

# PROFESSIONAL REGISTRATION POLICY

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**REVIEW AND AMENDMENT LOG**

<b>Version Number</b>	<b>Date</b>	<b>Author</b>	<b>Description of Change or reason for update</b>
V4	Oct 18	MLCSU People Services Team	Review in two years or sooner in line with legislation Key changes: Grammar and formatting
V5	Sept 19	Demi Shaw	Policy reviewed and Review date updated

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## **Part 1**

### **1. POLICY STATEMENT**

- 1.1 The CCG has a responsibility to ensure that professional standards are met. Recognising the importance of conducting both pre and post-employment checks for all persons working in or for the NHS in order to meet its legal obligations, complement good employment practices, and to ensure as appropriate, existing employees are registered with a relevant regulatory/licensing body in order to continue to practice.
- 1.2 For the purposes of this policy, the term professional registration refers to all post which requires the employee to be qualified in their field as a requirement of their post and to periodically renew their registration with their respective professional bodies.
- 1.3 The policy aims to ensure that all staff required to be registered with a statutory regulatory organisation/body to practice their speciality/field, are fully aware of their contractual obligation to be registered. The document sets out the role and responsibilities, the monitoring arrangements and the procedure for and implications for lapsed registration.
- 1.4 In accordance with NHS Employment Check Standards the CCG will undertake document checks on every prospective employee and staff in ongoing NHS employment. This includes permanent staff, staff on fixed term contracts, volunteers, students, trainees, contractors and staff supplied by agencies.

### **2. PRINCIPLES**

- 2.1 In order to protect the public and ensure high standards of clinical practice it is a legal requirement that the CCG may only employ registered practitioners in qualified clinical positions. This includes the following posts that have been accepted onto the register of the statutory regulatory bodies outlined in the NHS Employment Check Standards.
  - Medical and Dental
  - Nurses and Midwives
  - Allied Health Professionals
  - Healthcare Scientists
  - Hearing Aid Dispensers
  - Practitioner Psychologists
  - Pharmacy Technicians
- 2.2 Employees are responsible for maintaining their registration with their relevant professional body
- 2.3 Individuals who are not directly employed by the organisation (e.g. NHS Professionals, Agency and Locum workers) but who nevertheless are engaged in work that requires professional registration must also hold current registration. The CCG will ensure that there are processes in place to check the ongoing registration of such workers.

### **3. EQUALITY**

- 3.1 In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

### **4. MONITORING & REVIEW**

- 4.1 The policy will be reviewed periodically by the HR team in conjunction with operational managers at the CCG and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

## Part 2

### 1. PROCEDURE

#### Employees Responsibility

- 1.1 It is ultimately the responsibility of all employees who require professional registration to practice ensuring that registration with their professional body remains current at all times and that they abide by their professional code of conduct.
- 1.2 Employees/contractors must disclose to the organisation any conditions attached to his/her registration at the earliest available opportunity.
- 1.3 During the course of their employment employees must, on request by management, provide evidence that their registration has been renewed in accordance with procedures laid down.
- 1.4 Employees must provide proof of renewal to their Manager
- 1.5 Failure to maintain professional registration and comply with the requirements of the registration may result in disciplinary action
- 1.6 All personal data, particularly name changes must be communicated to both the line manager and professional body to ensure accuracy of data.
- 1.7 Lapsed registrations amount to a breach of terms and conditions of employment and may result in dismissal.
- 1.8 The registration lapse will be recorded in the employees personnel file.
- 1.9 Repeated lapses in registration may lead to disciplinary action under the Disciplinary Policy and Procedure

#### Registration of Temporary Staff from External Agencies

- 1.10 It is essential that all Contractors / Agencies the CCG engages with fully meet all legal and regulatory requirements. These include, but are not limited to, the Data Protection Act (1998), the NHS Confidentiality Code of Practice (Approved DoH Guidance 2003), all Criminal Records Bureau requirements, Registration with the appropriate Professional Bodies where appropriate, confirmation of Fitness to Work, Home Office status if applicable and working within the EWTD regulations (Working Time Directive 1993 and Working Time Regulations 1998).
- 1.11 In this respect the onus must be placed on the supplier (Contractor / Agency) to ensure all relevant workers fulfil all legal and regulatory requirements. The CCG will ensure it is protected contractually in the event of a supplier not fulfilling these obligations.
- 1.12 In order to facilitate this, all Managers should use the services of Agency suppliers awarded 'Preferred Supplier status' unless there are exceptional circumstances (Procurement Framework). All suppliers given this status meet legal and regulatory requirements, through the national sourcing process undertaken by 'Buying Solutions' (formerly PASA)

