

Agenda Item 8

Enclosure 6

Paper RC 15 / 03

REGISTRATION COMMITTEE

OIC – Article 9 (2) (a)

From : the Executive

FOR DISCUSSION AND APPROVAL

REGISTRATION COMMITTEE

Prescribed Periods

Articles 9(2) and 19(3) of the Health Professions Order 2001 provides for the Council to prescribe time periods for two specific purposes:

Art. 9(2); to prescribe a period of not more than five years after which an approved qualification held by prospective registrant who has not practised during that period ceases to be valid unless additional education, training or experience is undertaken to bring his or her knowledge and skills up to date; and

Article 19(3) to prescribe a period after which a person who has not practised for that period must undertake additional education, training or experience before being re-admitted to the register.

In both cases 'prescribed' means prescribed in Rules made by the Council and approved by the Privy Council. Therefore the Committee is asked to recommend prescribed periods for the purposes of Articles 9(2) and 19(3) for inclusion in the draft Registration and Fees Rules.

The two prescribed periods do not have to be the same. In my opinion, Article 9(2) should provide for a simple 'cut off' point after which the applicant would need to undertake top up training to meet the then current standards of proficiency, but for Article 19(3) a 'sliding scale' may be more appropriate.

For consistency the point at which a person returning to practice is required under Article 19(3) to undertake top up training of the kind envisaged under Article 9(2) should be the same under both Articles (for example, five years in both cases), but Article 19(3) could be used to prescribe a shorter period which would allow a less onerous "return to practice" training or supervision requirement to be imposed on those practitioners who are returning to work after a break of less than five years.

Jonathan Bracken
March 2003

Standards for returning to practice

The Health Professions Order 2001 ('the Order') says that we can require people who have not practised or have practised for less than a prescribed period, to undertake such education and training or to gain such experience as we specify in standards.

We have chosen to set standards of education and training for anyone who has stopped practising for more than two years. If you have stopped practising at least two years ago, you will have to show that you meet the same standards of education and training for your profession that new registrants have to meet. You can show this in different ways, depending on how long it has been since you last practised.

Time since last practised	Requirement
Less than two years	No requirement under these standards
Between two and five years	<p>You need to refresh your skills and experience. You must:</p> <ul style="list-style-type: none"> • work under the supervision of a registrant for at least XXX weeks. The registrant must be from the part of the register that you want to join; and • undertake private study to bring skills and knowledge up-to-date. You will need to provide us with information about the study that you have undertaken.
Five years or more	<p>You need to ensure that you meet the current standards of proficiency. The Council regards a qualification that is more than five years old to be too out-of-date to enable its holder to meet the standards of proficiency. Therefore, you must:</p> <ul style="list-style-type: none"> • undertake an approved course. This can be either a standard course, or a course specifically designed for returners-to-practise. It is up to course providers to set detailed admissions requirements for their courses, and that could potentially include offering credits or accelerated entrance to students with prior knowledge and/or experience

Our requirements are the same for everyone, no matter what their reason for stopping practising. In other words, it doesn't matter if you stopped practising to have a baby travel the world, or to try out a different career. All that matters is how long it has been since you last practised. However, if you stopped practising because you were suspended or struck off, then you might have to meet other requirements in addition to meeting the standards explained in this document.

As a prospective registrant, we expect you to tell us the truth about your proficiency and not endanger the public. If you lie to us about your knowledge, skills or experience in order to get back on to our register, you are committing a criminal offence. We conduct random monitoring of applications for restoration to our register and we will also investigate applications where we have grounds for concern about whether an applicant has told the truth.

Article 9 (2) (a) (i) OIC stipulates that an applicant must satisfy the ETC that they hold an approved qualification awarded within a period not exceeding 5 years
Article 9 (2) (a) (ii) refers to " the prescribed period " .

The Committee is asked to consider and make a recommendation to the ETC as to the " prescribed period " .

Registration

9.—(1) A person seeking admission to a part of the register must apply to the Council and, subject to the provisions of this Order, and in particular paragraph (4), if he satisfies the conditions mentioned in paragraph (2) he shall be entitled to be registered in that part.

(2) Subject to paragraph (3), the conditions are that the application is made in the prescribed form and manner and that the applicant—

(a) satisfies the Education and Training Committee that he holds an approved qualification awarded—

(i) within such period, not exceeding five years ending with the date of the application, as may be prescribed, or

(ii) before the prescribed period mentioned in head (i), and he has met such requirements as to additional education, training and experience as the Council may specify under article 19(3) and which apply to him;

(b) satisfies the Education and Training Committee in accordance with the Council's requirements mentioned in article 5(2) that he is capable of safe and effective practice under the part of the register concerned; and

(c) has paid the prescribed fee.

(3) Where the applicant is already registered in the register and wishes to be registered in an additional part of the register or to have additional entries recorded, paragraph (2)(a) shall apply only to the qualifications on which his application is based.