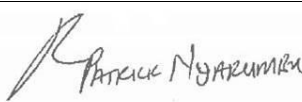




Professional Registration Verification and Monitoring Policy

Policy number and category	HR 05	Human Resources
Version number and date	6	June 2020
Ratifying committee or executive director	OMT	
Date ratified	November 2020	
Next anticipated review	November 2023	
Executive director	Director of Strategy, People and Partnerships	
Policy lead	Workforce Business Partner - Resourcing	
Policy author <i>(if different from above)</i>		
Exec Sign off Signature (electronic)		
Disclosable under Freedom of Information Act 2000	Yes	

Policy context

It is essential that registration verification mechanisms are in place for all clinical professions in order that the Trust, and the public, service users and carers, can be satisfied that all professional staff within the Trust are appropriately qualified and registered.

Policy requirement (see Section 2)

Managers must ensure that professional registration of clinical staff is verified as part of the recruitment process and monitored on an on-going basis to ensure

- that the individual is registered to carry out the proposed role
- whether an individual's registration is subject to any current restrictions that might affect the duties proposed
- if the individual has investigations against them about their fitness to practise that the regulatory body has a duty to disclose.

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1 INTRODUCTION

1.1 Rationale (Why)

This policy outlines the Trust responsibility for ensuring that professional registration of staff is verified and checked at appointment and on an on-going basis as a legal requirement and in line with NHS Employment Check Standards (April 2019), which form part of the Care Quality Commissions (CQC) annual regulatory framework.

Professional registration is one of the six NHS Employment Check Standards and is intended to protect the public, making sure that those who practice a health profession are doing so safely whilst being registered with the relevant regulatory body.

Clinical professionals must legally be registered with a statutory professional body in order to practice.

1.2 Scope (Where, When, Who)

The policy applies to all clinical professional staff employed by, and working within the Trust on a full and part time basis. It covers health and social care regulatory bodies such as General Medical Council (GMC), Health and Care Professions Council (HCPC), Nursing and Midwifery Council (NMC) and others.

The policy also applies to staff on temporary or short term contracts and staff employed by the Trust, who are seconded to work elsewhere on a recharge or SLA basis.

Agencies have responsibility for ensuring their workers have the correct registration requirements for the role they are undertaking and confirmation will be sought from the employment agency.

Staff can only legally practice if they have the appropriate clinical registration. Clinical registration is applicable to the following staff groups:

Clinical Professions requiring registration	Professional Lead
Doctors/Physician Associates	Medical Director/Associate Medical Director (Workforce)
Psychologists (includes Clinical, Counselling, Educational, Forensic, Health, high and low intensity practitioners).	Chief Psychologist
Nurses Nursing Associates Midwives	Director of Nursing
Pharmacists and Pharmacy Technicians	Director of Pharmacy
Allied Health Professionals (includes Physical therapist, occupational therapists, Speech and language therapist, Dietician, Physiotherapists, Social Workers).	Associate Director of AHPs and Physical Health and Wellbeing

The above list details the main professions requiring professional registration but, should not be seen as exhaustive, as other groups of healthcare professionals become subject to statutory registration, this policy will apply.

1.3 Principles (Beliefs)

The Trust is committed to ensuring service users receive the highest quality care through highly skilled and competent staff. This policy ensures that procedures are in place to check the professional registration status of clinical staff is held and maintained with the appropriate regulatory body.

The four main functions of regulatory bodies are:

- establishing standards of competence, ethics, and conduct
- establishing standards for training
- keeping a register of those who meet the standards
- to deal with registrants who fall short (e.g., by placing conditions on their registration or erasing them from the register).

It is the responsibility of individual staff to ensure that their registration is maintained and this policy outlines the systems that the Trust has in place to ensure that staff have valid registration.

