



Health and Care Professions Registration policy

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The provisions of this policy, which was developed by a partnership group on behalf of Grampian Area Partnership Forum, apply equally to all employees of NHS Grampian except where specific exclusions have been identified.

NHS Grampian
Health and Care Professions Registration Policy

This document is also available in large print and other formats and languages, upon request. Please call NHS Grampian Corporate Communications on Aberdeen (01224) 551116 or (01224) 552245 or gram.communications@nhs.scot.

This Policy has undergone Equality and Diversity Impact Assessment.

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Contents

Section	Section Title	Page
1	Introduction	3
2	System for Checking the Registration of Newly Appointed Registrants	3
3	System for Checking/Monitoring Re-registration	3
4	Responsibilities	4
5	Process for Dealing with Lapsed Registration	5
	Flowchart	9
Appendix 1	Staff groups which require to hold Professional Registration	10

NHS Grampian

Health and Care Professions Registration Policy

1 Introduction

There is a professional, legal and contractual requirement for the staff (including bank workers) of health and care professions who are employed by NHS Grampian to have current registration with a professional regulatory body to enable them to practice in health care in the United Kingdom. Details of the staff groups which are required to hold professional registration are shown in Appendix 1.

The legal requirement to be registered, in order to practice, will be specified in the registrant's contract of employment. All registered health and care professionals are informed by their professional regulatory body, as a condition of their registration, of the requirement to be registered and of their responsibility to maintain their registration and revalidation as applicable. The registrant's failure to maintain this registration will, consequently, constitute a breach of contract.

2 System for Checking the Registration of Newly Appointed Registrants

NHS Grampian's Recruitment and Selection Policy, which is available on the intranet, sets out the process for Appointing Officers checking the registration of newly appointed registrants.

3 System for Checking/Monitoring Re-Registration

All registrants have a personal accountability to check that they are registered with their professional regulatory body.

Every line manager/professional head is responsible for checking the registration details of **all** those registrants in their section/department/service who are required to be registered with a professional regulatory body. Where a registrant has more than one post, each line manager/professional head is responsible for checking their registration details appropriately. Registrations should be checked with the relevant professional regulatory body. The manager should also check with the professional regulatory body if the individual registrant is the subject of any fitness to practice investigations or restrictions.

As a monitoring process:

- The Electronic Employee Support System (eESS) sends out individual reminder emails to registrants and their line manager at 28 days and 7 days prior to renewal date.
- The Workforce Information Team is responsible for checking the weekly error report generated from eESS and identifying those registrants that may have lapsed their

registration.

- For each registrant who may have lapsed, the Workforce Information Team cross check against the relevant professional regulatory body registration database.
- If there is the likelihood that a lapse has occurred, the Workforce Information Team highlights this to the line manager/professional head who will seek to confirm if there has been a lapse or the registrant is appropriately registered.
- If a lapse has occurred the line manager/professional head will take forward, seeking advice as appropriate from the HR Hub.

4 Responsibilities

NHS Grampian

There is a mandatory requirement by the professional regulatory body for a registrant to undertake specified activities to ensure re-registration e.g. continuing professional development, appraisal, revalidation. Therefore to meet the minimum requirements for their role in terms of the provision of safe, effective and person centered care NHS Grampian acknowledges that it has a corporate responsibility to provide resources, to enable the registrant to comply with these requirements.

