



Western Health
and Social Care Trust

**REGULATION AND PROFESSIONAL
REGISTRATION POLICY**

February 2024



Title:	Regulation and Professional Registration Policy		
Author(s)	Human Resources Policy Design Group		
Ownership:	Human Resources Directorate		
Original Implementation Date	June 2008		
Approval by:	Policy Committee	Approval date:	23 January 2024
Operational Date:	1 February 2024	Next Review:	23 January 2027
Version No:	5.0	Supersedes:	<ul style="list-style-type: none">• Regulation and Professional Registration Policy (11 January 2018)• Regulation and Professional Registration Policy (12 June 2014)• Professional Registration Policy (June 2008)
Reference No:	Corp14/002		

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This policy has been developed within the context of Equality and Human Rights statutory obligations and requirements.

1. **BACKGROUND**

All managers are responsible and accountable for ensuring that practitioners requiring registration employed in the Trust are currently on the live register of their appropriate regulatory body. All practitioners employed by the Trust who require registration to perform their role have individual responsibility to maintain live registration.

2. **SCOPE**

This policy clarifies the responsibility of managers and allied health professionals in the regular surveillance and maintenance of their registration. At this point the Policy applies to the following staff groups:-

- Nurses & Midwives
- Social Workers
- Social Care Registrant
- Allied Health Professionals
- Medical Registrant
- Dental Registrant
- Pharmacists
- Optometrists

Certain Staff groups are also required to complete a revalidation on a regular basis. Please refer to the necessary Revalidation Policy.

3. **AIM**

The aim of this policy is to ensure that all Health and Social Care professionals employed within the Western Health and Social Care Trust have live and valid registration with the appropriate regulatory body (where registration is a necessary requirement within the terms and conditions of employment).

This policy is also applicable to Social Care Registrants' who are required to have live and valid registration with the appropriate regulatory body. The use of the term 'Health and Social Care professional' within this guidance should therefore be interpreted to include both professionally qualified Registrant and social care Registrant.

4. POLICY STATEMENT (INCLUDING RESPONSIBILITIES)

4.1 Individual Professional Responsibility

- 4.1.1 It is the responsibility of each Health and Social Care professional to ensure their registration is maintained on the relevant live register, including when on periods of absence, such as sickness, maternity, unpaid leave, employment break, secondment, and precautionary suspension.
- 4.1.2 Registrants are required to notify their Line Manager of renewals/continuations of professional registration.
- 4.1.3 Registrants are required to undertake Continuing Professional Development and Appraisal, and any other standards for registration as required.
- 4.1.4 Registrants are required to pay the prescribed annual registration retention fee in advance of their registration expiring.
- 4.1.5 The Registrant must report any issues that may impact on their registration to their Line Manager as soon as practicable.
- 4.1.6 In accordance with the relevant Regulator requirements, Registrants' should notify their regulatory body with any updates, e.g. change of name; change of address or any other change of circumstances, e.g. convictions, cautions or prosecutions pending.
- 4.1.7 The Registrant is required to contact their respective regulatory body to advise them they have had a lapse in registration, confirming the date of the lapse and reason.
- 4.1.8 Registrants should ensure compliance with the re-admission registration process following a break in registration.
- 4.1.9 Working without registration is a breach of professional conduct and may lead to a referral to the relevant regulatory body.
- 4.1.10 Failure to fulfil all components for professional registration may result in the requirement to repay some or all of the salary received during a period of lapsed registration, and/or termination of employment.

4.2 Management Responsibility

Senior Managers in conjunction with Operational Line Managers (supported by Professional Supervisors as appropriate) must have a system in place to assure themselves that all professionally qualified or Social Care Registrants reporting to them are registered with the appropriate regulatory body where registration is a requirement of the role.

5. RESPONSIBILITIES/ACTIONS

5.1 Prior to Appointment

Following interview and prior to confirming employment, it is the responsibility of Recruitment Shared Services/ Human Resources to confirm the status of registration of an individual where professional registration is a stipulated essential requirement of the post. Where it is a medical registrant appointment, the Medical Human Resources Team will undertake this check and record it on HRPTS.

Recruitment Shared Services/ Human Resources will require proof of registration from the individual professional in order to verify registration. In addition, it will be necessary for Recruitment Shared Services/ Human Resources to verify registration with the appropriate body prior to the new employee commencing employment.

5.2 Commencement of Employment

Operational Line Managers are required to verify current registration status with the appropriate body on the first day of employment with the WHSCT, or at the earliest opportunity. This is to ensure there is no lapse/removal of registration between the initial pre-employment HR check, and date of commencement.

This should be done by contacting the appropriate regulatory body (using IT/ portal systems as appropriate) and should not rely solely on proof of registration presented by the individual.

New Social Care Registrants commencing work in the Trust who have not been previously registered must apply to register with NISCC.

5.3 During Employment

Individual health and social care professionals are responsible for maintaining their own professional registration.

Operational Line Managers (supported by Professional Supervisors as appropriate) must maintain effective systems and processes to ensure live registration of all professional Health and Social Care practitioners within their management structure. In doing so, they provide corporate assurance and maintain public confidence that only those professionals who hold, "live and valid" professional registration are in employment.

Senior managers must operate effective systems and processes to quality assure the professional registration of all professional Registrant. Senior managers must ensure systems are effectively managed and monitored to ensure the registration of professional Registrant in their Division is maintained. Assurance must be achieved using the confirmation services of each professional regulation body.

6. FAILURE TO MAINTAIN LIVE REGISTRATION STATUS

- 6.1 It is the responsibility of each Health and Social Care professional to ensure that they understand the requirements of their regulatory body and understand what may lead to a lapse.
- 6.2 Should a Registrant's registration be found to have lapsed, they may be considered to be in breach of contract, and will not be permitted to continue to work as an unregistered practitioner until proof of re-registration is received.
- 6.3 In this circumstance, the Registrant must inform their Line Manager and their respective regulatory body as soon as practicable to advise them they have had a lapse in registration, confirming the date of the lapse and reason for same.
- 6.4 The Registrant will then be afforded with the choice of either requesting annual / unpaid leave, until such time as they are re-registered, or continuing to remain at work, albeit following a pre-registrant job description.
- 6.5 In situations whereby the Registrant chooses to remain at work, the Line Manager should seek approval from their Assistant Director to temporarily downgrade the Registrant until such time registration becomes current once more.
- 6.6 If approved by the Assistant Director, the Registrant will be permitted to remain at work, adhering to a pre-registrant job description, and will be paid at the first pay point on the applicable pay scale until such time as their registration is reinstated. The Line Manager is responsible for ensuring that all care or treatment directed and delegated during this period remains within the scope of the respective pre-registrant job description.
- 6.7 In these circumstances, it is essential for the Line Manager to complete a 'contractual change form' on HRPTS in order to notify the Terms and Conditions Department of the temporary downgrading, who in turn will issue a contract addendum to the employee, See Appendix 1 for flowchart.
- 6.8 The Line Manager will need to make the Registrant aware that any immediate change in salary will be subject to the monthly payroll deadlines, and therefore on occasion it may be too late to amend the salary which may result in an over payment. In these circumstances, the salary will be corrected, and any overpayments recouped in the following months' salary.
- 6.9 The Line Manager will be required to check whether the Registrant has a bank contract with the Trust, and if so complete an 'Alert to the Trust's Nurse Bank Manager' form included in Appendix 2.
- 6.10 In respect of nursing, the Manager with responsibility for Nurses and Midwives needs to inform the Professional Nursing Office of any Lapsed



registrations on a monthly basis or contact the Assistant Director of Nursing Services, Governance /Safe and Effective Care for guidance.

- 6.11 In respect of Allied Health Professions (AHPs), the Manager with responsibility for the AHP needs to inform the AHP leads office of any lapsed registrations or contact the Assistant Director of Allied Health Professionals for guidance.
- 6.12 It is expected that the Registrant will have applied to be re-registered within two weeks of the date of lapse. If the Registrant has not applied to be re-registered within two weeks of discovering the lapse, the Trust reserve the right to enact the Trust's Disciplinary Procedure and the Registrant may be suspended from duty, without pay, until registration is current once more. As a consequence individual contracts of employment may be terminated.
- 6.13 It will be the responsibility of the Line Manager to immediately notify the Terms and Conditions Department by completing another contractual change form when the registration has been reinstated in order for the substantive salary to be restored. See Appendix 1 for flowchart. The Registrant cannot recommence their registered practitioner duties until such time the Line Manger has verified that they are back on the Live Register, and approved them to do so.
- 6.14 As per paragraph 6.7 above, the Line Manager will need to make the Registrant aware that any immediate change in salary will be subject to the monthly payroll deadlines, and therefore on occasion it may be too late to amend the salary, which may result in an under-payment. In these circumstances, Registrants will not be eligible to receive an off-cycle payment, however their salary will be corrected in the following month's salary, to include with any arrears due.
- 6.15 The Line Manager will also need to inform the Nurse bank or AHP leads office that registration has been reinstated, if applicable.
- 6.16 In situations when the option to downgrade is either not approved by the Assistant Director, or a suitable job role cannot be sourced, the Registrant will be advised of this and suspended with no pay, and will not be permitted to return to work until registration is renewed. In these circumstances the Line Manager will need to check if the Registrant has a bank contract as at paragraph 6.8 above.

