

# Professional Registration Policy

## HWHR17

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### Version Control Record

Version	Description of change(s)	Reason for change	Author	Date
1	New policy template & CCG name	To reflect new merged organisation	HR	May 2020

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## **1. Introduction**

- 1.1.** The Herefordshire and Worcestershire CCG have a responsibility to ensure that professional standards are met. To enforce this, there is significant importance attached to 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 posts which require the employee to be qualified in their field and to maintain their registration with their respective professional bodies.
- 1.3.** This policy provides a framework for ensuring that all permanent and temporary colleagues meet the legal requirements of maintaining their professional registration.

## **2. Equality Statement**

- 2.1.** Herefordshire and Worcestershire CCG aim to design and implement policy documents that meet the diverse needs of our services, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the protected characteristics of their age, disability, sex, gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.
- 2.2.** In carrying out its functions, Herefordshire and Worcestershire CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Herefordshire and Worcestershire CCGs are responsible, including policy development, review, and implementation.

## **3. Scope**

- 3.1.** This policy applies to all employees of the Herefordshire and Worcestershire CCG, currently four separate bodies, and subject to the proposed merger plan, will be applicable to the new single CCG and this policy will then apply to all staff in the new organisation, as appropriate to their role and profession.
- 3.2.** In accordance with NHS Employment Check Standards the CCG will undertake professional registration checks on every prospective and existing employee as appropriate to their role and profession. This includes permanent staff, staff on fixed term contracts, bank/locum workers, volunteers, students, trainees, contractors and staff supplied by agencies. This policy also applies to Office Holders at the CCG, e.g. Governing Body Members.

## **4. Purpose and Principles**

- 4.1.** This policy aims to ensure that all staff required to be statutorily registered or organisationally registered (as a requirement of their role) with a statutory regulatory organisation / body in order 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.
- 4.2.** In order to protect the public and ensure high standards of clinical practice it is a legal requirement that the organisation 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
- 4.3.** The CCG extends the requirement for professional registration to employees in non-clinical roles as defined by the organisation, e.g. financial roles.
- 4.4.** If the registration status of a registrant expires or is suspended with their professional body, they will not be permitted to continue to practice in their position until their re – registration is confirmed.
- 4.5.** The Job Description will specify where a post requires professional registration (clinical or non-clinical) to be maintained.
- 4.6.** 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 organisation will ensure that there are processes in place to check the ongoing registration of such workers.
- 4.7.** Failure to maintain registration may be a disciplinary offence and attract a penalty including dismissal depending on the circumstances and each case will be considered on its own merits.

## **5. Roles and Responsibilities**

### **5.1. Accountable Officer's Responsibilities**

- 5.1.1.** Ultimate responsibility for ensuring that professional standards are met and that the CCG meet their legal obligations in relation to professional registration and good employment practices.

## **5.2. Executive Directors' Responsibilities**

- 5.2.1. Responsible for setting the standards and role modelling the behaviours it expects of its employees in relation to maintaining their professional membership.
- 5.2.2. Ensuring that the CCG has appropriate mechanisms and systems in place to manage and monitor the registration of all appropriate professionals.

## **5.3. Line Manager Responsibilities**

- 5.3.1. Have a duty to ensure that all health care professionals in their employment are appropriately qualified and registered to carry out the duties detailed in their job descriptions.
- 5.3.2. To verify and record evidence of professional registration and to inform HR where this has not been possible.
- 5.3.3. To act upon information provided by HR regarding the expiry of employees' registration including the proactive management of either re-registration or a lapse as outlined in this policy.
- 5.3.4. Where required, support staff to re-validate with their professional body completing any necessary assessments and associated paperwork in a timely manner.
- 5.3.5. To take action in instances of lapsed or altered registration status promptly as per the procedure in section.
- 5.3.6. At appraisal to ensure an employee's competence as a healthcare professional and take action where they demonstrate that practice is not satisfactory.

## **5.4. Employee Responsibilities**

- 5.4.1. Employees have a duty to maintain their registration with their relevant professional body as the legal requirement to practice.
- 5.4.2. They will need to be aware of this policy and the responsibilities held by all employees for professional registration (if applicable).
- 5.4.3. Maintain their registration in a timely manner so that throughout their employment they remain registered with the relevant Professional Body.
- 5.4.4. Ensure all necessary actions are undertaken in order to revalidate and re-register in a timely manner.
- 5.4.5. Disclose to the CCG any conditions attached to their registration at the earliest available opportunity.
- 5.4.6. Provide evidence that their registration has been renewed in accordance with the procedure when requested by management.
- 5.4.7. Communicate any change to personal data, particularly name changes both the

Line Manager and professional body to ensure accuracy of data.

## **5.5. Human Resources Responsibilities**

- 5.5.1.** To ensure that timely notification is provided to the Line Managers with regards to an expected expiry of registration.
- 5.5.2.** To provide expert advice with regards to the appropriate action to be taken with regards to any potential lapses in professional registration and any subsequent disciplinary matters or issues related to restriction on practice.
- 5.5.3.** To provide monthly exception reports to managers where registrations are due to expire within 4 weeks. Details of the process are below.

