



The Prince's
Foundation for
**Integrated
Health**

Federal Working Group: Progress Report

- October 2007-

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1. Introduction

In 2005 The Prince's Foundation for Integrated Health (FIH) commissioned a report by Professor Julie Stone which examined three options for the regulation of complementary healthcare. This report resulted in a consultation exercise, 'Exploring a Federal Approach to Voluntary Self-Regulation of Complementary Healthcare (2006)'. The outcome of this consultation showed clear support for a federal system of regulation ie a single regulator for complementary healthcare rather than a series of single therapy regulators.

We believe the work carried out by the Federal Working Group (FWG) builds on the above foundations. The structure is certain to evolve as detailed planning for its implementation takes place and we have built in a review process, in 2008 and beyond, to ensure that development and improvement can happen.

The FWG was established in January 2007 to make proposals for the voluntary regulation of complementary healthcare professions. It has made considerable progress since then, thanks to the hard work and commitment of members of the Group and the support of the FIH and the Department of Health. We are now circulating this Progress Report for discussion and feedback so that members of the Group can take account of the views of others before finalising their recommendations.

The FWG believes that it has developed a model which is robust and innovative. This has been the opportunity to design a new organisation from scratch. We have tried to ensure that it will be a 'light touch' regulator which does not attempt to re-invent wheels. Where the professions have good systems in place we have not sought to replace them. We aimed to identify good practice, to learn from the best and to identify generic principles and processes which are applicable to all. We have tried to design an organisation which will protect the interests of the public at the same time as setting realistic standards for the professions.

The chance to contribute to the FWG's thinking is not over. We will be continuing our work until the end of 2007 and would be pleased to hear from you. Listening to the public and the professions will be an ongoing process and, when the Federal Council is set up in 2008, they will also want to hear your views about how to make the new regulator a model of its kind.

We have listed some questions at the end of this report (Appendix 2) to help you when you give us your feedback, but do write to us on any matter which you think is important.

2. Terms of reference

The terms of reference of the FWG were to:

- Make proposals for a model which is acceptable to all parties in the debate
- Identify a comprehensive communications strategy for public and professions
- Make proposals for an implementation timetable
- Make proposals for transitional arrangements
- Seek the Department of Health's views on its proposals
- Prepare a report on its findings

