
Maintaining the Temporary Register

Executive Summary

In March 2020 we were provided with new legislative powers under the Coronavirus Act 2020 to establish a Temporary Register in support of the response to the Covid-19 pandemic.

The Temporary Register was opened on 17 March 2020 to former registrants who had de-registered within the last three years and final year students on UK-approved programmes who had completed all their work-based learning requirements.

We closed temporary registration for the majority of students at the end of November 2020 and the student temporary register closed at the end of September 2021. As the provisions in the Coronavirus Act 2020 expired in March 2022 we closed the Temporary Register to new applications, however under the Act the Temporary Register remains open for those already registered.

To date, we have conducted two periodic reviews of the Temporary Register, in line with the criteria that we put in place when the register first opened to assure us of the skills and experience of those operating on the Temporary Register.

Although we anticipated that the Temporary Register would close in September 2022, the Government announced that they would keep the emergency temporary registers of health professionals open for a further two years. In response to the extension, we confirmed that we would review our approach to regulating the Temporary Register whilst it continued to remain open.

This paper provides an overview of our approach to temporary registration thus far and a comparison with the approach taken by other regulators. It also puts forward three options and a recommended approach to manage the Temporary Register during this extension period.

The recommended approach will seek to

- 1) gain confirmation of current practice in support of the Covid-19 recovery and a desire to remain on the register
- 2) ensure the completion of health and character declarations and
- 3) confirm that temporary registrants are continuing to meet our standards and maintaining their continuing professional development.

[Previous consideration](#) An initial discussion around our approach to maintaining the temporary register was held with ELT on 10 January 2023. ELT

then discussed the proposed options for managing the temporary register on 14 March 2023 and agreed that the recommended approach should be put to Council.

Decision The Council is asked to approve the recommended approach (Option 2).

Next steps Should Council agree with the recommended approach, the Registration, Policy, Business Change, IT and Communications teams will work together to develop an implementation plan and timelines. This will include communication to registrants on the temporary register and other key stakeholders to inform them of the approach.

Strategic priority Strategic Priority 2: Promote high quality professional practice. Strategic Priority 6: Promote the value of regulation.

Financial and resource implications Temporary registrants have not been charged a registration fee to join the register. We have agreed a package of funding to support the continuation of the temporary register with the Department of Health and Social Care and any approach will need to operate within these financial constraints.

The proposals will require additional support and resources allocated from the Registrations Team. The level of resource required will depend on the approach taken, as outlined below.

Depending on the approach and the resultant size of the remaining Temporary Register some changes to our underlying systems may be necessary in order to manage the Temporary Register more easily. We have had initial discussions with IT and Business Change on options and will continue to work with them to support the agreed approach where applicable.

EDI impact The proposed approach will require individuals to make declarations as to their health and character and so may have an impact on those with a disability. However, this will reflect the approach that we take in relation to the permanent register and will provide us with assurance that registrants are capable of safe and effective practice. In our communications we will ensure that we provide links to our guidance on health and character and health and disability support.

We will also ask temporary registrants to respond within a certain time period to confirm that they are actively practising in support of the Covid-19 response. If they do not respond, we will remove them from the register. This may impact upon individuals who are taking a break in practice for reasons such as pregnancy or maternity, caring responsibilities or illness. However, as the purpose of the register is to reflect individuals

actively participating in the Covid-19 recovery we believe that this is justified. We will provide information on how to re-join the permanent register after a break in practice to support those that wish to continue to practise.

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Maintaining the Temporary Register

Background

1. In response to the Covid-19 pandemic, we were provided with new legislative powers under the Coronavirus Act 2020 to temporarily register people in an emergency (see article 9A of the Health Professions Order 2001). Other regulators were given similar powers where they did not already have them within their primary legislation. The intention behind this was to support an increase in workforce capacity within the healthcare system during the pandemic by reducing regulatory barriers to registration for certain groups.
2. We published the HCPC Temporary Register on 17 March 2020 and opened it for the following two groups:
 - Former registrants who had de-registered within the last three years (this was a risk-based decision to provide assurance regarding the skills and experience of those on the temporary register); and
 - Final year students, on UK approved programmes, who had completed all their work-based learning requirements.
3. The Temporary Register opened on an opt-out basis, so all eligible former registrants and students were added to the register automatically.
4. As the UK moved through the COVID-19 emergency period, we turned our attention to the closure of the Temporary Register, working towards a closure date of 30 September 2022. We had made this date clear to those who remained on the temporary register and had encouraged readmission to the main Register for those who were interested in continuing to practise.
5. In September we were notified by officials from the Department of Health and Social Care that an extension of regulators' Temporary Registers was being considered. The Government [confirmed](#) that they would keep the emergency registers of health professionals open for 2 more years on 22 September 2022. This will mean when it closes, the Temporary Register will have been in operation for 4 and a half years.
6. In response to this extension, we confirmed that we would be reviewing our approach to regulating the Temporary Register to ensure we continue to balance public protection with supporting the workforce.

