



Department
for Business
Innovation & Skills

**TRANSPPOSITION OF THE REVISED
MUTUAL RECOGNITION OF
PROFESSIONAL QUALIFICATIONS
DIRECTIVE 2005/36/EC**

CONSULTATION RESPONSE FORM

14 AUGUST 2014

Annex V: Consultation on the transposition of the revised Mutual Recognition of Professional Qualifications Directive (2005/36/EC) response form

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The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 06/11/2014

Please return completed forms to:

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We would like respondents to tick a box from a list of options that best describes them as a respondent. This allows views to be presented by group type.

	Business representative organisation/trade body
	Central government
	Charity or social enterprise
	Individual
	Large business (over 250 staff)
	Legal representative
	Local Government
	Medium business (50 to 250 staff)
	Micro business (up to 9 staff)
	Small business (10 to 49 staff)
<input checked="" type="checkbox"/>	Competent Authority
	Trade union or staff association
	Other (please describe)

General:

Question 1: Do you agree with our proposal to revoke and replace the current 2007 Regulations rather than amend them?

Comments:

The HCPC agrees with the Department of Business, Innovation and Skills (BIS) proposal to revoke and replace the current 2007 regulations as it would allow a competent authority (CA) to work from a single set of regulations. However, both BIS and Department of Health (DH) will need to consider the impact of the very short and ambitious deadlines for CAs meeting an entirely new set of regulations where previously there would have been a longer lead in time in order to prepare for the new regulations becoming effective. We are aware that BIS does not intend to consult on the draft regulations until early summer of 2015. This has meant that in some instances we have had to delay our preparations for implementing some of the new measures contained in the revised recognition of professional qualifications (RPQ) Directive. We do, however, understand that some of these delays are unavoidable due to the various implementing acts and changes resultant from the Treaty of Lisbon.

European Professional Card (article 4a – 4d)

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As mentioned previously, the specifics of implementation are difficult to address at this stage as we are awaiting the adoption of an implementing act for the EPC. With this in mind, we have the following questions:

Question 2: Do you have any suggestions for professions that should be included in the EPC?

Comments:

The HCPC continues to support in principle the introduction of the EPC for the physiotherapist profession. We do have reservations about some of the various processes and workflows proposed for the EPC. These concerns have been fed back to BIS, DH and the European Commission where appropriate. We look forward to further engagement with these stakeholders in order to mitigate any concerns or issues. We believe that, due to patient safety implications, it is imperative that the system functions correctly from the outset regardless of which professions will ultimately benefit from the EPC.

Question 3: Within the scope of article 4a.7 of the Directive relating to the power to adopt an implementing act, can you suggest any issues that we should be conscious of with regards to the EPC?

Comments:

The HCPC does have reservations about some of the various processes and workflows that the European Commission has proposed for the EPC. These concerns include the following:

General observations:

- The ambitious timetable that the European Commission wishes to follow with regard to the EPC becoming fully functional for a given profession and its resultant impact on a CA (whether acting as a home or host CA). No decision has yet been taken on which professions will ultimately benefit from the first tranche of the EPC. This has subsequently shortened the preparatory time for any CA which will need to process EPC applications after the end of the transposition period. We understand that no decision on this will be taken until January 2015 at the earliest which would leave less than a year for CAs to prepare for the EPC provisions. We recognise that the European Commission has committed to upgrading the Internal Market Information (IMI) system during the transposition period. However, this is only one aspect of the IT requirements. Consideration is required for any internal IT changes that CAs need to undergo in preparation for the EPC and the financing and resources for this. We propose a transitional timetable following the transposition deadline in order for the EPC to become fully effective and operational for any of the health professions, especially those operating under the general system.

Payments:

- We are concerned that the issue of payment has not been fully considered for host CAs in recent European Commission draft documents. It is not feasible for a CA to await payment of any EPC fees following an assessment of the application or a decision being taken with regard to recognition. Such an approach would mean that a CA runs the risk of completing this work and not ultimately receiving payment due to the applicant not wishing to complete the process, for example, not wishing to undergo a period of adaptation (POA) in order to obtain recognition of their qualification for establishment purposes. As a CA, we would need to address any subsequent financial shortfalls and this could potentially result in needing to raise our registration fees for UK applicants in order to bridge any funding shortfall.
- As a CA the HCPC would need flexibility to set flat fees for EPC applications under the general system. It is not practical for us to provide individual costings for individual applications.

