The Health and Care Professions Council – Written evidence (EEH0016)

EU Environment Sub-Committee: *Future UK-EU relations: energy, environment and health*

About HCPC

The Health and Care Professions Council (HCPC) regulates 15 health and care professions, protecting the public and supporting health and care workers.

To do this we:
- **set standards** for professionals' conduct, education, training and practice
- **keep a register** of professionals who meet our standards
- **take action** if professionals on our Register do not meet our standards

www.hcpc-uk.org/covid-19/

Introduction

This submission is being made in response to the inquiry on the impact of UK-EU Trade and Cooperation Agreement on the health sector. HCPC is contributing to this inquiry in order to highlight the challenges faced in the trade deal from a health and care regulation perspective. We have already received communications from registrants about some of the challenges facing their practice and we would like to highlight our key concerns and recommendations. HCPC has produced a flow chart to clearly explain how our registrants and applicants are affected by government guidance.

Key points addressed in the evidence

- Loss to the Internal Market Information (IMI) System
- Difficulties sharing information with European health and care regulators through a central system
- Fitness to Practise challenges and the public health interest
- Data protection risks for organisations who imported UK information
- The impact of changes to English language requirements

Call for evidence

This first part of the evidence aims to answer the first three questions in the call for evidence:

2. *What is your assessment of the relevant provisions in the UK-EU Trade and Cooperation Agreement, and their impact on your business or policy area?*
3. *What do those provisions achieve?*
4. *What, if any, challenges arise because of those provisions? How could these challenges be resolved?*

Internal Market Information (IMI) System

HCPC has concerns regarding the loss of access to IMI. It is the main platform for data sharing and information exchange with the different regulators in the EU. With this loss we may see delays to some international applications, as we verify information solely via email. This will present delays as, for example, we try to find the correct EU Member State regulatory body, or responsible government department, to request verification of qualifications or character, and a security challenge as to whether we're speaking to the right person or right organisation.

There isn't always an equivalent to HCPC in the EU. In some cases the body responsible for a profession is a government department, so it's important to know who we are meant to contact and what rules and remits they work under. This issue also affects for UK applicants trying to register in the EU.

Information sharing

HCPC has concerns about the resourcing, efficiency and proportionality of any separate information sharing agreements. Differences in registration rules and regulatory remits between European EU Member State regulatory bodies, or responsible government departments, present operational challenges in terms of information sharing for us. This is particularly the case for HCPC, which regulates 15 different professionals and there are not always clear equivalent counterparts in many EU countries.

Fitness to Practise (FtP)

The health and care professionals we regulate must be fit to practise. Fitness to practise may involve issues outside of professional or clinical performance. The conduct of a professional outside of their working environment may involve fitness to practise where it could affect the protection of the public or undermine public confidence in the profession.

When a registrant has fitness to practise restrictions imposed in one EU country, and comes to practise in UK, HCPC will have to rely on the registrant to tell them about the restrictions as they will not have access to the central Internal Market Information (IMI) alert sharing system.

This will be particularly challenging for the UK as there are numerous EU organisations regulating our 15 professionals. There is a potential heightened risk to patient and service user safety because of the inability to access IMI.

Data Protection

Although deletion of historic UK information from the IMI system by the Commission has taken place, there may be some data protection risks. EU Member State regulatory bodies, or responsible government departments, who imported UK information from the IMI system may continue to hold and rely on historic information. This may not have been updated (for

example when suspension order was revoked or condition of practice order was changed to removal).

EMR processes

HCPC has received a small number of concerns on social media about the loss of our European Mutual Recognition (EMR) processes. However, our EMR and International routes are very similar so we do not expect there to be a big impact on EU applicants.

The largest impact would be the changes in English language requirements. EMR applicants did not have to submit proof of English Language, but International applicants do unless they speak English as their first language. This could make it harder for EU 27 health professionals to practise in the UK. We have already seen a drop in European applicants since the Brexit referendum in 2016. We will continue to monitor applications to see if numbers fall.

Recommendations

The second part of the evidence aims to address the following question:

> *5. What should the UK seek to accomplish with the EU in relation to your industry or policy area within the parameters of the Agreement in the short- and mid-term?*

The below sets out the key recommendations to address HCPC's concerns regarding the impact of UK-EU Trade and Cooperation Agreement.

1. Ensure an information system is in place that mirrors the Internal Market Information System. This will:
    a. Address delays in processing international applications
    b. Ensure all relevant Fitness to Practice concerns are alerted to
    c. Help us find the correct organisation to request verification of qualifications or character, and minimise security challenges

2. Address data protection risks by strengthening requirements to have up-to-date registrant information.

3. Work with the EU to create more closely-aligned registration rules and regulatory remits between European organisations: This will increase efficient information sharing and in particular help multi-profession regulators such as HCPC.