



Education and Registration Standards Committee/Osteopathic Practice Committee

13 October 2015

Recognition of Professional Qualifications: IMI Alert Mechanism

Classification	Public
Purpose	For noting
Issue	<p>EU Directive 2005/36/EU on the recognition of professional qualifications has been amended by Directive 2013/55/EU which aims to facilitate the professional mobility of individuals across the EU.</p> <p>The Directive requires competent authorities to use the Internal Market Information (IMI) system to send alerts about registrants or applicants, in accordance with the Directive's requirement.</p> <p>This paper explains the impact on the GOSc and how the Registration team intend to process alerts through the IMI system.</p>
Recommendation	To note how the GOSc intends to operate alerts through the IMI system.
Financial and resourcing implications	None
Equality and diversity implications	None
Communications implications	Council will be made aware of this work, and on-going compliance, through the bi-annual registration report.
Annexes	None
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Background

1. GOsC complies with Directive 2005/36/EU which addresses the recognition of professional qualifications from within the European Economic Area (EEA). This has recently been amended by Directive 2013/55/EU which aims to facilitate the professional mobility of individuals across the EU.
2. The UK Government has until 18 January 2016 in order to transpose the rules of the Directive into UK law.

Directive 2013/55/EU

3. The Directive has three avenues for the mutual recognition of qualifications across the EU being:
 - a. Automatic recognition (seven out of 800 professions being doctor, nurse responsible for general care, midwife, dental practitioner, pharmacist veterinary surgeon and architect)
 - b. The general system (professions, including osteopathy, not covered by specific rules of recognition)
 - c. Recognition of professional experience.
4. Under the Directive there is a requirement for competent authorities to use the Internal Market Information (IMI) system to send alerts about registrants or applicants, in accordance with the Directive's requirement.

Alert mechanism

5. There are three alert modules, which will be available in the IMI system:
 - a. Alerts about prohibition or restriction of practice (health professionals)
 - b. Alerts about prohibition or restriction of practice (education of minors)
 - c. Falsified diplomas (both).
6. There has been significant discussion at the Alliance of UK Health Regulators on Europe (AURE), of which GOsC is a member, about the Directive and the use of the IMI system.
7. In July 2015, representatives from AURE met with officials from the Department of Health (DH) and the Department for Business, Innovation and Skills (BIS) to prepare for the implementation of the Directive and to seek clarification about the alert mechanism. These discussions in turn led to some clarification from the European Commission about the alert mechanism being:
 - a. Alerts to be sent only when the decision takes effect

- b. Alerts only on matters where a professional represents a risk to patients or the profession as opposed to administrative matters.
8. AURE collectively agreed to develop a joint set of principles which would be used by all healthcare regulators to trigger alerts through the IMI system. The principles can be grouped under the heading fitness to practise and registration and are as follows:

Fitness to practise principles for application of the alert mechanism

- a. Relates to matters that reach the threshold of the individual regulator that is the regulator considers that the registrant is not fit to practise without regulatory action being taken.
- b. Regulatory action, as aforementioned, involves action that amounts to a restriction or a prohibition on practice. A restriction or prohibition on practice will include anything that a registrant is required (whether by agreement or imposition) to do in order to continue to practise (but which may not be directly related to their practice).
- c. Includes substantive or interim action that amounts to a restriction or prohibition on practice.
- d. Where the action engages that threshold, and amounts to a prohibition on practice it will include action that is voluntarily agreed by the registrant as well as imposed by a panel/committee. By accepting the outcome the registrant is accepting the regulator's view at that point in time that there are concerns about their fitness to practise and that action is required for them to continue to practise safely. As the registrant voluntarily accepts that position there is no requirement for findings or a formal imposition of a sanction.

Registration principles for application of the alert mechanism

- a. Withdrawal of registration when the regulator finds that a professional is not entitled to registration due to falsified evidence of professional qualifications or any other falsified information used in the registration process.
 - b. Withdrawal of registration when the regulator is satisfied that the professional's fitness to practise was impaired at the point of registration and the professional has not informed the Registrar before their registration.
9. AURE members also discussed what type of decision would trigger an alert and a summary is provided below:

Business area	Decision type	Trigger alert?	If no, why not
Fitness to practise	Conditions	Yes	
Fitness to practise	Suspension	Yes	
Fitness to practise	Undertaking	Yes	

Fitness to practise	Removal	Yes	
Fitness to practise	Admonishment	No	Directive refers to prohibition, restriction on practice only
Registration	Removal for non-compliance with CPD/Revalidation scheme	Yes	
Registration	Voluntary removal	No	Administrative removal need not trigger an alert
Registration	Removal for non-payment of registration fee	No	Administrative removal need not trigger an alert

10. The committee is advised that we have procedures in place to prevent a registrant, who has fitness to practise proceedings against them, from voluntarily removing themselves from the Register.
11. The Directive places an onus on the Competent Authority to process an alert through the IMI system within three days of the decision taking effect. Currently it is unclear whether this is three calendar days or three working days and further clarification is being sought.

Impact on GOsC

12. As yet we have not seen how the IMI system looks or works and access is not scheduled until later this year. While this is not ideal, given the small number of alerts that we would need to send each year, we do not envisage that this would pose a problem. For the larger regulators who are looking to automate as much as possible due to the volume of alerts they will process, not having access to the IMI system until it is almost due to go live poses some significant challenges.
13. Use of the IMI system and the sending of alerts will be managed by the Registration team. Internal protocols already exist between the Regulation and Registration teams concerning the outcome of fitness to practise hearings and these mechanisms should suffice for sending alerts through the IMI system. These protocols allow the Registration team to ensure information on the online Register is accurate and up-to-date.

Recommendation: to note how GOsC intends to operate alerts through the IMI system.