

**Joint Policy for Cumbria Partnership Foundation Trusts &
North Cumbria University Hospital NHS Trusts**

Professional Registration Policy

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GENERAL DATA PROTECTION REGULATIONS

The Trust(s) are committed fully to compliance with the requirements of the General Data Protection Regulations (GDPR) 2016 and the Data Protection Act (DPA) 2018. The GDPR and DPA legislation aims to balance the requirements of organisations to collect, store and manage various types of personal data in order to provide their services, with the privacy rights of the individual about whom the data is held.

The GDPR and DPA legislation covers both manual and computerised records in any format, where the record contains details that can identify, directly or indirectly data on a natural person or persons. The DPA sets out principles which must be followed by those who process data; it gives rights to those whose data is being processed.

To this end, the Trust(s) endorses fully and adheres to the principles of data protection, as set out in Data Protection legislation.

- Data must be processed lawfully, fairly and in a transparent manner.
- Data must only be obtained for specified, explicit and legitimate purposes.
- Data must be adequate, relevant and limited to what is necessary for the purposes.
- Data must be accurate and up to date.
- Data must not be kept in a form that permits identification for longer than necessary for the purposes for which it is processed.
- Data must be processed in a manner which ensures appropriate security of the personal data.
- The Data Controller (the Trusts(s)) shall be responsible for, and be able to demonstrate compliance with the above principles (accountability).

Policy On A Page

SUMMARY & AIM

This Policy sets out how the Trusts ensure that those individuals who are required to be professionally registered remain so throughout their employment with the Trusts including substantive, bank and agency staff.

It details the responsibilities of staff and managers during recruitment and employment and the process with regards to an individual failing to maintain their professional registration, or having their registration suspended or withdrawn.

TARGET AUDIENCE:

- All Managers/Supervisors
- All staff required to hold professional registration in order to carry out their role in the Trusts
- Human Resources Department

TRAINING:

- Support for staff can be obtained from their manager or their respective HR Departments

KEY REQUIREMENTS

1. All staff required to hold a professional registration must ensure that they:
 - maintain it throughout employment with the Trusts
 - comply with professional body requirements including notifying a change in circumstances such as a new address
 - provide evidence of registration when requested
 - notify their manager of any material facts which may impact on registration or ability to practice
 - notify their manager of any renewal problems before expiry or as soon as they become aware registration has lapsed
 - do not practice in a role for which their registration is not appropriate or current or during any period when registration has lapsed.
 - ensure that revalidation is completed in full and in the required timescales outline by the professional body as applicable.
2. Managers must:
 - know which employees require registration
 - ensure staff are competent at all times and maintain registration
 - not allow anyone to work in a role where the registration is not appropriate or has lapsed.
 - notify the relevant senior manager immediately of any issues with an employee's registration or renewal and fully investigate any concerns and take appropriate action.

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SUMMARY FLOWCHART: Professional Registration Policy & Procedure



1. INTRODUCTION

The regulation of healthcare professionals exists to ensure the highest standards of practice are adhered to by those individuals who are required to hold and maintain registration with a relevant professional body in order to undertake their role. It is the individual's responsibility to ensure that their registration is up-to-date.

Cumbria Partnership NHS Foundation Trusts and North Cumbria University Hospitals NHS Trusts recognise their duty of care to patients and will take appropriate measures to check the registration of individuals, both pre-appointment and throughout employment, where registration is required for them to work in their role.

This policy will also apply to individuals requiring a professional registration to work in non-clinical roles within the Trusts.

2. PURPOSE

The purpose of this Policy is to ensure that:

- all staff who are required to hold a professional registration in order to practice are aware of their individual responsibility to maintain registration
- a robust process is in place for checking and validating professional registrations, both pre and during employment
- a process is in place to deal consistently with any lapses in professional registration
- a process is in place to deal with any situations where an individual's registration is suspended or withdrawn by a professional body.

3. PROFESSIONAL REGISTRATIONS POLICY AND PROCEDURE:

3.1 Pre-Employment Checks

Pre-employment checks will be undertaken for applicants of any post requiring a professional registration, in line with the Trust's Recruitment and Selection Policy and mandatory NHS Standards for Pre-Employment Checks.