Registrant

Each registrant has a personal responsibility to maintain their professional registration. Registrants who are required to be registered with a professional regulatory body in order to practice must follow due process as stipulated by their professional regulatory body:

- Ensure that their registration is kept up to date at all times, required fees are sent with adequate time for processing to the professional regulatory body and that they are received. The registrant should check that all the necessary aspects of the registration process has been completed with the professional regulatory body prior to the expiry.
- Notify their line manager(s) immediately they become aware that they are no longer registered. This applies to every post they hold within NHS Grampian.
- Notify the appropriate professional regulatory body of any changes to personal circumstances promptly e.g. personal details such as name changes, temporary or permanent change of address, email address. The registrant must ensure that their registered name is the same as their practicing name.
- Undertake appropriate activities in order that registration can be renewed e.g. continuing professional development, appraisal, revalidation etc. and notify their line manager, at the earliest opportunity, if they are unable, for whatever reason, to meet those specified activities.
- Notify their line manager(s) if there are any restrictions to their practice imposed by a professional regulatory body.
- Notify their line manager(s) if there are circumstances outwith the workplace that have led them to refer themselves to their professional regulatory body (e.g. criminal activity outwith the workplace)

- Ensure they are aware of all the processes and their frequency required by their professional regulatory body to gain re-registration.
- Maintain awareness of the method used by their professional regulatory body to communicate regarding registration.

Managers

Line managers or for bank workers the appointing manager/Bank Office must check that registrants who report to them are registered with the appropriate professional regulatory body and they are consequently required to:

- Ensure, where they are the Appointing Officer, that all newly appointed registrants who require to be registered with a professional regulatory body are registered as per NHS Grampian's Recruitment and Selection Policy.
- Ensure that registrants are provided with support to meet any requirements set out by their professional regulatory body for renewal of their registration.
- Ensure that they have a system to check the registration details of all existing registrants with the registrants professional regulatory body in advance of the expiry date. If registrants have more than one post then each line manager/professional head is responsible for checking registration details appropriately.
- Ensure that they conduct the necessary online checks with the appropriate professional regulatory body.

5 Process for Dealing with Lapsed Registration

To ensure parity across all registered staff groups, the Scottish Workforce and Staff Governance (SWAG) letters dated [2017](#) and [2018](#) will apply to all staff. When it becomes apparent that a registrant's registration has lapsed, the manager must:

- Immediately ensure the registrant does not work in a role that requires registration. Undertake a risk assessment to determine if the registrant in the first instance can be offered an unregistered role or if the registrant requires to be suspended from duty during the investigation period e.g. where concerns exist that the lapse is as a result of a deliberate failure of the registrant to maintain their registration. It should be noted that all suspensions are notified to the professional regulatory body. For bank workers, they will not be offered any further work and they will have their ability to book shifts restricted until they are re-registered. They would be paid full pay for the shift they are currently working and any pre booked work e.g. a shift the next day.
- Offer the registrant an unregistered role paid at the unregistered role rate of pay. If this is at a grade/band lower than their substantive grade/band, it is the manager's responsibility to advise the HR Service Centre without delay, to ensure the individual is paid correctly. If for any reason the registrant requires to be suspended from duty this will be on full pay at their substantive registered grade/band.
- Conduct an investigation in line with the NHS Scotland Workforce Policies Investigation Process.

The registrant has the right to be represented by a Trade Union or Professional Organisation representative or be accompanied by a work colleague not acting in a legal capacity.

The investigations should focus on:

- The length of the lapse
- Any actual patient safety consequences
- The length of time worked during the lapse, any evidence of notification by NHS Grampian/Professional Regulatory body to the registrant in advance of lapse and
- The vicarious liability (the extent which NHS Grampian is liable for the acts and omissions) of registrants working while their registration has lapsed

The investigation is to allow the manager to ascertain which of the following applies, thereafter taking the appropriate action:

(a) The registrant applied to renew their registration in time but the professional regulatory body delayed renewal

In circumstances where a registrant submits an application for re- registration which meets the requirements set by the professional regulatory body e.g. within the laid down timescale, making any requisite payment, the registrant will not be held responsible for that body's failure to re-register them on time. They will, however, be required to produce evidence that they have made all adequate provisions to renew their registration. Evidence of making the due payment alone is not sufficient evidence.

However, as the registrant is not registered they will be unable to practice in the post in which they have been employed with immediate effect from the date of their registration lapsing until their registration becomes current.