2 POLICY (What)

- 2.1 Individual staff are responsible for ensuring that their professional registration is up to date.
- 2.2 Lapses of registration must be immediately notified to professional leads and may lead to disciplinary action which could lead to suspension without pay
- 2.3 Individual staff have a professional duty to notify the professional lead/line manager of any circumstance (for example technical or financial issues), which might place their individual registration, and the Trust, at risk or lead to suspension from the appropriate register (i.e. police investigation, criminal convictions etc.)
- 2.4 It is important to note, that whilst criminal offences are notified to professional/regulating bodies by the police, the individual maintains responsibility for informing the Trust of any changes in their personal circumstances.
- 2.5 A notification via ESR will notify line managers and the individual when the individual's registration is due for renewal.
- 2.6 Where restrictions to practice have been reported via ESR (Employee Staff Record) via the direct data transfer links with the NMC, HCPC and GMC these will be reported via ESR to the Workforce Information Team who will advise the line managers, professional lead and HR for immediate action.

3 PROCEDURE

- 3.1 If any part of this policy is not adhered to this should always be communicated to the professional lead for the appropriate action.
- 3.2 It is the responsibility of the individual to:
 - Register and maintain professional registration with the appropriate regulatory body (including during periods of long term absence and maternity leave).

- Comply with regulatory body code of professional conduct and/or/standards
- Inform statutory regulatory body of any changes to their personal details, i.e. name, address so that records are accurate and up to date and that renewal advice and information from regulatory body is received.
- Notify the manager immediately if there are any issues which may result in failure of renew professional restriction or practice restrictions
- be aware when registration is due for renewal and pay required registration fee in timely manner.
- be aware that they are unable to practice without a valid registration
- be aware that failure to obtain or maintain registration will lead to suspension (on nil pay) and may result disciplinary action including dismissal.

3.3 It is the responsibility of the recruitment team*

Prior to Appointment – verify an individual's professional registration in line with the Recruitment and Selection policy, ensuring that the following three areas are verified before an unconditional offer of employment can be made:

- that the applicant is registered to carry out the proposed role
- whether the registration is subject to any current restrictions that might affect the duties proposed
- if the applicant has investigations against them about their fitness to practice that the regulatory body has a duty to disclose.

The recruitment team will ensure that new appointee's registration number/pin will be entered onto ESR (Electronic Staff Record) together with the expiry/renewal date for monitoring purposes.

*In the case of 'bank workers' the line manager will be the TSS manager

Regular Checks/Monitoring – registration checks are undertaken via ESR ensuring that individuals remain safe to practice.

- To monitor registration of staff on a regular basis
- To take appropriate action where registration has not been verified or restrictions apply
- To seek advice from professional lead regarding any issues that may impact on individual's registration e.g. conduct and follow appropriate steps to report this in line with professional body and Trust requirements.
- For NMC, HCPC and GMC there is a direct link via ESR which will notify the Workforce Information Team if there is information missing or if there is a restriction or issue.
- For other professional groups, the Trust via HR receive letters indicating if there are any restrictions or issues with their registration we need to be aware of.

- It is the responsibility of the Professional lead: To provide professional advice and leadership to line managers regarding professional registration requirements and regulatory body requirements.
- To ensure appropriate steps are taken to inform regulatory bodies regarding any issues that may impact on individual's registration e.g. conduct
- To provide advice and guidance to staff regarding professional registration as required.

3.5 It is the responsibility of the Workforce Information team to ensure:

- that monitoring data is produced in a timely manner.
- that notification of restrictions or lapses letters are sent to individuals, line managers and leads as per this policy in a timely manner
- any queries regarding registration status is forwarded to line manager, professional leads or HR in a timely manner to allow resolution.
- To seek clarification with employees and line manager if there are any issues regarding registration details held.

3.6 Regular Checks/Monitoring

- Exception reports will also be generated on a monthly basis to highlight any employees where a registration number/pin has not been entered into ESR for a member of staff requiring one (see flow chart, appendix 5)
- Individual staff members will be required to renew their registration directly with the appropriate body.

