

DRAFT

**Department of Health consultation:
Applied Psychology: Enhancing public protection: Proposals for the statutory
regulation of applied psychologists**

Response from the Health Professions Council

Q1: Do you agree that applied psychologists currently registered with the BPS should transfer to the HPC register if they wish to continue to practise?

Response:

The Health Professions Council (HPC) supports the statutory regulation of applied psychologists and agrees that BPS registered applied psychologists should be transferred to the HPC Register.

The HPC has previously conducted such a transfer (for operating department practitioners). Our experience is that, provided proper communication takes place - sending those affected information about the transfer beforehand and providing them with renewal information after they have been transferred – the process operates very smoothly. We suggest that a process similar to that used for the ODPs is used for applied psychologists.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2005-04-26	b	CER	COR	Applied Psychology consultation HPC draft response for May Council	Final DD: None	Public RD: None

Q2: Do you agree that the titles protected in law should be: clinical psychologist; counselling psychologist; educational psychologist; forensic psychologist; health psychologist; occupational psychologist; and sport and exercise psychologist?

Response:

We agree that these titles should be protected in law.

However, we also suggest that the broader title applied psychologist should be a protected title, since even though it is not in widespread use, it will be the name of the relevant part of the Register, and as such will be used on documentation and publicity relating to registration.

Leaving that title unprotected could leave it open to abuse by individuals wishing to avoid regulation. We cite as an example the fact that the title ‘dietitian’ is protected by law, as is the title ‘dietician’. The latter spelling is not used by the majority of dietitians in this country, but is nevertheless protected to ensure that the public are not misled.

We believe that with the addition of ‘applied psychologist’ to the titles above, will assist us to deal with individuals who wish to avoid regulation and mislead the public.

We are also concerned that, if the title “sport and exercise psychologist” is protected, individuals who are not registered with the HPC but using the titles “sports psychologist” or “exercise psychologist” may be able to avoid regulation.

Q3: Do you agree with the proposals for the standards of proficiency for applied psychologists?

Response:

Yes

However, it should be noted that in relation to:

1. Transfer of BPS employees or property to HPC; and
2. Payment of first HPC registration fee

HPC's intentions are as follows:-

Transfer of BPS employees

The HPC has no requirements to employ any BPS employees.

Payment of first HPC registration fee

It is assumed that, if statutory regulation of applied psychologists proceeds, the HPC register for applied psychologists will open on 1st November 2005. All relevant BPS members will be automatically transferred to the HPC register and there will be no provision to opt out of the transfer.

On 1st November 2005 all applied psychologists will be written to by the HPC notifying them of the requirement to pay their first registration fee on 1st January 2006.

Members of the BPS who do not wish to remain on the HPC register will be able to allow their registration to lapse by not paying the HPC registration fee which is due on 1st January 2006.

It is assumed that the BPS may if it so desires alter its membership fee from 1st January 2006 to take account of the transfer of some of its Fitness to Practise responsibilities to the HPC.

Q4: Do you agree to these grandparenting arrangements?

Response:

Yes

However, it should be noted that:

The scrutiny fee was set by the Council and approved by the Privy Council at £200 on 9th July 2003. Therefore, depending on the date the register opens for applied psychologists and the HPC's cost pressures, the fee may need to be increased before the grandparenting process for applied psychologists finishes.

The Department of Health should make clear how individuals who have previously been members of the BPS but whose membership has lapsed will be able to register with HPC. Operating department practitioners in a similar position were unable to use the grandparenting route as the Health Professions Order was amended to provide that grandparenting was not open to those who had previously been members of the Association of Operating Department Practitioners.

While we acknowledge that many health professionals wish to be members of their professional bodies, in order to support their profession, and to benefit from the services that they offer, we also feel it is important that we do not appear to discriminate against people who choose not to be a member of their professional body.

Paragraph 82 in the consultation document says "In practice, people without the Graduate Basis for Registration will not be eligible for grandparenting..."

However, under the Health Professions Order, when we assess a grandparenting application, we do not only consider the applicant's education and training, but all evidence relating to their lawful, safe and effective practice. Anyone who had used a protected title before the date on which applied psychologists came onto the HPC Register would therefore be eligible to apply for grandparenting. When they applied, they would then need to supply evidence of lawful, safe and effective practice (Route A) or that they met the Standards of Proficiency (Route B).

We believe that we should use the criteria we have developed for other professions for processing grandparenting applications from applied psychologists. Moreover, we point out that to deal with grandparenting applications on any other basis would require amendment of the Health Professions Order 2001.

In addition, Article 13 of the Health Professions Order 2001 should be amended to ensure that the transitional provisions are only applicable to those who have practised using one of the protected titles in the UK.