- 1.13 Where agency staff are being used that are not on the procurement framework, the line manager will be responsible for ensuring written assurance is sought from the supplier that they are abiding by NHS Employers Employment Check Standards.

#### **Procedure for Checking Registration – Pre-Employment**

- 1.14 All successful candidates who have a professional registration with a licensing or regulatory body in the UK or another country, relevant to their role are required to provide documentary evidence of up to date registration prior to appointment. A Human Resources representative will check with the relevant regulatory body (e.g. GMC, NMC, HCPC, GPhC) to determine that the registration is valid.
- 1.15 Where professional registration is a requirement of the post ongoing registration as outlined above will be monitored.
- 1.16 Alert Database checks will be undertaken in line with local CCG/Organisations recruitment procedures.
- 1.17 Alert letters are sent to all NHS bodies to make them aware of a doctor or other registered health professional whose performance or conduct could place patients or staff at serious risk. Alert letters are communicated to NHS bodies for those health professionals who are regulated by one or more of the following regulatory bodies:
- General Medical Council
  - Nursing and Midwifery Council
  - Health and Care Professionals Council
  - General Dental Council
  - General Optical Council
  - The General Pharmaceutical Council (GPhC)
  - General Chiropractic Council
  - General Osteopathic Council

The CCG is responsible for managing Alert Letters according to Healthcare Professionals Alert Notice Directions 2006, transferring alert letter details to a secure database and retaining paper copies within a safe haven which is locked and accessible to a limited number of staff. As well as for cross-referencing job offers to registered health professionals with the relevant professional body.

#### **Procedure for Monitoring Ongoing Registration**

- 1.18 The CCG is responsible for monitoring all professionally registered staff to highlight staff due to renew their professional registration and any staff whose registration has lapsed. The CSU can provide reports on request that will confirm the registration status of all members of staff.

#### **Procedure for Dealing with Lapsed Registrations.**

##### **Line Managers**

- 1.19 Managers who identify a lapsed registration must take immediate. Immediate actions will include:
- Contact the member of staff immediately

- Ensure the person is withdrawn from undertaking the duties of a qualified clinician or professional with immediate effect
- Discuss the options with the HR Team and employee
- Check re-registration with the relevant regulatory body, receive proof of renewal and to evidence this in the personnel file

1.20 When considering action to be taken, managers will take account of the following factors;

- Length of time since registration has lapsed
- Reason(s) put forward for non-renewal
- Whether the individual has knowingly continued to practice without registration and has failed to notify management
- Any previous occasions when the individual has allowed their registration to lapse
- Whether the individual has attempted to conceal the fact that their registration has lapsed

1.21 The manager in consultation with Human Resources should consider the following options:

- Allow the individual to take annual leave or time owing until their registration is renewed within an agreed time frame
- Allow the individual to take unpaid leave where no annual leave is available
- Suspend the individual from duty without pay, invoke disciplinary process
- Where feasible, consider transferring the individual staff member to another area within the organisation that offers a non-patient contact role that is of equal value.
- Temporary downgrade into a non-qualified post specific to service need

### **Employee**

1.22 Staff who recognise that their registration has lapsed must take immediate action. Immediate actions will include:

- Inform their line manager immediately
- Re-register with the professional body (in most cases this will be achievable within 1 or 2 working days)
- Withdraw from clinical/professional practice with immediate effect in discussion with their manager
- Provide proof of renewal to the Manager
- Provide proof and clarification of pin number if there is a discrepancy in data

Failure to comply with maintaining your professional registration may result in disciplinary action, including dismissal.

## Appendix 1

### Equality Analysis Initial Assessment



Prof Reg EIA