



**Policy and Procedures for Registration
Health Care (Registration) (Jersey) Law 1995**

May 2019

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1. Introduction and background

- 1.1 The Regulation of Care (Jersey) Law 2014 was introduced to establish an independent Health and Social Care Commission to regulate health and social care provision in the island.
- 1.2 In 2017 the Jersey Care Commission was appointed to:
- provide the people of Jersey with independent assurance about the quality, safety and effectiveness of their health and social care services
 - promote and support best practice in the delivery of health and social care by setting high standards and challenging poor performance
 - work with service users and their families and carers to improve their experience of health and social care and achieve better outcomes
- 1.3 The Commission adopts Right-touch regulation principles identified by the Better Regulation Executive and the Professional Standards Authority of:
- **Proportionality:** regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised
 - **Consistency:** rules and standards must be joined up and implemented fairly
 - **Targeting:** regulation should be focused on the problem and minimise side effects
 - **Transparency:** regulators should be open, and keep regulations simple and user friendly
 - **Accountability:** regulators must be able to justify decisions and be subject to public scrutiny
 - **Agility:** regulation must look forward and be able to adapt to anticipated change.
- 1.4 On 1 January 2019 functions previously undertaken by the Minister for Health and Community Services (HCS) were transferred to the Jersey Care Commission. These functions include the registration of health and social care practitioners under the Health Care (Registration) (Jersey) Law 1995.

2. Scope of procedures

2.1 Registrable occupations

It will be an offence for people to advertise, engage in or provide any care or services associated with a registrable occupation unless they are registered under the Law. Below is a list of registrable occupations under the Health Care (Registration) (Jersey) Law 1995:

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|----------------------------------|--|
| Ambulance paramedic | Occupational therapist |
| Art therapist | Operating department practitioner |
| Biomedical scientist | Orthoptist |
| Chiropodist | Osteopath |
| Chiropractor | Physiotherapist |
| Clinical psychologist | Podiatrist |
| Clinical scientist | Psychotherapist |
| Dietitian | Radiographer |
| Midwife | Social worker |
| Midwife prescribing practitioner | Specialist community public health nurse (SCPHN) |
| Nurse | SCPHN prescribing practitioner |
| Nurse prescribing practitioner | Speech and language therapist |

2.2 These procedures do not apply to persons required to register under:

- Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 1960
- Medical Practitioners (Registration) (Jersey) Law 1960
- Dentistry (Jersey) Law 2015
- Opticians (Registration) (Jersey) Law 1962

2.3 Qualifications for registration

A person will be entitled to be registered if they:

- a) were employed in a registrable occupation in Jersey on the material date and had been employed in that occupation in Jersey for six months preceding the material date, i.e. the date the Law came into force (Article 3 (a)), or
- b) hold a prescribed qualification, i.e. entered on UK HCPC, NMC, or Osteopaths' register (Article 3 (b)), or

- c) hold any other qualification which is currently accepted by the Commission for the purposes of registration (Article 3 (c)), or
- d) have had training and experience in the relevant occupation which is currently considered to be acceptable by the Commission.

2.4 An applicant for registration under the Law can only be registered under one of the above criteria. Article 3 (a) will only apply where additional registrable occupations are added to the Law.

2.5 Article 3 (b) Prescribed Qualifications

The table below sets out prescribed qualifications as set out in the Health Care (Registration) (Prescribed Qualifications) (Jersey) Order 2003.

Any applicant who applies to be registered with a registrable occupation must hold the prescribed qualification.

Health Professions Order refers to the Health and Social Work Professions Order 2001 of the United Kingdom.

| Registrable occupation | Qualification |
|-------------------------------|---|
| Ambulance paramedic | Entry as a paramedic in the register established and maintained under article 5 of the Health Professions Order |
| Art therapist | Entry as an art therapist in the register established and maintained under article 5 of the Health Professions Order |
| Biomedical scientist | Entry as a biomedical scientist in the register established and maintained under article 5 of the Health Professions Order |
| Chiropodist | Entry as a chiropodist in the register established and maintained under article 5 of the Health Professions Order |
| Clinical scientist | Entry as a clinical scientist in the register established and maintained under article 5 of the Health Professions Order |
| Dietitian | Entry as a dietitian in the register established and maintained under article 5 of the Health Professions Order |
| Midwife | Entry as a midwife in the register established and maintained under article 5 of the Nursing and Midwifery Order 2001 of the United Kingdom |