## **6. Checking Registration Pre-Employment**

- 6.1.** The job description will specify where a post requires professional registration.
- 6.2** Individuals must not commence employment in any post for which it is a requirement that they be professionally registered, unless the required checks have been successfully completed by the Recruitment Team with regards to the registration of the individual.
- 6.3** Before the CCG employs any health professional, they will always check the following three areas:
  - That the applicant is registered to carry out the proposed role.
  - Whether the registration is subject to any current restrictions which might affect the duties proposed.
  - If the applicant is subject to any investigations with regards to their fitness to practise which the regulatory body has a duty to disclose.
- 6.4** These checks will be completed for the successful candidate by the Recruitment Team, prior to any unconditional offer of employment being made. A check of the individual's details will be made against the regulatory body's website, and a printout of the check will be placed on the individual's personal file.
- 6.5** If registration is current at the time an offer is made, but employment is due to commence after registration has expired, the registration will be re-checked before the individual commences work by the Recruitment Team.
- 6.6** If necessary, Staff may commence work prior to a professional registration being confirmed, but on a fixed term contract and at a grade/level which does not require them to hold that professional registration (e.g. pre-reg Nurses). Once registration has been completed the employee will be paid at the registered grade from either their registration date or the start date of their employment, whichever is the latter.
- 6.7** Whether an individual can undertake employment in an un-registered post - as outlined above - will be at the discretion of the Line Manager; it is the Line Manager who will be accountable and responsible for ensuring that the individual concerned acts only within the confines of the unregistered role prior to registration being obtained and confirmed. In the event that an individual does not gain registration the employment will be deemed to have ended.

## **7 Checking Registration Post-Employment**

- 7.2** It is the responsibility of staff, working in a post which requires registration with a Professional Body, to maintain their Registration and to notify the CCG of any issues affecting it or restrictions placed upon their practice.
- 7.3** The registration of an existing employee whose post requires them to be registered will be checked on a rolling monthly basis by the Human Resources Team.
- 7.4** The expiry dates of all employees will be monitored via ESR and the procedure outlined below adopted for the management of renewals and lapses:
- Four weeks prior to the expiry of an employee's registration, and where the registration has not yet been renewed, the Human Resources Team will contact the employee's Line Manager to notify them that the employee has yet to re-register their membership;
  - This communication will outline the possible actions that the Line Manager may need to take should re-registration not occur and asks that they ensure that the employee re-register with their Professional Body.
- 7.5** Where the registered employee's Line Manager is unavailable at the time that a registration is due to lapse, the Human Resources Team will contact the Line Manager's Manager to action the notification of the expiring registration.

## **8 Non-Renewal / Lapse of Professional Registration**

- 8.2** Should an employee be found to have allowed their registration to lapse, immediate action must be taken, and one of the three options outlined below should be agreed between the employee and their Line Manager. In the event of a lapse, advice can be sought from the Human Resources Team.

### **Option 1**

Pay the employee at the highest unqualified grade for the profession until such time as re-registration can be confirmed by the Professional Body. During this time only the duties of the unqualified post may be undertaken by the employee; there will be no reimbursement for the temporary reduction in salary.

### **Option 2**

Agree with the employee that they take annual leave until re-registration can be confirmed with the appropriate registering body.

### **Option 3**

Agree with the employee that they take unpaid leave until re-registration can be confirmed and there will be no reimbursement for the temporary loss of salary.

- 8.3** Where an individual's registration has lapsed, they should be invited to a meeting to discuss the circumstances of the case. They may choose to have a work colleague, or Trade Union Representative present at the meeting. However, the lack of a colleague or Trade Union Representative will not be sufficient to prevent or delay a meeting where a

registration has been allowed to lapse and the individual is unable to continue working within their contracted role due to that lapse.

- 8.4** In this meeting the Line Manager will inform the employee that they are required to take immediate measures to have their professional registration reinstated; in addition, agreement must be reached as to which of the options above will be implemented until such time as the lapse has been resolved. The Line Manager should write to the employee following this meeting to summarise the meeting.
- 8.5** Lapsed registrations amount to a breach of terms and conditions of employment and as such deliberate or unreasonable failure, by the employee, to maintain professional registration and comply with the requirements of the registration may result in disciplinary action including and the possibility of dismissal.
- 8.6** Where an employee advises that she/he no longer wishes to be a registered practitioner, she/he will be formally advised that if they proceed with this course of action they will be deemed to have breached their Contract of Employment, to have lost the legal authority to undertake the job for which they were employed and that it will lead to their Contract of Employment with the CCGs being terminated in line with the Disciplinary Policy.

## **9 Maintaining Registration During Periods of Leave**

- 9.2** Should an employee's registration expire during a period of sick leave, Maternity or Paternity leave, or any other form of leave, the employee will be expected to maintain their registration as if actively attending work. Failure to do so will result in the exploration of options as outlined in section 8.
- 9.3** If registration lapses the employee will not contractually, and in many cases legally, be able to continue to carry out the duties of their post if their post requires them to be registered. It is therefore vital that staff ensure that their registration is maintained and that they monitor the renewal of their own registration.

## **10 Professional Memberships**

- 10.2** In addition to those holding professional registrations there are many members of staff who hold a membership of a professional body, such as those in Finance, HR and Estates and Facilities. Whilst membership of a professional body will not be monitored in the same way as registration (i.e. as outlined in this policy) it is the responsibility of the employee, with oversight from their line manager, to ensure that membership is maintained where this is a requirement of the job role. This requirement will be outlined in the person specification of each post.
- 10.3** Professional body membership fees are the personal responsibility of staff and cannot be reimbursed. However, individuals may be able to claim personal tax relief from HM Revenue and Customs (HMRC).

## **11 Due Regard**



**11.2** This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty (PSED) of the Equality Act 2010 to eliminate discrimination, harassment, victimisation; to advance equality of opportunity; and foster good relations between the protected groups.

## **12 Implementation and Dissemination of the Document**

**12.2** This document has been fully ratified by the Joint Commissioning Committee and will be published and made available to all employees via the CCGs intranet/ internet in Herefordshire and Worcestershire.

## **13 Monitoring and Review**

**13.2** The policy will be reviewed in line with the review date or before in the case of where there are legislative changes. Monitoring of the policy will be carried out by Corporate Governance.

# APPENDIX 1

## PROCEDURAL FLOWCHART INFORMAL RESOLUTION

