

**PROFESSIONAL CLINICAL REGISTRATION POLICY**

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**CITY HOSPITALS SUNDERLAND NHS FOUNDATION TRUST  
DOCUMENT PROFORMA**

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**Committee Approval**

**Committee which forms the approval process: Policy Committee**

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## 1 **INTRODUCTION**

The policy provides guidance to managers and appointed ESR / MSS users on the process for checking and recording professional clinical registrations (and in the case of medical staff their licence to practice) at the recruitment stage and for ensuring that all directly employed staff, locum/agency workers or those engaged via honorary arrangements, possess and maintain their registration during their employment. It further provides information on the action that managers must take if it is discovered that an individual does not have the necessary registration.

## 2 **PURPOSE AND SCOPE**

2.1 The purpose of this policy is:

- To provide clear guidance about City Hospital Sunderland NHS Foundation Trust' (the Trust) standards, policy and procedures to ensure that all professional clinical registrations are checked, both on appointment and on an on-going basis throughout employment.
- To ensure that whilst it is individual employees' responsibility to ensure that their registration remains current, the Trust will have systems in place to check the registration status of staff prior to and during employment, to identify any lapsed registrations and take appropriate action.
- To ensure that staff are aware that failure to maintain registration or lose registration will be treated as a potential breach of contract and professional code of conduct and as such, may result in disciplinary action being taken in accordance with the Trust's Disciplinary Procedure, up to and including the possibility of dismissal.
- To protect the public through the employment of registered healthcare workers who have been accepted onto the register of the appropriate Professional / Regulatory body and have a licence to practice where this is required.
- This policy applies to the following healthcare workers and managers who are responsible for the recruitment and management of those workers.

<b>Staff Group</b>	<b>Professional Body</b>
Clinical Scientists	Health and Care Professions Council (HCPC)
Dental Staff	General Dental Council (GDC)
Dieticians	Health and Care Professions Council (HCPC)
Medical Staff	General Medical Council (GMC)
Biomedical Scientists	Health and Care Professions Council (HCPC)
Nursing & Midwifery Staff	Nursing and Midwifery Council (NMC)
Occupational Therapists	Health and Care Professions Council (HCPC)
Operating Department Practitioners	Health and Care Professions Council (HCPC)
Orthoptists	Health and Care Professions Council (HCPC)
Pharmacists	General Pharmaceutical Council (GPhC)
Pharmacy Technicians	General Pharmaceutical Council (GPhC)
Physiotherapists	Health and Care Professions Council (HCPC)
Podiatrists/Chiropodists	Health and Care Professions Council (HCPC)
Speech & Language Therapists	Health and Care Professions Council (HCPC)
Optometrist/Optician	General Optical Council
Psychologist	British Psychological Society
Psychotherapist	British Psychological Society

### **3** **DUTIES**

#### **3.1 Board of Directors**

The Board of Directors is responsible for monitoring and approving a framework to support the checking and recording of professional clinical registrations, compliant with all relevant legislation, guidelines and NHS standards.

#### **3.2 Chief Executive**

The Chief Executive has ultimate responsibility for ensuring that a framework is in place to support the checking and recording of professional clinical registrations, compliant with all relevant legislation, guidelines and NHS standards.

#### **3.3 Director of Human Resources**

The Director of Human Resources is the nominated Director lead for the development, monitoring and implementation of this policy and is responsible to the Chief Executive for ensuring its implementation including consultation with trade union representatives.

#### **3.4 Managers**

Managers must ensure that they: -

- Adhere to this policy.
- Monitor and check the professional clinical registrations of relevant staff when prompted to do so via ESR notification or contact from HR.
- Deal with any failures to renew registration / breaches of this policy in accordance with Section 9 of this document.
- Report any concerns that may affect a practitioner's registration promptly to the relevant Trust professional lead (e.g. Director of Nursing / Medical Director).

#### **3.5 Employees**

Employees who are carrying out / employed in a role that requires professional clinical registration, must ensure that they:-

- Register and maintain registration with the appropriate regulatory body.
- Comply with any revalidation requirements as outlined by their regulatory body and Trust policy;
- Keep any documentation relating to their professional registration / licence to practice in a safe place;
- Pay the required fee in line with payment deadlines outlined by their regulatory body to remain registered;
- Contact the appropriate regulatory body for any proof/evidence/written documentation if requested to provide it;
- Keep the relevant regulatory body and the Trust informed of any changes to name, address, marital status etc., so that records are accurate and up to date.
- Comply with the regulatory body's Code of Professional Conduct and/or standards;
- Notify his/her manager immediately if they are having any problems with re-registering with their regulatory body.