While the registrant remains unregistered, the manager will either allocate them duties related to their substantive post but for which registration is not required, or suspend them from duty, both of which options will be on at their substantive registered grade/band. In either case they will suffer no detriment in their terms and conditions of employment.

If during the investigation, the individual has been in an unregistered role at a grade/band lower than their substantive grade/band, upon the individual re-commencing their substantive registered post it is the manager's responsibility to advise the HR Service Centre without delay, to ensure the individual is paid correctly.

(b) A professional regulatory body suspends a registrant's registration

In circumstances where a professional regulatory body suspends a registrant's registration, the registrant is not registered. They will be unable to practice in the post in which they have been employed with immediate effect from the date of their

registration lapsing until their registration becomes current.

In this event NHS Grampian will conduct its own investigation to the matters connected/or unconnected to the professional regulatory body's suspension.

Depending on the outcome of the investigation, matters should be taken forward under the following policies:

- The NHS Scotland Workforce Conduct Policy or, for medical and dental staff, Framework for Support.
- The NHS Scotland Workforce Capability Policy (stage 3) where the loss or suspension is not considered a conduct matter or relates to matters out with the employer's scope to investigate.

These can be found on the NHS Grampian intranet, or can be obtained from a manager, HR Hub or a Trade Union or Professional Organisation representative.

In these circumstances, the manager concerned should discuss the matter fully with the HR Hub.

(c) A professional regulatory body withdraws a registrant's registration

Where the outcome of the professional regulatory body's investigation results in the registrant's registration being withdrawn on either a permanent or prolonged basis, the options open to NHS Grampian will be under the following policies:

- The NHS Scotland Workforce Conduct Policy or, for medical and dental staff, Framework for Support.
- The NHS Scotland Workforce Capability Policy (stage 3) where the loss or suspension is not considered a conduct matter or relates to matters out with the employer's scope to investigate.

These can be found on the NHS Grampian intranet, or can be obtained from a manager, HR Hub or a Trade Union or Professional Organisation representative.

In these circumstances, the manager concerned should discuss the matter fully with the HR Hub.

(d) A registrant's registration lapses as a result of their failure to follow the re-registration process required by the professional regulatory body

