



**IRISH SOCIETY OF CHARTERED
PHYSIOTHERAPISTS**
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**Temporary provision of services:
Information for Applicants**

1. Introduction

From 20th October 2007, in accordance with EU Directive 2005/36/EC, any national of the EU or EEA, who is legally established as a physiotherapist in another member (home) state, may provide physiotherapy services on a temporary or occasional basis in Ireland (host member state) under their original professional title without having to apply for recognition of their qualifications. Similarly, Irish nationals will be able to provide temporary services in other EU and EEA member states.

The EU directive makes a distinction between “freedom of establishment” and “freedom to provide services”. Freedom (or right) of establishment is the framework, which applies when a physiotherapist enjoys the effective freedom to become established in another member state in order to work as a physiotherapist on a stable basis.

Freedom to provide services refers to maintaining establishment in the home member state, whilst allowing for the provision of services in another EU or EEA member state on a temporary or occasional basis.

The Irish Society of Chartered Physiotherapists (ISCP) is the designated authority acting with the approval of the Minister for Health for the recognition of the physiotherapy qualifications in the Republic of Ireland (S.I. 139/2008 / S.I 166/2008).

2. What constitutes temporary or occasional?

The ISCP will assess the temporary or occasional nature of the provision of services on a case-by-case basis, in particular in relation to its duration, its frequency, its regularity and its continuity.

3. Who can provide services?

Any physiotherapist who is an EU or EEA national and who is established for physiotherapy in a given member state, where physiotherapy is regulated. If physiotherapy is not regulated in the given member state, then he/she must have at least two years experience of working as a physiotherapist.

4. What services can be provided by the service provider?

For the purposes of 2005/36/EC, service means “any self-employed economic activity normally provided for remuneration” as referred to in Article 50 of the EU Treaty. The title applies to service providers i.e. self-employed persons. It does not apply to employees or to any persons (self employed or otherwise) who intend to work on a continuous and stable basis in Ireland. If you intend to work in Ireland on a continuous, stable or permanent basis, in the public or private sector, then you will need to have your professional qualifications recognised by the ISCP. Refer to [Physiotherapy Qualification Recognition Information](#) on the ISCP website

5. Making a declaration

Prior to moving to Ireland, the applicant service provider must make a declaration to the Irish Society of Chartered Physiotherapists (ISCP), using the declaration form, which is available on the ISCP website. The applicant service provider must provide the following, in writing, with the declaration:

- A certified copy of current passport (showing photo and expiry date)
- Attestation of legal establishment i.e. certified evidence of eligibility to practice in the home member state
- Certified copy of evidence of full current professional status (formally known as a certificate of good standing).
- Certified copy of Physiotherapy Certificate/Diploma/Degree
- Evidence of working at least two of the previous 10 years if physiotherapy is not regulated in member state of establishment?
- Evidence of insurance cover

The declaration and all supporting documentation must be completed in English or submitted in their original language and accompanied with a certified English translation. Translations must be a word-for-word translation and in the same format as the original document.

The applicant service provider must await communication from the ISCP before providing the service.

The ISCP reserves the right under the governing Statutory Instrument to carry out a prior check with the applicant’s home state competent authority. The purpose of this check would be to avoid serious damage to the health and safety of the service recipient. If on carrying out a prior check, substantial differences are found between the education and training of the applicant service provider and that of an Irish

graduate, the service provider will be required to successfully pass an aptitude test. The ISCP will notify the applicant within one month of receipt of a completed declaration (with all documentation) of its decision:

- (1) Its intention not to check qualifications
- (2) The outcome of the prior check
- (3) A request for additional information
- (4) Where there is a difficulty, which would result in a delay, the reason for the delay, and the timescale for a decision. This will be finalised within the second month of receipt of completed documentation.

This declaration must be renewed once a year if the service provider intends to provide temporary or occasional services during the following year.

6. Physiotherapy Aptitude test

If the ISCP decides to carry out a prior check and there is a substantial difference between the professional qualifications of the applicant service provider and the training required in Ireland, to the extent that the difference is such as to be harmful to public health or safety, the ISCP will give the applicant service provider the opportunity, by means of an aptitude test, to prove that he/she has acquired the knowledge and/or competence lacking. Further details on the Physiotherapy Aptitude test are available on the ISCP website.