- Notify his/her manager immediately of any material facts inside or outside of work, which may affect his/her registration.
- Do not use a protected professional title unless they are entitled to do so.

### 3.6 Human Resources Department

Employee Services staff in the Human Resources Department will: -

- Ensure that person specifications for the posts listed above include valid registration as an essential requirement.
- Ensure that all conditional offers of employment include the need for candidates to provide evidence of professional registration / licence to practice in line with NHS Employment Check Standards.
- Ensure that checks are made directly with regulatory body via the relevant website or telephone confirmation service and that these are recorded on ESR.
- Ensure that regulatory body circulars and Alert Notices are checked to ensure the individual is not subject to:
  - Any temporary or permanent limitations;
  - Suspension from the register;
  - Removal from the register;
  - A fitness to practice investigation;
  - Any pending action or;
  - Any other reason why the practitioner would be prevented from working.
- Ensure that contract of employments include a clause specifying the requirement to maintain professional registration / licence to practice.
- Ensure that a copy of the validated registration is placed on the individual's personnel file.
- Ensure monthly ESR reports are checked against regulatory body records and where necessary that employee records are updated on ESR.
- Immediately notify the relevant Line Manager and Divisional HR Manager of any lapsed registrations.

## 4 DEFINITIONS

- 4.1 ESR** – Electronic Staff Record – the integrated HR and Payroll system for the NHS.
- 4.2 MSS** – Manager Self Service – access to ESR, which allows managers to read and update information for the staff that they line manage.
- 4.3 LET** – Lead Employer Trust – the host Trust that employs junior doctors in the specialist or core training programmes.
- 4.4 Licence to Practice** – Doctors who want to practice medicine in the UK, need to hold registration with a licence to practice. Holding a licence to practice allows the doctor to, for example, prescribe prescription only medicines and hold a post as a GP, physician or surgeon. It also means that the doctor must regularly demonstrate to the GMC that he / she is up to date



and fit to practice through revalidation. This applies whether the doctor is full or part time, working in the NHS or independent sector, employed or self-employed, or working as a locum.

- 4.5 Statutory Regulation** – all the statutory systems that are used to assure the public that certain health and social care workers are appropriately educated and working to set standards of practice, behaviour and ethics with clear systems of accountability to the public.
- 4.6 Statutory Regulatory Body** – the statutory organisation that holds the register of health or social care workers, sets and monitors both the requirements for entry to the register and the standards for practice, behaviour and ethics for those registered. A regulatory body has systems in place for the receipt and process of complaints about those registered.
- 4.7 Professional Registration** – the confirmation that a practitioner is eligible to practice within the framework of the relevant statutory regulatory body.
- 4.8 Professional Register** – the list of practitioners who meet the relevant statutory regulatory body requirements for registration (known as Registrants).
- 4.9 Protected Title** - A job description title, legally restricted for use by persons who have completed a specific training course and who are registered with the relevant Regulatory body. Patients and the public recognise health professional titles because they indicate competence and fitness to practise. However certain titles (e.g. Doctor) can sometimes mislead patients into thinking that someone is medically qualified when they are not. The title of “Doctor” is not a ‘protected title’ so individuals do not have to be a medical practitioner to use this. However the titles used by Trust staff in treating patients are of crucial importance and therefore staff must use the correct job title as specified by the Regulatory body and not one, which has the potential to confuse or mislead patients or the public. A list of protected professional titles by Regulator can be found in **Appendix 2**.
- 4.10 Revalidation** - Revalidation is the process by which licensed doctors, nurses and midwives are required to demonstrate on a regular basis that they are up to date and fit to practice. Revalidation aims to give extra confidence to patients that doctors, nurses and midwives are being regularly checked by their employer and their regulatory body, i.e the GMC and NMC.

## **5 PROCEDURE FOR CHECKING REGISTRATION**

### **5.1 Checking Registration - Pre-Employment**

As part of the conditional offer of employment, individuals will be required to provide up to date evidence of registration as part of pre-employment checks. Employee Services staff must check the evidence provided against the relevant website or telephone confirmation service to ensure that:

- The candidate is registered to carry out the proposed role;

- Whether the registration is subject to any current restrictions which might affect the duties proposed;
- The candidate does not have any investigations against them regarding their fitness to practise that the regulatory body has a duty to disclose;

In addition, the Employee Services Team will ensure that a copy of the validated registration documents are printed for the individual's personnel file, along with a print out of registration confirmation from the relevant website or a recorded note of the telephone confirmation service outcome.