3.7 Registration Lapses/Restrictions

- Where an individual's registration has lapsed the line manager and relevant professional lead will suspend them from duty on nil pay with immediate effect.
- The line manager will be responsible for ensuring that payroll is notified of the suspension on nil pay.
- The individual will be invited to attend a formal meeting/hearing to clarify why their registration has not been maintained.
- Disciplinary action may be taken where an individual fails to renew their registration or knowingly practices without registration or practices where restrictions apply to their practice.

4: Responsibilities

Post(s)	Responsibilities	Ref
Professionally Qualified Staff	<p>To ensure that appropriate documentation & fee is submitted/paid to regulatory body in a timely manner so that registration is maintained.</p> <p>To report to line manager and regulatory body any issues which may have an impact on their registration.</p>	3.2
Line Managers	<p>To monitor and review staff registration with individual staff and take appropriate action as appropriate including suspension and disciplinary action.</p> <p>To seek advice from professional lead regarding any issues that may impact on individual's registration e.g. conduct and follow appropriate steps to report this in line with professional body and Trust requirements. In the case of bank workers, the line manager will be the TSS Manager.</p>	3.3
Professional Lead	<p>To liaise with Policy Lead regarding any changes in relation to legislation/best practice guidance/ other related Trust policies or procedures, which require the policy to be amended prior to the review date.</p>	3.4
Workforce Information Team	<p>To ensure that monitoring information from ESR is actioned in a timely manner and that restriction or lapses letters are sent to line managers and leads as per this policy.</p>	3.5
Policy Lead	<p>To regularly audit the process to ensure that the policy is being adhered to.</p> <p>To liaise with Professional Leads regarding any changes in relation to legislation/best practice guidance/ other related Trust policies or procedures, which require the policy to be amended prior to the review date.</p> <p>In conjunction with the Deputy Director of HR, amendments to the appendices can be made locally without approval from CGC.</p>	

5: Development and Consultation process:

Consultation summary		
Date policy issued for consultation	June 2020	
Number of versions produced for consultation	1	
Committees / meetings where policy formally discussed	Date(s)	
Workforce Committee		
Union Side Representatives		
JLNC Representatives		
Where else presented	Summary of feedback	Actions / Response

6 Reference Documents & Bibliography

- Professional Registration and Qualification Checks Document – part of NHS Employment Check Standards (2019)
- HR 01 Disciplinary Policy
- HR 06 Recruitment & Selection policy
- HR21 Fitness to Practice7: Bibliography:

7: Glossary consisting of:

- NMC - Nursing and Midwifery Council
- GMC - General Medical Council
- AHP - Allied Health Professionals
- HCPC - Health and Care Professionals Council
- CQC - Care Quality Commission
- ESR - Electronic Staff Record

8: Audit and assurance

Element to be monitored	Lead	Tool	Frequency	Reporting Arrangements	Acting on Recommendations and Lead(S)	Change in Practice and Lessons to be shared
Process for monitoring Professional Registration of new staff (including bank staff) when they are recruited to a post.	Workforce Business Partner – Resourcing	Review employment check list on Trac before unconditional is sent out. Audits of employee files	Per employment 6 monthly	People Committee Workforce Committee	People Committee Committee	
Process for monitoring Professional Registration of existing staff (including bank staff) on an ongoing basis.	Workforce Business Partner – Resourcing	Monthly monitoring reports	6 monthly	Workforce Committee	Workforce Committee	
Professional Registration of agency staff	Workforce Business Partner – Resourcing	Audit of agencies used	Annually	Workforce Committee	Workforce Committee	
staff who do not meet registration requirements.	Workforce Business Partner – Resourcing	Monthly monitoring reports	6 monthly	Workforce Committee	Workforce Committee	
employment checks are carried out by recruitment agencies used by the Trust.	Workforce Business Partner – Resourcing	Health Trust Europe (Nov 2011) undertake specific audits to provide assurance to Trusts.	Annually	Workforce Committee	Workforce Committee	

