

Agenda Item 5

Enclosure 2

Paper RC 25 / 02

REGISTRATION COMMITTEE

GRANDPARENTING

From : the Executive

FOR DISCUSSION AND AGREEMENT

REGISTRATION COMMITTEE

Grandparenting Criteria

Article 13(3) of the Health Professions Order 2001 provides that the Council must establish the criteria which the Education & Training Committee are to have regard to in determining grandparenting applications. This paper sets out a preliminary draft of the criteria for consideration by the Registration Committee. As a first draft the document may not cover all of the elements which Council would wish to include in the criteria.

HEALTH PROFESSIONS COUNCIL

Applications for Registration during the Transitional Period

("Grandparenting" Applications)

Introduction

1. Article 13 of the Health Professions Order 2001 provides that, during a transitional period of two years beginning with the date on which the HPC register opens, a person who does not hold an approved qualification and who was never registered under the Professions Supplementary to Medicine Act 1960 may, in certain circumstances, be treated as if he or she satisfies the requirement to hold an approved qualification for registration.
2. Those circumstances are set out in Article 13(2) of the Order and require the applicant to satisfy the Council's Education and Training Committee ("the Committee") that:
 - a. he or she has been wholly or mainly engaged in the lawful, safe and effective practice of the profession in respect of which he or she is seeking registration ("the relevant profession") for three out of the five years prior to the opening of the register (or its part time equivalent); or
 - b. where the applicant cannot meet the "three out of five years" test, that he or she has undergone additional training or experience to satisfy the requisite standard of proficiency for the relevant profession.

3. In either case the Committee may require the applicant to take a test of competence.

4. This document sets out the criteria that the Council has established and to which the Committee must have regard in determining whether an applicant meets the requirements of Article 13(2).

Form of application

5. An application for admission to the register under the grandparenting arrangements must be made during the transitional period using the form specified in [Rules] and accompanied by the fee prescribed in [provision] of those Rules.

Lawful practice and its duration

6. In determining whether an applicant has spent any part of his or her working time in the lawful, safe and effective practice of a relevant profession, the Committee shall have regard to, among other matters, the period during which the applicant:

- a. has been included in the register of any regulatory body (if any) for the relevant profession;
- b. has maintained professional indemnity insurance in respect of the practise of that profession;
- c. is stated, in a professional status reference, to have been practising that profession.
- d. has, in other circumstances, practised that profession,

and to the nature and extent of his or her practice during any such period.

7. For this purpose a “professional status reference” is a reference as to the number of years a person has been practising a relevant profession which is given in a **statutory declaration** by a medical practitioner, bank manager, accountant or solicitor who is not related to the applicant by birth or marriage (or any relationship akin to marriage).

8. If an applicant has practised a relevant profession in a place outside the United Kingdom, and the practice of that profession there was prohibited unless legal requirements relating to it were complied with, the applicant must satisfy the Committee that he or she has complied with those requirements in order to be treated as having spent that period in the lawful practice of that profession.

Safe practice

9. In determining whether an applicant has practised a relevant profession safely, the Committee shall, among other matters, have regard to any:

- a. complaint made to any regulatory body (if any) for the relevant profession by whom the applicant is or has been registered;
- b. claim made under a contract of insurance providing professional indemnity to the applicant; and
- c. proceedings (whether criminal or civil) brought against the applicant in connection with the practise of that profession.

Effective practice

10. For the purpose of satisfying the Committee that he or she has practised a relevant profession effectively, the applicant shall complete [the questionnaire which forms part of the application form for applications under the transitional arrangements in accordance with [provision] of the [Rules]].

11. In determining whether an applicant has practised the relevant profession effectively the Committee shall, among other matters, have regard to:

- a. the completed questionnaire; and
- b. the required standard of proficiency for that profession.

Test of competence

12. The Committee may require the applicant to pass the test of competence for the relevant profession (or any part of that test) as it considers appropriate.

13. A test of competence shall comprise a test covering the following heads for the purposes of determining whether the applicant meets the required standard of proficiency in relation to:

- a. knowledge and understanding of the nature and ethical basis of the practice of the relevant profession;
- b. scientific and ^{technical} medical knowledge relevant to the practice of that profession;
- c. clinical assessment, including physical examination before and during treatment, interview and case history;
- d. diagnosis or clinical impression;
- e. the selection of appropriate treatment;
- f. the delivery of treatment and evaluation of the response to treatment;

- g. the giving of advice concerning treatment, treatment dependence, minimizing of recurrence or the need for further treatment, and related matters;
- h. the obtaining of consent to treatment; */ + patients*
- i. communication with other health professionals, general medical practitioners and other care providers, including assessment of the need for second opinions or for referrals;
- j. record keeping.

14. A test of competence may be conducted as an oral or written test (or both) and may include a test requiring a practical demonstration by the applicant.

15. Tests of competence will be conducted by assessors appointed by the Council, who shall be persons who are registered practitioners of the relevant profession with not less than [five] years' professional experience.

Additional training and experience

16. In considering whether it is necessary for an applicant under Article 13(2)(b) to undertake additional training or to acquire additional experience, the Committee may have regard to any matter which appears to the Committee to be relevant.

Obtaining further information

17. Article 13 requires applicants to satisfy the Committee that they meet the tests of having been wholly or mainly engaged in the lawful, safe and effective practice of a relevant profession or having undergone additional training or experience to meet the required standards of proficiency for that profession. Consequently, where on the basis of the information available to it, the Committee is not satisfied on any of those points the Committee may:

- a. require the applicant to provide information in addition to that provided with the application for registration;
- b. require the applicant to be interviewed by the Committee or by a person nominated by it or to be visited at any place where he or she practises the relevant profession by a person so nominated; and
- c. obtain information additional to that provided with the application for registration from any other person or source as it considers appropriate.