Registration information will be recorded against the candidate's record in NHS Jobs and on the pre-employment checklist. This information will be transferred to ESR once all pre-employment checks are satisfactorily completed and a start date confirmed. Registration is re-checked during the start date set up process in ESR to ensure there have been no changes to registration since pre-employment checks.

The Employee Services Team will only confirm a start date if all of the above (and other pre-employment checks) are completed satisfactorily.

If there is an invalid, lapsed or delayed registration that relates to a prospective employee or interview candidate, the recruiting manager in conjunction with the Divisional HR Manager will consider whether to withdraw the offer of employment or postpone the start date until the individual supplies evidence of valid registration.

## **5.2 Newly Qualified Staff on Appointment**

On appointment, newly qualified staff may be allowed to commence employment but working in an unqualified / unregistered role, until confirmation of their registration is received from the regulatory body. This will be subject to the following being provided to the Human Resources Department:-

- Evidence of satisfactory examination and/or course assessment results.

### **AND**

- Documents confirming registration and statement of entry to the register.

Where this is approved, the employee will be paid at the unqualified pay rate for the post until evidence of professional clinical registration has been provided to the Human Resources Department and the information has been validated using the appropriate website or telephone confirmation service.

Only once the registration information has been validated will the employee be paid on the qualified / relevant pay scale with effect from the date of registration or Trust start date, whichever is the later.

Failure to secure professional clinical registration within the required timescales will result in termination of employment with the Trust.

### **5.3 Renewal of Professional Registration during Employment**

#### **5.3.1 Employees**

Throughout employment it is the responsibility of each professionally registered employee to be aware of the frequency for renewal of their registration with their appropriate regulatory body. As well as ensuring he / she complies with the regulatory body's standards and code of professional conduct.

On receipt of renewed registration the employee must ensure this is presented to the appropriate manager who will update the employee's record within MSS.

Employees must ensure that they keep the relevant regulatory body informed of changes of address, name, status, etc., so that records are accurate and up to date and that renewal advice and information from the regulatory body is received. In addition, the employee must ensure that ESR is also updated as required of change of address, name, status etc. via Employee Self Service.

Any problems, which may result in a failure to renew professional registration / licence to practice, must be flagged with the employee's manager immediately, as well as any material facts inside or outside work which may affect his/her registration.

#### **5.3.2 Managers**

Managers must ensure that they:

- Monitor and check professional clinical registrations for their staff via ESR, which sends automatic notifications to the manager 4 months and 1 month before the renewal date;
- Are familiar with the requirements of the relevant regulatory body;
- Remind staff of the need to provide a copy of the original documentation confirming continued registration in advance of expiry;
- Record any new expiry date in ESR once the renewal has been checked via the relevant website or telephone confirmation service.

If at any stage the manager feels that insufficient effort is being made by an employee to renew / maintain their professional registration, they must contact their Divisional HR Manager to decide whether a referral in the first instance to the Trust's professional lead (e.g. Medical Director) is necessary.

#### **5.3.3 Human Resources Department (Employee Services)**

The HR Department will ensure monthly ESR reports are produced and checked against relevant professional bodies and where necessary employee information updated within ESR as well as monitoring professional registrations via the NMC/GMC/ESR Interfaces and other professional registrations interfaces as they come on-line.

The relevant Line Manager in conjunction with the Divisional HR Manager will investigate any notified delays in processing re-registrations, directly with the relevant professional body and where necessary consider whether or not extensions to registration need to be requested.

## **6. EXTERNAL WORKER ASSURANCE PROCESS**

### **6.1 Junior Doctors in Training**

Junior doctors in specialist, core or GP training posts are employed by the Lead Employer Trust (LET) and join City Hospitals on rotation as part of their training programme.

The LET provides the HR Department with a management report for each rotation which confirms a doctor's professional clinical registration status. This information is then validated by Employee Services via the GMC or GDC website and a copy of the validated registration will be printed and kept on the individual's personnel file.

