

Emergency registration powers

Q29: Do you agree or disagree that all of the regulators should be given a permanent emergency registration power?

Proposal

Emergency registration enables healthcare regulators to temporarily register healthcare professionals during times of crisis. The aim is to increase the capacity of the health and social care workforce to ensure that services can meet demand and patient care needs during emergency periods.

The GMC and GPhC already have emergency registration powers within their governing legislation, which was triggered during the COVID-19 pandemic. In addition, the Coronavirus Act 2020 provided the Registrars of the NMC, the HCPC and the PSNI with temporary, time-limited, emergency powers to be able to temporarily register any individual or group of individuals.

The consultation proposed that all regulators should be given emergency registration powers. In line with current legislation, the Secretary of State for Health and Social Care will notify the Registrars of the regulators that an emergency is about to occur, is occurring or has occurred. In Northern Ireland, it will be the role of the Department of Health Northern Ireland to notify the PSNI's Registrar that an emergency is about to occur, is occurring or has occurred.

Table 42 - responses to Q29

Category	Number of responses	Percentage
Agree	311	59
Disagree	95	18
Total	525	100

Note: Percentage figures have been rounded and therefore may not total 100%

Question Analysis

The majority of respondents agreed that emergency registration powers should be extended to all regulators so that they could be used, if needed, in any future emergency without the need for further new legislation to be made.

Several respondents highlighted that emergency registration powers have been used effectively during the recent COVID-19 emergency period. Respondents felt that

standardising this power across all regulators would ensure that they are fully prepared to respond flexibly and rapidly to future emergencies.

Respondents agreed that it should be the role of the Secretary of State for Health and Social Care to turn the powers on in England, Scotland and Wales, and in Northern Ireland it should be the role of the Department of Health Northern Ireland. Respondents were of the view that this would prevent abuse of the emergency registration powers and would ensure that the powers are only used in very rare circumstances, such as pandemics. One respondent proposed that the legislation should include a notice period to close the temporary registers held by regulators, throughout the emergency period. It was stated that this would give regulators sufficient time to contact those temporary registrants whose roles and registration will be coming to an end.

Respondents who disagreed with the proposal had concerns that emergency registration powers could be misused, for example to fill staff vacancies or to address winter pressures on the NHS. Respondents suggested that if there is another emergency situation, Parliament could bring forward legislation allowing regulators to temporarily register people throughout the emergency period. Some respondents raised concerns about the competence of the professionals that may be temporarily registered by the regulators, who may not have worked in their profession for a long time and would not be subject to continuing professional development requirements.

A small number of respondents felt this may put public protection at risk. Other respondents felt that this could be negated by the regulators introducing consistency on emergency registration, such as by only registering those former registrants in good standing and those who had left the register within an agreed set period of time. It was suggested that the time period should be consistent across regulators.

Several respondents stated that it would have been helpful if the consultation document had defined the terminology of an emergency and some other respondents suggested it would be helpful if a review is carried out to see how beneficial the emergency registration powers were during the COVID-19 emergency. It was also proposed that an analysis of the value of emergency registration powers for the different professions could be undertaken as it was highlighted that not all regulated professionals are working on the NHS frontline.

Comments included:

Individual: "There will be further pandemics, and this greatly assisted during COVID-19".

Organisation: "Emergency registration should be used infrequently so there is no need for there to be a permanent emergency registration".

UK and devolved governments' response

The UK and devolved governments are of the view that emergency registration powers should be extended to all regulators so that they could be used, if needed, in any future emergency without the need for further new legislation to be made. As highlighted by the recent COVID-19 emergency, these powers can support a rapid increase to the capacity of the health and social care workforce during emergency periods to ensure that services can meet demand and patient care needs.

In accordance with current legislation, the definition of emergency will align with the definition contained in the Civil Contingencies Act 2004 and it will be the role of the Secretary of State for Health and Social Care to notify the Registrars of the regulators that an emergency is about to occur, is occurring or has occurred. In Northern Ireland, it will be the role of the Department of Health Northern Ireland, to advise the PSNI's Registrar that an emergency is about to occur, is occurring or has occurred.

During emergency periods we encourage regulators to work together to ensure there is a consistent response to the emergency circumstances. We recognise that when an emergency is coming to an end the Registrars of the regulators will require sufficient notice ahead of closing their temporary registers and are committed to providing the Registrars with timely notice this will ensure that the regulators have sufficient time to contact temporary registrants whose roles and registration will be coming to an end.

Protection of title offences

Q30: Do you agree or disagree that all regulators should have the same offences in relation to protection of title and registration within their governing legislation?

Proposal

The consultation proposed that the same set of offences on protection of title and registration should apply to all regulators.

Table 43 - responses to Q30

Category	Number of responses	Percentage
Agree	372	91
Disagree	38	9
Total	410	100