

**Agenda Item 4**

**Enclosure 2**

**Paper RC 2 / 02**

**REGISTRATION COMMITTEE**

**DRAFT CONSULTATION DOCUMENTS**

**From : Secretary to the Committee**

## MEMORANDUM

**Please note that at Enclosure 2 “Draft Consultation Document”, both Article 12 and Article 13 of the OIC are not included. These will be drafted at a later date.**

# Registration Committee – Draft Consultation Document

The following is a draft, prepared by Newchurch, of the content (not design) of the sections of the consultation document that refer to the responsibilities of the Registration Committee. It covers articles 4 to 13 of the OIC with the exception of 12 (approved qualifications), which is yet to be drafted.

Please could you read it and bring your comments for discussion to the committee meeting next week. The committee needs to consider four things in relation to the content of each section of the document:

- Is it accurate?
- Is it complete?
- Does it reflect all the options the committee wishes to consult on?
- Does the committee wish to express a particular view and if so it this reflected?

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1.1

## Register

1.2

### ***Establishment and Maintenance of the Register***

1.3

*The order says:*

*Article 5 - (1) In accordance with the provisions of this Order the Council shall establish and maintain a register of members of the relevant professions.*

(4) *The register shall show, in relation to each registrant, such address and other details as the Council may prescribe.*

1.4 Therefore, the Council must create and maintain a register of professionals and determine which details it will show in relation to each registrant.

1.5 The Council will, as required, create and maintain such a register. It has debated the level of information to be held on each individual. Questions that were addressed during this process included:

- What kinds of qualifications will be recorded?
- How will the qualifications be displayed in the register?
- Will any aspect of CPD be recorded?
- Will the register include professionals who are retired or no longer involved directly in clinical practice?
- Who will have access to each element of information on the register?
- Security and confidentiality arrangements.

Section YYY entitled "Division into Parts" gives details on the information which will be recorded and section XXX details of the format of the register. Your comments on these issues are sought in these sections.

1.6 *The order says:*

5. (2) *The Council shall from time to time -*

- (a) *establish the standards of proficiency necessary to be admitted to the different parts of the register being the standards it considers necessary for safe and effective Practise under that part of the register; and*
- (b) *prescribe the requirements to be met as to the evidence of good health and good character in order to satisfy the Education and Training Committee that an applicant is capable of safe and effective Practise under that part of the register.*

(3) *The Council shall -*

- (a) *before prescribing the requirements mentioned in paragraph (2)(b), consult the Conduct and Competence Committee in addition to the persons referred to in article 3(14); and*
- (b) *publish those requirements.*

1.7 Therefore the Council must:

- Establish standards of proficiency necessary to be admitted to the different parts of the register
- In consultation with the Conduct and Competence Committee prescribe the requirements for good health and good Practise to be met on registration.
- Publish these standards/requirements.

1.8 The Registration Committee has established standards of proficiency. These standards are detailed in section XXX where your comments are sought.

The Conduct and Competence and Health Committees have established requirements for good health and good Practise and these are detailed in section XXX where your comments are sought. Once these standards have been amended in light of the consultation process the Council will publish them on its web site and paper documents will be available to members of the public, registrants and other interested parties upon request.

1.9 *The order says:*

*Article 5. (5) In any enactment or instrument (past or future and including this Order), except where the context otherwise provides, "registered" in relation to any of the relevant professions means registered in the register maintained under this article by virtue of qualifications in that profession*

1.10 This is a definition and as such, does not form part of the consultation process.

1.11 Your views are invited:

Q Do you think that the arrangements described in this section meet the requirements as outlined in the Order in Council?

1.12

### **Division into Parts**

1.13 *The order says:*

6. - (1) *The register shall be divided into such parts as the Privy Council may by order determine, on a proposal by the Council or otherwise, and in this Order, references to parts of the register are to the parts so determined.*

1.14 Therefore the Council must determine the structure of the register and the parts into which it will be divided.

1.15 The Council proposes to:

Create a register that records the following information for registrants:

- Name
- Designated title(s)
- Category of registration(s)
- Specialism(s) (see below)
- Date of current registration(s)
- Date of expiry of current registration(s)

An individual may be recorded more than once on the register, if they:

- Have applied successfully in respect of more than one designated title
- Have applied successfully in respect of more than one category
- Have applied successfully in respect of more than one specialism

Each registrant will have their full name recorded.

Each registrant will have the date(s) on which they were registered for all current registrations, as well as date(s) of expiry, recorded.

1.16 Your views are invited:

Q Do you think that the information in the register is complete? If not, what further information do you believe needs to be held, and for what reasons?

Q Do you think that the categories of the register are sufficient to protect and assure the public?

