

Education and Training Committee, 9 June 2016

Consultation on revised guidance on returning to practice

Executive summary and recommendations

### **Introduction**

We set requirements for professionals wishing to return to practice after a break. In order to provide further information for professionals we published a guidance document entitled 'Returning to practice' in 2006.

In late 2014, a senior manager from the Australian Health Practitioner Regulation Agency (AHPRA) undertook a rapid appraisal of our return to practice requirements, as well as the guidance we provide, during a six-week placement with the HCPC. The appraisal highlighted the need for further clarity and guidance in a number of areas, and as a result we committed to reviewing the 'Returning to practice' guidance document.

Based on the findings of the rapid appraisal as well as subsequent discussions with internal stakeholders, we are proposing a number of changes to the guidance. The attached consultation document provides background information on the guidance and the changes we have made. Also attached is a draft of the revised guidance which has been prepared for public consultation.

Subject to agreement by the Education and Training Committee and the Council, We anticipate consulting on the draft revised guidance for 12 weeks between 11 July and 30 September 2016.

### **Decision**

The Committee is invited to discuss and agree the consultation document and draft revised guidance for consultation, subject to formal legal scrutiny and minor editing amendments; and to recommend them to the Council.

### **Background information**

- Existing guidance document 'Returning to practice'  
<http://www.hcpc-uk.org/publications/brochures/index.asp?id=108>
- Education and Training Committee, 4 June 2015. Rapid appraisal of the HCPC return to practice requirements.  
<http://www.hcpc-uk.org/assets/documents/10004BCDEnc05-RapidappraisaloftheHCPCreturntopracticerequirements.pdf>

**Resource implications**

The resource implications relating to this consultation have been accounted for in departmental workplans for 2016/17.

**Financial implications**

The financial implications relating to this consultation have been accounted for in departmental budgets for 2016/17.

**Appendices**

- Draft revised guidance 'Returning to practice' (for consultation)

**Date of paper**

24 May 2016

## Consultation on revised guidance on returning to practice

A consultation seeking the views of stakeholders on draft revised guidance for professionals who are considering returning to practice

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## **1. Introduction**

- 1.1 We are the Health and Care Professions Council (HCPC). This consultation seeks the views of our stakeholders on draft revised guidance on our return to practice requirements.
- 1.2 This document provides information about the guidance and the proposed changes we are consulting on.
- 1.3 This consultation will be of interest for professionals who are currently not practising and are considering returning to practice, or are considering a break in their practice, and thinking about what this might mean in the future. This consultation will also be of interest for employers who are considering supervising or employing a professional who is returning to practice.
- 1.4 The draft revised guidance for consultation has been published alongside this document on our website. Please see: [INSERT LINK]
- 1.5 The consultation will run from **11 July to 30 September 2016**.

## **2. About the HCPC**

- 2.1 We are a regulator and were set up to protect the public. To do this, we keep a register of professionals who meet our standards for their professional skills and behaviour. Individuals on our register are called 'registrants'.
- 2.2 We currently regulate 16 professions.
  - Arts therapists
  - Biomedical scientists
  - Chiropodists / podiatrists
  - Clinical scientists
  - Dietitians
  - Hearing aid dispensers
  - Occupational therapists
  - Operating department practitioners
  - Orthoptists
  - Paramedics
  - Physiotherapists
  - Practitioner psychologists
  - Prosthetists / orthotists
  - Radiographers
  - Social workers in England
  - Speech and language therapists

### **3. About the guidance**

- 3.1 We set return to practice requirements to ensure that registrants who have been out of practice for more than two years update their knowledge and skills in order to resume safe and effective practice. These requirements have been in place since 2006.
- 3.2 We have also produced guidance to accompany the return to practice requirements, to help people to understand our expectations and the process of updating that returners must complete.
- 3.3 The draft revised guidance we are consulting on now is an update of the existing guidance which was the subject of a public consultation in 2005, and published in 2006. The existing guidance can be found on our website<sup>1</sup>.

