

# Professional Registration and Re-validation Policy

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<b>Target audience:</b>	All professional staff within the ICB

### **CONSULTATION SCHEDULE**

<b>Name and Title of Individual</b>	<b>Groups consulted</b>	<b>Date Consulted</b>
	Policy Group	Aug 2019
	CSU HR	Aug 2019

### **RATIFICATION SCHEDULE**

<b>Name of Committee approving Policy</b>	<b>Date</b>
Quality & Safety Committee	Dec 2019
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Integrated Care Board	July 2022

### **VERSION CONTROL**

<b>Version</b>	<b>Version/Description of amendments</b>	<b>Date</b>	<b>Author/amended by</b>
1	Refreshed Policy to cover 6 CCGs & all professional staff	Dec 2019	Becky Bather
2	Updates following Q&S Committee	Dec 2019	Lorraine Cook Karen McGowan
3	Adapted for the ICB	July 2022	Jane Chapman
4	Reviewed and update, as per schedule	May 2023	Zena Richards

### **Impact Assessments – available on request**

	<b>Stage</b>	<b>Complete</b>	<b>Comments</b>
Equality Impact Assessment	N/A		
Quality Impact Assessment	N/A		
Privacy Impact Assessment	N/A		

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## **1. Introduction**

NHS Staffordshire and Stoke on Trent Integrated Care Board (hereafter referred to as the ICB), have a responsibility to ensure that professional standards are met and in doing so recognise 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.

For the purposes of this policy, the term professional registration refers to all posts which require 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.

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.

## **2. Scope**

In accordance with NHS Employment Check Standards, the ICB 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.

## **3. Policy Statement**

In order to protect the public and ensure high standards of clinical practice it is a legal requirement that the ICB 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

Employees are responsible for maintaining their registration with their relevant professional body.

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 ICB will ensure that there are processes in place to check the ongoing registration of such workers such as audits via external agencies.

## **4. Responsibilities**

### **4.1 Responsibilities of the ICB**

The responsibility for the monitoring and provision of this policy initially rests with the ICB Board.

### **4.2 Responsibilities of Human Resources**

Human Resources are responsible for providing advice, guidance and support to line managers when dealing with issues relating to professional registration.

### **4.3 Responsibilities of Managers**

Managers are responsible for ensuring all requests are dealt with in a fair, equitable and consistent manner and in line with the policy.

Managers are also responsible for making fair and informed decisions in line with policy, legislative and regulative requirements.

### **4.4 Responsibilities of Staff**

Staff are responsible for ensuring that their professional registration is maintained at all times throughout their employment with the ICB.

## **5. Professional Registration Procedure**

It is ultimately the responsibility of all employees who require professional registration to practice, to ensure that registration with their professional body remains current at all times and that they abide by their professional code of conduct.

Employees/contractors must disclose to the organisation any conditions attached to his/her registration at the earliest available opportunity.

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. Failure to maintain professional registration and comply with the requirements of the registration, where this is a requirement for their role, may result in disciplinary action

All personal data, particularly name changes, must be communicated to both the line manager and professional body to ensure accuracy of data.

Lapsed registrations amount to a breach of terms and conditions of employment and may result in dismissal.

The registration lapse will be recorded in the employees personnel file.

Repeated lapses in registration may lead to disciplinary action under the Disciplinary Policy and Procedure

### **5.1 Registration of Temporary Staff from External Agencies**

It is essential that all Contractors / Agencies the CSU/Organisation 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).

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 ICB will ensure it is protected contractually in the event of a supplier not fulfilling these obligations.

In order to facilitate this, all managers must use the services of Agency suppliers awarded a contract under the Government Procurement Service Framework (GPS) unless there are exceptional circumstances. All suppliers on this framework meet legal and regulatory requirements through the national sourcing process undertaken by 'Buying Solutions' (formerly PASA).

Where agency staff are being used that are not on the GPS 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.

This ICB will conduct audits periodically to ensure compliance.

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

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.

Where professional registration is a requirement of the post, ongoing registration as outlined above will be monitored through the ICB Policy.

Alert Database checks will be undertaken in line with ICB recruitment procedures.

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 (GMC)
- Nursing and Midwifery Council (NMC)
- Health and Care Professionals Council
- General Dental Council (GDC)
- General Optical Council
- The General Pharmaceutical Council (GPhC)
- General Chiropractic Council
- General Osteopathic Council

The ICB 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.

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

The ICB will monitor all professionally registered staff to highlight staff due to renew their professional registration and any staff whose registration has lapsed.

Monitoring will be conducted via a suite of reports from the Electronic Staff Record (ESR).

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

#### **Line Managers**

Managers who identify a lapsed registration must take immediate action in accordance with ICB procedure. 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 Business Partner and employee
- Check re-registration with the relevant regulatory body, receive proof of renewal and to evidence this in the personnel file

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

The manager in consultation with a Human Resources representative 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 and 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 needs

## **Employee**

Staff who recognise that their registration has lapsed must take immediate action in accordance with organisation's procedure. 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 professional registration may result in disciplinary action

## **5.5 Revalidation**

Revalidation is a process that health professionals undertake to collect evidence and demonstrate their fitness to practise in order to renew their professional registration. In 2007 the Government published a white paper which proposed that all healthcare professionals should complete a process of revalidation, every three years for NMC members and five years for GMC members. The GMC and NMC have their own criteria for renewal and it is the responsibility of NMC members to ensure their registration is valid. Revalidation for GMC members depends on recommendations from the responsible officer in their designated body.

## **Exceptional Circumstances**

The NMC recognises some exceptional circumstances where nurses and midwives cannot meet revalidation requirements e.g. due to disability or a period of maternity leave, in which case an extension of up to 6 weeks may be granted, prior to the date that the registration was due to lapse. In these circumstances there is still a requirement to meet previous preparation renewal requirements

## **6. Equal Opportunities and Diversity**

The Professional Registration Policy should be read in conjunction with the ICB Diversity in Employment Policy.

In applying this policy, the Organisation 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.

Promoting diversity embodies the principles of fair treatment for all and will, as a result, improve the retention of staff. The ICB values the diversity of its workforce and aims to ensure that all staff understand this commitment and adhere to the required standards.

## **7. Monitoring**

This policy and procedure will be reviewed periodically by Human Resources in conjunction with the ICB and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.