1.17 **Issue yet to be considered by the Council:**

**What information will the Council hold on ongoing and completed investigations, and any resultant actions, into registrants? How much, if any, of this information should be made available to the public in order to be consistent with the HPC's role as defined in the Order in Council?**

1.18

### **Designated titles**

1.19 *The order says:*

6 (2) *There shall be one or more designated titles for each part of the register indicative of different qualifications and different kinds of education or training and a registrant is entitled to use whichever of those titles, corresponding to the part of the register in which he is registered, as is appropriate in his case.*

1.20 Therefore the Council must determine which designated titles will apply to each part of the register.

- 1.26 Therefore the Council may decide whether the protection of the public is better served by recording or not recording qualifications, particular details of competence and categories of entry on the register.
- 1.27 The Council has consulted with the professional bodies on this matter in developing the proposals given below. ~~Is this correct?~~
- 1.28 The Council proposes *not* to include details of either approved or non-approved qualifications on the register.

The Council proposes that each registrant *may* have a specialism recorded on the register (e.g. "respiratory specialist"). There will be one or more specialisms for every profession. The list of specialisms for each profession is as follows:

a

~~b to be completed with information provided by assistant registrars~~

c

An applicant must specify if they are seeking to register as a specialist in any area during the process of registration. The registration assessors will then determine whether or not the specialism(s) should be recorded for the applicant. ~~(Do you wish to specify what will be considered as a specialism and consult on this? How will new specialisms be added in future?)~~

The Council proposes that each registrant *will* have the category or categories of their registration(s) recorded. The Council proposes to distinguish between four categories of registrant:

~~Practitioner~~

~~Academic~~

~~Manager~~

~~Other (including retired registrants)~~

The Council proposes the following definitions for each category.

*Practitioner:* an individual engaged in regular clinical practice who has the skills and expertise to offer a clinical service to patients

*Academic:* an individual who has appropriate qualifications in the profession but is engaged primarily in teaching or research. These individuals might not have current clinical skills such that they can offer a clinical service to patients.

*Manager:* an individual who has appropriate qualifications in the profession but is engaged primarily in management of other professionals in this area. A manager might not have current clinical skills such that they can offer a clinical service to patients.

*Other:* an individual who has appropriate qualifications in the profession but is not engaged primarily in practice, academia or service management. This category will include retired professionals. These individuals might not have current clinical skills such that they can offer a clinical service to patients.

The Council may in the future discontinue the recording of category of entry on the register. If the Council were to make this change or a change to policy relating to recording of either qualifications or specialisms, the Council must first consult with groups who are likely to be affected by such changes.

1.29 Your views are invited:

- Q Do you agree with the Council's proposal not to record details of either approved or non-approved qualifications on the register?
- Q Do you agree with the Council's proposal to record details of specialisms on the register?
- Q In your view, is the list of specialisms to be recorded for each profession complete and accurate? If not, what changes should be made to the list?
- Q Do you agree with the Council's proposal to record category of entry on the register?
- Q In your view, is the list of categories to be recorded complete and accurate? If not, what

changes should be made to the list?

1.30

### **Transferral of entries from the CPSM register**

1.31 *The order says:*

*6 (3) Subject to article 7, the Privy Council may by order, on a proposal by the Council or otherwise, make such other provision in connection with the register as it considers appropriate and in particular may provide for -*

*(b) persons to be registered in one or more parts of the register by virtue of having been included in the register maintained under the 1960 Act;*

1.32 The Council may choose to register applicants on the basis of their registration on the previous (CPSM) register.

1.33 The Council has deliberated on the issue of transferrals from the old register.

1.34 The Council proposes to transfer those registered with the CPSM to the new register. The Council proposes, where practical, to maintain the details of each registration in relation to currently identified specialisms, although it is proposed that some of these may change in the future. The committee will determine the new date of entry and the new date of expiry of registration of each transferee, and will treat such transferees in the same manner as a practitioner registering for the first time ~~(Do you wish to make such a statement, is it a practical proposition?)~~

1.35 Your views are invited:

Q Are the proposals set out above necessary and sufficient to protect the public? Do they provide the necessary and sufficient protection for transferees and other registrants?

1.36

### **Transferral of additional information from the CPSM register**

*The order says:*

*6 (3) Subject to article 7, the Privy Council may by order, on a proposal by the Council or otherwise, make such other provision in connection with the register as it considers appropriate and in particular may provide for -*

*(c) the recording of additional entries by virtue of their having been in the register maintained under the 1960 Act;*

1.38 The Council may choose to record all details relating to a person whose records have been transferred from the CPSM register, both those relating to the primary registration and additional entries.

1.39 The Council has consulted with the professional bodies on what additional entries must be transferred ~~(Is this correct?)~~

1.40 The Council proposes to transfer to the new register from the CPSM register all such information as relates to the parts of the register set out in Section ZZZ ("Register: Division into Parts"). Any information held on the CPSM register which does *not* relate to the parts of the register set out in Section ZZZ will be retained on file but not made available to the public. It will be held confidentially under the terms of Data Protection Legislation.