In the response to the consultation it would be useful if the Department of Health clarify why a three year, as opposed to the existing two year, transitional period is required. The HPC understands that the period has been set at three years to allow prospective registrants to apply via Article 13(2)(b).

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2005-04-26	b	CER	COR	Applied Psychology consultation HPC draft response for May Council	Final DD: None	Public RD: None

Q5: Do you agree with these proposals for the transfer of responsibility for fitness to practise cases?

Response:

The HPC is very concerned about the financial implication of having to deal with fitness to practise cases relating to prospective applied psychologist registrants which arise before the HPC register is opened.

The process of dealing with registrants whose fitness to practise has been questioned is the most significant cost burden for statutory regulators. While it is entirely appropriate that the HPC pays for the fitness to practise process once the register is operational, it is not however appropriate that funds derived from existing HPC registrants should be applied to cases which arose before the register was opened.

The Council's experience with the opening of the Operating Department Practitioners register was that, even for a small profession with relatively few fitness to practise cases, it placed a significant financial burden on the HPC.

The Council therefore recommends two options:

Either:

Option One

A member of the BPS who is the subject of a fitness to practise allegation before the HPC register is opened should not be admitted to the HPC register until the case has been disposed of by the BPS.

Or:

Option Two

The HPC should process all fitness to practise cases which are outstanding at the time the HPC register opens; and

The Department of Health should provide funding to the HPC, to pay for the cost of handling those cases. This would include hearing and legal costs, and a contingency for any appeals or challenges made by CHRE.

On the assumption that there were 100 outstanding fitness to practise cases, the grant would need to be in the order of £500,000 to £1,000,000.

Q6: Do you agree that the branches of applied psychologists should adopt the HPC Code of Conduct, Performance and Ethics?

Response:

The Health Professions Council agrees with this proposal. Our standards of conduct, performance and ethics have gained the Crystal Mark from the Plain English campaign, and have proved to be useful and accessible. The consistency of one document, which applies to all our professions, has also been helpful in making our standards clear.

We wrote these standards in such a way that they could be used by new professions coming onto the Register, and we are confident that they provide a set of standards which are appropriate for health professionals in all settings.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2005-04-26	b	CER	COR	Applied Psychology consultation HPC draft response for May Council	Final DD: None	Public RD: None

Q7: Do you agree with the proposed legislative changes, including the opening of a new part of the HPC register for applied psychologists and the resultant increase in membership of the HPC?

Response:

Yes

However, it should be noted that the HPC is not a membership organisation as stated in the Department of Health's consultation document. Individuals regulated by the HPC should be referred to as registrants.

Paragraph 106 refers to a "merging" of the existing BPS CPD system with the CPD system that may be implemented by the HPC. It would be more appropriate to state that the BPS, in order to assist their members, may wish to align their CPD structure to any future HPC CPD standards, and the processes for auditing those standards.

Q8: Do you agree with the provisions of the draft Order?

Response:

Yes, subject to any amendments which are needed to address the issues identified in HPC's response to the Department of Health's consultation.

Other Issues

- Test of English
- Period of first registration
- Transfer of data
- Post registration qualifications

Test of English

The HPC does not agree that the Test of English for non-EEA Applied Psychologist applicants should be IELTS level 8 or its equivalent.

It is the view of the Council that it should be 7.0, the same level as for other HPC-regulated professions. The only profession which currently requires a higher level of English proficiency is speech and language therapy, for which the English language is a core professional skill.

Period of first registration

HPC's registrants renew their registration every two years. In the first year the original 12 professions are renewed. In the second year new professions such as the Operating Department Practitioners renew their registration.

The reason that the HPC uses this process is to spread the workload over a reasonable period of time, so that capacity can economically match peak demand.

It is therefore HPC's intention to have an initial period of registration for applied psychologists of one year.

The first registration period for applied psychologists will be 1st January 2006 to 31st December 2006. Thereafter it will be for two years, ie 1st January 2007 to 31st December 2008.

The Department of Health needs to ensure that these proposals are incorporated in the Order in Council.

Transfer of Data

The HPC must ensure the accurate, timely and economic transfer of those held on the BPS register to the HPC on the day that the register opens.

It should be noted that it is the intention of the HPC to test the process to transfer the data held on the BPS register to the HPC register before the opening of the HPC register.

Post registration qualifications

It should be noted that Article 19 (6) of the Health Professions Order 2001 states:

“In respect of additional qualifications which may be recorded on the register the Council may establish standards of education and training and article 15(3) to (8) and articles 16 to 18 shall apply in respect of those standards as if they were standards established under article 15(1)(a).”

The HPC intends to consult on this issue. It is therefore possible that at some point in the future applied psychologists with a post registration qualification in neuropsychology may be distinguished on the HPC register.

ERROR: undefinedfilename
OFFENDING COMMAND: c

STACK: