

Council, 19 May 2016

Policy statement on extending professional regulation

Executive summary and recommendations

### **Introduction**

At its meeting on 10 February 2016, the Council discussed a paper which brought together relevant background material about government policy over time, and the HCPC's thinking / approach to date, about the extension of regulation to further professions / occupations.

The discussion focused on the list of professions for whom we had previously made a recommendation to the Secretary of State for Health and to Scottish Ministers for regulation. There was concern that this list might infer that these are the only professions that we consider should or might be regulated. Instead, it was argued that we should be clear that these are professions that made a proactive application for regulation through our previous aspirant groups / new professions process. The Council agreed that a policy statement setting out our position should be produced. A draft statement is attached.

### **Decision**

The Council is invited to discuss and agree the attached policy statement (subject to minor editing amendments and any amendments agreed at this meeting).

### **Background information**

- Regulation of further professions / occupations. Council meeting, 10 February 2016  
<http://www.hcpc-uk.org/assets/documents/10004EF7Enc08Regulationoffurtherprofessions.pdf>

### **Resource implications**

- Updating the policy statement as necessary.
- Publishing on the HCPC website ('Regulation of further groups' page).

**Financial implications**

None

**Appendices**

None

**Date of paper**

9 May 2016

[Date of publication will appear here]

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## **Policy statement on extending professional regulation**

### **1. Introduction**

- 1.1 This document sets out the HCPC's position on the extension of regulation to further professional groups.

### **2. Government policy on regulation**

- 2.1 The most-up-date statement of Government policy on the extension of professional regulation to further professions is 'Enabling excellence – autonomy and accountability for healthcare professionals, social workers and social care workers'.<sup>1</sup>
- 2.2 This states that the Government will only consider extending professional regulation to further professions and occupations where there is a 'compelling patient safety case' on the basis of risk and where assured voluntary registration is insufficient to manage that risk.

### **3. Professions previously recommended for statutory regulation**

- 3.1 We have discretionary powers under the Health and Social Work Professions Order 2001 to recommend the statutory regulation of further professions to the Secretary of State for Health and to Scottish Ministers.
- 3.2 To help us make decisions about whether to do this we previously ran what was called an 'aspirant groups' or 'new professions' process. This process involved professional bodies making applications to the Council for the regulation of their professions. Applications were assessed against published criteria. These criteria included the potential harm to the public posed by the profession, as well as criteria about the existing systems established by the professions which demonstrated a commitment to the public and readiness for regulation.<sup>2</sup>
- 3.3 The following professions sought statutory regulation by applying to the Council via this process. The Council considered that the necessary criteria had been met and recommended their regulation.

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<sup>1</sup> Department of Health (2011). Enabling excellence – Autonomy and accountability for healthcare professionals, social workers and social care workers.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/216580/dh\\_124374.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216580/dh_124374.pdf)

<sup>2</sup> For more information about the aspirant groups / new professions process, including the criteria that were used, please see:

<http://www.hcpc-uk.org/aboutregistration/aspirantgroups/>

- Clinical perfusionists (also known as clinical perfusion scientists).
- Clinical photographers.
- Clinical physiologists.
- Clinical technologists.
- Dance movement psychotherapists (also known as dance movement therapists).
- Genetic counsellors.
- Maxillofacial prosthetists and technologists.
- Operating department practitioners
- Psychologists (applied)
- Sonographers.
- Sports therapists.

3.4 To date only operating department practitioners (2004) and practitioner psychologists (2009) have become regulated. In March 2015, at its request, we provided more information to the Health Committee about the professions we had previously recommended for statutory regulation.<sup>3</sup>

3.5 The list above is not exhaustive of all the professions that may need to be considered for the extension of statutory regulation in the future.

3.6 The aspirant groups / new professions process was closed to new applications in March 2011 following the publication of 'Enabling excellence'.

#### **4. HCPC position on extension of statutory regulation to further professions**

4.1 Our position is that the extension of statutory regulation to further professions should be considered where there is a clear public safety risk that can be effectively mitigated. Statutory regulation has a number of important benefits including the ability to protect commonly used professional titles; set consistent, national standards; and to take effective action when professionals fall below those standards.

4.2 We are committed to working constructively with the Government, should a policy decision be made, to bring further professions into regulation in the future.

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<sup>3</sup> Statutory regulation of further professions. Briefing for the UK Health Committee. March 2015. <http://www.hcpc-uk.org/assets/documents/10004E02Statutoryregulationoffurtherprofessions-enclosuretoLettertoHealthCommittee18032015.pdf>