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| Midwife prescribing practitioner | <p>Qualification consisting of –</p> <p>(a) entry as a midwife in the register established and maintained under article 5 of the Nursing and Midwifery Order 2001 of the United Kingdom;</p> <p>(b) notation on that register as a midwife independent prescriber or midwife supplementary prescriber; and</p> <p>(c) a reasonable degree of experience, and of continuing professional development, in prescribing prescription only medicines</p> |
| Nurse | Entry as a registered nurse: first level, and/or a registered nurse: second level, in the register established and maintained under article 5 of the Nursing and Midwifery Order 2001 of the United Kingdom |
| Nurse prescribing practitioner | <p>Qualification consisting of –</p> <p>(a) entry as a registered nurse: first level in the register established and maintained under article 5 of the Nursing and Midwifery Order 2001 of the United Kingdom;</p> <p>(b) notation on that register as a registered nurse: first level independent prescriber or registered nurse: first level supplementary prescriber; and</p> <p>(c) a reasonable degree of experience, and of continuing professional development, in prescribing prescription only medicines</p> |
| Occupational therapist | Entry as an occupational therapist in the register established and maintained under article 5 of the Health Professions Order |
| Operating department practitioner | Entry as an operating department practitioner in the register established and maintained under article 5 of the Health Professions Order |
| Orthoptist | Entry as an orthoptist in the register established and maintained under article 5 of the Health Professions Order |
| Osteopath | Entry as an osteopath in the register established and maintained under Section 2 of the Osteopaths Act 1993 of the United Kingdom |
| Physiotherapist | Entry as a physiotherapist in the register established and maintained under article 5 of the Health Professions Order |

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|---|---|
| Podiatrist | Entry as a podiatrist in the register established and maintained under article 5 of the Health Professions Order |
| Radiographer | Entry as a radiographer in the register established and maintained under article 5 of the Health Professions Order |
| Social worker | Registration in the part of the register, established and maintained under article 5 of the Health Professions Order, relating to the social work profession in England |
| Specialist community public health nurse | Entry as a specialist community public health nurse in the register established and maintained under article 5 of the Nursing and Midwifery Order 2001 of the United Kingdom |
| Specialist community public health nurse prescribing practitioner | Qualification consisting of – (a) entry as a specialist community public health nurse in the register established and maintained under article 5 of the Nursing and Midwifery Order 2001 of the United Kingdom; (b) notation on that register as a specialist community public health nurse independent prescriber or specialist community public health nurse supplementary prescriber; and (c) a reasonable degree of experience, and be able to demonstrate evidence of continuing professional development, in prescribing prescription only medicines |
| Speech and language therapist | Entry as a speech and language therapist in the register established and maintained under article 5 of the Health Professions Order |

2.6 Article 3 (c) Qualifications accepted by the Commission

| Registrable occupation | Qualification accepted by the Commission |
|-------------------------------|---|
| Chiropractor | The applicant will meet the requirements to register with the <u>General Chiropractic Council</u> |
| Clinical psychologist | The applicant will meet the requirements to register with the <u>Health and Care Professions Council</u> |
| Psychotherapist | The applicant will be registered with a relevant public body accredited by the <u>Professional Standards Authority for Health and Social Care</u> and will have an approved psychotherapy qualification |

2.7 Article 3 (d) Training and experience considered acceptable by the Commission

The Commission will only recognise qualifications that meet the requirements of regulatory and public bodies which are accredited by the Professional Standards Authority for Health and Social Care.

3. Registration process

3.1 Application

Applicants will be required to complete the application process in full and provide:

- Photographic ID
- A copy of the professional qualification certificate which entitles registration
- Where relevant, proof of registration with the relevant professional regulatory body.
- Where relevant, proof of registration with a body accredited by the Professional Standards Authority for Health and Social Care

| Information requested | Reason and expectation |
|--|--|
| Personal details | Applicants must register in the same name as they are registered with any relevant regulatory body (if this is different from photographic identification, further verification of identity will be required – e.g. marriage certificate). |
| Email address | Registration/renewal information will be sent electronically via email in the first instance. Personal email address accounts are preferable to ensure that the applicant continues to receive renewal and other relevant information in the event of a change of employment. |
| Professional Qualifications | This information will be cross checked with certificates etc. to confirm that the applicant has the necessary qualifications |
| United Kingdom Regulatory Registration Details | Applicants must provide their registration details which will be cross checked directly with the regulatory body – HCPC, NMC, GOSc to confirm that the applicant is registered and that there are no fitness to practise issues. |
| Referees | In order to establish that the applicant is of good character and reputation, applicants are required to provide the name and address of both a professional referee and a character referee. The professional referee should be the current or most recent employer. The character referee should be a registered professional who has known the applicant for at least one year and is a different person to the professional referee. Applicants should contact the Commission for further advice if unable to provide suitable referees. |

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| Employment Details | Applicants are required to state where they will be employed and the proposed commencement date of that employment. |
| Disclosure | In order to establish that the applicant has not been engaged in any activity which is likely to reflect discredit on the registrable occupation, applicants are required to disclose whether they have been subject to investigations or proceedings and provide further details where appropriate. |
| Declaration | The applicant is required to confirm that the information provided is true and complete and that they are aware that any false statements may result in a refusal or cancellation of registration. |