### **4. Reviewing the existing guidance**

- 4.1 To assess whether the return to practice requirements needed updating, a rapid appraisal of the existing arrangements was undertaken in late 2014.<sup>2</sup>
- 4.2 Activities during the appraisal included meetings with professional bodies, a review of other regulators' requirements and discussions with HCPC employees involved in managing implementation of the return to practice requirements.
- 4.3 The report found that, while the return to practice requirements are generally considered to be working well, there was a need for further guidance on a number of issues, including the following.
- the definition of 'practising your profession' and how professionals decide whether the requirements apply to them or not;
  - the distinction between the supervisor and counter-signatory roles and requirements;
  - whether shadowing or observing counts as private study or supervised practice; and
  - the role of professional bodies in providing further information and guidance to returners.
- 4.3 We have explained the changes and improvements to the guidance which we are proposing in section 5 below.

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<sup>1</sup> Health and Care Professions Council (2006). Returning to practice.

<http://www.hcpc-uk.org/publications/brochures/index.asp?id=108>

<sup>2</sup> Health and Care Professions Council (2015). Education and Training Committee <http://www.hcpc-uk.org/assets/documents/10004BCDEnc05-RapidappraisaloftheHCPCreturntopracticerequirements.pdf>

## **5. Our proposed changes to the guidance**

- 5.1 We have used the findings of the appraisal, as well as subsequent discussions with HCPC employees in the Registration department, to put together the draft revised guidance for consultation.
- 5.2 We have made a number of changes to improve the guidance, including the following.
- We have restructured the guidance to provide additional clarity, including the addition of a 'Summary' section so that professionals can view at a glance what requirements are relevant to them.
  - We have updated information to reflect the way we deal with returners who are out of practice but still registered with us. Professionals who are registered with us may renew their registration and complete a period of updating within the following six months.
  - We have added clarification that observation or shadowing should be considered 'private study' where there is not a formal arrangement for supervision in place.
  - We have provided additional clarification around the difference between the supervisor and counter-signatory roles.
  - We clarified what we mean by 'practising your profession' and relocated this information nearer to the front on the guidance in order to provide a clearer indication for professionals as to whether the requirements apply to them.
  - We have made it explicit that professionals do not need to undertake all three types of updating (supervised practice, formal study, and private study).
  - We strengthened signposting to professional bodies for further guidance on profession-specific practice and periods of updating.
  - We have made more explicit our requirement that all updating must be completed, from start to finish, within the twelve months before applying for registration or readmission.
  - We have updated information about the HCPC to bring it up to date with other recent publications.
- 5.3 Once the consultation has concluded, we will use the comments we receive to consider further amendments to the guidance. We will then work with the Plain English Campaign to improve the clarity and accessibility of the guidance, and we plan to publish the final version on our website (in a dedicated section) as well as in hard copy. We will promote the guidance to all of our stakeholders who are likely to be interested in it.

## 6. How to respond to the consultation

6.1 We welcome your comments on the draft guidance. We have listed some questions to help you below. The questions are not meant to be exhaustive and we would welcome your comments on any aspect of the guidance.

Q.1 Is the draft guidance clear and easy to understand? How could we improve it?

Q.2 Could any parts of the guidance be reworded or removed?

Q.3 Is there any additional guidance needed?

Q.4 Do you have any other comments on the draft guidance?

6.2 You can respond to this consultation in the following ways.

- By completing our easy-to-use online survey: [INSERT LINK]
- By emailing us at: [consultation@hcpc-uk.org](mailto:consultation@hcpc-uk.org).
- By writing to us at the following address.

Consultation on returning to practice guidance  
Policy and Standards Department  
Health and Care Professions Council  
Park House  
184 Kennington Park Road  
London  
SE11 4BU  
Fax: +44(0)20 7820 9684

6.3 Please note that we do not normally accept responses by telephone or in person. We normally ask that consultation responses are made in writing. However, if you are unable to respond in writing, please contact us on +44(0)20 7840 9815 to discuss any reasonable adjustments that would help you to respond.