Documentation and translation requirements:

- For establishment purposes, we continue to support the principle in the revised RPQ Directive that the EPC should be solely about recognition of the professional qualification as opposed to granting access to the profession (i.e. that other registration requirements will need to be subsequently fulfilled). We would require that any registration documents voluntarily provided by an applicant as part of the EPC procedure could subsequently be requested for registration purposes if they no longer met the requirements set out under Annex VII of Directive 2005/36/EC (for example, these registration documents need to be not more than three months old by the date on which they are submitted) or our own registration requirements.
- We would welcome a flexible approach with regard to documentation and translation requirements for recognition purposes under the general system. Official translations would streamline the process and ensure that we could meet our commitments to process applications in a timely manner under the Directive and with due consideration to tacit recognition. At a minimum, we would continue to require official translations in the first instance of the following three core recognition of professional qualification documents when provided by an applicant at the outset of their application for establishment purposes: academic transcript; course information form / syllabus; and professional references. We require official translations of these documents in order to carry out an accurate assessment of an applicant's regulated education and training (and any other relevant education, training and professional experience) against our standards of proficiency.¹ The information contained in these three core professional qualification documents would help reduce the likelihood of compensation measures being imposed. They would also ensure that we can provide suitable justification to an applicant where any compensation measure is imposed.
- We would also reserve the right to request official translations of other documents which could be submitted by the applicant or home competent authority (with or without an

¹ The standards of proficiency set the threshold entry requirements for safe and effective practice for each of our professions in the UK.

ordinary translation) in the event of 'justified doubts'. We would also hope that a home CA would encourage the applicant to submit any relevant non-mandatory documents on their education, training and professional experience as listed in any EPC document repository in order to further reduce the likelihood that compensation measures would be imposed.

- We are concerned that the present machine translation facility on IMI is not fit for purpose and in some instances does not provide accurate translations. This needs to be modified and updated in preparation for the end of the transposition period.
- We suggest that key recognition documents provided in an EPC-IMI file for temporary and occasional service provision should also be in the language of the host Member State which could access the file.

EPC Workflows:

- We would welcome confirmation that Article 4b(3) (which covers the initial checking of an EPC application received by a home CA) will allow a home CA to request additional information or 'certified copies' of documents (including new documents in some instances, e.g. further information on regulated education and training) outside of the initial one week deadline initially stipulated to check an application's completeness.
- The provisions allowing a host CA to request further information on an applicant's regulated education or training (including certified copies or information which might compensate for 'substantial difference') needs to be widened in any implementing act to cover both Articles 4d(2) (automatic recognition) and 4d(3) (general systems) cases.
- We would welcome clarification from the European Commission on an appropriate EPC workflow if an applicant begins an application for both temporary and occasional service provision and establishment simultaneously.
- We would suggest that the IMI system should link the alert mechanism with updating relevant Fitness to Practise (FTP) information in an EPC-IMI file or at least indicate that the EPC-IMI file has been subject to an alert.
- We suggest that that EPC-IMI functionality should allow an applicant to upload evidence of completing a compensation measure.

Temporary and occasional service provision:

- As a CA which does not carry out a prior check of qualifications under Article 7(4) we understand that any professional who benefits from an EPC for temporary and occasional service provision under Article 4c (i.e. no prior check of the regulated education and training by the host CA) would only be allowed to use the professional title of their **home** Member State. We would continue to support this provision as we would not be issuing the EPC in this instance or have assessed the applicant's regulated education and training (and any other relevant education, training and professional experience) against our standards.
- We would welcome further clarity on the role of the host CA in the renewal of the EPC for temporary and occasional service provision. We believe that there should be the option for the host CA to at least be consulted in any decision to renew the temporary and

occasional EPC after a period of 18 months. The circumstances of a visitor may change beyond the information checked by the home CA i.e. that the professional remains established there. For example, where a visitor is trying to become professionally and personally established in a host Member State whilst utilising the EPC for temporary and occasional service provision, the home CA may not have all the relevant information and this should be considered. In such instances an application for establishment in the host MS may be more appropriate than renewal of the EPC for temporary and occasional service provision. We would require clarification and some reassurance on the type of information that the home CA will be checking and requesting from a visitor prior to the renewal of the EPC for temporary and occasional service provision. This issue requires further guidance.