The following information about the registration will be checked:

- that the registration is appropriate for the role being applied for
- that the registration is current
- that the individual has not been removed from the register or is subject to any conditions / restrictions / fitness to practice investigations.

The Recruitment Team will check an applicant's professional registration:

- as part of the recruitment process, through the relevant Professional Body's website.

- against the lists produced by the professional bodies and NHS Alert Notices in relation to any conditions / restrictions / fitness to practice investigations.

An Appointing Manager can offer the post to an individual but must ensure that they make the individual aware that the offer is subject to satisfactory pre-employment checks (including confirmation of professional registration where appropriate). A new employee cannot start employment until checks are satisfactory to the Trusts.

If, at any stage of the recruitment process, there are concerns regarding an individual's registration, the Recruitment team will contact the Appointing Manager and a decision will be made on the most appropriate way forward, taking into account all of the circumstances.

The registration details for a new member of staff and the expiry date will be entered onto ESR by the HR Department. In addition to the record on ESR, confirmation that the registration check has been undertaken will be evidenced on the individual's personal file through completion of the personal file audit checklist which is held on each file. In addition a copy of the validated registration and signed recruitment and appointment details form the basis of the individual's personnel file.

Where an individual is awaiting examination results / first registration

An individual who has been offered a post which requires a professional qualification, but is awaiting final examination results and first registration, can work in an unqualified role whilst they await confirmation (e.g. nurse, radiographer, physiotherapist, occupational therapist - as a healthcare assistant or assistant practitioner until registration is confirmed) provided that a suitable role is available and all other pre-employment checks are satisfactory.

This role will be for a temporary period and the individual:

- will be paid at the rate commensurate for an unqualified role
- must wear the appropriate uniform for the unqualified role

When the qualification is complete and satisfactory registration is received the individual can commence work in the qualified role. The starting date in the qualified role will be the date they produce evidence of their registration to their Manager (there is no backdated payment from the first day of employment). Human Resources will check the registration when they receive a post change form to notify them that the individual has received their registration.

3.1.1 Individuals Not Directly Employed

Individuals who are not directly employed by the Trusts, but nevertheless are engaged to cover work in the areas outlined within this Policy, must hold current and appropriate registration with a relevant professional body. This would include Agency / Lead Employer Trust / Service Level Agreements / Secondments / Honorary Contracts

Agency Staff

All agency bookings are managed via the central Agency team. They undertake checks pre-start to ensure all agency workers including agency locums have the required professional registration checks in place. They also monitor renewal dates and ensure re-registration takes place.

Lead Employer Trust (LET)

For medical staff on rotation but remaining under the employment of the LET it is the responsibility of the LET to ensure that registration is up to date. The Trusts HR team receive information to provide assurance the professional registration is up to date

Service Level Agreements / Secondments / Honorary Contracts

Managers must advise the recruitment team of any such arrangements prior to commencement. The recruitment team will liaise with the employing organisation to undertake reciprocal pre-employment checks to provide assurance that all checks including professional registration are in place.

3.2 During Employment

Individuals who are required to hold a professional registration must register with their professional body on qualification, and maintain a current registration throughout their employment with the Trusts.

It is important to stress that maintaining a professional registration is the responsibility of each individual, and not the Trusts.

Individuals must ensure that they complete renewals in a timely manner as there may be a delay between them submitting their renewal details/payment and records being updated to show registration as renewed.

The Trusts are aware from the ESR records of those employees who are required to be registered with a relevant professional body in order to undertake their role, and when this is due to lapse. Human Resources will monitor registration renewal dates, highlight outstanding registrations to the individual and the manager and verify individuals have renewed registration.

For registrations with the NMC and GMC, the interface between the NMC/GMC and ESR must keep registration information up to date. Human Resources will produce a report of registrations due to expire at the end of the respective month and update any in ESR which have not been updated automatically.

Professionals who allow their registration to lapse will only be allowed back onto the register after a reapplication process. The process could take between a number of weeks, creating problems for the individual who are legally required to be registered, and for their employers.

Details for other professional bodies who do not have an interface are checked manually by Human Resources through the relevant websites.

Human Resources will also check lists produced by the professional bodies and NHS Alert Notices to identify those individuals who have been removed from the register / are subject to any conditions / restrictions / fitness to practice investigations.