6.4 Please complete the online survey or send us your response **by 30 September 2016**.

6.5 Please contact us to request a copy of this document in Welsh or in an alternative format.

6.6 Once the consultation period is completed, we will analyse the responses we receive. We will then publish a document which summarises the comments we received and explains the decisions we have taken as a result. This will be published on our website.

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## Returning to practice

Information about our requirements for professionals returning to practice

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## **Section 1 – Introduction**

### **About this document**

This guidance has been written for professionals who have taken a break from practising and wish to start practising again.

Throughout this document, 'we' refers to the Health and Care Professions Council, and 'you' refers to a professional who is considering returning to practice. 'Returner' refers to someone who is returning to practice.

Most of the information is for professionals who are either not registered, and who need to apply for registration or readmission to the Register, or those who are registered with us but have taken a break from practising. However, you may also find this guidance helpful if you are considering a break in your practice, and thinking about what this might mean in the future, or if you are considering supervising or employing a returner.

### **About us**

We are the Health and Care Professions Council.

We are a regulator and we were set up to protect the public. To do this, we keep a register of professionals who meet our standards for their training, professional skills, behaviour and health.

Professionals on our Register are called 'registrants'. We currently regulate 16 professions.

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- Hearing aid dispensers
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Practitioner psychologists
- Prosthetists / orthotists
- Radiographers
- Social workers in England
- Speech and language therapists

We may regulate other professions in the future. For an up-to-date list of the professions we regulate, please see our website [www.hcpc-uk.org](http://www.hcpc-uk.org).

All of the professions have at least one professional title which is protected by law, including those shown above. This means, for example, that anyone using the titles 'physiotherapist' or 'dietitian' must be registered with us. Anyone who uses a protected title who is not registered with us is breaking the law and could be prosecuted.

### **Returning to practice**

During the course of their career, many professionals may not practise their profession for a period of time. This may occur for many reasons, which could include parental leave, extended travel, caring responsibilities or illness.

We know that these professionals may wish to come back to their profession and resume their practice, which is why we have established this process.

Our return to practice requirements apply to anyone who has not practised their profession for more than two years. This is the case whether you are unregistered and want to apply for registration or readmission, or whether you are still on the Register but not practising.

Newly qualified professionals have up to five years after they qualify to apply for registration without having to fulfil any return to practice requirements.

## Section 2 – Summary

The following is a summary of what the return to practice requirements mean for you. We have explained more about these requirements later in this document.

### **I have practised in the past two years and am still registered.**

- You may continue to practice and do not need to meet our return to practice requirements.

### **I have been out of practice for more than two years, but am still registered.**

You must either:

- come off the Register, then re-register in the future if you need to return to practice; or
- renew your registration, declaring that you have not practised your profession, and complete either 30 or 60 days of updating (depending on how long you have been out of practice) within six months of renewal.

### **I have been out of practice for more than two years and am no longer registered, but would like to re-register.**

- If you have not practised for two years or more, you must complete either 30 or 60 days of updating (depending on how long you have been out of practice) within the 12 months before you apply for readmission to the Register.

### **I gained an approved qualification less than five years ago and have never been registered.**

- You are eligible to apply for registration with us and do not need to meet our return to practice requirements.

### **I gained an approved qualification more than five years ago and have never been registered.**

- If you have never practised, you must meet our return to practice requirements by completing a period of updating before you can register with us.
- If you have practised outside of the UK in the five years since your qualification, you may still need to complete a period of updating if you have had a break of two years or more.

### **I have an approved qualification but did not register after I qualified. Instead, I have been working outside the UK.**

- You do not need to meet the return to practice requirements if you have not had a gap in practice of more than two years.
- When you apply for registration, please provide us with information about where you have been practising so that we can consider whether you need to meet our return to practice requirements.