- We welcome provision that any additional requirements of the host CA (for example, language declaration etc) would be forwarded to the host CA within the deadlines of the issuance of the EPC for temporary and occasional service provision by the home CA.
- We support including a notice in the EPC for temporary and occasional service provision which states the Member States and CAs it applies to, since it gives access to the profession. This notice needs to be on any separate website operated by the European Commission.
- We are unsure of the merits of the European Commission's proposal in draft documents to have a separate website listing all EPCs issued. This may cause possible confusion with our online Registers, particularly with regard to the EPC for temporary and occasional service provision.
- We would welcome a commitment from the European Commission that, if there is a fitness to practise (FTP) related issue with regard to an EPC for temporary and occasional service provision, the relevant information would be displayed on any external website. In situations where the professional would be prohibited from practising their profession in a Member State, the EPC for temporary and occasional service provision would need to be automatically removed from any such external website since the card in this instance allows access to the profession. The Commission will need to consider an appropriate procedure for this. They will also need to consider what will happen if there is an FTP related issue in a host Member State (which prohibits or restricts access to the profession in one host Member State but not necessarily the home Member State or another host Member States listed on the temporary and occasional EPC).
- Furthermore, we suggest that the European Commission automatically remove any EPCs for temporary and occasional service provision which are no longer valid from any external website.

Question 4: Do Competent Authorities expect the EPC to deliver any cost savings from the transfer of responsibility for checking qualifications to home Member States? Please provide any detail possible on the expected cost implications of the EPC for your authority.

Comments:

We believe that that the strengthened role of the home CA in the application process will lead to efficiencies and streamline the recognition of professional qualifications procedures. From initial studies, as a net recipient of migrating professionals exercising their rights under the RPQ Directive, we believe that the EPC will deliver some cost savings over the longer term with the transfer of responsibility for checking and verifying key documentation to the home Member State prior to being sent to the host CA for establishment purposes. However, as a host CA which operates under the general system we will still need to carry out an assessment of the applicant's regulated education and training (and other relevant education, training and professional experience) against our standards of proficiency in cases of establishment. This preliminary analysis has also shown an increase in our associated costs when acting as a home CA. These cost estimates have been made in the absence of any implementing act for the EPC and / or confirmation of various EPC workflows. Therefore these findings are only indicative at this point.

We would also foresee increased costs for CAs in the short term with the accompanying upgrading of internal IT systems and processes to take account of the EPC procedures outside of IMI. These additional costs also include changes to our registration system to allow us to retain documents in IMI on our own registration systems after receiving a request from a professional to delete an EPC-IMI file; taking account of the validity of declarations for a period of 18 months as opposed to the existing 12 months; staff training etc. We would also need to carry out further work on the direct and indirect costs of processing an EPC as an organisation when acting as a home and host CA.

Partial Access (Article 4f):

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Question 5: Bearing in mind the requirements for partial access set out in the Directive (article 4f.1), which professions do you consider eligible for partial access and why?

Comments:

One of the core requirements for any of our registrants is that as an autonomous health and care professional they are able to practise their profession safely and effectively through adhering to our standards and only working within their scope of practice. We regulate our professions (with the exception of hearing aid dispensers) on the basis of protected title (without reserve of activities). The regulation of each of our professions by protected title means no activities or functions are reserved by regulation. Therefore we do envisage difficulties in assessing applications for partial access including considering if a professional activity can be objectively separated from other activities of the regulated profession in the host Member State. We had understood that health professions were to be excluded from partial

access during the negotiating stage for the revised RPQ Directive. We continue to hold the view that all our health professions should be excluded from these provisions due to 'overriding reasons of general interest' as per Article 4f (2).

Question 6: Do you think that we should require applicants who wish to access a profession on a partial basis to do so using the title for that profession in English rather than the professional title of their own state? Is the answer different in relation to different professions?

Comments:

We believe that any professional who benefits from the partial access provisions should be required to use the professional title in the language of their home Member State. As a CA, we do not protect additional professional titles and are restricted to those titles detailed in our legislation. If partial access is extended to any of our professions we would expect that a similar approach should be adopted as for those who benefit under the temporary mobility scheme without a prior check under Article 7(4) – i.e., that such professionals may only use a professional title in the language of their home Member State.