7. Cost of the Declaration

There will be no cost to the applicant service provider for submission and pre-assessment of the declaration. If the applicant service provider is required to do an aptitude test, a fee will apply. Refer to Physiotherapy Aptitude Test: [Information for Applicants](#) on the ISCP website.

8. Provision of service

On verification of documentation by the ISCP, the service provider will be given temporary pro-forma membership of the ISCP.

9. Physiotherapy title

The service provider will be subject to practise under the professional title of his/her own home member state. That title shall be indicated in the official language or one of the official languages of the home member state, in order to avoid any confusion with the physiotherapy title 'Chartered Physiotherapist' (Ireland), which can only be used by a person who has established eligibility by graduating from an accredited physiotherapy education programme within the republic of Ireland or has had their qualifications recognised by the ISCP (if physiotherapy education programme was outside the republic of Ireland) and is a current member of the ISCP. Temporary service providers will not be entitled to use the title "Chartered Physiotherapist" or use the letters I.S.C.P.

10. Professional Rules and Disciplinary Procedures

The service provider must adhere to the professional activities and scope of practise laid down by the competent authority of his/her home member state. He/she will, however, be subject to the ISCP's 'Rules of Professional Conduct' and professional procedures, including disciplinary provisions, which are specifically linked to consumer protection and safety. The ISCP's 'Rules of Professional Conduct' are available on the ISCP website.

11. Insurance

The service provider must provide the ISCP with details of insurance cover with regard to Public Liability and Professional Indemnity. This should indicate that their professional activities in Ireland will be covered by appropriate insurance. In Ireland the recommended limit for both is €6,500,000. The insurance policy should contain an indemnity to Principals clause and a Jurisdiction clause, which includes the republic of Ireland. The territorial limits of the policy should include the republic of Ireland.

12. Information to be supplied to the service recipient

The following evidence must be provided to the service recipient:

- Name and address of competent authority if physiotherapy is subject to regulation in home member state
- Name and address of the professional body with which the service provider is registered/ has membership
- Professional title of home member state (in national language). If there is no title, formal qualification of service provider
- Details of insurance cover
- If the service provider performs an activity which is subject to VAT, the VAT identification number¹

13. Appeals

An applicant service provider can appeal the decision made by the ISCP. Details on how to appeal are available on the ISCP website www.iscp.ie. Notice of an appeal must be submitted within 30 working days of the date of your decision letter.

1. Article 22 (1) of the sixth Council Directive 77/388/EEC of 17th May 1977 on the harmonisation of the laws of the member states relating to turnover taxes- common system of value added tax: uniform basis of assessment OJL 145, 13.6.1977, p.1. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p.35)

14. EU Directives and Irish Statutory Instruments:

European Directive 2005/36/EC was adopted at the competitiveness council on 7th September and is to be transposed into Irish law S.I 139/2008 on the 20th October 2007. 2005/36/EC repeals all previous Directives on Professional Qualifications Recognition.

Further information on these directives and subsequent statutory instruments can be obtained on the Department of Education website.

<http://www.education.ie/home/home.jsp?pcategory=17216&language=EN&category=28970§ionpage=12251&page=1>

and

http://ec.europa.eu/internal_market/qualifications/general-system_en.htm

Directive 2005/36/EC can be downloaded from the following website:

<http://register.consilium.eu.int/pdf/en/05/st03/st03627.en05.pdf>

A clear and brief summary of this directive can be downloaded from the following website:

<http://europa.eu/scadplus/leg/en/cha/c11065.htm>

15. Working in Ireland:

For further information on working in Ireland please refer to the [Information for Physiotherapists Seeking Employment in Ireland](#)

16. Contact Details:

If you have any urgent queries regarding your application please contact:

IQWG Administrator Ph. 00353-1-4022 353 or 00 353 1 4022 148

Email: jenniferkeane@rcsi.ie

Please put 'IQWG' in subject line with all correspondence.

Disclaimer:

The contents of these pages are intended to enhance information for physiotherapists who have acquired qualifications outside the Republic of Ireland. While every effort is made in the preparation of the material for publication, no responsibility is accepted by the Irish Society of Chartered Physiotherapists for any errors, omissions or misleading statements on these pages or any site to which they are connected. Although every effort is made to ensure the reliability of listed sites these cannot be taken as an endorsement of these sites.

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