1.41 Your views are invited :

Q Are the proposals set out above necessary and sufficient to protect the public? Do they provide the necessary and sufficient protection for transferees and other registrants?

1.42

## **Closing a part or parts of the register**

1.43

*The order says:*

*6 (3) Subject to article 7, the Privy Council may by order, on a proposal by the Council or otherwise, make such other provision in connection with the register as it considers appropriate and in particular may provide for -*

*(d) a specified part of the register to be closed, as from a date specified in the order, so that on or after that date no further person may become registered in that part;*

1.44

The Council may, at some point in the future, determine that the maintenance of a part or parts of the register either no longer serves the primary purpose of protecting the public, or is in some other way problematic. It may therefore determine that a part or parts of the register should be closed. The Council currently has no intention of closing any part of the register and intends that the current register should have as long a life in its current form as possible. However, the possibility of a part or parts of the register no longer being fit for purpose at some point in the future remains. Where the Council believes this to be the case, it will consult with all interested party on its course of action. One course of action may be to close a part or parts of the register.

1.45

Your views are invited:

Q Does this approach provide necessary and sufficient protection for the public and registrants?

1.46

## **Merging or sub-dividing a part or parts of the register**

1.47

*The order says:*

*6 (3) Subject to article 7, the Privy Council may by order, on a proposal by the Council or otherwise, make such other provision in connection with the register as it considers appropriate and in particular may provide for -*

*(e) a specified part of the register to be sub-divided into two or more parts, or for two or more parts to be combined into one;*

1.48

The Council may, at some point in the future, determine that either one part of the register should henceforth be sub-divided or conversely that two or more parts should be combined. This might be either for the purpose of improving the protection of the public or for other reasons.

The Council currently has no intention of either sub-dividing or merging any part of the register and intends that the current register should have as long a life in its current form as possible. However, the possibility of the need to change the form of the register through sub-dividing or merging a part or parts at some point in the future remains. Where the Council believes this to be the case, it will consult with all interested party on its course of action.

1.49

Your views are invited :

Q Does this approach provide necessary and sufficient protection for the public and registrants?

1.50

## **Treatment of registrants affected by changes to the form of the register**

1.51

*The order says:*

*6 (3) Subject to article 7, the Privy Council may by order, on a proposal by the Council or otherwise, make such other provision in connection with the register as it considers appropriate and in particular may provide for -*

*(f) persons to be registered in one or more parts of the register by virtue of having been registered in a part or parts of the register which have been closed, sub-divided or combined;*

1.52

The Council may, as discussed in the previous two sections, choose to close, sub-divide or merge a



part or parts of the register. Were this to happen, the Council would take steps to ensure that registrants in the affected parts were treated equitably and, where appropriate, re-registered. These steps would include consultation with interested parties.

1.53 Your views are invited :

Q Does this approach provide necessary and sufficient protection for the public and registrants?

1.1

## **Welsh language provision**

1.2 *The order says:*

6 (3) *Subject to article 7, the Privy Council may by order, on a proposal by the Council or otherwise, make such other provision in connection with the Register as it considers appropriate and in particular may provide for -*

*(a) the recording in Welsh of titles, qualifications and other entries referred to in this paragraph in respect of those members of the professions regulated by this Order whose registered address is in Wales.*

1.3 The Council may choose to provide for registrants with a registered address in Wales to have their registration recorded in Welsh.

1.4 The Council has consulted with Welsh representatives from the professional bodies and has translated into Welsh all the titles and categories that are recorded on the Register. These are published as Annex AA.

1.5 *Two options are set out below:*

### *Option 1*

The Council proposes to record the details of all registrants whose registered address is in Wales in both Welsh and English.

### *Option 2*

The Council proposes to record the details of registrants whose registered address is in Wales, and who request this service at the time of registration, in both Welsh and English. If registrants whose registered address is in Wales do not request bilingual publication at the time of registration, the Council proposes to record their details in English alone.

Whichever option is chosen, in the case of an ambiguity or conflict between an English and a Welsh entry on the Register, the English entry will be considered authoritative.

1.6 Your views are invited :

Q Are you satisfied that the titles and categories listed in Annex AA have been translated accurately into Welsh? If not, what changes do you suggest?

Q Which option would you prefer and why?

Q Are there any other changes that you consider necessary? If there are, what is the purpose of the changes?

1.7 Draft SH 30/4/02

1.54

## **Consultation**

1.55 *The order says:*

6 (4) *The Privy Council, except where acting in accordance with a proposal made by the Council, shall consult the Council before making, varying or revoking any order under this article.*

6 (5) *Before making any proposal referred to in paragraph (1) or (3), the Council shall consult representatives of any group of persons who appear likely to be affected by the proposed order.*

1.56 The Council, before making proposals as to how the register will be divided or how information will be held, as detailed in section XXX of this document, must consult representatives of groups likely

to be affected. The Council is doing this by virtue of publishing and seeking responses to this document and through the methods set out in section XXX.