7. TRUST RESPONSIBILITY

7.1 Confirmation of Registration on Initial Employment

Prior to commencement of employment (Permanent, Temporary, Bank or Locum) in the Trust, the Recruitment Shared Services Centre will confirm each practitioner's registration on the **appropriate** part of the register. The registration details will be inputted onto the HRPTS System.

7.2 Workers Supplied by an Employment Agency

The Trust will ensure that any employment agencies engaged to supply Registrants comply with the statutory regulations set out by the appropriate regulatory bodies prior to working in the Trust. This will be set out in the contract for service with the agency co-ordinated by the HR Department. In addition, checking arrangements will be applied to each staff group.

7.3 Annual Checks on Practitioners' Registration

- a) Assistant Directors who have line management responsibility for practitioners must develop systems to support checks.
- b) Each Division will have a designated person whose role will be to check the regulatory body for confirmation that renewal of registration/retention on the **appropriate** part of the register is completed.

8. EQUAL OPPORTUNITIES/HUMAN RIGHTS

As an equal opportunity employer, the Trust will seek to promote equality in the implementation of this policy regardless of the person's gender, marital status, perceived religious affiliation, political opinion, race, ethnic origin, disability, age or sexual orientation. In pursuance of this objective, managers should ensure they apply fairness and consistency to all decisions within their department.

Equality Statement

- 8.1 In line with duties under the equality legislation (Section 75 of the Northern Ireland Act 1998), Targeting Social Need Initiative, Disability discrimination and the Human Rights Act 1998, an initial screening exercise to ascertain if this guidance should be subject to a full impact assessment has been carried out. The outcome of the Equality screening for this guidance is: no impact.

These provisions have been developed within the context of Equality and Human Rights statutory obligations and requirements.