Any concerns will be highlighted immediately to the individual's Manager, who will thoroughly investigate, and agree the action to be taken, taking into account all of the circumstances.

3.3 Lapsed Registrations

Employees must not practice without being appropriately registered with the relevant professional body.

Employees who allow their registration to lapse are ineligible to undertake the duties and responsibilities of a registered professional, and are required to refrain from such duties until their registration becomes effective again. If the Trusts allow unregistered staff to work in a qualified role, they are failing in the duty of care to patients and risk legal challenge.

For non-medical staff: If by the first checking date re-registration has not taken place, an email will be sent to the individual. If by the second checking date (approximately 5 days before the date of expiry) re-registration has not yet taken place; the HR Department will contact the employee's Line Manager. The manager will establish the reason for re-registration not taking place and instruct the employee to take appropriate action to ensure their registration is valid by the expiry date.

If this does not occur the employee is considered to be in breach of their contract as they are unable to work in a role requiring professional registration. The relevant Senior Manager must agree, with advice from HR and the Head of the relevant profession where appropriate, the course of action based upon the circumstances.

If it is determined that there is not a reasonable rationale, it may be appropriate to suspend the employee from duty, without pay, until confirmation of re-registration has been received.

Where it is determined that the employee has provided a reasonable rationale for not re-registering, as a minimum, the employee will be moved into a support worker role until re-registration is confirmed. The appropriate rate of remuneration for the support worker role in which they are working will be paid. Pay will be reduced regardless of whether they are physically at work or not e.g. annual leave and rostered days off until the registration is verified. In exceptional circumstances, for example an employee on long term absence with significant health issues, it may be agreed that a reduction in pay will not be applied. Advice should be sought from HR

In these circumstances:

- The employee must:

- make arrangements to re-register as quickly as possible and do so in their own time.
- present proof of the re-registration to their manager before they will be allowed to return to work / return to their normal role
- must wear a uniform that corresponds to the unqualified role.
- The Manager must:
 - clearly explain to the employee the remit of the unqualified / non-clinical role including the boundaries and responsibilities
 - ensure the employee understands they are working in such a capacity and at a reduced salary
 - confirm the details in a letter to the employee and provide a copy of the job description the employee will be working to for the period of down-banding
 - complete a Post-Change Form for the employee to sign and return to HR

Where re-registration is not achieved within 10 days of the registration lapse

- The Senior Manager must:
 - take a decision as to the way forward (e.g. whether the employee must be suspended from duty without pay if not already suspended, asked to take annual leave at an unqualified rate of pay or to continue working in the unqualified role).
 - again write to the employee to confirm the situation, and complete a Post Change Form to reflect any further change in circumstances.
arrange for a review of the employee's failure to re-register and in consultation with HR decide whether a formal disciplinary investigation must be conducted in line with the Disciplinary policy.

The HR department will confirm registration status via the professional body's website and when satisfactory, the employee can return to work (regardless of whether any disciplinary action pertaining to lapse of registration is pending unless it is determined this is not appropriate). The Manager must complete a Post Change Form to reflect the employee's return to their substantive salary.

It is not appropriate, under any circumstances, for medical staff to work in their profession in an unqualified role. The HR Department will ensure that the Medical Director is notified of any GMC registration issues.

3.4 Registration Withdrawn/Suspended/Interim Order Advised/Restrictions Placed

There may be a number of reasons why professional registration is withdrawn or suspended or interim orders, conditions or restrictions are put in place, including behaviour which is not directly connected with the individual's role at work. If the above occurs, individuals may effectively be unable to work. The circumstances of the situation will be fully investigated by the relevant Senior Manager, or nominated

Deputy, and a decision made on the most appropriate way forward, taking into account all of the circumstances.

Where it is agreed by the appropriate Senior Manager that non-medical staff can remain at work without the required registration for their substantive role, they must do so in an unqualified / non-clinical role, and be paid at the appropriate rate. It is not appropriate, under any circumstances, for medical staff to work in an unqualified role.

Whilst the relevant professional body must make the Trusts aware of any action it takes with regards to individuals and their registration, the individual is responsible for making their Manager aware, as a matter of urgency. The Manager/Lead Clinician must inform the relevant Senior Manager as soon as this information is made known.