Question 7: Are Competent Authorities able to provide any estimate of the cost of addressing an individual partial access case as well as any costs associated with changes (such as IT systems) to their registers to accommodate partial access?

Comments:

The HCPC is investigating this issue and cannot provide an estimate at this stage. However, we would foresee the initial costs would be quite high. We would have to develop a separate part of the Register for successful partial access requests. We would also possibly need to develop two application processes: we would first need to decide that any compensation measure for recognition purposes would be inappropriate for the professional in order to allow access to one of our professions in the UK. We would then presumably need to develop a separate assessment procedure in order to gauge the nature of an individual activity and whether it could be objectively separated from the other activities of the regulated profession in the host Member State. This would be a qualitative assessment. We would need to employ and / or train specialised assessors to undertake this new area of work, possibly obtain additional information on the applicant's qualifications, obtain legal advice etc. We would also possibly need to amend our Rules including Registration and Fees Rules and Parts of and Entries to Register and develop an appeal mechanism.

Temporary service of provisions (articles 7, 8

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Question 8: Do the new requirements for temporary provision require clarification?

Comments:

We would welcome clarification on the following points:

- Once our necessary Rules are changed, will the HCPC be able to request that temporary and occasional service providers (visitors) provide a declaration with regard to their professional indemnity arrangements as per Article 7(1)? This would follow the recent passage of the Health Care and Associated Professions (Indemnity Arrangements) Order 2014 and the necessary Rules change taking effect.
- Will the European Commission provide an updated template of the required declarations for the temporary provision of services?
- What will the impact be for us as a CA with regard to a visitor being able to access a profession across the entire Member State concerned in the case of the regulation of social workers? The regulation of social workers is a devolved competency in the UK and the HCPC regulates social workers in England only. However, in future according to the revised RPQ Directive the submission of a required declaration 'shall entitle the service provider to have access to the service activity or to exercise that activity in the entire territory of the Member State concerned' (Article 7-2a).
- Will the other new declarations catered for in the revised RPQ Directive ie an attestation confirming the absence of temporary or final suspensions or of criminal convictions (Article 7-2e) and language declaration (Article 7-2f) apply to all our health and care professions? How will this decision be made? We believe that these additional declarations should be extended to all our professions as they meet the criteria set down in the Directive.

Question 9: In relation to the option to require a language declaration in relation to professions with safety implication, which professions do you think fall within this description?

Comments:

We believe that all our 16 health and care professions have 'patient safety implications' and meet the requirements to request this additional declaration. A full list of the professions regulated by the HCPC is available here: www.hcpc-uk.org/aboutregistration/professions/

Question 10: Do any Competent Authorities anticipate additional costs incurred from the temporary service provision amendments?

Comments:

The HCPC does envisage some additional costs incurred from the temporary service provisions amendments, not least if we need to inform or coordinate our recognition decisions with our social work regulatory counterparts in the other countries (ie Wales, Scotland and Northern Ireland). The additional character and language declarations are to be welcomed but may increase some additional administrative and financial burdens for us as a CA. The HCPC would need to amend various Registration forms and documents and / or the Health and Social Work Professions Order 2001 to take account of any changes resultant from the temporary provision of services amendments.

Conditions for recognition (article 13):

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Question 11: Are the conditions for recognition sufficiently clear?

Comments:

We would welcome further clarification on references to Article 11c (ii) and its wider implications for the changes to the general system. This article now refers to regulated education and training which provides a comparative standard to that of a diploma of at least one year completed post-secondary level. We would welcome clarification about whether applicants could simply express the duration of their qualifications with reference to ECTS credits. We would not have a difficulty with applicants providing ECTS credit information together with duration or type of qualification but we would have reservations if this information was only expressed in ECTS credits as we currently do not calculate the duration of our UK approved programmes solely based on ECTS credits.

Compensation measures (article 14):

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Question 12: Although the applicant has the right to choose, Members States' can stipulate, by way of derogation, an adaptation period or aptitude test. Do you think there is a case, in relation to a profession, for expanding the category of cases where we may stipulate either an adaptation period or aptitude test as set out in Article 14.3? If so, please provide reasons for this.