1.57 Your views are invited:

Q What other steps do you suggest are necessary in order to ensure that there is adequate consultation on these matters?

1.58

### **Confidentiality of home addresses**

1.59 *The order says:*

*Article 13 ~~The entries in the register kept under the 1960 Act may be transferred to the register in accordance with articles 5 and 6 but, where the home address of a person registered under the 1960 Act appears in the register kept under that Act and the entry for that person is transferred to the register, his home address shall not be published in the register without the consent of that person.~~*

1.60 Therefore the Council must seek consent to publish the home address of any registrant whose details are to be transferred from the old register to the new register.

1.61 The Council proposes to keep confidential the addresses of all registrants, both those whose entries are transferred from the register kept under the 1960 Act and other registrants. It will not be publishing the addresses of registrants. The Council proposes to act in accordance with Data Protection legislation in handling all data it collects and holds.

1.62 Your views are invited:

Q Do you agree with the Council's approach on this issue?

~~Do you want to say anything about other addresses? Do you want to include anything about placing in information re location i.e. town of practice?~~

1.63

### **The Register: Supplemental Provisions**

1.64 7. - (1) *Having consulted the Education and Training Committee the Council shall make rules in connection with registration and the register, and as to the payment of fees.*

(2) *The rules shall, in particular, make provision as to -*

(a) *the form and keeping of the register;*

(b) *the procedure for the making, alteration and deletion of entries in the register;*

(c) *the form and manner in which applications are to be made and the fee to be charged -*

(i) *for registration, renewal of registration and readmission to the register,*

(ii) *for the making of any additional entry in the register, and*

(iii) *for registration to lapse;*

(d) *the documentary and other evidence which is to accompany applications of the kind mentioned in sub-paragraph (c).*

(3) *Before determining or varying any fees mentioned in paragraph (2)(c) the Council shall consult the Education and Training Committee and such of those persons mentioned in article 3(14) as it considers appropriate.*

1.65 Therefore, the Council, in conjunction with the Education and Training Committee, must devise and consult on, a set of rules to cover the process of registration, maintenance of the register and the payment of fees. These rules must address:

- The layout and upkeep of the Register
- Procedures for amending/deleting entries
- The process of application, including the documentary and other evidence which is to accompany applications
- The fees to be charged.

1.66

The Council proposes to devise a set of rules, which build upon the processes utilised by previous CPSM Boards. The rules will encompass:

- The layout and up keep of the register as detailed in sections XXXX
- Procedures for amending the register in line with sections YYY on lapses and renewal of registration
- The process for application (further details as to the committee proposal for this are given below)
- Fees to be charged.

The HPC Finance Committee, the Registration committee (as the designated subcommittee of the Education and Training Committee) with responsibility for registration, and the relevant representatives of registrants and users of the services will be consulted prior to any amendments of the existing fee structure being made.

1.67

After a period of careful consideration, the Registration Committee determined the principles of a common application process and application form for registration to apply to the following types of applicants:

- UK
- EEA
- Overseas
- Those applying under transitional arrangements.

The Committee also agreed that the information required to undertake the assessment for registration would include:

- A common data set applicable to all applicants
- Specific data sets relating to individual professions.

The Committee determined that the nature of assessment and its outcome would be different for each type of applicant. **UK national applicants** will be required to submit documentary evidence of successful completion of a registered course in the UK, once this is verified then registration will be granted. **EEA national applicants** will be required:

- **Either**, to submit documentary evidence of successful completion of a course to which European Communities Recognition of Professional Qualification Regulations 1991 or Recognition of Professional Qualification Regulations (Second General System) 1996 apply. Once this evidence is verified then registration will be granted.
- **Or**, submit documentary evidence of successful completion of a course which the applicant believes has give them skills which satisfies the HPC's standards of proficiency. In this case, assessors will review the evidence and if further information is required an interview may be held with the applicant.

The HPC would then:

- **Either**, grant registration as the assessors were satisfied that standards of proficiency were met
- **Or** grant application conditional on **either** successful completion of aptitude test / test of competence (i.e. point in time assessment) or successful completion period of adaptation (i.e. continuous assessment). The applicant has the choice of which additional qualifying route to undertake.

For overseas (non UK non EEA) nationals, the applications process is as for EEA nationals who do not have a European Community recognised qualification. However, for overseas (non UK non EEA) nationals, the HPC can determine which further qualifying route they require the applicant to follow [Is this differentiation is borne out by the OIC?]

More details regarding approved qualifications are given in section XXX and details of applying under transitional arrangements are given in section XXX.

The details of the information required and the processes to be used will be developed from the experience of effective practices within the CPSM. Registration Assessors will continue to be used for the purposes of assessing applications for registration [TBC]

[How much detail on the role of assessors does the Committee wish to include in the consultation document?]

[Does the committee need to link the role and appointment of "registration" assessors to that of registrant assessors?]

