

Health Service Circular



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sets out a specific action on the part of the recipient with a deadline where appropriate

PROFESSIONS SUPPLEMENTARY TO MEDICINE

EMPLOYMENT OF PRACTITIONERS IN THE NHS AND SOCIAL SERVICES DEPARTMENTS

For action by:

- Community Health Councils, Chief Officers
- Health Authorities (England) - Chief Executive
- NHS Trusts - Chief Executives
- Regional Advisers in General Practice
- NHS Trusts HR Directors
- Primary Care Groups (England) Chief Executives
- NHS Confederation Chief Officers
- The Federation of Recruitment and Employment Services
- Professional and Statutory Bodies
- Patients Organisations
- The Independent Healthcare Association
- The Registered Nursing Home Association

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PROFESSIONS SUPPLEMENTARY TO MEDICINE

EMPLOYMENT OF PRACTITIONERS IN THE NHS AND SOCIAL SERVICES DEPARTMENTS

Summary

This guidance consolidates previous advice concerning the restriction of employment of all practitioners of the professions supplementary to medicine. It also asks you to verify registration.

Action

The Regulations and Directions applicable to the NHS

1. The Professions Supplementary to Medicine Act 1960 was extended on 28 February 1997 to include prosthetists and orthotists, and on 26 March 1997 to include arts therapists (art, music and dramatherapists) among the professions regulated under the Act. The State Registers for prosthetists and orthotists and arts therapists are now open. This guidance draws your attention to the National Health Service (Professions Supplementary to Medicine) Amendment Regulations 1999, Directions made by the Secretary of State to Health Authorities and Special Health Authorities under the NHS Act 1977, Directions to NHS Trusts under the National Health Service and Community Care Act 1990 and Directions to Primary Care Trusts under the Health Act 1999. The effect of the Regulations and Directions applicable to the NHS is that **the employment of staff by your organisation in the capacity of a prosthetist and orthotist, an arts therapist, a chiropodist, a dietitian, a medical laboratory technician, an occupational therapist, an orthoptist, a physiotherapist and a radiographer is limited to those whose names are included in the register maintained by the relevant Board of the Council for Professions Supplementary to Medicine (CPSM).**
2. The Regulations and Directions came into force on 1 April 2000. They apply to:
 - a) staff employed in the **NHS**;
 - b) staff employed in **private and voluntary sector and who provide services on your behalf** to patients and clients;
 - c) staff supplied to you by **employment agencies**. You are asked to ensure that your arrangements for the provision of such services are confined to the organisations complying with these requirements.
3. For individuals already employed in a post carrying the now protected title but not possessing the required qualifications to give automatic entry onto the Register, entry can be sought in two ways:
 - 3.1 **Grandfathering** applies to employees who lack the accepted qualifications for entry onto the Register but by virtue of their education, training and experience, meet the required standard. Applications should be made to the appropriate Board of the CPSM giving details as to education, training and experience.
 - 3.2 **Acquired Rights** apply to employees who do not possess the qualifications for

automatic entry nor the education, training and experience for grandfathering but who are safely and competently practising as a prosthetist, orthotist, art therapist, music therapist or dramatherapist. These individuals will be entered on the Register but may not be competent across the whole range of practice. Those entering the register under acquired rights and who practice outside their limited areas of competence will be subject to the disciplinary procedures of the appropriate Board. Applications should be made to the Registrar of the CPSM.

General Medical Practitioners

4. Health authorities and Primary Care Groups are asked to draw GP's attention to this guidance. Referrals of their patients should be made to state registered practitioners of the professions supplementary to medicine specified in paragraph 1. GPs will be familiar with the General Medical Council's "Duties of a Doctor", and their requirement that referrals be made either to another registered medical practitioner or to a healthcare worker accountable to a statutory regulatory body.

Health and Safety

5. The Health and Safety at Work Etc Act 1974 and its relevant statutory provisions place duties, mainly upon employers, to provide information, instruction, training and supervision.

Annual registration checks by employers

6. Failure to check a practitioner's details against the appropriate register places the public, his employer and his professional colleagues at risk, so it is important for you to verify your employees' current registration, both before appointment and periodically thereafter.

7. Practitioners have a personal responsibility to maintain their registration. Registrants receive a Certificate of Registration each year. An individual's registration status can be established by contacting the CPSM's confirmation service on 0171 582 0866.

Further Extension of the Professions Supplementary to Medicine Act 1960

8. Orders to extend the Professions Supplementary to Medicine Act 1960 to speech and language therapists, clinical scientists and paramedics came into force on 19 June 1999. As a result, three new professional boards have been created within the umbrella of the CPSM. Once the boards have established their registers and disciplinary and investigating Committees, Ministers may wish to consider making comparable provision in regulations and directions in respect of these professions in the future. You are therefore invited to consider the implications for staff currently employed by you or your agents in the capacity of speech and language therapists, clinical scientists and paramedics, and to notify the Department of any transitional difficulties this might cause you within 3 months of the issue of this circular.

Associated Documentation

National Health Service (Professions Supplementary to Medicine) Amendment Regulations 1999

Directions to Health Authorities and Special Health Authorities made under the National Health Service Act 1977

Directions to NHS Trusts made under the National Health Service and Community Care Act 1990

Directions to Primary Care Trusts made under the Health Act 1999.

This Circular has been issued by:

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