Consideration needs to be given to the potential impact of any withdrawal, suspension, interim orders, conditions or restrictions on the ability of the individual to fulfil their contract and in such instances the employee may be suspended from duty on no pay whilst the situation is investigated.

In cases where interim orders or temporary measures affect registration, a decision will also need to be made as to whether it is reasonable to await the conclusion of the professional body investigation or whether the individual must be dismissed on the grounds that the individual is unable to fulfil their contract of employment.

In the situation where an individual has already been suspended from duty, in line with Trust policy (on full pay), and their professional body subsequently makes the decision to suspend, withdraw or attach restrictions to their professional registration which effectively mean the individual is unable to work, a review will be undertaken by the Senior Manager and consideration their pay will be stopped and suspension continuing unpaid, as they are unable to fulfil their contract of employment.

Individuals must comply with all directions from their professional body, and failure to do so will result in disciplinary action being taken.

The Trusts will support individuals to achieve and comply with any restrictions placed upon them until such time as the restrictions are removed or the individual circumstances or employment changes. The relevant Senior Manager will appoint an individual to ensure that the professional bodies' regulations/ restrictions are complied with.

The individual must provide the Trust with all relevant documentation in relation to the restrictions to practice.

3.5 Maintaining Registration on Authorised Leave

Employees must maintain professional registration throughout any periods of maternity, adoption, paternity, parental, special or sickness leave (see section 6.3 for exception), career breaks, or sabbaticals.

This applies whether the leave is paid or unpaid and is regardless of professional body guidance (which may indicate that maintaining registration is not required during such times).

Individuals may be contacted by the Trusts when issues relating to their registration need to be clarified.

3.6 NMC Revalidation

Revalidation is the process that all nurses and midwives in the UK need to undergo every three years to maintain their professional registration. Revalidation requires nurses and midwives to provide information about practice hours, continuing professional development, feedback and reflective learning, declarations of good health and good character, and requires an appropriate professional indemnity arrangement to be in place.

Revalidation is not an assessment of a professional's fitness to practise, however nurses and midwives who do not meet the NMC's Revalidation Standards will cause their registration to lapse.

It is the responsibility of the employee to ensure that the revalidation process is completed in full and within the timescales required by the NMC.

3.7 Code of Conduct / Ethics / Practice

Registered professionals are required to abide by their professional body's Code of Conduct/Ethics/Practice. Disreputable behaviour, even if it is not directly connected to their professional practice, or failure to abide by the principles outlined in the Code of Conduct/Ethics/Practice could put their registration, as well as their continuing employment at risk.

Any breaches of a professional body's Code of Conduct/Ethics/Practice will be investigated in line with the Trust Disciplinary Procedure, and action taken where appropriate, including reporting the misconduct to the professional body.

3.8 Reclaiming Of Tax-Benefits

Staff may be able to claim some tax back on their registration fees. Employees must direct their enquiries to the HMRC.

<https://www.gov.uk/tax-relief-for-employees/professional-fees-and-subscriptions>

4. TRAINING AND SUPPORT

Training for entering information on ESR will be provided where appropriate.

Support for staff can be obtained from their manager or the HR Department.

5. PROCESS FOR MONITORING COMPLIANCE

The process for monitoring compliance with the effectiveness of this policy is as follows:

Aspect being monitored	Monitoring Methodology	Reporting		
		Presented by	Committee	Frequency
Staff Maintain their professional registration	Monthly report from ESR identifying those staff whose registration is due to expire at the end of the month.	HR Rep	Workforce & OD Governance/ Performance Meeting	Monthly

Wherever the above monitoring has identified deficiencies, the following must be in place:

- Action plan
- Progress of action plan monitored by the *name of relevant committee* minutes
- Risks will be considered for inclusion in the appropriate risk registers

6. KEY REFERENCES

- Nursing and Midwifery Council Website, Employers and Revalidation (2016). Available at: <https://www.nmc.org.uk/registration/guidance-for-employers/employers-revalidation/>. Accessed 06/04/2018.
- NHS Employers website, Revised Employment Checks Standards (2017). Available at: <http://www.nhsemployers.org/your-workforce/recruit/employment-checks/professional-registration-and-qualification-checks> . Accessed: 06/04/2018.
- Nursing & Midwifery Council Website, Changes to Midwifery Supervision (2017). Available at: <https://www.nmc.org.uk/standards/midwifery/changes-to-midwifery-supervision/>. Accessed: 06/04/2018.