1.68 Your views are invited:

Q Do you think that the process for application outlined above will result in an equitable process for all applicants, which adequately protects the public?

1.69 Draft RP/SH 18/4/02

## 1.70 Register – Access

### 1.8 Public Inspection and publication

1.9 ~~The order says:~~

~~Access to Register etc.~~

8. - (1) ~~The Council shall make the Register available for inspection by members of the public at all reasonable times.~~

(2) ~~The Council shall publish the Register maintained by it in such manner, and at such times, as it considers appropriate.~~

1.10 Therefore the Council must take steps to ensure that members of the public are able to inspect the Register. It must also take such steps to publish the Register as it considers appropriate. In considering both inspection and publication, the Council will take into account its primary duty of public protection.

1.11 The Council has examined the methods employed by other regulators, and has taken advice from XXX on how best to meet the requirements of this clause.

1.12 **NB: VERY EARLY DRAFT**

The Council will make the Register available in paper copy for both inspection and publication. It proposes to publish a paper copy of the Register annually. The Council proposes to establish a facility at its headquarters expressly for the use of members of the public wishing to inspect the Register, where a paper copy of the most recent publication of the Register will be held. However, it is important to note that the Register will be held by the Council itself as a database, as this has the advantages of increased flexibility, ease of updating and scalability (i.e., the ability of the Register to cope with increasing numbers of registrants). Providing electronic access to the Register would provide these advantages to the public as well. In particular, the public would gain access to an up-to-date version of the Register that would be authoritative. A paper copy of the Register will be authoritative only at the date of publication. The Council has therefore considered a number of issues regarding making the Register available electronically.

#### *Issue 1: Electronic Register search facility versus Register dataset*

The Council proposes to make the Register available electronically. There are two options relating to the availability of the Register in this format:

- it can be made available for inspection only (that is, in the form of a search facility)
- it can be available in a form providing further functions besides inspection (such as a complete downloadable dataset)

The first option will better prevent unauthorised use being made of significant parts of the Register, whether commercial, malicious or other use, while the second provides greater flexibility and utility to the public.

The Council's preferred option is to make the Register available for inspection only in electronic format.

### *Issue 2: Availability of electronic format of Register*

Irrespective of whether the Register is made available only for search or as a complete dataset as well, the Council could make the electronic Register available using one of four methods:

- via the World-Wide Web
- at its headquarters, in the facility at which the paper copy of the Register is held for inspection by the public
- on a CD-Rom or other recording medium
- through some combination of the above

Availability on the Web has the advantages of providing continual free access to the public, irrespective of their location. Availability at HPC headquarters has the advantage of providing the Council with a degree of control of the use made by the public of the Register.

The Council's preferred option is to make the Register available via the Web and at its headquarters.

1.13 Your views are invited:

Q Which of the options above do you consider to be preferable, and why? Are there any changes or modifications you consider necessary?

Q Do you consider that the proposals provide adequate safeguards against unauthorised commercial and/or malicious use of the information? What changes would you recommend in this regard?

Q Do you consider that the proposals meet the requirements of provision set out in the clause?

1.14 Draft SH 30/4/02

1.71

## **Evidence**

*The order says:*

*Access to register etc.*

**8. - (3) Any copy of, or extract from, the published register shall be evidence (and in Scotland sufficient evidence) of the matters mentioned in it.**

1.73 This statement of law is noted by the Council.

1.74 Draft SH 12/4/02

1.75

## **Certification**

1.76 *The order says:*

*Access to register etc.*

**8. - (4) A certificate purporting to be signed by the Registrar, certifying that a person -**

**(a) is registered in a specified category;**

**(b) is not registered;**

**(c) was registered in a specified category at a specified date or during a specified period;**

**(d) was not registered in a specified category, or in any category, at a specified date or during a specified period; or**

**(e) has never been registered,**

**shall be evidence (and in Scotland sufficient evidence) of the matters certified.**

1.77 This statement of law is noted by the Council. Holding and producing a certificate, purporting to be signed by the Registrar, will be sufficient to guarantee that the holder is registered and thus considered to be competent to Practise in the fields specified on the certificate. The certificate will

hold the same information as the registrant's entry on the register and hence will show:

- Name
- Designated title(s)
- Category of registration(s)
- Specialism(s) (see below)
- Date of current registration(s)
- Date of expiry of current registration(s)

The Council assumes that it has a duty to publish such certificates.

1.78 The Council proposes to maintain the necessary information about dates of registration and de-registration to be able to meet the certification requirements set out in paragraph (4). This is an information storage requirement that is additional to the requirements set out for the register, and historical information about dates of registration and de-registration will not be available as part of the register but will be kept confidentially until required for the purposes of certification set out in paragraph (4).

1.79 Your views are invited :

Q. Does the Council's proposal for treatment of dates of registration and de-registration meet the requirements of the article and remain consistent with data protection legislation?

