

**EXPLANATORY MEMORANDUM TO
THE HEALTH PROFESSIONS COUNCIL (REGISTRATION AND FEES)
(AMENDMENT) RULES ORDER OF COUNCIL 2007**

2007 No. 1280

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

2.1 By this Instrument the Privy Council approves Rules made by the Health Professions Council (“the HPC”) which amend the Health Professions Council (Registration and Fees) Rules 2003 (Schedule to S.I. 2003/1572) (“the Registration and Fees Rules”) made under the Health Professions Order 2001 (S.I. 2002/254) (“the Health Professions Order”).

2.2. The amendments provide for changes to and increases in the fees charged by HPC for the scrutiny and processing of applications for admission to the register maintained by HPC and for increase in the fees for renewal of registration and readmission or restoration to that register.

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

3.1 The HPC has not increased any fees since the Registration and Fees Rules came into force in 2003 and the fees levels set in those rules were determined on the basis of workload and budget projections made by HPC when it came into existence. With the benefit of its experience of operating the regulatory regime provided for in the Health Professions Order and the rules made under it, HPC is now in a position to set fees at levels which more accurately reflect HPC’s operating costs and also reflect the costs of the specific processes to which the fees relate, thus reducing the level of cross-subsidy between registrants.

3.2 No further increases in fees are planned at the present time, although it is anticipated that the HPC’s usual practice from now on will be to review their fees every two years.

4 Legislative Background

4.1 HPC was established in April 2002 by the Health Professions Order and is the regulatory body for 13 allied health professions.

4.2 The purpose of this instrument is to increase the fees payable by registrants to the HPC.

4.3 There are requirements in Articles 7(3) and 41(3) of the Health Professions Order to consult before making fees rules such of the following four categories of persons as the Council considers appropriate: registrants or classes of registrants; employers of registrants; users of the services of registrants; and persons providing, assessing or funding the education or training for registrants or prospective registrants.

5 Extent

5.1 This Instrument applies to all of the United Kingdom.

6 European Convention on Human Rights

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

7 Policy background

7.1 The rules approved by this Instrument make changes to the HPC's existing Registration and Fees Rules, increasing registration and renewal fees broadly in line with inflation. The Rules also increase by more significant sums the existing scrutiny fees and the fees for re-admission and restoration to the register, in order to reflect the much higher one-off costs to HPC of processing such applications and to reduce the level of cross-subsidy among different types of applicant. Under normal circumstances those are all "one off" fees, paid at the outset of, or after a significant event in, a person's professional career. The fees will be increased as follows:

	current fees	new fees
New entrants	£60	£72
2yr registration/renewal	£120	£144
readmission/restoration	£120	£254

7.2 In addition, the rules introduce a scrutiny fee for applicants holding a qualification awarded in the UK and approved by HPC. At present, only applicants holding non-approved qualifications, exercising EEA mutual

recognition rights or seeking registration under transitional arrangements are required to pay a scrutiny fee. The new scrutiny fee has been set at a level which does not reflect the full cost of processing applications from holders of HPC approved qualifications.

	Current fee	new fee
UK applicants	N/a	£50
International/EEA	£200	£400

7.3 The HPC undertook its own consultation exercise on the proposed fee increase between November 2006 and February 2007 and, in doing so, communicated directly with every existing HPC registrant, and with a further 300 organisations. These included employers (such as Strategic Health Authorities, local Trusts and Boards); bodies representing service users (such as patients' organisations and Community Health Councils); and bodies funding and providing training for registrants and prospective registrants (such as Higher Education Funding Councils, university bodies, and health service commissioners). The overall response from registrants was that HPC should, in general, seek to reduce cross-subsidy among registrants but that recently qualified entrants to the HPC register should not be expected to meet the full cost of processing their applications (81% of respondents to the consultation supported this). The fees set in the Rules, and in particular, the lower scrutiny fee for applicants holding approved qualifications (who will generally be recently qualified applicants) reflects the outcome of that consultation.

8 Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no detrimental impact on business, charities or voluntary bodies. There is no impact on the public sector.

9 Contact

9.1 Rosalind Mead, Department of Health, tel 0113 254 6129, e-mail Rosalind.Mead @dh.gsi.gov.uk: or

Alexandra Mortimer, Department of Health, tel 0113 254 5839, e-mail Alexandra.Mortimer@dh.gsi.gov.uk