Comments:

The HCPC believes that the current derogations under Article 14.3 are sufficient for our professions at present. However, we may need to revisit this issue during the transposition period if further information comes to light.

Question 13: Does applying a compensation measure raise the administrative costs of processing an application?

Comments:

Yes, a compensation measure can only be imposed on any applicant after a full assessment of their regulated education and training (and any other relevant education, training and professional experience) against our standards of proficiency. This assessment is carried out by two independent and specialised assessors from the part of the Register to which the applicant is applying. We provide an appeals mechanism for any compensation measure imposed. We also need to ensure that any compensation measure we impose is met prior to recognising an applicant's qualification for establishment purposes. Thus applying a compensation measure does raise the administrative costs of processing an application.

Recognition of professional traineeship (article 55a)

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Question 14: What limits to the duration of professional traineeships should be set, if any, in relation to a relevant profession?

Comments:

The HCPC does not require our applicants to carry out professional traineeships as a condition of registration. However, our standards of education and training (SETs) do require our approved education and training programmes to incorporate mandatory practical content, through providing practice placements for students so that they can further develop the learning outcomes that are specific to their individual education or training programme.

Question 15: Are there any current guidelines on organisation and recognition of professional traineeships?

Comments:

We do not produce any guidelines on the organisation and recognition of professional traineeships as they are not a requirement for registration.

Automatic recognition on the basis of common training principles (articles 49a and 49b):

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These principles are subject to delegated acts adopted by the Commission. Therefore we are interested in your views in general terms only at this stage.

Question 16: Is the provision for setting up common training principles/frameworks of interest to your profession?

Comments:

We recognise the potential benefit of these provisions which will in effect allow for a new avenue for automatic recognition of professional qualifications through the development of a common training framework (CTF) or common training test (CTT). This could potentially streamline the recognition processes and procedures for a number of our professions. We understand that the European Commission will retain a high degree of discretion with regard to which professions will ultimately benefit from these provisions once the core conditions are reached. If any of our professions were put forward to potentially benefit from the common training principles we would constructively engage with the European Commission and other stakeholders to formulate a suitable CTF or CTT. However, we would be concerned if the outcome of a proposed CTF or CTT was at a lower standard than our current standards of proficiency. In this case we may consider requesting an exemption from a CTF or CTT under Article 49a -5(c) and 49b-5(b) (i.e. on the basis of 'serious risks to public health or the safety of the service recipients') respectively. At present it remains unclear which of our professions, if any, will ultimately benefit from these provisions.

Question 17: Do you consider your profession to be outside the scope of a CTF or CTT and why?

Comments:

Please see our response to question 16 above.

Question 18: Do Competent Authorities expect common frameworks and tests to reduce administrative costs in processing RPQ applications?

Comments:

In the longer term there is potential for the development of CTFs and CTTs to reduce the administrative costs of processing RPQ applications. However, there is possibly a greater administrative cost for CAs to organise CTTs as opposed to CTFs. The fact that no compensation measures could be imposed on such applicants would also reduce the administrative costs. However, in the short term there would be increased costs to develop separate recognition procedures to potentially allow a new avenue of automatic recognition for each of our professions. Additionally, if such an applicant was to fail a CTT they would be required to possibly apply for recognition via the current general system arrangements and may encounter additional costs. We would also need to develop separate internal registration operational procedures for this form of automatic recognition of professional qualifications, possibly upgrade registration IT systems etc.

Access to information (articles 50.3, 57, 57a):

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Question 19: Are your procedures already available online?

Yes

No

Not sure

Comments:

The HCPC provides all of our required registration forms and documents online which can be downloaded by an applicant and submitted to the HCPC via post. However, we do not currently accept online or electronic applications.

Question 20: Do you accept electronic payments?

Yes

No

Not sure

Comments:

We currently accept electronic payments with Credit / Debit cards made over the telephone.

Is your Competent Authority already linked in to the PSC?

Yes

No

Not sure

Comments:

We are currently 'linked' to UK Naric and UK National Contact Point (NCP) as the body dealing with professional qualifications.

Question 21: Are Competent Authorities able to provide any information about the expected costs and time taken to make available information through the Points of Single Contact?