1.80 Draft SH 12/4/02

## Registrar

### 1.81 Appointment

1.82 The order says:

*Article 4 - (1) The Council shall appoint a Registrar who shall hold office for such period and on such terms as the Council may determine.*

1.83 Therefore the Council must appoint a Registrar and define the length and the terms of the position.

1.84 The Council may chose the length and terms of the position and when a new Registrar is appointed the Council may also alter the terms of office if they feel it would be of benefit.

**[Do we need to include more information about the process?]**

1.85 Draft RP 12/4/02

1.86

## Certificates

1.87 The order says:

*Article 8 - (4) A certificate purporting to be signed by the Registrar, certifying that a person -*

*(a) is registered in a specified category;*

*(b) is not registered;*

*(c) was registered in a specified category at a specified date or during a specified period;*

*(d) was not registered in a specified category, or in any category, at a specified date or during a specified period; or*

*(e) has never been registered,*

*shall be evidence (and in Scotland sufficient evidence) of the matters certified.*

1.88 This means that the Registrar's signature must appear on all registration certificates. The Council therefore must have in place a process to produce certificates with such a signature.

1.89 The Council will ensure that this occurs through the following process  
[TBC]

1.90 Your views are invited:

Q Do you agree with this approach?

Q Is there anything which could improve it, if so please provide your thoughts?

1.91 Draft RP 12/4/02

1.92

### **Deputy or Assistant**

1.93 *The order says:*

*Article 4 - (5) If the Council appoints a deputy or assistant Registrar and that deputy or assistant Registrar is authorised by the Registrar to act for him in any matter, any reference in this Order to "the Registrar" shall include a reference to that deputy or assistant Registrar.*

1.94 This means that if a deputy or assistant Registrar is appointed, they **must** be able to act for the Registrar in any matter.

1.95 The Council, after due deliberation, has appointed a Deputy Registrar and an Assistant Registrar and the Rules for the four statutory committees (Competence and Conduct, Education and Training, Health and Investigating) all state that any reference to the Registrar also refers to the deputy or assistant or any other person authorised by the Registrar to act for them, thus giving them appropriate authority.

[Is this correct?]

[Will the structure change]

[Is it necessary to consult on details of posts as opposed to principles?]

1.96 Your views are invited:

[It appears this section is a statement of fact, therefore no questions for consultation are included]

1.97 Draft RP 12/4/02

1.98

### **Function**

1.99 *The order says:*

*Article 4 - (2) The Registrar shall have such functions as the Council may direct.*

*Article 10 [check this reference]- A member may resign at any time by notice in writing addressed to the Registrar.*

*Article 12 - (4) The President may resign the office of President at any time by notice in writing addressed to the Registrar.*

1.100 The Council **must** define the role of the Registrar. The Council **may** amend/update this role from time to time if it would be in the best interests of all concerned to do so.

The Council **must** define the notice period required, the process for resignation and accept the written resignation of any member or the President at any time.

1.101 The Council has already addressed some of the issues relating to the Registrar and a Registrar and Chief Executive Designate was appointed on 1st November 2001. The HPC has drafted Standing Orders which set out the roles and responsibilities of the Registrar with respect to the Council. These state that, amongst other things:

- The Registrar, or another officer appointed by him, shall be the secretary to the Council and of any Committee or Sub-Committee established by the Council

- The Registrar, or appointed secretary, shall be entitled to attend and speak at meetings of the Council.

The Council have deliberated the Registrar's role and drawn up a "job description" and this will include the duty to receive written notice of resignation of Council Members and the President when this occurs.

[Does a job/role description exist? How was it devised? How will it be amended?]  
 [Is it appropriate to consult on the process of appointment?]

1.102 Your views are invited:

Q Do you agree with this approach?

Q Is there anything which could improve it, if so please provide your thoughts?

1.103 Draft RP 12/4/02

1.104 **Terms and Conditions and Expenses**

1.105 *The order says:*

*Article 4 - (3) The terms on which the Registrar holds office may, in addition to providing for his remuneration, include provision for the payment of such pensions, allowances or gratuities to or in respect of him, or such contributions or payments towards provision for such pensions, allowances or gratuities, as may be determined by the Council.*

*Article 4 - (4) Where the terms on which the Registrar holds office to include provision for the payment to him of any allowances or expenses, the rate at which those allowances or expenses are paid shall be determined by the Council.*

1.106 Therefore the Council must pay the Registrar and may also, in addition to a salary, provide a pension and other benefits to the Registrar. The Council must also determine the rate at which allowances and expenses are paid to the Registrar, if the terms of office include this. However, the Council may chose not to include the re-imbursement of allowances and expenses as part of the terms of office.

[What has been decided for these areas?]

1.107 The Council have debated and agreed terms and conditions for the Registrar.

[Should these be consulted upon]

[Do you want to base them on the website and then refer to them in the consultation document?]

