

**EXPLANATORY MEMORANDUM TO**  
**THE HEALTH PROFESSIONS COUNCIL (REGISTRATION AND FEES)**  
**(AMENDMENT) RULES ORDER OF COUNCIL 2009**

**2009 No. 272**

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

2.1 This Order approves the Health Professions Council (Registration and Fees) (Amendment) Rules 2009 (“the 2009 Rules”) which amend the Health Professions Council (Registration and Fees) Rules 2003 (Scheduled to S.I. 2003/1572: “the Fees Rules”). The amendments provide for increases in the fees charged by the Health Professions Council (“HPC”) for scrutinising and processing applications for admission to the register maintained by HPC, for renewal of registration and for readmission or restoration to that register.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

4. **Legislative Context**

4.1 The HPC was established in April 2002 by the Health Professions Order 2001) (S.I. 2001/254: “the 2001 Order”) and is the regulatory body for 13 allied health professions.

4.2 In 2003, when the HPC came into existence, the fees levels set in the Fees Rules were determined on the basis of financial projections made by the HPC at the time. In 2007, with the benefit of its experience of operating the regulatory regime provided for in the 2001 Order, the HPC for the first time revised those fees (by means of the Health Professions Council (Registration and Fees) (Amendment) Rules 2007 (Scheduled to S.I. 2007/1280)) to levels which more accurately reflected the HPC’s operating costs and the costs of the specific processes to which the fees relate, thus reducing the level of cross-subsidy between registrants.

4.3 At that time, the HPC anticipated that its normal practice in the future would be to review and revise fees every two years, broadly in line with inflation and so as to minimise cross-subsidy between different categories of registrants and prospective registrants. The present instrument is the outcome of such a review and revision.

5. **Territorial Extent and Application**

5.1 This instrument applies to all of the United Kingdom.

## 6. European Convention on Human Rights

6.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

### • *What is being done and why*

7.1 The 2009 Rules amend the Fees Rules, increasing the various fees payable under those Rules. Its purpose is to increase, broadly in line with inflation (since the last amending Rules in 2007), the fees payable by HPC's registrants and those seeking registration with the HPC.

7.2 Fees for the renewal of registration and for admission, re-admission and restoration to the HPC register are calculated on the basis of a 2 year registration cycle. Those fees will increase by between 5.2 and 5.5% as follows:

	Current Fee (for 2 years)	New Fee (for 2 Years)
Admission/Renewal:	£ 144.00	£ 152.00
Admission (newly qualified):	£ 72.00	£ 76.00
Re-admission/Restoration:	£ 254.00	£ 267.00

7.3 Scrutiny fees are one-off costs, paid on entry to the HPC register and typically only incurred once in a professional career when a person first registers with the HPC. Scrutiny fees for the following categories of applicant will increase by between 5 and 6% as follows:

	Current Fee:	New Fee:
Applicants from UK approved programmes:	£ 50.00	£ 53.00
Grandparenting, EEA and international applicants:	£ 400.00	£ 420.00

7.4 "Grandparenting" applications are applications by individuals who are members of new professions (that is, professions newly regulated by the HPC) who do not hold recognised qualifications, but when their profession is first regulated by the HPC, they are allowed onto the HPC's register during a limited period, provided certain conditions are met.

7.5 The new fees generally minimise cross-subsidy between different categories of registrants and prospective registrants. However, given the high level of support expressed during consultation, a reduced admission fee for newly qualified entrants to the HPC professions is being continued.

- ***Consolidation***

7.6 The HPC has no plans formally to consolidate the Fees Rules but it does make informal consolidated versions of all of its rules, including the Fees Rules, available free of charge on its website ([www.hpc-uk.org](http://www.hpc-uk.org)).

## **8. Consultation outcome**

8.1 Between April and July 2008, the HPC undertook its own consultation exercise on the proposed fee increases. In doing so, it communicated with more than 300 organisations. These included: professional bodies and trade unions representing its registrants; employers (such as NHS Trusts and Health Boards); bodies representing service users; and bodies funding and providing training for registrants and prospective registrants. 49 responses were received by the HPC.

8.2 A majority of respondents supported maintaining the 50% discount for newly qualified applicants and increasing the fees for readmission and restoration to the register and the scrutiny fees for ‘grandparenting’, EEA and international applicants. A majority of respondents disagreed with increasing the renewal fee for existing registrants and the scrutiny fee for applicants from UK approved courses.

## **9. Guidance**

The fee increases authorised by this Instrument do not take effect until 1st April 2009. Before that date, the HPC will bring the changes to the attention of those affected by revising the guidance notes and forms for those applying for admission, re-admission or restoration to the register and ensuring that all registration renewal notices sent to registrants contain details of the revised fees.

## **10. Impact**

10.1 There is minimal impact on business, charities or voluntary bodies, although the Department of Health is aware that some employers make a contribution to the cost of registration fees. In the NHS, staff on paybands 5 and 6 (which includes many of the staff groups registered with the HPC) receive £38 through their salaries towards these costs.

The total increased annual revenue that the uprating will generate for the HPC is estimated to be £795,885.

10.2 There is minimal impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

There is minimal impact on small business.

## **12. Monitoring & review**

The HPC's aim is to stabilise fees, minimise cross-subsidy between registrants (except where there is strong support for a subsidy, such as the reduced fee for newly qualified applicants) and ensure that it obtains full cost recovery. It anticipates that new fees will apply until April 2011 and it will review them before that date, in line with its commitment to a stable cycle of two yearly reviews.

## **13. Contact**

Stuart Griffiths at the Department of Health Tel: 0113 254 5249 or email: [Stuart.Griffiths@dh.gsi.gov.uk](mailto:Stuart.Griffiths@dh.gsi.gov.uk) can answer any queries regarding this instrument.