## **Section 3 – Our requirements for returners**

If you are returning to practice, we require you to update your knowledge and skills over a certain period of time, as follows:

- 0 – 2 years out of practice – no requirements
- 2 – 5 years out of practice – 30 days of updating
- 5 years or more out of practice – 60 days of updating

If you take a break in your practice of less than two years, you can begin practising again without having to meet any additional requirements set by us. We believe that this is flexible enough to accommodate registrants who take a short break from practice without compromising public protection and our role in upholding standards.

### **What we mean by ‘practising your profession’**

We have defined ‘practising your profession’ as drawing on your professional skills and knowledge in the course of your work. This does not have to be in clinical or ‘frontline’ practice and can include roles in education, management and research. For most registrants, the question of whether they are practising, and therefore need to renew their registration, is a straightforward one. They will be practising using a protected title for their profession and/or, if they are employed, their employer will require registration with us.

For other registrants it may be less clear whether their work qualifies as ‘practising their profession’. For example, we sometimes receive enquiries from people who work on a voluntary basis, or do occasional part-time work, or who have moved into a role that is related to their profession, but not directly part of it. We do not want to exclude people from the Register who are using their professional skills in some capacity but are worried that they will not be considered to be ‘practising their profession’ in a direct way.

We believe that in many cases you will be the person best placed to decide whether you are practising your profession. In cases where it is less clear, you may need to make a judgement about this.

### **If you have never been registered with us before**

If you have never been registered with us and have a qualification that was gained less than five years ago, the return to practice requirements do not apply to you.

However, if you qualified more than five years ago, the Health and Social Work Professions Order 2001 (the legislation that created us) says that we can require you to update your knowledge and skills.

We have decided only to ask you to update if you have been out of practice. This means that if you qualified in the UK, then moved overseas and have been practising outside the UK, you can give us information about where you have been practising. Subject to satisfactory verification checks that we will carry out, you will not need to complete an updating period.

However, if you qualified in the UK more than five years ago, and you have been out of practice for more than two years, then our return to practice requirements also apply to you.

### **If you are out of practice, but still registered with us**

This information is for professionals who are still registered with us, but who are no longer practising their profession, and have been out of practice for more than two years.

In order to renew your registration with us every two years, you need to sign to confirm that you have practised your profession at some point during the two-year registration cycle which is coming to an end.

If you have not practised your profession during this period, then you have a choice of either:

- coming off the Register, and then potentially re-registering at some point in the future if you need to return to practice; or
- renewing your registration using the paper renewal form, declaring that you have not practised your profession. You will then need to complete a period of updating within six months of renewal. You should provide a covering letter with your renewal form advising how long you have been out of practice so that we can correctly advise you on the length of updating required.

The only exception to this is if you have come onto the Register during the two-year registration period. This is because you will have either completed an approved course or had your application assessed, or you will have already met our return to practice requirements. We therefore do not require you to complete a period of updating.

If you have been out of practice, but you anticipate returning to practice soon, then we recommend that you should complete your period of updating, and renew your registration so that you stay on the Register.

If you are not practising for more than two years, and do not anticipate returning to practice soon, we recommend that you should come off the Register. Registration exists to protect professional titles, and to protect the public, and therefore you do not need to be registered if you are not practising.

### **If you are out of practice and would like to re-register with us**

If you have stopped practising and come off the Register but want to re-register with us, you can apply for readmission. At this point, the return to practice requirements may apply to you, depending on how long you have been out of practice. We require that you complete your period of updating within the 12 months prior to applying for readmission.

You should also be aware that when you apply for readmission you will need to provide us with other information, including certified documents to verify your identity. More information about applying for readmission is on our website.

### **Practising outside the UK**

Our return to practice requirements are for people who have not been practising their profession. If you have been practising outside the UK and have not had a break of more than two years, then our requirements will not apply to you. We will ask you to provide us with information about where you have practised, and (if applicable) your registration with another regulator while you were outside the UK.

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## Section 4 – Updating your knowledge and skills

Your period of updating knowledge and skills can be made up of any combination of:

- supervised practice;
- formal study; or
- private study.