1.108 Draft RP 12/4/02

1.109

1.110

**Registration – Admission**

1.111 *The order says:*

*Article 9 - (1) A person seeking admission to a part of the register must apply to the Council and, subject to the provisions of this Order, and in particular paragraph (4), if he satisfies the conditions mentioned in paragraph (2) he shall be entitled to be registered in that part.*

*(2) Subject to paragraph (3), the conditions are that the application is made in the prescribed form and manner and that the applicant -*

*(a) satisfies the Education and Training Committee that he holds an approved qualification awarded -*



- (i) *within such period, not exceeding five years ending with the date of the application, as may be prescribed, or*
- (ii) *before the prescribed period mentioned in head (i), and he has met such requirements as to additional education, training and experience as the Council may specify under article 19(3) and which apply to him;*
- (b) *satisfies the Education and Training Committee in accordance with the Council's requirements mentioned in article 5(2) that he is capable of safe and effective Practise under the part of the register concerned; and*
- (c) *has paid the prescribed fee.*

*(3) Where the applicant is already registered in the register and wishes to be registered in an additional part of the register or to have additional entries recorded, paragraph (2)(a) shall apply only to the qualifications on which his application is based.*

1.112 This refers to the process for registration, the timeframes to be adopted and the payment of fees. A professional who wishes to be included on the Register must apply to the Council in the correct format and within a specified timeframe. Once an applicant has satisfied the following criteria he is entitled to be included in the Register:

- The attainment of an approved qualification within 5 years prior to the date of application or if the qualification was obtained more than 5 years prior to application then additional CPD requirements specified by the Council have been met
- The capacity for safe and effective Practise in the professional area in which he wishes to be registered i.e. he demonstrates he has attained the require standard of proficiency
- The payment of a fee.

A professional who is already registered on one part of the Register can apply to be registered on another part of the Register or to have additional information such as an area of specialism added to their current registration. Such applications will require the applicant to hold an approved qualification awarded in the last 5 years in relation to the new area of registration or additional qualifications. It is not necessary for their original qualification and application to have been competed in this timeframe.

1.113 *The order says:*

*9 (4) Where a person who -*

- (a) *is not registered on the date of coming into force of an order made under article 6(1) which relates to his profession; but*
- (b) *has been on a register under the 1960 Act in the 5 years immediately preceding the date mentioned in sub-paragraph (a),*

*applies for admission to the register in the relevant period, the Education and Training Committee shall, if it is satisfied as to his good character, grant the application.*

1.114 A person who is not registered when the Order in Council comes into force (1st April 2003) but who, during the preceding 5 years has been on the CPSM register, will if they apply, be granted registration, if the Registration Committee as the designated subcommittee of the Education and Training Committee, is satisfied as to the applicant's good character.

1.115 *The order says:*

*(5) The Education and Training Committee shall give its decision on an application under paragraph (1) as soon as reasonably practicable and in any event within the period specified in the European Communities (Recognition of Professional Qualifications) Regulations 1991[3] and the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996[4].*

*(6) The Education and Training Committee shall notify the applicant in writing of its decision, and,*

where that decision is unfavourable to the applicant, of its reasons for reaching that decision and, of the applicant's right of appeal under article 37.

(7) Failure to notify the applicant of the Committee's decision within the time specified in paragraph (5) shall be treated as a decision from which the applicant may appeal under article 37.

1.116 The Registration Committee, as the designated subcommittee of the Education and Training Committee, will notify the applicant of its decision, in writing, as soon as possible or at least within (add time frame from regulations). Unsuccessful applicants will be informed of the reason for the committees' decision. Unsuccessful applicants (or those applicants who do not receive a reply within the specified timeframe) have the right to appeal (see Section XX).

1.117 The Council will ensure that its processes for application for registration are in line with these requirements as set out in Article 9.

1.118 This is a matter of definition and is included for information purposes but does not form part of the consultation process.

1.119 Your views are invited:

Q Do you think that the arrangements described in this section meet the requirements as outlined in the Order in Council?

1.120 Draft RP 18/4/02

1.121

## 1.122 **Registration – Non-UK training and professional experience** **(12.2)**

1.15 The order says:

Article 12

(2) The Education and Training Committee shall determine procedures to –

(a) assess whether a qualification awarded outside the United Kingdom is of a comparable standard to a qualification mentioned in paragraph (1)(a) and it shall, where it sees fit, keep a list of qualifications which are of a comparable standard which it shall publish and keep under review

(b) assess other training or professional experience acquired outside the United Kingdom and to compare it, together with qualifications mentioned in sub-paragraph (a) where appropriate, with the standard of proficiency required for admission to any part of the Register.

1.16 Therefore the Council must set procedures for assessing non-UK qualifications to decide if they are comparable to UK qualifications that meet the HPC's proficiency standards. The Council may choose to keep a list of non-UK qualifications which has assessed and found to be comparable. If it does choose to keep such a list, it must publish the list and keep it under review. The Council must also set procedures to assess non-UK training or professional experience to decide if it is comparable with the standard of proficiency required for admission to the Register.