9. Appendices consisting of:

App 1: Equality Impact Assessment

App 2: Notification of lapse in Registration (template letter)

App 3: Lapse of Registration or Restriction to Practice – suspension (template letter)

App 4: Process Flow Chart - Workforce Information Team- Generate Monitoring Reports

Appendix 1

Equality Analysis Screening Form

A word version of this document can be found on the HR support pages on Connect

<http://connect/corporate/humanresources/managementsupport/Pages/default.aspx>

Title of Proposal	Professional Registration Policy			
Person Completing this proposal	Hayley Brown	Role or title	Workforce Business Partner - Resourcing	
Division	Recruitment	Service Area	Workforce	
Date Started	26/06/20	Date completed	26/06/20	
Main purpose and aims of the proposal and how it fits in with the wider strategic aims and objectives of the organisation.				
To ensure that all staff have the correct professional registration when they start with us and ongoing through their employment.				
Who will benefit from the proposal?				
Employees, managers, service users – ensuring the safety of service users				
Impacts on different Personal Protected Characteristics – Helpful Questions:				
<i>Does this proposal promote equality of opportunity? Eliminate discrimination? Eliminate harassment? Eliminate victimisation?</i>		<i>Promote good community relations? Promote positive attitudes towards disabled people? Consider more favourable treatment of disabled people? Promote involvement and consultation? Protect and promote human rights?</i>		
Please click in the relevant impact box or leave blank if you feel there is no particular impact.				
Personal Protected Characteristic	No/Minimum Impact	Negative Impact	Positive Impact	Please list details or evidence of why there might be a positive, negative or no impact on protected characteristics.
Age	x			No impact – policy applicable to all ages

Including children and people over 65 Is it easy for someone of any age to find out about your service or access your proposal? Are you able to justify the legal or lawful reasons when your service excludes certain age groups				
Disability	x			No impact
Including those with physical or sensory impairments, those with learning disabilities and those with mental health issues Do you currently monitor who has a disability so that you know how well your service is being used by people with a disability? Are you making reasonable adjustment to meet the needs of the staff, service users, carers and families?				
Gender	x			No impact
This can include male and female or someone who has completed the gender reassignment process from one sex to another Do you have flexible working arrangements for either sex? Is it easier for either men or women to access your proposal?				
Marriage or Civil Partnerships	x			No impact
People who are in a Civil Partnerships must be treated equally to married couples on a wide range of legal matters Are the documents and information provided for your service reflecting the appropriate terminology for marriage and civil partnerships?				
Pregnancy or Maternity	x			No impact
This includes women having a baby and women just after they have had a baby Does your service accommodate the needs of expectant and post natal mothers both as staff and service users? Can your service treat staff and patients with dignity and respect relation in to pregnancy and maternity?				
Race or Ethnicity	x			No impact
Including Gypsy or Roma people, Irish people, those of mixed heritage, asylum seekers and refugees What training does staff have to respond to the cultural needs of different ethnic groups? What arrangements are in place to communicate with people who do not have English as a first language?				
Religion or Belief	x			No impact
Including humanists and non-believers Is there easy access to a prayer or quiet room to your service delivery area? When organising events – Do you take necessary steps to make sure that spiritual requirements are met?				