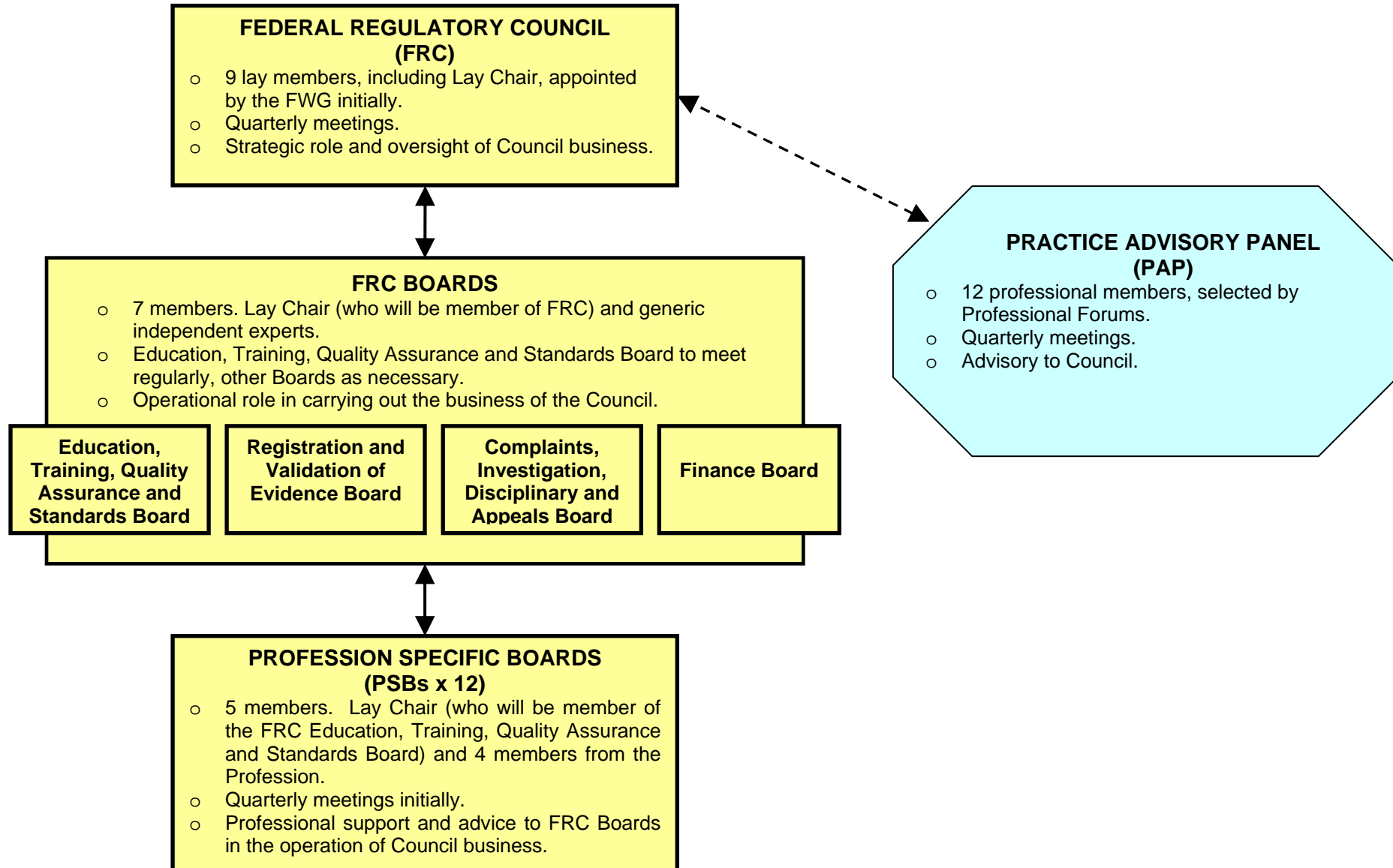
3. Proposed model

The model described below has the support of the majority of members of the FWG (9 of 12 regulatory working group representatives), although each group will wish to consult with their profession before a final decision is taken about whether they will support the new regulator. We hope that, through further discussion and debate, we can finalise the details of the FWG's proposals with all 12 groups.

The name proposed for the new body is:

The Complementary and Natural Health Professions Council (CNHPC)

The organisation structure will be as follows:



The suggested structure is in line with the recommendations contained in the White Paper 'Trust, Assurance and Safety – the Regulation of Health Professionals in the 21st Century', namely:

- Regulatory Councils should be small and board-like.
- Ideally there should be a majority of lay members on the Regulatory Council – by choosing to opt for 100% lay membership the FWG has been even more robust than the White Paper suggests.
- All members of the regulatory structure are appointed independently.
- There is a clear distinction between those that regulate and those that represent ie between the regulator and the professional bodies.
- All complaints and fitness to practice issues are dealt with by the regulator.

4. Relationships between the CNHPC and Professional bodies

The FWG has developed a model which has a strong lay influence at Council and Board level. However, it considers it vital that the CNHPC has active and positive links with the professions. There are three particular ways in which these relationships will be promoted and embedded in the structure.

First, the Profession Specific Boards (PSBs) will work closely with the 4 FRC Boards to provide professional advice and support as required. The FRC Boards will be expected to consult and involve the PSBs on matters involving professional education and practice.

Second, the CNHPC's Standing Orders will make it clear that the Regulator cannot make unilateral changes to standards of practice, education and training and must consult the professions when any changes are envisaged. There will be an independent mediation/arbitration process if there are unresolved differences between the regulator and the professions.

Third, the Practice Advisory Panel (PAP), which will have 12 members (one from each of the professions involved selected by the Professional Forums), with a right to be heard by the FRC, who must take account of its recommendations. The FRC will have the discretion to make its own judgements, having taken advice, but the FWG would expect the PAP to play a key role in informing the work of the FRC.