### **6.2 Locum Doctors and Agency Workers**

Locum doctors and agency workers must also hold current registration for any professional role for which they are offered work with the Trust. The HR Department will only use framework approved agencies for the booking of locum doctors and agency workers, unless otherwise is agreed in line with the Agency Worker/Locum Doctor Policy.

Information regarding an individual's professional clinical registration supplied by an agency will be validated via the appropriate website or telephone confirmation service and a copy of the validated registration will be printed and kept on the individual's personnel file.

Locum doctors/agency workers are asked to present evidence of their professional clinical registration at on their first day with the Trust and are required to ensure they hold the required professional registration / licence to practice for the duration of their assignment booking. Should an agency worker allow their registration to lapse, the assignment booking will be terminated with immediate effect.

### **6.3 Honorary Contract Workers**

For any health professional applying to work under an honorary arrangement the following will always be checked:

- That the applicant is registered to carry out the proposed role. This will be done via the relevant website and by asking the candidate for evidence of up to date registration;
- Whether the registration is subject to any current restrictions which might affect the duties proposed. This will be done by checking the relevant website;
- If the applicant has any investigations against them about their fitness to practise that the regulatory body has a duty to disclose. This will be done by checking the relevant website

For applicants who hold a substantive contract of employment with another NHS Trust, the HR Department will ask the ask the employing NHS organisation to confirm details of the individual's professional clinical registration, which will then be checked against the relevant website as stated above. The NHS employing organisation will also be asked to confirm they have received proof of qualifications.

For applicants who do not hold a substantive contract of employment with another NHS Trust, the HR Department will ask the applicant to provide evidence of their professional clinical registration which will be checked against the relevant website as stated above. The applicant will also be asked to provide proof of qualifications that are relevant to the honorary arrangement.

## 7. **REVALIDATION**

Where revalidation is a requirement of clinical registration, employees must ensure that they are aware of the requirements and frequency for revalidation in line with their appropriate professional body and Trust policy.

## 8. **EMPLOYEES ON LEAVE FROM THE TRUST**

Employees who are on leave, e.g. due to maternity, sickness or career break are still required to maintain their registration throughout the period of the leave and may be contacted by the Trust should concerns about their professional registration need to be clarified. This is regardless of the relevant Regulatory body guidance, which may indicate that maintaining professional registration / licence to practice is not required during periods of leave.

## 9. **FAILURE TO RENEW PROFESSIONAL REGISTRATION / LICENCE TO PRACTICE (SEE APPENDIX 1)**

Failure to maintain registration, **which in relation to doctors, means maintain registration with a licence to practice**, could have potentially serious implications for the employee/worker and the Trust as a whole by putting the safety and even the lives of patients at risk.

If an employee is found have allowed their registration to lapse, the Trust will not allow the employee to continue to work/carry out duties in a role that requires professional registration.

Where registration is found to have lapsed, the line manager must discuss this with the employee to establish the reasons. Having done so, the line manager must notify their Divisional HR Manager, who will seek advice from one of the Trust's professional leads, i.e. Director of Nursing (DoN) or Medical Director (MD), to agree an immediate course of action, pending investigation. This will be one of the following options:

- 1 Temporarily downgrade the employee and redeploy them into a role that does not require professional registration until re-registration can be confirmed. Failure to do may result in disciplinary action being taken. During this time, salary will be paid at the first point of Band 2 and there will be no reimbursement for the temporary loss of salary. The duties of the role, change of uniform (if appropriate) and line management arrangements during this time must be explained to the employee
- 2 Temporarily transfer the employee to a role at an equivalent grade/band in an area in the Trust that does not involve direct patient contact/care, until re-registration can be confirmed.
- 3 Agree with the employee that they will take annual leave until re-registration can be confirmed. During this time salary will be at basic rate, any enhancements or banding payments will cease and there will be no reimbursement for any temporary loss of pay.
- 4 Agree with the employee that they take unpaid leave until re-registration can be confirmed and there will be no reimbursement for the temporary loss of pay.

In all of the above cases, confirmation of the application to re-register must be submitted by the employee to their line manager and the DoN or MD within 72 hours.

The line manager must also complete an investigation into the reasons that the lapse occurred and provide a written report, to the professional lead, who will consult with the relevant HR Manager and determine whether formal disciplinary action is appropriate, taking into account any mitigating circumstances.

If the reason for the lapse of registration is found to be a significant failure on the part of the employee, this will automatically result in a formal written warning being issued, along with a right to appeal, in accordance with the Trust's Disciplinary Procedure

Before the employee is allowed to return to their substantive role, they must provide their line manager with evidence that they have re-registered. The line manager must verify this via the relevant regulatory body website.