1.17 The Council deliberated long and hard about this matter, whether to x or y. This was done using the consulting services of blah. Several workshops were held etc, etc.

1.18 The Council proposes to :

1.19 Your views are invited :

Q Do you think that etc, etc, etc?

1.20 Draft SH 26/4/02

1.123

1.124

## Registration – Renewal & Lapsed

1.125

1.126

*The order says:*

*Article 10 - (1) Where a person is registered and wishes to renew his registration at the end of a prescribed period, he shall make an application for renewal to the Education and Training Committee in accordance with rules made by the Council.*

*(2) The Education and Training Committee shall grant the application for renewal if the applicant -*

*(a) ~~meets~~ the conditions set out in article 9(2)(b) and (c);*

*(b) satisfies the Education and Training Committee that he has met any prescribed requirements for continuing professional development within the prescribed time; and*

*(c) ~~where~~ he has not practised, or has practised for less than the prescribed period, since his first registration or, as the case may be, his latest renewal, has met such requirements as to additional education, training or experience as the Council may specify under article 19(3) and which ~~apply~~ to him.*

*(3) ~~Where an applicant does not satisfy the Education and Training Committee that he has met the requirements mentioned in paragraph (2)(b) or (c), the Committee may renew the applicant's registration on condition that he satisfy those requirements within a specified time and if the person fails to comply with the condition, subject to article 11(3) and 37(3), his registration shall lapse and in accordance with prescribed procedure, his name shall be removed from the register.~~*

*(4) ~~Where a person's registration has lapsed, he may apply to the Education and Training Committee to be readmitted and the Committee shall grant the application if -~~*

*(a) the applicant meets the conditions set out in article 9(2)(b) and (c); and*

*(b) he satisfies the Education and Training Committee that he has met such requirements as to additional education, training or experience as the Council may specify under article 19(3) and which apply to him.*

*(5) Article 9(4) to (6) shall apply to applications made under this article.*

1.127

A person can renew his registration at the end of the registered period. Applications of this type are submitted to the Registration Committee (the authorised subcommittee of the Education and Training Committee in matters of registration) who will grant the application if all the following requirements are met:

- The conditions in relation to safe and effective Practise set out in Section XX
- The applicant pays the prescribed fee
- The applicant meets any prescribed requirements for continued professional development within the required timeframe, as set out in Section XX and if the applicant has either not practices or practices for less than the prescribed period since his last renewal then he must meet any requirements for additional training that the committee has specified.

If these requirements are not met then the Committee may renew registrations on the condition that the requirements are met within a specified time frame. If requirements are not met then registration will lapse and the name will be removed from the register. The same procedure is followed if a person's registration has lapsed however only requirements 1 and 3 apply in this situation. A person's registration will not lapse if they are the subject of an allegation, an investigation, a suspension order or a condition of Practise order or involved in an appeal against a decision of the Registration Committee.

1.128

The Council will ensure that its processes for application for registration are in line with these requirements as set out in Article 10.

1.129

This is a matter of definition and is included for information purposes but does not form part of the

consultation process.

***[Does the committee wish to propose a common process for renewal of registration along the lines of that discussed for initial registration?]***

1.130 *The order says:*

***Article 11 - (1) The Council may make rules providing for the procedure by which and the circumstances in which a registrant's name may be removed from the register on his own application or after the expiry of a specified period.***

***(3) Any rules made under paragraph (1) shall provide that a person's registration shall not lapse under this article or under article 10(3) -***

***(a) where the person concerned is the subject of an allegation, or is treated under article 22(6) as if he were the subject of an allegation, or is the subject of any investigations or proceedings under Part V or VI of this Order, on the grounds only that he has not paid the prescribed fee or has failed to apply for renewal in the prescribed form or within the prescribed time; or***

***(b) if the person concerned is the subject of a suspension order, a conditions of Practise order, an interim suspension order or an interim conditions of Practise order.***

~~1.131~~ **The Council may set out procedures (rules) detailing how a registrant may be removed from the register on his own application or after his period of registration expires. These procedures will include a specification that registration will not lapse if the registrant is the subject of an allegation, an investigation, a suspension order or a condition of Practise order.**

~~1.132~~ **The Registration Committee, as the delegated committee of the Education and Training Committee responsible for registration, will draw up rules.**

~~1.133~~ **This is a matter of definition and is included for information purposes but does not form part of the consultation process.**

~~1.134~~ *The order says:*

***Article 11 - (2) Where a person's name is removed in accordance with this article or article 10(3), his registration shall be referred to as lapsed.***

~~1.135~~ **This is a matter of definition and is included for information purposes but does not form part of the consultation process.**

1.136 **Your views are invited:**

**Q Do you think that the arrangements described in this section meet the requirements as outlined in the Order in Council?**

1.137 **Draft RP 18/4/02**