5. Roles and responsibilities of the FRC, PSBs, FRC Boards and PAP

It is proposed that the roles of the different levels of the organisation will be as follows:

Federal Regulatory Council (FRC)

- Strategic oversight of the CNHPC.
- Initial point of contact.
- Internal Audit and oversight of the FRC Boards and PSBs.
- Ensuring that minimum generic standards for CPD, APEL and Grandparenting are set and applied.
- Monitoring of standards.
- Management of complaints, fitness to practise and appeals processes.
- Communications and public relations.
- Entry of new professions.
- Registration and validation of evidence.
- Development and monitoring of a code of conduct and ethics.
- Ensuring external audit takes place.
- Recruitment and employment of CNHPC staff.

FRC Boards

- **Education, training, quality assurance and standards Board**
Establishes criteria for generic standards of education and training, including CPD, APEL and Grandparenting, in discussion with PSBs.
- **Registration and validation of evidence Board**
Provides advice and information to the FRC on generic issues relating to the registration and validation of evidence.
- **Complaints, investigation, disciplinary and appeal Board**
Hears complaints against practitioners (as described below) and manages the appeals process.
- **Finance Board**
Provides support to the FRC and its officers on registration fees, insurance and the funding of the CNHPC.

Profession Specific Boards (PSBs)

The PSBs will have responsibility for the following areas which are specific to their own professions:

- Education, training and supervision.
- Revalidation and proficiency.
- Grandparenting and APEL standards and requirements.
- CPD requirements.
- Application of FRC's generic standards for the professions.
- Core curricula and National Occupational Standards.
- Advice and support to the FRC Boards.

Practice Advisory Panel

- Vehicle for dialogue between the FRC and the professions.

6. The work of the CNHPC

The FWG has discussed in some detail how the CNHPC's systems and processes will be established and how they will work. Some of these discussions are well advanced and others need more development before the final meeting of the Group in December. In brief, the conclusions, so far, are as follows:

Complaints: The FWG distinguishes between Fitness to Practice (FTP) issues and other complaints. The FWG agreed that the initial screening of complaints will be handled by an experienced caseworker who will assess whether the case has FTP implications. If it does, it will be heard by an FRC panel which will have lay and professional membership - if not, the complainant will first be encouraged and supported in seeking to resolve the problem directly with the practitioner. If this fails, and the complainant wishes to pursue it, the case will be heard by an independent adjudicator. It will be made clear, from the outset, that the regulator can offer no redress or compensation: complainants seeking compensation would need to pursue civil action. Appeals on either track will go to a separate FRC panel with lay and professional membership. The grounds for appeal are currently being finalised.

Accreditation of courses: The FWG has agreed that it should be the role of the FRC, with professional advice, to establish criteria for the accreditation of courses. It should not seek to replace or duplicate the work that is already undertaken by professional bodies in accrediting courses and it should 'license' those bodies to continue their work, against the agreed criteria. The FRC Board responsible for Education and Quality should have oversight of the accreditation processes and should identify a panel of generic experts and specialists who would be available to participate in accreditation exercises. The accreditation process should be self-financing and funded from contributions made by bodies seeking accreditation of their courses. An audit mechanism would be put in place to oversee the licensing process.

Code of conduct and ethics: The FWG is looking at codes of conduct and ethics developed by other professional regulators to determine whether it can adopt them outright or with modifications. It will seek to develop good practice in this area.

Grand Parenting, APEL and CPD: The FWG agreed that it was for the FRC Education, Training, Quality Assurance and Standards Board to identify generic standards in these areas, with the advice of the PSBs and for the PSBs themselves to ensure that these standards were met in their own profession.

7. Governance, transparency and recruitment to the Council and the Boards

The FWG has been keen to ensure that all processes adopted by the CNHPC will reflect good practice in the governance of public bodies and will be transparent and open. We have paid particular attention to how members of the Council's Boards are recruited. We are conscious that the work of the Council must command public confidence and be seen to be well informed and independent. We have also looked at how continuity and expertise can be maintained during the transitional period of establishing the new body and at cost effectiveness. For these reasons we are recommending that 6 of the 9 members of the initial Shadow Council be recruited from amongst the lay members and lay chairs of the current regulatory working groups, if they are willing to serve. They have already been through an independent recruitment process. It is proposed that a recruitment and interview process takes place in November/December 2007. However, the FWG also sees the need to have new membership of the Shadow Council and it will be seeking applications from additional candidates for the 3 remaining places. The 9 members of Shadow Council will elect a Chair from amongst their group. The FWG is planning for the Shadow Council to be established in January 2008 for up to one year.