Sexual Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact
Including gay men, lesbians and bisexual people Does your service use visual images that could be people from any background or are the images mainly heterosexual couples? Does staff in your workplace feel comfortable about being 'out' or would office culture make them feel this might not be a good idea?					
Transgender or Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact
This will include people who are in the process of or in a care pathway changing from one gender to another Have you considered the possible needs of transgender staff and service users in the development of your proposal or service?					
Human Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact
Affecting someone's right to Life, Dignity and Respect? Caring for other people or protecting them from danger? The detention of an individual inadvertently or placing someone in a humiliating situation or position?					
If a negative or disproportionate impact has been identified in any of the key areas would this difference be illegal / unlawful? I.e. Would it be discriminatory under anti-discrimination legislation. (The Equality Act 2010, Human Rights Act 1998)					
	Yes	No			
What do you consider the level of negative impact to be?	High Impact	Medium Impact	Low Impact	No Impact	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If the impact could be discriminatory in law, please contact the Equality and Diversity Lead immediately to determine the next course of action. If the negative impact is high a Full Equality Analysis will be required.					
If you are unsure how to answer the above questions, or if you have assessed the impact as medium, please seek further guidance from the Equality and Diversity Lead before proceeding.					
If the proposal does not have a negative impact or the impact is considered low, reasonable or justifiable, then please complete the rest of the form below with any required redial actions, and forward to the Equality and Diversity Lead .					

Action Planning:
How could you minimise or remove any negative impact identified even if this is of low significance?
How will any impact or planned actions be monitored and reviewed?
How will you promote equal opportunity and advance equality by sharing good practice to have a positive impact other people as a result of their personal protected characteristic.
Please save and keep one copy and then send a copy with a copy of the proposal to the Senior Equality and Diversity Lead at hr.support@bsmhft.nhs.uk . The results will then be published on the Trust's website. Please ensure that any resulting actions are incorporated into Divisional or Service planning and monitored on a regular basis.

Full Equality Analysis Form

Title of Proposal	Professional Registration Policy		
Person Completing this proposal	Hayley Brown	Role or title	Workforce Business Partner - Resourcing
Division/Department	Recruitment	Service Area	Workforce
Date Started	26th June 2020	Date completed	26 th June 2020
Looking back at the screening tool, in what areas are there concerns that the proposal treats groups differently, unfairly or disproportionately as a result of their personal protected characteristics?			
No			
Summarise the likely negative impacts		Summarise the likely positive impact	
		Policy is applicable to all groups	

What previous or planned consultation or research on this proposal has taken place with groups from different sections of the community?

	Please provide list of groups consulted.	Summary of consultation / research carried out or planned. If already carried out, what does it tell you about the negative impact?
Group(s) (Community, service user, stakeholders or carers)		
Staff Group(s)	Trade Unions	Reviewed and commented on policy

What up-to-date information or data is available about the different groups the proposal may have a negative impact on?

N/A

Are there any gaps in your previous or planned consultations, research or information? If so are there any other experts, groups that could be contacted to get further views or evidence?

Yes		No	x
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If yes please list below

As a result of this Full Equality Analysis and consultation, what changes need to be made to the proposal? (You may wish to put this information into an action plan and attach to the proposal)

N/A

Will any negative impact now be:

Low:		Legal:		Justifiable:	
-------------	--	---------------	--	---------------------	--

Will the changes made ensure that any negative impact is lawful or justifiable?
Have you established a monitoring system and review process to assess the successful implementation of the proposal? Please explain how this will be done below.
Monitoring via ESR
Action Planning: How could you minimise or remove any negative impact identified even if this is of low significance?
How will any impact or planned actions be monitored and reviewed?
How will you promote equal opportunity and advance equality by sharing good practice to have a positive impact other people as a result of their personal protected characteristic?

Please save and keep one copy and then send a copy with a copy of the proposal to the Senior Equality and Diversity Lead at hr.support@bsmhft.nhs.uk. The results will then be published on the Trust's website. Please ensure that any resulting actions are incorporated into Divisional or Service planning and monitored on a regular basis.

Appendix 2

(please delete)

To be sent via Trust email – marked urgent

Address
Address
Address
Tel
Fax

Date

Private & Confidential

Name of Line Manager

Address

Address

Address

Dear [Line Manager Name]

Re: Notification of lapse in Registration

Our records indicate that [insert employee name] registration with (*name of governing body*) expired on [insert date].

In line with the trust professional registration policy, you are required to take immediate action to suspend [name of employee] from work on nil pay in discussion with {insert name of appropriate lead}, professional lead.