Current situation

7. When the Temporary Register first launched in March 2020, just under 21,500 registrants were registered on it.
8. Since opening the Temporary Register, we have conducted two periodic reviews in line with the criteria that we put in place when the register first opened to assure us of the skills and experience of those operating on the temporary register. These reviews involved contacting those registrants whose registration from the main Register had lapsed for more than three years at the time of the review and asking them to confirm whether they were continuing to practise and wished to remain on the register. The reviews were as follows:
 - In May 2021 we contacted 7,578 registrants. We received 597 responses (15%) and 564 of these (or 7.4% of those contacted) requested to remain. Those registrants that did not respond or did not wish to remain on the temporary register were removed (we allowed a period of 30 days to respond).
 - In October 2021 we contacted 3,777 registrants. We received 378 responses (10%) and 330 of these (or 8.7% of those contacted) requested to remain. Those registrants that did not respond or did not wish to remain on the temporary register were removed (we allowed a period of 30 days to respond).
9. Given the anticipated closure of the register in September 2022 we did not run this review process in April/May 2021.
10. As a result of our engagement activities around the closure of the Temporary Register, just over 1,000 registrants moved from the Temporary Register to the main Register:

Profession	Number
Arts therapists	8
Biomedical scientists	79
Chiropodists / podiatrists	12
Clinical scientists	14
Dietitians	18
Occupational therapist	203
Operating dement practitioners	21
Orthoptists	3
Paramedics	70
Physiotherapists	125
Practitioner psychologists	58
Prosthetists / orthotist	6
Radiographers	291
Speech and language therapists	117
Total	1,025

11. At the time of writing 10,012 registrants remain on the Temporary Register.
12. We closed temporary registration for the majority of students at the end of November 2020, except for the biomedical and clinical scientist professions where we extended it until the end of September 2021. This has now closed for all professions. The student temporary register included 5,976 students before we began the process to close it.

Our powers relating to the Temporary Register

13. The temporary amendments to our legislation under the Coronavirus Act 2020 provided regulators with a discretion to decide which people or groups of people were eligible for temporary registration (article 9A(2)). It also gave regulators the power to apply conditions to temporary registration and to vary, revoke or add new conditions at any time (article 9A(5)).
14. Under the legislation, the normal registration (article 9), renewal and readmission (article 10), lapse of registration (article 11) and approved qualification requirements (article 12) and certain fitness to practise provisions did not apply. It also prevented regulators from charging fees in respect of temporary registration (article 9A(9)).
15. A person's temporary registration is automatically revoked if the emergency comes to an end (as declared by the Secretary of State), but the legislation also gave regulators the power to revoke registration at any time, for any other reason, including where the Registrar suspects that someone's fitness to practise is impaired (article 9A(7)).
16. The HCPC's Covid-19 Temporary Register is now closed to new entrants as the provision in the Coronavirus Act which gave us the power to register people expired at midnight on 24 March 2022. However, section 89 of the Act means that those already on the temporary register remain able to practise and to be registered under the usual process¹. This is also the case with the NMC, who received their temporary registration powers via the Coronavirus Act.

Approach taken by other regulators

17. The Nursing and Midwifery Council (NMC) have agreed the following approach²:
 - Professionals can stay on the temporary register and continue practising if:
 - they left the permanent register less than three years ago (initially, those who left after 21 March 2020).

¹ See page 9 [Two monthly report on the status on the non-devolved provisions of the Coronavirus Act 2020: March 2022 \(publishing.service.gov.uk\)](#)

² [We're changing how we maintain the temporary register - The Nursing and Midwifery Council \(nmc.org.uk\)](#)

- Professionals can stay on the temporary register with conditions of practice* if:
 - they're practising and left the permanent register more than three years ago (initially, before 21 March 2020)
 - they were internationally educated and are progressing their application to join the permanent register.
 - The NMC will remove professionals from the temporary register if:
 - they left the permanent register more than three years ago (initially, before 21 March 2020) and have not been practising while on the temporary register
 - they were internationally educated and are not progressing their application to join the permanent register.
 - *The conditions of practice require registrants to work in an employed capacity for a health or social care employer and under the direction of a permanently registered healthcare professional.
 - The NMC will apply a further condition of practice to all professionals on the temporary register to require them to undertake training and continuing professional development to practise safely and effectively in their role.
 - They will update the temporary register in this way monthly.
18. It is worth noting that the NMC took a different initial approach to their temporary register, imposing conditions of practice on certain groups from the outset and initially opening registration to people who had left the permanent register up to five years previously. They also adopted an opt-in approach to temporary registration.
19. The NMC communicated this approach in mid-February 2023 and plan to implement the changes from 21 March 2023.
20. The General Pharmaceutical Council (GPhC) agreed an approach to managing their temporary register at their Council meeting in December 2022. They agreed to ask all registrants if they had been working and to take steps to remove those who were not practising or did not intend to do so, in addition to those who did not complete a self-declaration form confirming their fitness to practise and their reflective account before the deadline (30 days). The GPhC's intention is to do this on an annual basis.
21. The General Medical Council (GMC) has not published information about their management of the temporary register.