FRC Boards will have a lay chair (who will be a member of the Federal Council) and 6 other members, who will be generic experts in, for example, education and training.

Recruitment to the PSBs is expected to be based on the same principles of continuity, transparency and selection of new as well as established members. 3 of the 4 professional members of the PSBs will be nominated by the Professional Forums, with the fourth member being chosen from all eligible registrants.

It will be the FWG's responsibility to agree the criteria for appointment as well as job descriptions for Council and Board members.

8. Accountability and review

The FWG has argued that the CNHPC is accountable to a number of groups and individuals, whether directly or indirectly. First, it is accountable to the public. One of the main purposes in setting up the Council is to be able to reassure the public that registrants have undergone appropriate training and that the care they provide is safe. Second, it will be accountable to registrants through the normal processes of audit. Third, it will have a close relationship with the professions and registrants and must ensure that it meets their needs as well as those of the public. The structure which has been proposed is designed to do this. Fourth, the CNHPC will have a responsibility to take account of the views of external bodies, such as the Department of Health and other professional regulators.

The FWG has suggested that an independent, external organisation be invited to review the work of the CNHPC, from time to time, to ensure that it remains fit for purpose and that it meets the needs of all who have an interest in its work. Discussions are ongoing to achieve that purpose. Separately and specifically, the FWG is proposing that the role and membership of the Shadow Federal Regulatory Council be reviewed, by an external organisation, within a year of its establishment to confirm or amend its membership and ways of working.

9. Business plan and registration fees

Several versions of the Business Plan have been discussed by the FWG and have been seen by colleagues in the Department of Health. The FWG will continue to refine the Plan so that proposals can go to potential funders by the end of 2007. At present the Business Plan is costed on the assumption that registration fees will be as follows:

*£45 for first discipline,
plus an additional sum for second and subsequent disciplines (at a level to be confirmed but around £30).*

At its meeting on 26th September 2007, the FWG discussed the possibility of a small reduction in fees for registrants who signed up early. It also discussed whether there should be a cap on fees for multi-qualified practitioners, of around £100. The FWG will continue to work on the details of the plan but the principles it has adopted are that fees should be fair and affordable to registrants and that the CNHPC should be a slim and cost effective organisation which becomes self-financing as soon as possible.

The Business Plan is based on the assumption that members of the FRC and the Boards will be remunerated on the basis of £150 per meeting, plus expenses and that members of the PAP will be reimbursed by the Professional Forums. The FWG has discussed how and when registrants will transfer from their existing registers (where they are up and running) to the new register and concluded that it is likely to be managed differently by different professions.

10. The Department of Health's views

The FWG, as part of its terms of reference, was required to seek the views of the Department of Health on its proposals. The Department has been invited to all meetings of the Group, has had copies of minutes and papers and there have been a number of other discussions and meetings. Although the Department will, of course, need to see the final version of the proposals

before expressing a view, the FWG has every reason to believe that the model it is proposing has the support of the Department.

11. Remaining work

The FWG is still working on the details of how the proposed model will work in practice and will take account of any comments made before 25th October 2007. The main area of work identified in the Terms of Reference which needs particular attention is Communications and Public Relations.

12. Transitional arrangements and implementation timetable

The Federal Working Group was due to have completed its work by the end of September 2007. However, members of the Group have agreed that they will continue to work together until the end of 2007 to ensure that transitional arrangements are in place and that they work effectively.

There will be two further meetings of the FWG:

- 30th October 2007
- 18th December 2007

The meeting of 30th October 2007 will consider the responses to this Progress Report and any changes which need to be made to the organisational structure and processes as a result. It will continue to work on the detailed proposals for implementation of the proposed model and the business plan. The meeting of 18th December 2007 will agree the final version of the model and confirm the proposals for managing the transitional arrangements.