Comments:

We cannot provide an estimate at this stage.

Question 22: Do any Competent Authorities expect substantive costs to arise from providing electronic application processes? Could you please specify expected costs?

Comments:

We envisage that electronic application processes will reduce activity costs but will require significant capital expenditure to be set up. We cannot provide an estimate of the capital expenditure costs for the HCPC at present.

Question 23: Do Competent Authorities who have switched to online application systems have any information on the impact this may have had on number of applications?

Comments:

Not applicable (the HCPC does not currently have an online application system in place).

Exchange of Information (article 56)

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Question 24: Are you aware of IMI?

Yes No Not sure

Comments:

Our Registrations Department use IMI regularly to contact our counterparts within the EEA in order to process applications for mutual recognition rights under the RPQ Directive.

Question 25: Are you registered with IMI?

Yes No Not sure

Comments:

We have been registered with IMI since the end of 2007 / early 2008.

Question 26: If you are already registered on IMI:

a. do you find the system easy to use?

b. do you find the information exchanged useful?

a. X Yes No Not sure

b. X Yes No Not sure

Comments:

We have found the IMI system fairly easy to use. However, it would benefit from improvements based on user feedback, for example, a glossary of common used terms. A network of registered users could be set up for this purpose. We generally find the information exchange between our CA counterparts in the EEA useful; however, some improvements to the structure of the questions would improve the information flow.

Question 27: Do you consider you should be designated as a coordinator? Please provide reasons.

Comments:

We do not consider that the HCPC should be designated as a coordinator for IMI. The HCPC is just one of many registered CAs and does not have overarching responsibility therefore this function would not be appropriate for us. It would be particularly problematic in the instance of social workers as the regulation of the social workers is a devolved competency in the UK.

Question 28: Are affected Competent Authorities able to provide more information on how many additional staff may need to use IMI for the alert mechanism and the potential on-going costs of using the system?

Comments:

We are unable to provide an estimate on the additional staff requirements who may need to use IMI for the alert mechanism and the potential on-going costs at this stage. We envisage that we will have to send a number of alerts including not only final hearing decisions which restrict or prohibit a professional's practice but also relevant alerts for interim orders which would remain in place pending the outcome of a final hearing. Suspension orders are reviewed before their expiry and can be revoked, replaced or varied. Interim orders are also regularly reviewed by panels. This means that a new alert would need to be sent or an existing alert updated by our FTP department to take account of such changes.

Alert Mechanism (article 56a):

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As with the EPC, the specifics of implementation are difficult to address at this stage as we are awaiting the adoption of an implementing act for the Alert Mechanism. With this in mind, we have the following questions:

Question 29: Within the scope of the implementing act (article 56a.8), can you suggest any issues that we should be conscious of with regards to the Alert Mechanism including:

- **Eligible authorities or coordinators**
- **Procedures on treatment of alerts**
- **Security of processing alerts?**

Comments:

We require clarification on whether the coordinating role will be fulfilled centrally at Member State level similar to the proposed EPC coordinator or will be assigned to individual CAs. It might be beneficial if the coordinating role was fulfilled centrally at Member State level in order to filter, approve, send and disseminate alerts to the relevant CAs. This would also prevent the flow of irrelevant alerts to CAs. It may also be prudent to assign a central co-ordinator to approve such alerts. These could then be transferred to relevant coordinators in other Member States who would assign the alert to the relevant CA. However, this would need to be done in a timely manner in order to meet the three-day deadline.

The alerts should be made available in the language of the receiving Member State, and ideally the IMI system should be able to do this automatically. There will be significant resource implications for our FTP department so it would be prudent to ensure that only relevant alerts are sent to appropriate CAs.

The interaction between the requirement to send an alert within three days of a 'final decision' being taken to restrict or prohibit a professional's practice with our statutory appeal period of 28 days is problematic. We currently understand that such an alert needs to be sent within three days of a decision being taken to restrict or prohibit a professional's practice, as opposed to after the appeal period has ended. We would welcome clarification if we need to develop a separate appeal mechanism in order to prevent an alert being sent. The 'final decision' in this instance would also potentially cover relevant interim orders which would restrict or prohibit a professional's practice and would remain in place pending the outcome of a final hearing.