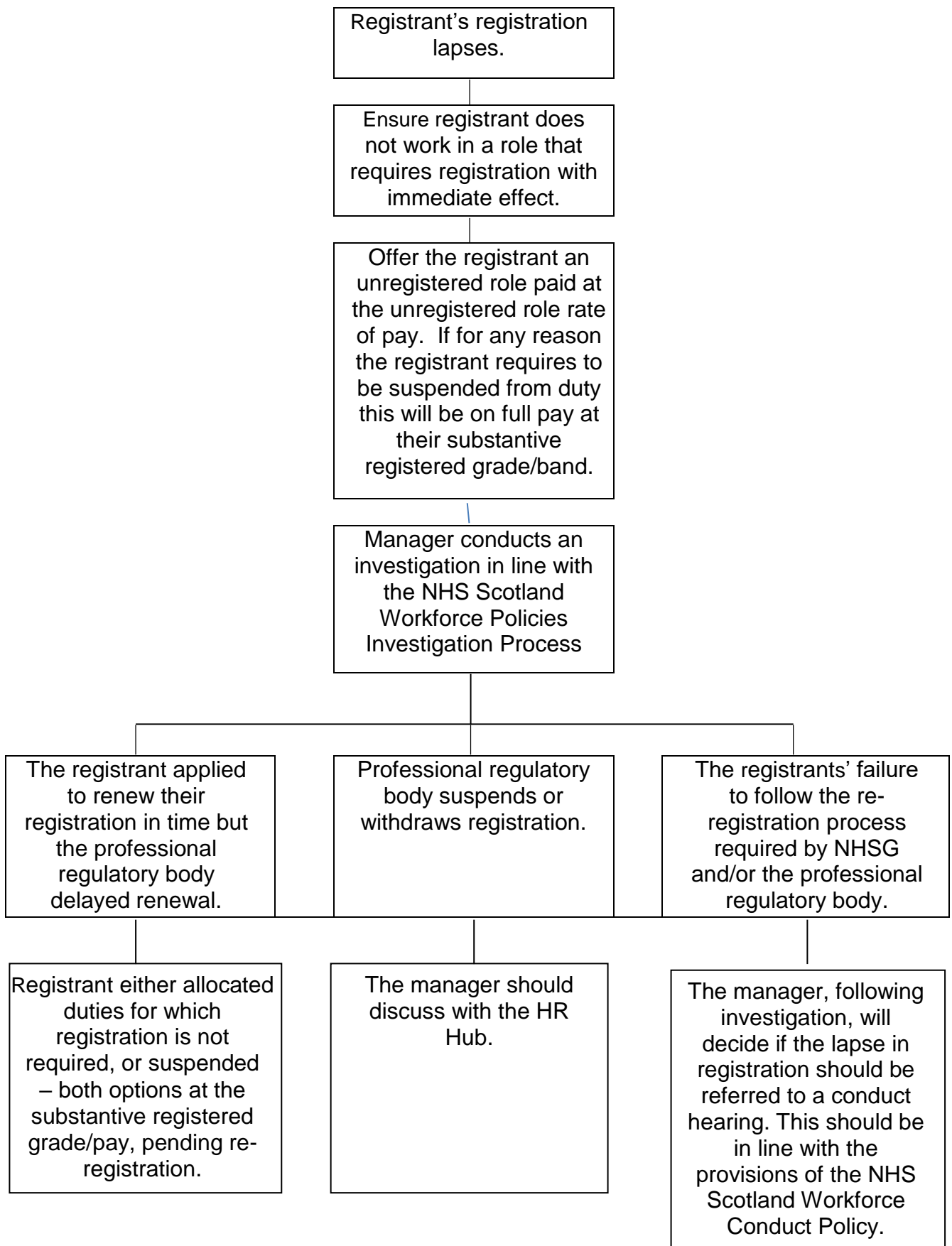
The manager, following investigation, will decide if the lapse in registration should be referred to a conduct hearing. This should be in line with the provisions of the NHS Scotland Workforce Conduct Policy.

If the lapse is referred to a conduct hearing, the Chair will, after considering the facts of the case, consider a sanction in line with the NHS Scotland Workforce Conduct Policy.

If the registrant remains unregistered after the conduct hearing they will remain in either the non-professional role or suspended on full pay at their substantive registered grade/band (reference the decision made for the investigation period). Other policies to support the individual may be accessed at this time.

If during the investigation, the individual has been in an unregistered role at a grade/band lower than their substantive grade/band, upon the individual recommencing their substantive registered post it is the manager's responsibility to advise the HR Service Centre without delay, to ensure the individual is paid correctly.

Flowchart for Dealing with Lapsed Registration



Staff groups which require to hold Professional Registration

Professions Regulated by the Nursing and Midwifery Council (NMC)

To work in the UK all nurses, midwives and specialist community public health nurses must register with the NMC and renew their registration every three years. It should be noted that registration will lapse if the appropriate payments are not made.

Professions Regulated by the General Medical Council (GMC)/General Dental Council (GDC)/General Pharmaceutical Council (GPhC)

All Medical, Dental and Pharmacy staff are required to be registered with the GMC, the GDC, or the GPhC respectively and this is renewable annually. It should be noted that registration will lapse if the appropriate payments are not made.

Professions Regulated by the Health & Care Professions Council (HCPC)

There are a number of professions regulated by the HCPC, with a number of protected job titles within these professions. Renewable every two years. It should be noted that registration will lapse if the appropriate payments are not made.

Further information on the registration requirement for each profession can be obtained on the Council's web site - <http://www.hcpc-uk.org/>