Interviews for the Shadow Federal Regulatory Council (which will be conducted by lay members of the FWG) will take place in early December, 2007.

The Shadow Federal Regulatory Council will begin work in January 2008 and will start to appoint Chairs and members of the FRC Boards and Chairs of the PSBs. It will continue to develop the business plan and consider the recruitment of staff and accommodation for the CNHPC.

The CNHPC will be formally launched on 7th April 2008.

13. Looking to the future

The FWG has developed a model which it believes is bold and radical. It will protect the interests of the public but it will also ensure the reputation and standing of complementary therapists into the future. It is a new approach to regulation and has been designed 'bottom up' by the professions themselves. It has looked for good practice and has borrowed the best ideas from many different sources. What it has come up with is a 'light touch' model which does not interfere with things which are working well and which seek to spread good ideas from one group to another. The structure will be simple and the management slim, so that the costs to registrants are kept as low as possible. There will be economies of scale, with shared services, so that the benefits can be passed on to registrants and to the wider public. It will be the first point of contact for those wishing to know more about the regulation of complementary therapists. It will offer high levels of public protection and will stand alongside other regulators which have a national and international profile. We believe the CNHPC has advantages which other regulators do not share, because it is a voluntary body which can remain responsive to the needs of the public and the professions. The model will change and develop, as it becomes established, and we have recommended that it be kept under review so that it continues to be 'fit for purpose'.

We hope that you will share our enthusiasm for the opportunities which are ahead of us and that you will contribute to our thinking by responding to this Progress Report.

Professor Dame Joan Higgins
Chair of the Working Group
5th October 2007

Appendix 1 Glossary

APEL: accreditation of prior experiential learning: credit which may be given for a professional's previous experience, rather than professional qualifications.

CNHPC: the Complementary and Natural Health Professions Council: the proposed name of the new regulatory body.

CPD: continuing professional development: education or training undertaken as part of ongoing professional development.

FC (Federal Council): part of the new regulatory body (see organisation chart).

FWG (Federal Working Group): set up by The Prince's Foundation for Integrated Health to make recommendations for a model for the regulation of complementary healthcare.

Generic independent experts: people who are experts in their own field (e.g. education or accreditation) but who are not complementary therapists.

Grand-parenting: a process which may allow practitioners exemption from some education and training because of their experience.

Lay Chair: individuals who are not qualified in any of the complementary therapies and who will have a role in the new regulator (see organisation chart).

PAP (Practice Advisory Panel): group of 12 complementary therapy professionals who will advise the Federal Council (see organisation chart).

PSBs (Profession Specific Boards): 12 Boards which are part of the new body (see organisation chart).

PFs (Professional Forums): forums developed within individual professions which provide professional bodies of a given therapy with the opportunity to act as one in talks with the Regulator regarding changes to/ matters relating to professional standards and conduct.

Shadow Council: the temporary Federal Regulatory Council which will be established from early 2008, before the new regulatory body formally comes into being.

Appendix 2

Some questions you might want to address in your feedback:

- We have tried to develop an organisation which is 'light touch' and cost effective. Do you think we have succeeded?
- We have tried to find a good balance between lay involvement and professional involvement in the new organisation. Do you think we have got it roughly correct?
- Do you think the proposed organisation will command public confidence?
- Are the roles and responsibilities of each part of the organisation clear?
- Do you like the proposed name of the organisation – The Complementary and Natural Health Professions Council? If not, what alternative do you suggest?
- Does the fee level of £45 (for first discipline) and additional sums for second and subsequent disciplines seem fair?
- Do you have any views on the proposed complaints process?
- Do you have any other comments on Section 6, about how the CNHPC will work?
- Do you think we have forgotten anything important: If so, what?
- Do you have any other comments about the proposed model?

If you have any comments on this report, please send them to Stuart.Bold@fih.org.uk by **Thursday 25th October 2007** so that your views can be discussed by the Federal Working Group at its next meeting on 30th October 2007.