4. Determination of application

- 4.1 Once the application is received, the Commission will carry out an assessment of the information and make a determination about the registration.
- 4.2 When all the specified information is provided and it can be evidenced that the person meets the expectations outlined above, the person shall be registered and provided with a certificate of registration.
- 4.3 The Commission may refuse to grant an application for registration or renewal of registration or attach conditions to the registration or renewal of registration if in its opinion the applicant:
- is or has been engaged in any activity which is likely to reflect discredit on the registrable occupation in respect of which the applicant seeks registration or;
 - is otherwise not of good character or reputation.
- 4.4 Under these circumstances where the applicant is registered with a UK regulator or relevant public body accredited by the Professional Standards Authority for Health and Social Care, a fitness to practise referral will be made to the relevant body. The Commission will suspend the registration/renewal process pending the advice or conclusion by the UK body. Any conditions of registration imposed by a UK body will be imposed by the Commission.
- 4.5 Where the applicant is not registered with a UK regulator or public body, the Commission will seek advice from a relevant regulator or body.
- 4.6 Where the Commission believes that there are grounds to refuse an application and refuses to grant an application, or grant an application subject to conditions, a Notice of Proposal will be provided to the applicant explaining the reasons for the proposal and will give a deadline in which to make representations, in writing, to the Commission no later than 14 days after the Notice is given.
- 4.7 Where an applicant is registered under Article 3(1)(b) of the Law, the registration will be subject to the condition that the registrant continues to hold the prescribed qualification for the whole period of the registration.

- 4.8 The decision will be delegated to a panel consisting of the Chief Inspector and two Commissioners, one of whom will be the Chair of the panel. Before reaching a decision, the panel will take into account any representations made.
- 4.9 The Commission will aim to respond with its decision within 14 days of the deadline for representations elapsing. If the Commission is unable to respond within this timeframe, the applicant will be informed of this and the reasons why.
- 4.10 A Decision Notice issued to the applicant will set out the Commission's decision, setting out the reasons for the decision
- 4.11 The applicant may appeal the Commission's decision to the Royal Court within 28 days following the day the applicant receives the Decision Notice.

5. Renewal of registration

- 5.1 Registration under the Law expires on 31 December each year, registrants will be notified of the expiry and details of how to renew each October. Renewal information will be sent out electronically in the first instance, therefore registrants should ensure that they advise the Commission of changes to email addresses. Following completion of the renewal process where the registrant confirms their wish to remain on the register, a registration certificate will be issued.
- 5.2 Where the registrant does not respond to the electronic renewal process and subsequent email reminders, information will be sent to the registrant's postal address.
- 5.3 Registrants must inform the Commission of any changes of postal address within one month of any change. Failure to do so is an offence and the registrant may be liable to a fine of up to £1000.00.

6. Removal from the register

- 6.1 Where the registrant fails to renew their registration they will be removed from the register.
- 6.2 Under Article 8, where there is reason to believe that a registrant has ceased to practice, a notice will be sent to the registrant's address via registered delivery asking for the registrant to confirm whether they wish to have their name remain on the register. If no reply is received within 6 months or where the notice is not delivered and is returned to the Commission, the registrant will be removed from the register.
- 6.3 Where there is reason to believe that a registrant has died, their name will be removed from the register.
- 6.4 Under Article 8 a person whose name has been removed can apply to have their name restored to the register.

7. Cancellation of registration

- 7.1 Under Article 10 of the Law registration may be cancelled by order of the Royal Court where the registrant:
- has been convicted of a criminal offence which renders the person unfit to be registered;
 - has been guilty of infamous conduct in a professional respect;
 - has obtained registration by fraudulent means; or
 - has failed to comply with any condition subject to which the person was registered.
- 7.2 In the first instance, concerns about fitness to practise will be referred to the relevant UK regulator or public body accredited by the Professional Standards Authority for Health and Social Care.
- 7.3 Where the Commission believes there are grounds for cancellation of a registration and in the case of a fitness to practise issue, on the basis of a UK regulator/public body determination, the Commission will issue a Notice of Proposal which details the reasons for the proposal. The Notice will give a deadline to make representations, in writing, to the Commission no later than 14 days after the Notice is given.
- 7.4 The decision is delegated to a panel consisting of the Chief Inspector and two Commissioners, one of whom will be the Chair of the panel. Before reaching a decision, the panel will take into account any representations made.
- 7.5 The panel will aim to respond within 14 days of the deadline for representations elapsing. If the panel is unable to respond within this timeframe the applicant will be informed of this and the reasons why.
- 7.6 Where the panel decide that there are grounds to cancel registration, they will refer the matter to the Attorney General.
- 7.7 The Royal Court will not make an order to cancel a registration unless the person has been given an opportunity to show why the order should not be made.
- 7.8 The Royal Court may, where it thinks fit to do so, on its own accord, on the motion of the Attorney General or on the application of the person concerned, rescind any order made under Article 10 of the Law.