7. ASSOCIATED DOCUMENTATION:

- Conduct, Capability, Ill Health and Appeals Policies and Procedures for Practitioners
- Disciplinary Policy and Procedure
- Attendance Management Policy & Procedure
- Recruitment and Selection Policy

8. DUTIES (ROLES & RESPONSIBILITIES):

8.1 Chief Executive / Trust Board Responsibilities:

The Chief Executive and Trust Board jointly have overall responsibility for the strategic and operational management of the Trusts, including ensuring that Trusts policies comply with all legal, statutory and good practice requirements.

8.2 Executive Director Responsibilities:

All policies have a designated Executive Director and it is their responsibility to be involved in the development and sign off of the policies, this must ensure that Trusts policies meet statutory legislation and guidance where appropriate. They must ensure the policies are kept up to date by the relevant author and approved at the appropriate committee.

8.3 Managers Responsibilities:

- know which members of staff in the areas they are responsible for who must hold professional registration
- ensure that their staff are aware of this Policy, and their obligations within it
- not allow anyone to commence work or practice in a role where professional registration is required and the registration is inappropriate for the role or has lapsed
- ensure that staff are competent to practice at all times and maintain the professional registration and fitness to practice for their role
- be aware of the risks associated with a lapse in registration
- notify the relevant Director immediately where there are any issues with regards to an individual's registration / registration renewal
- maintain close contact with Human Resources in cases where they are aware of an individual who is unregistered/potentially going to become unregistered
- investigate any concerns that impact on a practitioners registration or ability to practice
- fully investigate cases where an individual becomes unregistered due to lapsed registration, and consider appropriate action in line with the Trust Disciplinary Policy and Procedure
- notify Human Resources of any locum/agency starters and/or any individual not directly employed by the Trusts but working within their remit in a role where professional registration is required **prior** to them commencing work in order that registration can be validated.

8.4 Staff Responsibilities:

- Register with the respective professional body upon qualification in line with the requirements of their role, and ensure that this is maintained throughout their employment with the Trusts
- comply with any requirements of the professional body, including notifying them as soon as practicably possible of changes in circumstances e.g. change of name or address
- provide evidence of registration / re-registration when requested to do so
- notify their Manager of any material facts which may impact on registration or ability to practice
- ensure that any necessary documentation is returned, including revalidation submissions, and payment made in time to enable renewal to occur before the expiry date

- notify their Manager of any problems with renewing their registration, prior to it lapsing
- notify their Manager immediately they become aware their registration has lapsed
- not undertake duties at a grade for which their registration is not appropriate or current
- not practice/work in a role which requires professional registration during any period when registration has lapsed.

8.5 Approving Committee Responsibilities:

The Chair of the approving committee will ensure the policy approval is documented in the final section of the Checklist for Policy Changes. The committee will agree the approval of the final draft of the policy.

9. ABBREVIATIONS / DEFINITION OF TERMS USED

ABBREVIATION	DEFINITION
ESR	Electronic Staff Record
GDC	General Dental Council
GMC	General Medical Council
HCPC	Health and Care Professions Council
HR	Human Resources
LET	Lead Employer Trust
NCUH	North Cumbria University Hospitals NHS Trust
NMC	Nursing and Midwifery Council
TPF	Trust Partnership Forum

TERM USED	DEFINITION

APPENDIX 1 - CLINICAL PROFESSIONAL BODY DETAILS:**Nursing and Midwifery Council (NMC)**Groups Covered

Nurses, Midwives, Health Visitors, District Nurses and Specialist Community Public Health Nurses

Renewal

Every year; individuals must pay a fee (annual retention). Every three years the revalidation process must be completed.