Note: Doctors must provide evidence that they have re-registered with a licence to practice.

**NB: Making a payment to the professional / regulatory body does not mean renewal of registration. ALL appropriate forms must be correctly completed and submitted with payment prior to the date of expiry to ensure re-registration. Confirmation of re-registration (and for doctors, that they have a licence to practice), must be received by the Trust from the professional body in order to evidence registration.**

Individuals are expected to re-register outside of working hours / in their own time.

Any changes that are needed to an employee's role, grade or pay, will be actioned by the Employee Services Team in the HR Department.

## **10. BOGUS CERTIFICATES OR USE OF BOGUS NAMES**

If an employee is found to have submitted a bogus certificate or is found to have used another person's name and certificate, this will be considered gross misconduct and reported to the Local Counterfraud Service for investigation. Appropriate action will also be taken in line with the Trust's Disciplinary Procedure. Managers must report any concerns regarding this immediately to the professional lead and to their Divisional HR Manager so that the appropriate action can be taken.

## **11. REGISTRATION FEES**

11.1 Employees are responsible for the payment of registration fees.

11.2 Employees may be able to claim individual personal tax relief from Her Majesty's Revenue and Customs (HMRC).

## **12. MONITORING COMPLIANCE / EFFECTIVENESS OF THE POLICY**

<b>Requirement</b>	<b>Frequency</b>	<b>Person Responsible</b>	<b>Reporting To</b>	<b>Action Plan By</b>	<b>Monitored By</b>
Checking professional clinical registrations	Ongoing	Employee Services Manager	HR Operational Meeting	Deputy Director of HR	HR Strategy Group

## **13. DISSEMINATION, IMPLEMENTATION AND TRAINING**

- Dissemination to Managers via email through Senior Manager Forum
- Intranet HR Policies page
- Team Brief
- HR updates/ briefings at directorate meetings
- Induction and contracts of employment