You do not need to undertake updating of all three types. Our only requirement is that private study makes up a maximum of half the period.

For example, if you needed to do 30 days of updating, you could do this by completing:

- 30 days of supervised practice;
- 10 days of supervised practice, 10 days of private study, and 10 days of formal study; or
- 15 days of private study, and 15 days of formal study.

This is not an exhaustive list of possible combinations. The above are just examples to show how our requirements are flexible enough to accommodate your requirements.

### Supervised practice

‘Supervised practice’ means practising under the supervision of a registered professional. During a period of supervised practice, you may have the option of being employed as an assistant in your profession, but you do not have to be.

In order to complete a period of supervised practice, you will need to identify a supervisor. Your supervisor must:

- have been on the relevant part of the HCPC Register for at least the previous three years;
- have been in regulated practice for at least the previous three years; and
- not be subject to any fitness to practise proceedings or sanctions (such as a caution or conditions of practice).

We do not set detailed requirements for the level of supervision needed, or the tasks that you need to undertake. We believe that this is best decided directly between you and your supervisor, based on your learning needs.

We do require that your supervisor should only supervise activities which are within their own scope of practice. This is so that your supervisor can provide relevant input and guidance, and also to ensure that both you and your supervisor are practising safely and effectively. This means that your period of supervised practice could be undertaken, for example, in teaching, management, or research, or wherever your supervisor practises their profession.

Unfortunately, we are unable to assist with arranging placements or finding opportunities for supervised practice.

### **Formal study**

'Formal study' is a period of structured study which is provided by a person or organisation. This can include distance learning or e-learning, or any other type of course or programme that is relevant to your practice.

Types of formal study that you might choose to take could include, for example:

- 'return to practice' programmes run by educational institutions or other bodies;
- relevant continuing professional development (CPD) courses;
- relevant modules or elements currently included in programmes run by educational institutions; or
- programmes offered by professional bodies.

We do not approve return to practice courses, because their availability will vary among professions and we believe that you are best placed to determine which courses are most appropriate, and which types of formal study will best update your skills and knowledge so that you can re-enter practice safely.

### **Private study**

'Private study' is a period of study which you structure yourself. If you choose to use private study as part of your updating, you could use resources such as:

- websites;
- library books; and
- journals.

You may wish to spend time observing or shadowing another professional. We would consider this private study rather than supervised practice if there is no formal arrangement for supervision in place.

You may find private study a particularly useful option if you plan to return to a field which is extremely specialised, where there may be limited opportunities for formal study or supervised practice. It may also prove useful if you live in an area where it is difficult to gain a period of supervised practice, or if you need to fit your updating period around other demands on your time, such as another job, or caring responsibilities. However, you should be aware that private study can only make up a maximum of half of the total period (i.e., 15 of your 30 days of updating, or 30 of your 60 days of updating).

### **Structuring your period of updating**

We know that the updating you need to complete will be individual to you. The activities you undertake in order to update your knowledge and skills will depend on the following:



- the area in which you intend to work when you begin practising again;
- your prior experience;
- any relevant skills you gained whilst out of practice; and
- any relevant developments in your profession during the time when you were out of practice.

You may find it useful to use the standards of proficiency for your profession as a basis for thinking about which areas you could concentrate on.

In requiring a certain number of 'updating days', we are providing an outline which allows you to structure your period of updating in the way which best reflects your needs. You do not have to do your period of updating full-time; you can complete it part-time if you wish. For the purposes of completing your forms, we regard one day as being equivalent to seven hours.

You also do not have to complete your entire period of updating at once. You can carry out part of your period of updating, have a break, and then come back and complete the rest.

Our only requirement for the timescale is that all of your updating needs to be completed, from start to finish, within the 12 months before you apply for registration or readmission; or within 6 months from when you renew your registration. We believe that this strikes a balance between operating a flexible system, which recognises that returners are more likely to have family and caring commitments, and recognising that if updating is undertaken over a very long period of time, then the opportunities for development are limited. If you think you may not be able to meet this timescale, then please contact us to discuss your circumstances.