Contact

www.nmc-uk.org

- go to 'employers confirmation service' link (Employers and Managers tab), and follow the instructions
- a caller code and pass number is needed (available from Human Resources)
- the employee's date of birth and PIN number is needed

Health Professions Council (HCPC)Groups Covered

Biomedical Scientists, Clinical Scientists, Radiographers, Dieticians, Occupational Therapists, Orthoptists, Physiotherapists, Chiropodists/Podiatrists, Prosthetists, Orthotists, and Speech and Language Therapists

Renewal

Every 2 years; individuals must pay a fee and sign a professional declaration.

Contact

www.hcpc-uk.org

- go to 'check your healthcare professional is registered' and follow the instructions
- the employee's registration number or surname is needed
- select the relevant profession

General Medical Council (GMC)Groups Covered

Doctors

Renewal

Annually together with revalidation usually every five years.

Contact

www.gmc-uk.org

- go to the 'check a doctor's registration status' link, and follow the instructions
- the GMC registration number or surname is needed

General Dental Council (GDC)

Groups Covered

Dentists, Dental Hygienists and Therapists, Dental Nurses, and Dental Technicians

Renewal

Annually.

Contact

www.gdc-uk.org

- the surname or registration number is needed

General Pharmaceutical Council

Groups Covered

Pharmacists and Pharmacy Technicians

Renewal

Annually

Contact

www.pharmacyregulation.org

- the registration number or surname is needed

General Optical Council (GOC)

Groups Covered

Registered Optometrists and Dispensing Technicians (inc Students)

Renewal

Annually including a declaration

Contact

www.optical.org

- go to the 'search the registers' link, and follow the instructions

DOCUMENT CONTROL

Equality Impact Assessment Date	13/09/2018
Sub-Committee & Approval Date	Joint Partnership Forum 8/9/18

History of previous published versions of this document (CPFT):

Version	Ratified Date	Review Date	Date Published	Disposal Date
N/A	09/2017	07/2019	09/2017	N/A

History of previous published versions of this document (NCUH):

Version	Ratified Date	Review Date	Date Published	Disposal Date
4.0	17/01/2012	31/01/2015	26/01/2012	N/A
3.0	29/09/2009	31/10/2012	20/10/2009	N/A
2.0	-	04/12/2009	04/12/2007	N/A
1.0	-	-	-	N/A

Statement of changes made from NCUH Professional Registrations Policy

Version	Date	Section & Description
	07/08/18	<ul style="list-style-type: none"> Policy reformatted into the joint Trust's revised policy template – amendment to order of items
	07/08/18	<ul style="list-style-type: none"> Policy wording amended to remove specific teams, which are not yet aligned cross-Trusts – replaced with HR Department
	07/08/18	<ul style="list-style-type: none"> 3.3 – change to wording around process followed when registration lapses.

Statement of changes made from CPFT Professional Registrations Policy

Version	Date	Section & Description
	07/08/18	<ul style="list-style-type: none"> Policy reformatted into the joint Trust's revised policy template – amendment to order of items
		<ul style="list-style-type: none"> 3.1 – section on awaiting examination results expanded to confirm when and how an increase in band will be applied
		<ul style="list-style-type: none"> 3.1.1 section added to cover the arrangements for different types of workers not directly employed
		<ul style="list-style-type: none"> 3.3 provides details of the responsibility of the individual and manager in the event of a lapsed registration
		<ul style="list-style-type: none"> 3.3 clarifies that in the event of a lapsed registration salary will be reduced to an unqualified staff rate regardless of whether the employee is in work or not
		<ul style="list-style-type: none"> 3.4 New section that sets out what happens in the event of Registration Withdrawn/Suspended/Interim Order Advised/Restrictions Placed
		<ul style="list-style-type: none"> 3.5 New section that sets out the requirements Maintaining Registration on Authorised Leave
		<ul style="list-style-type: none"> 3.7 New section setting out the Code of Conduct / Ethics / Practice
		<ul style="list-style-type: none"> 3.8 New section setting out the Reclaiming Of Tax-Benefits

List of Stakeholders who have reviewed the document

Name	Job Title	Date
Julie Thompson	Head of Workforce Services	05/08/2018
Hannah Crawford	HR Adviser	05/08/2018
Various	Workforce & OD Reps CPFT/NCUH	09/08/2018
Various	Care Groups Leadership Teams	09/08/2018
Various	Staff-Side Reps	09/08/2018