaction of the language requirement for registration as a social worker.
16. The submissions include the list of countries where English is the first and native language, listed in the 'Guidance for Applicants who qualified overseas', dated May 2020. The list does not include India. Further, Mr Belgami's English test results are not from an IELTS test, which is the only test recognised in rule 16.
17. In oral submissions, Mr Loran argued that the Appellant had failed to demonstrate satisfaction of any of the limbs of rule 16 and the panel does not have discretion to disapply the rules. Whilst it is clear that Mr Belgami has undertaken substantial education and training, he does not meet the prescribed requirements. Mr Loran argued that the best option for Mr Belgami would be to take the IELTS test, which he has stated that he is now able to afford. Whilst Mr Belgami has obtained some experience as a social worker in England, this does not satisfy rule 16 as it is not within a registered role. Whilst Mr Belgami's social work qualification was taught in English, it was nevertheless taught in India which is not a country in which English is the first and native language and so does not satisfy rule 16. Similarly, the qualification at Kings College does not satisfy rule 16 as it is not one of the approved courses listed within the Regulations.

18. Mr Loran concluded that the rules are entirely prescriptive and have not been satisfied by Mr Belgami.
19. Mr Belgami responded that he had not appreciated that the rules were mandatory and he had believed that the appeal process would permit him to demonstrate his proficient knowledge of English. He argued that the rules are too restrictive and do not recognise different circumstances.

**Panel decision:**

20. The panel heard and accepted the advice of the legal adviser and considered the submissions from both parties. The panel took into account all of the documents submitted together with Social Work England's Guidance on Registration Appeals.
21. The panel was impressed with Mr Belgami's academic achievements and noted that he conducted himself during the hearing in English without any observable difficulty. He had not had the benefit of legal representation but nevertheless argued his case with skill.
22. The panel had some sympathy with Mr Belgami's argument that he was unable to afford the IELTS test when he first applied for registration, however does note that he has been in paid employment now for several months and could have completed the test subsequently.
23. The rules must be followed by the panel, which does not have the power to disapply or amend those rules. In this case, it is not disputed that the rules are not satisfied.
24. Mr Belgami has not satisfied rule 16(1) or (2). The only English test approved by Social Work England is the IELTS test and he has not taken that test.
25. Mr Belgami does not satisfy rule 16(3) as he has not shown the required registration and practice within a regulator that recognises English as the first and native language.
26. Mr Belgami does not satisfy rule 16(4). Whilst he has a qualification that was obtained in an English university, it is not a recognised qualification within the meaning of schedule 1 of the regulations as it is not in itself a social work qualification, albeit the panel accepts that it does have some application to his chosen profession.

27. The panel reiterates the comments made after the case management hearing that the simplest way for Mr Belgami to ensure registration is to obtain the requisite score within the IELTS test. He is clearly an intelligent and accomplished person and the panel hopes that he undertakes the test so that he can obtain registration upon which he will no doubt be a valued member of the social work profession.

**Right of appeal:**

28. 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.

29. 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.

That concludes this determination.