We would appreciate further clarification on the following issues:

- How will a CA qualify if an alert is subject to appeal under Article 56a-6?
- With regard to strike-off, will an alert remain indefinitely on the IMI system until the professional applies for readmission possibly after at least five years have elapsed?
- Clarification is also required on whether CAs will be restricted to the use of IMI for the exchange of all relevant FTP information as per Article 56 of the revised RPQ Directive.

- Will all our health professions meet the criteria for sending an alert, i.e. that they have 'patient safety implications'?
- Will the reference to 'court decision' under Article 56a-3 be widened to encompass a decision taken by a CA which has found that fraudulent documents had been used in the recognition process?
- Will Article 56a-3 also cover temporary provision of services and the use of fraudulent documents for mutual recognition?
- For Member States which do not regulate a profession if a professional is prohibited or restricted from practice how will other Member States be informed of this?
- With regard to security of processing alerts consideration of data protection legislation and how much information a CA will be able to export from the IMI system needs to be considered. Will CAs only be able to print out the contents of alerts which it sends? Will a CA be able to print out the content of an alert it receives or export this?

Transparency initiative (article 59):

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Question 30: Do you have any views on the most effective exercise of the transparency process?

Comments:

The HCPC has constructively and actively engaged with the transparency process. We found the completion of some of the required fields or tabs in the European Commission's updated regulated professions database to be challenging on occasion; for example, clear instructions were not always provided on what type of information was required. We regulate each of our professions on the basis of protection of title without reserve of activities (with the exception of hearing aid dispensers) but this type of regulation did not seem to fit with some of the information required by the Commission.

We have also compiled two separate reports on the regulation of physiotherapists and practitioner psychologists as part of an additional exercise for mutual peer review of these regulated professions in other Member States. Overall we have found the transparency exercise to be worthwhile in understanding the evolution of our regulatory regime which we believe is flexible and fit for purpose. We look forward to the findings from the transparency initiative in order to fully understand the regulatory regimes in other Member States and to continue to develop best practice in this sphere.

Question 31: Do you know of any Chartered Bodies that should be either removed or added from Annex I? Please give reasons for your answer.

Comments:

The HCPC understands that both the British Psychological Society (BPS) and the Chartered Society of Physiotherapy (CSP) are chartered bodies which have been added to Annex 1. We do not have a strong view on whether they should or should not be removed from this Annex. However, the HCPC remains the CA for both physiotherapists and practitioner psychologists in the UK and we would need to ensure that there is no possibility for confusion among professionals applying for mutual recognition rights in the UK as to the role of the above professional bodies.

Question 32: Do you know of any regulated professions that should either be removed or added from Schedule I? (<http://www.legislation.gov.uk/ukxi/2007/2781/schedule/1/made>) Please give reasons for your answer

Comments:

The HCPC considers that the nature of our health and care professions is such that there would be serious risks to the health and wellbeing of the public if undertaken by individuals who do not meet the HCPC's standards. The HCPC has become the CA for three new professions since the European Communities (Recognition of Professional Qualifications) Regulations 2007 were introduced. Therefore Schedule 1 needs to be updated to take account of the HCPC becoming the statutory regulator (CA) for the following additional professions:

- Hearing aid dispensers (instead of the Hearing Aid Council);
- Practitioner psychologists (instead of the British Psychological Society); and
- Social workers in England (instead of the General Social Care Council).

The European Commission's regulated professions database needs to be amended to allow one entry for practitioner psychologists (including clinical psychologist) instead of the two entries currently provided on the database. The accompanying professional titles also need to be included. Further information on the professions currently regulated by the HCPC and the accompanying professional titles is available on our website here: www.hcpc-uk.org/aboutregistration/protectedtitles/

Question 33: Has your Competent Authority updated the information on the database (A request to complete the 'Proportionality' tab was sent on 18 July 2014)?

Comments:

The HCPC has completed all the required additional fields in the European Commission's regulated professions database including the 'Proportionality' tab.

Do you have any other comments that might aid the consultation process as a whole?

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

We have no further comments on how to improve the current consultation process. However, as detailed above the fact that the draft regulations will only be produced post the accompanying implementing acts for the EPC and alert mechanism has meant that some of the timelines for CAs are very ambitious.

Thank you for your views on this consultation.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply Yes

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes No

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