## **14. CONSULTATION, REVIEW AND APPROVAL/RATIFICATION**

### **11.1 Consultation**

- Human Resources Strategy Group
- Joint Consultative Group

### **11.2 Approval**

- Executive Committee

### **11.2 Ratification**

- Policy Committee

## **15. EXTERNAL REFERENCES**

- NHS Employment Checks Standards

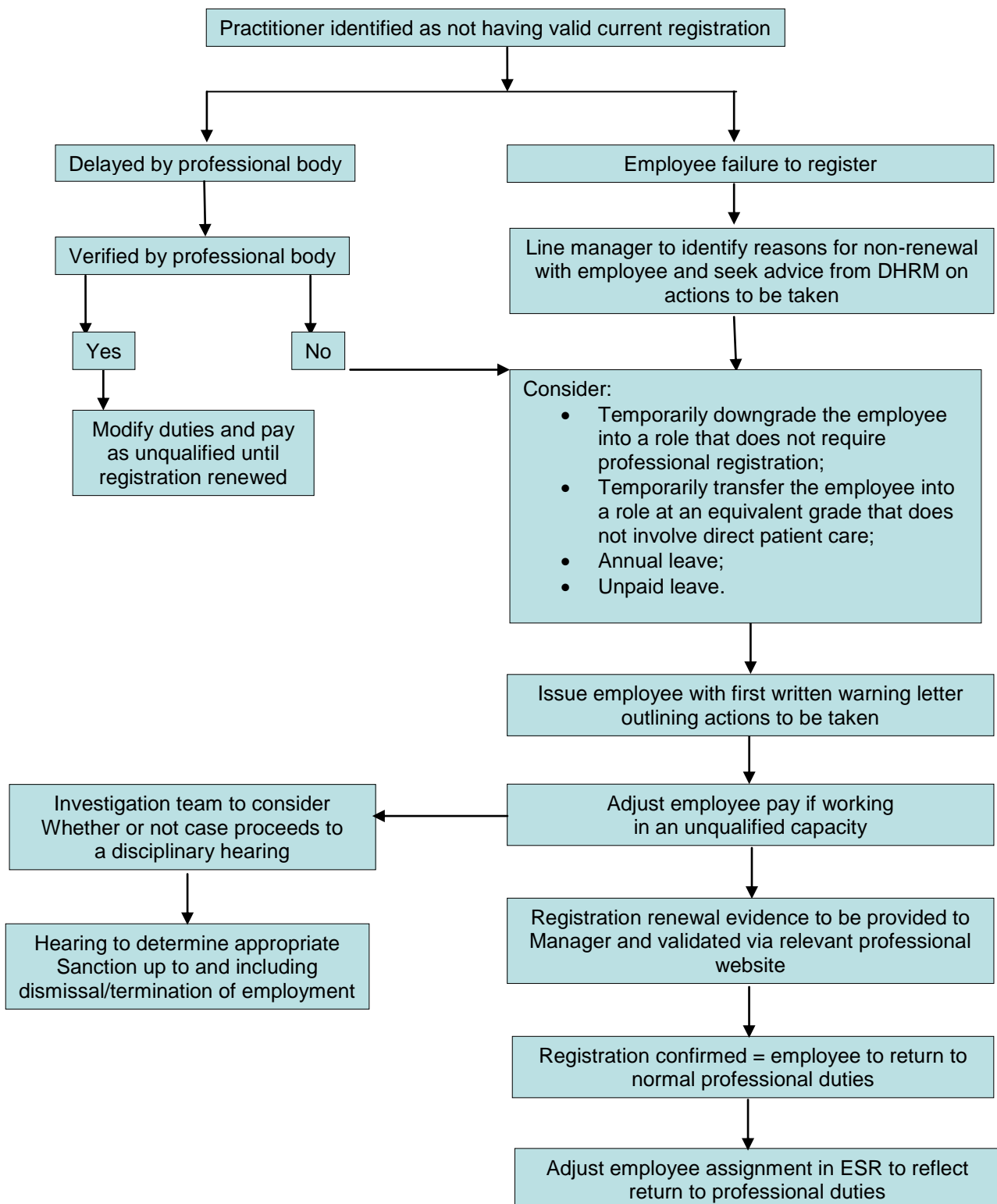
- Health and Care Professions Council – “Protecting Titles Factsheet” at <http://www.hpc-uk.org/assets/documents/10004E20Factsheet-Protectingtitles.pdf>
- Council for Healthcare Regulatory Excellence – “Protecting the public from unregistered practitioners. Tackling misuse of protected title” at <http://www.professionalstandards.org.uk/docs/default-source/publications/policy-advice/tackling-misuse-of-protected-title-2010.pdf?sfvrsn=8>

## 16. **ASSOCIATED TRUST DOCUMENTATION**

- Recruitment and Selection Policy
- Disciplinary Procedure
- Employment Checks Policy
- Grievance Policy and Procedure
- Locum Doctor and Agency Worker Policy
- Honorary Arrangements Policy
- Counterfraud, Corruption and Bribery Policy



**PROCESS FOR LAPSED REGISTRATION / FAILURE TO RENEW**



**Protected Professional Titles by Regulator**

Regulator	Protected Professional Titles
GCC	Chiropractic Chiropractic practitioner Chiropractitioner

	Chiropractic physician Any other kind of chiropractor
<b>GDC</b>	Dentist Dental surgeon Dental practitioner Clinical dental technician Clinical dental technologist Denturist Dental nurse Dental surgery assistant Dental technician Dental technologist Orthodontic therapist Orthodontic auxiliary Dental hygienist Dental therapist
<b>GMC</b>	Physician Doctor of medicine Licentiate in medicine and surgery Bachelor of medicine Surgeon General practitioner Apothecary Titles implying GMC registration
<b>GOC</b>	Optometrist Dispensing optician
<b>GOsC</b>	Osteopath Osteopathic practitioner Osteopathic physician Osteopathist Any other kind of osteopath
<b>HPC</b>	Art psychotherapist Art therapist Drama therapist Music therapist Biomedical Scientist Chiropodist Podiatrist Clinical Scientist Dietician Dietitian Hearing aid dispenser Occupational Therapist Operating department practitioner Orthoptist Paramedic Physiotherapist Physical therapist Practitioner psychologist Registered psychologist Clinical psychologist Counselling psychologist Educational psychologist Forensic psychologist Health psychologist Occupational psychologist Sport and exercise psychologist Prosthetist Orthotist Radiographer

	Diagnostic radiographer Therapeutic radiographer Speech and language therapist Speech therapist
<b>NMC</b>	Registered Nurse Midwife
<b>PSNI</b>	Pharmacist
<b>RPSGB</b>	Pharmacist Pharmacy technician