### **Your responsibility**

As a returner to practice, you are responsible for your own period of updating, and for ensuring that you meet our standards before you return to practice.

We will ask you for information so that we can check that your updating period took place, but you are responsible for the learning that you undertake, and for making a professional decision as to whether this updating is adequate to allow you to practise safely and effectively.

All professionals, once registered with us, have to ensure that they meet our standards. This includes meeting our standards of conduct, performance and ethics, which require that you practise within your scope of practice. The amount of updating that we require is a minimum requirement. This means that you can complete additional updating if you need to, so that you are confident you can meet our standards.

We believe that most professionals will take this responsibility seriously, and will undertake their updating in good faith. However, if after you have re-registered with us, we find that you are not practising in a way that meets our standards, we could take action against you using our fitness to practise process. Similarly, if we find that

the information you have supplied is not accurate, we could take action which may include removing you from the Register.

### **The role of the employer**

It is also important to stress the role of an employer. Our requirements do not replace the responsibilities of an employer in appointing, inducting, and supporting members of staff.

Any employer who wants to employ a registrant will need to set their own requirements in terms of knowledge, skills, qualifications and experience for any particular post, and will assess applicants for a post in order to ensure that a suitable appointment is made.

We expect that an induction process would follow, and, for a returner in particular, that the employer would want to put in place a process of support for that person while they become familiar with practice again. This could include mentoring and / or review and additional support mechanisms. Equally, an employer may have a specific requirement for a certain profession, or for your role, that you should update in a certain area, in a certain way, or regarding a certain issue, before you can work for them.

However, we realise that not all registrants have employers, and some are in fact self-employed; this is why we set our own requirements, rather than rely entirely on local induction or support methods.

You might identify a potential employer, and undertake your updating period as part of your induction with them. Equally, you might complete your updating period, then become registered, then begin to look for a job. Our requirements mean that you can choose to update and look for work in whatever order is most convenient for you, most acceptable to your employer, or usual for your profession.

## **Section 5 – Processing your information**

### **Forms**

We provide forms for you to give us information about your period of updating, such as which activities you have undertaken and for how long. These forms are available on our website, or from the Registration Department, whose contact details are at the end of this document. You may find it helpful to go online and download these forms and the guidance notes before you begin your period of updating.

### **Your counter-signatory**

When you have completed your period of updating, you need to ask someone on your part of the Register to counter-sign your form, to confirm that you have undertaken the period. Your counter-signatory does not need to supervise your updating activities, and they do not need to confirm that you are fit to practise. They just need to take reasonable steps to be sure that you have undertaken the number of days required. For example, they might ask to see a certificate from any formal study, or they might ask to see any notes from your private study.

Returners who undertake supervised practice as part of their updating can ask their supervisor to be their counter-signatory too, however these are two separate roles.

### **Checking the information you provide**

We will check the information you send us to see that you have completed the required number of days. We may contact you or the organisations / individuals that you work for to get more information, or to check the information that you have provided. For example, if you undertook supervised practice, we will look at our Register to check that your supervisor is registered with us and does not have any fitness to practise action against them. We may also contact the organisation that provided your formal study, to check that they have a record of your attendance and completion of the course.

## Section 6 – More information

If you have any questions about this document, please contact us or check the information on our website. However, we cannot provide individual advice on how you should update your knowledge and skills, as this will need to be determined on an individual basis.

You can contact our Registration Department using the details below.

Registration Department  
The Health and Care Professions Council  
Park House  
184 Kennington Park Road  
London  
SE11 4BU

Phone: +44 (0)300 500 4472  
(Monday to Friday, 8am to 6pm)

Email: [registration@hcpc-uk.org](mailto:registration@hcpc-uk.org)

If you are a member of a professional body, they may be able to provide further information or advice about how to update, how you could structure your period of updating, or how to arrange your supervised practice.