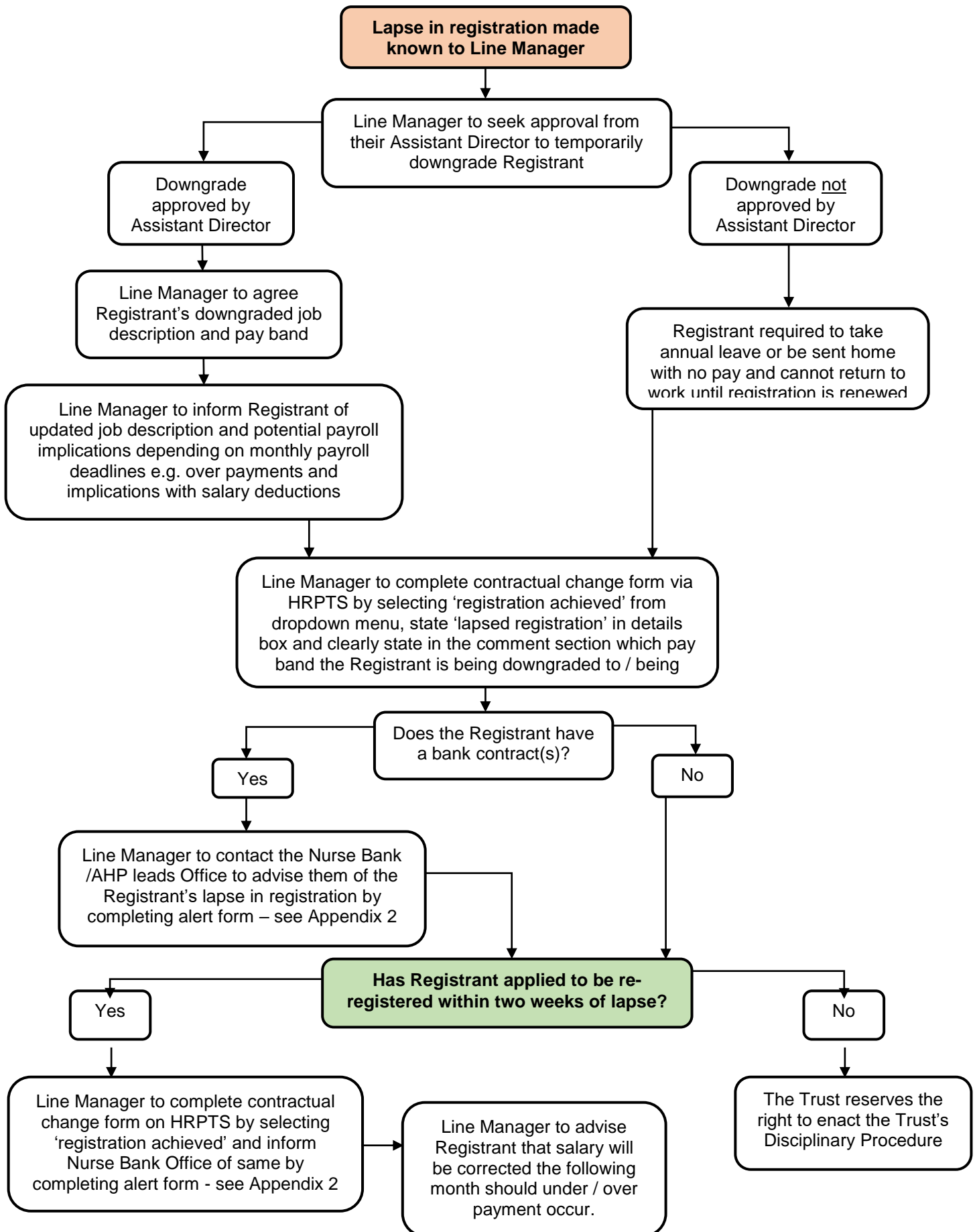
Alternative formats

- 8.2 This document can be made available on request on disc, larger font, Braille, audio-cassette and in other minority languages to meet the needs of those who are not fluent in English.

References:

Nursing & Midwifery Council (www.nmc-uk.org)
NI Social Care Council (www.niscc.info)
Health & Care Professions Council (www.hcpc-uk.org)
General Medical Council (www.gmc-uk.org)
General Dental Council (www.gdc-uk.org)
Pharmaceutical Society of Northern Ireland (www.psni.org)
General Optical Council (GOC) – Optometrists – (www.optical.org)

Appendix 1 – Flowchart to temporarily downgrade following lapse in Registration





Appendix 2 - ALERT TO THE TRUST'S NURSE BANK MANAGER/ AHP HEAD OF SERVICE

Notification of temporary downgrading/not permitted to work as a result of lapse in professional registration

Must be completed by manager immediately upon implementation or review of any of the decisions detailed below with regard to a Registrant who holds an AHP, nursing or midwifery bank contract, if relevant to Bank Contract.

<u>REGISTRANT'S PERSONAL DETAILS RELATING TO THEIR BANK CONTRACT</u>		
Name of Employee		
Job Title/Banding		
<u>BANK</u> Personnel No.		
Managers Name/Contact no.		
Department/Location		
	<u>PLEASE TICK APPROPRIATE BOX</u>	<u>COMMENT (IF REQUIRED)</u>
PRECAUTIONARY SUSPENSION	<input type="checkbox"/>	
NOT PERMITTED TO WORK CONTRACT	<input type="checkbox"/>	
MODIFIED/RESTRICTED DUTIES	<input type="checkbox"/>	
	<u>TERMINATION OF EMPLOYMENT:</u>	<u>COMMENT (IF REQUIRED)</u>
DISCIPLINARY	<input type="checkbox"/>	
CAPABILITY	<input type="checkbox"/>	
ILL-HEALTH	<input type="checkbox"/>	
REGISTRANT TEMPORARILY DOWNGRADED DUE TO LAPSE IN REGISTRATION	<input type="checkbox"/>	
REGISTRANT SUBMITTED RESIGNATION DURING DISCIPLINARY INVESTIGATION	<input type="checkbox"/>	
ALL RESTRICTIONS NOW LIFTED ON REGISTRANT / REGISTRATION REINSTATED	<input type="checkbox"/>	

MANAGER: _____

DATED: _____

On completion of this form please forward a copy to the: -

- Trust Nurse Bank Manager
- Relevant AHP Head of Service
- Employee Relations – HR Officer

Please retain a copy for your records