Our approach to the Temporary Register

22. The extension of the Temporary Register increases risk in the following areas:

- **Public safety concerns** – the main area of risk for regulators is the potential impact on public safety. The extension of the Temporary Register beyond the emergency period means that currently there will be some individuals on there who may have been practising for a period of up to six years without the standard declarations and checks that are conducted for those on our main Register on application and every two-year renewal cycle. By the time the register closes in September 2024, this could be up to 8 years since individuals were permanently registered with us and subject to our usual checks.
- **Accuracy of the Temporary Register** – given our decision not to review the register back in April/May 2022 (in anticipation of the closure of the register), we are unclear how many of those remaining on the register continue to practise and/or wish to remain registered.

23. Given the risks outlined above we need to implement measures to assure ourselves that those on the temporary register have the skills and ability to practise safely whilst the temporary register remains open for the next 18 months. We have proposed three different approaches that we could take to regulate the Temporary Register during that time.

Option 1 – introducing conditions to require declarations and CPD requirements

24. Under this approach we would write to those registrants remaining on the temporary register and ask them to:

- confirm that they are continuing to practise and wish to remain on the register.
- complete a self-declaration in relation to their health and character.
- confirm that they were continuing to meet our standards and keep their practice up-to-date in line with our CPD requirements.

25. This approach would provide us with some assurance that those on our temporary register are continuing to practise. It would bring further assurance around public safety by requiring individuals to meet similar requirements to and make similar declarations as those registrants on our permanent register. Registrants who did not meet the above requirements or who did not respond would be removed from the temporary register.

26. However, by following this approach we would not receive confirmation that our temporary registrants were continuing to practise specifically in support of the Covid-19 recovery. This was the purpose for which the register was created, and the basis for the less stringent requirements for temporary registrants. We therefore consider it necessary to seek assurance that temporary registrants are continuing to practise to support the Covid-19 response and recovery. We would therefore not recommend this option.

Option 2 – introducing conditions around declarations, CPD requirements and a link to Covid-19 recovery (recommended)

27. This approach would incorporate the requirements outlined in Option 1 but would also include confirmation that individuals were practising in support of the Covid-19 recovery. We would therefore ask registrants to do the following:
- confirm that they are continuing to practise *in support of the Covid-19 recovery* and wish to remain on the register.
 - complete a self-declaration in relation to their health and character
 - confirm that they were continuing to meet our standards and keep their practice up-to-date in line with our CPD requirements.
28. This approach would provide us with the reassurance outlined in relation to Option 1, along with the additional assurance that individuals were continuing to practise for the purposes for which the temporary register was created. The proposed approach is also in line with the approaches taken by other regulators and would demonstrate consistency across temporary registers.
29. We are aware that any changes to our temporary register will take place within the wider context of the continuing pressures on the workforce. Stakeholders might believe that we are looking to reduce the number of temporary registrants and question why this is the case in light of the workforce crisis. We will look to engage with stakeholders to ensure that they are kept informed of our plans and understand the rationale for our approach.

Option 3 – introducing other conditions

30. As noted above, some regulators have chosen to apply additional conditions to those on their temporary register in addition to the self-declaration steps proposed above. For example, the NMC will require those whose permanent registration has lapsed for more than three years but are continuing to practise, and those who have been internationally educated but have not progressed their permanent registration application, to work for an employer under the direction of a permanently registered healthcare professional. This is a continuation of the approach adopted by the NMC at the start of the temporary register where conditions of registration have always been required for these cohorts of registrants.
31. We have considered whether we could take a similar approach. While the first condition described above might be workable, the requirements for someone to work for a health and care employer or work under the direction of a permanently registered healthcare professional are less likely to work for our registrant base who may work in private practice and independently. Unlike the NMC, we also did not accept international applicants who were in the process of apply for permanent registration during the pandemic and so we do not need to establish additional conditions of practice for these people.
32. While implementing additional conditions would have the benefit of providing an additional level of oversight and supervision for those professionals on the temporary register, there are disadvantages in terms of workability and manageability in terms of the resource required to monitor compliance with

these conditions. There is also the risk that we could be seen as presenting unnecessary and disproportionate barriers to remaining on the temporary register when we did not introduce these conditions at the outset. We therefore would not recommend this option.

Recommendation

33. Taking into account the information above, we recommend that the HCPC adopt Option 2.

Next steps

34. Should Council agree with this recommendation, Policy, Registration, Business Change and Communications will work together to develop implementation and communications plans and timelines.