Please note it is a legal requirement for staff to hold valid professional registration and remain registered with the regulator without which they cannot fulfil the full requirements of their role and legally practice.

You will be required to conduct an investigation to understand why there has been a lapse in registration and to take into account any mitigating circumstances.

If you have any queries, regarding the process please contact the Employee Relations Team who will support you in the investigation process. .

Yours sincerely

HR TEAM

CC [Name of Professional Lead]

[Business Partner/ER Team]

[Lead Nurse – applicable for nursing posts only]

Please retain on personal file

Appendix 3

please delete)

To be sent to home address

Managers name
Address
Address
Address
Tel
Fax

Date

Private & Confidential

Name of Employee

Address

Address

Dear

Re: Lapse of Registration or Restriction to Practice – Suspension

This letter follows the meeting held today to discuss the decision to suspend you from work due to the lapse of your Professional Registration or Professional Registration Restriction placed on your practice - delete as appropriate].

Insert appropriate paragraph below:

Lapsed Registration (insert paragraph below)

You are required to take immediate steps to renew your registration in line with (*name of governing body*) requirements and notify myself immediately.

Professional Registration Restrictions (insert paragraph below)

The Trust has been advised that the following restrictions have been placed on your practice:

[insert restrictions as listed by professional body]

Maintaining your registration is a legal and professional requirement of your role as [??????], without which you cannot fulfil terms of your contract with the Trust. Therefore, after careful consideration the decision has been made to suspend you from duty on nil pay in line with the professional registration policy (HR05).

During the period of your suspension you should be available to attend either an investigatory interview or disciplinary hearing. Arrangements are being made for the investigatory interview to take place and full details will be forwarded to you as soon as possible. I remind you again of your right to be accompanied by your *Trade Union/Professional Organisation Representative or a Work Colleague*).

During the period of your suspension you must not contact employees of the Trust and / or attend Trust premises (you can meet with your trade union representative). Your Trust contact during this time will be xxx for matters relating to your role, annual leave or sickness. If you require any annual leave during your suspension, this must be discussed in line with normal procedure with xxx. Any annual leave already booked that falls within you

suspension will be assumed as taken, unless you inform your manager that you wish to cancel this leave. If you fall sick during this time, please be advised sick pay becomes 'normal' pay. You should not undertake working shifts via TSS during this period.

During the investigatory interview you will be given every opportunity to discuss any mitigating circumstances. Copies of all statements arising from the investigation will be made available to you in the event that a disciplinary hearing is to be held.

I have enclosed a copy of the Trust's Disciplinary Procedure for your information.

If you require any counselling or support during this process, the Trust also operates a staff support service who can be contacted via: 0121 301 2790.

Insert if appropriate - [I apologise for the manner in which you were made aware of the decision to suspend you, we were taking steps to meet with you in person, however we feel it would be unfair to delay the delivery of this news any further]

Yours sincerely

Line Manager

Encl	Disciplinary Policy	<i>(available on intranet)</i>
	Staff Support Leaflet	<i>(available on intranet)</i>
	Professional Registration Policy	<i>(available on intranet)</i>
Cc	Professional lead	

Appendix 4

Notifications via ESR or letter from professional body

Highlights any work restrictions or registration lapses

*Updates regarding restrictions, are only available for NMC & GMC registration as there is a direct update between these registration bodies databases and the ESR system.

Monthly Exception Report

Highlights if registration number or pin is not recorded on ESR for member of staff.

Line manager investigates query and feeds back to Workforce

Standard letter sent from Workforce Information to: Line Manager and Professional Lead
Letter 2 (app2) - Registration has expired, immediate action required

Notification sent from ESR or email if letter to line manager, professional lead and HR – Restrictions apply, immediate action required

Failure to renew registration/restrictions applies – suspension from duty on 'nil pay' with immediate effect.

Letter 4 (app 4) – suspend from duty

Formal Meeting/Hearing (under disciplinary/fitness to practice policy)
Consider case and any mitigating factors

