



Policy and Education Committee
7 March 2024
Recognition of professional qualifications

Classification	Public
Purpose	For decision
Issue	Recognition of professional qualifications
Recommendations	<ol style="list-style-type: none">1. To consider and provide feedback on the contents of the paper with particular reference to the questions outlined in the paper.2. To agree the approach to further exploration of the issues arising from changes to the international environment in relation to recognition of professional qualifications and our regulatory response.
Financial and resourcing implications	The Senior Research and Policy Officer will spend part of their time on this work with support from the Head of Policy and the Senior Management Team. Any costs for this work will be covered under existing budgets.
Equality and diversity implications	The paper concerns the UK's commitments to recognition of professional qualifications in certain international agreements and registration processes. We are developing changes in the General Osteopathic Council's (GOsC) registration processes to meet treaty commitments. Proposals for change will be accompanied by an equality impact assessment.
Communications implications	None
Annexe	Flowchart: International and previous EU routes to registration
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Key messages from this paper

- This paper provides an update on the treatment of UK, European Economic Area (EEA) and Swiss osteopathic qualifications following Brexit between the UK and EEA/Switzerland and asks committee members to consider our regulatory response.
- Concerns have been raised by the Council of Osteopathic Educational Institutions (COEI) with regards to the lack of portability of UK qualifications for EU students being a significant barrier to student recruitment.
- Although the UK has made some agreements on the recognition of professional qualifications, it does not go as far as reintroducing what was previously in place when the UK was a member of the European Union.
- Agreements on recognition of professional qualifications have implications for our registration process as well as the treatment of UK qualifications.
- Given our current limited understanding of how certain EU regulators are treating UK qualifications, we are proposing to meet with them to raise awareness and understanding of the standards of UK qualifications and to explore issues around portability.

Background

1. The purpose of this paper is to inform the Committee about the post Brexit treatment of international osteopathic qualifications in the UK and UK osteopathic qualifications within the EEA¹ and Switzerland, and to explore the potential implications for our regulatory response.
2. The driver for the paper is the potential need to rethink our role in international engagement post Brexit given reducing student numbers seen by OEIs as well as a projected reduction in the number of osteopaths on the register and the implications of this for the workforce. Further, given the UK's approach to securing commitments on the recognition of professional qualifications when negotiating trade agreements, this could have implications for our registration assessment processes and the way that we consider qualifications obtained in certain countries.
3. This paper provides an outline of our understanding of the current position and seeks feedback from Committee members about the following:
 - Are the issues clear? / How could we make them clearer?
 - Are there any gaps in our thinking?
 - Does the Committee understand why this is relevant / consider this is relevant to the sector and to GOsC?

¹ The EEA comprises all 27 EU member states plus Norway, Iceland and Liechtenstein. Switzerland is not a member of the EU or EEA, but is part of the single market, which gives Swiss nationals the same rights as EEA nationals.

- Are there any sources of evidence and information that we are missing?
 - What matters should we be thinking about as we further develop implications for recognition of professional qualifications (e.g. proposals for more streamlined routes to registration in certain circumstances?) E.g. patient safety, ensuring criteria for qualification recognition are sound and in accordance with our values and strategic aims.
 - Anything else?
4. When the UK was a member of the EU, it was obliged to abide by [The European Union Directive 2005/36/EC](#) (the Directive). This sets out a reciprocal framework of rules enabling EU nationals to have their professional qualifications recognised and gain access to the regulated profession in which they are qualified in another EU State. Norway, Iceland, Liechtenstein and Switzerland also signed up to the directive even though not members of the EU.
 5. Doctors, dentists, general care nurses, midwives, architects, veterinary surgeons and pharmacists had their qualifications automatically recognised across the EEA and Switzerland with no further checks on their skills or qualifications. This was because their qualifications were required to meet a set of harmonised standards. This meant that there were no regulatory barriers to their qualifications being recognised in the UK, the EEA or Switzerland. Applicants would still be required to meet health, character and language requirements.
 6. In contrast, osteopaths fell under what was termed 'the general system' where qualifications achieved by EEA or Swiss nationals in their home states were considered on a case by case basis; however, it still set a standardised framework for the recognition of professional qualifications. Qualifications were either recognised, or if there were substantial differences, applicants were required to undertake an aptitude test or period of adaptation.
 7. In osteopathy, this meant that if applicants' qualifications were assessed as being substantially different to the Osteopathic Practice Standards, applicants could choose to undertake an aptitude test which comprised a further evidence of practice questionnaire and an assessment of clinical performance, or a period of adaptation undertaken under the auspices of an osteopathic educational institution and signed off by them prior to registration with GOsC.
 8. As of 1 January 2021, the UK has no longer been subject to the Directive. This means that the UK has been treated as a third country by the EU and the UK has treated those holding EU qualifications as international applicants, requiring them to follow the [route to registration](#) for those that have trained outside of the UK. In practice in the UK, this means that there is no direct route to registration following an assessment of qualification regardless of how similar the international qualification is to the UK qualification. Therefore, all applicants with

an international qualification must also undertake the further evidence of practice questionnaire and an assessment of clinical performance prior to registration.

9. In September 2023, the Council for Osteopathic Education Institutions (COEI) wrote to the GOsC outlining the impact of the continuing downward trajectory of students on the viability of OEIs and that the continued lack of recognition of qualifications in Europe post Brexit was the most significant factor contributing to the decline in students studying osteopathy UK. These issues have the potential to impact on the quality of osteopathic education and the meeting of standards. We are reviewing these matters as part of our quality assurance processes and further information is outlined on our private agenda.

Discussion

10. Following COEI's letter, the GOsC undertook work to build our understanding of the UK's commitments with regards to the recognition of professional qualifications with other European countries. This also involved discussions with the Department for Business and Trade, the Institute of Osteopathy (iO) and further dialogue with COEI. COEI have also confirmed that although visas and international fees remain a barrier, the portability of UK qualifications is the most significant. Our findings are set out below.

Agreements on the Recognition of Professional Qualifications (RPQ)

11. Now that the UK has left the EU it is negotiating its own free trade agreements which can contain commitments on RPQ. This is usually covered under commitments made in relation to the trade in services part of agreement. Commitments will vary across agreements.

The EU-UK Trade and Cooperation Agreement (TCA)

12. The TCA contains commitments regarding trade in goods and services between the UK and EU. The regulation of osteopaths would fall under commitments made in relation to trade in services under [Article 158](#) 'Professional Qualifications'. The TCA sets out that both EU and UK professional bodies could develop and provide joint recommendations to the Partnership Council, which oversees the trade agreement, for the recognition of qualifications. The recommendation is required to be supported by an evidence-based assessment of the economic value of the arrangement and the compatibility of the respective regimes.
13. Further details are set out in [Annex 24](#) of the TCA.
14. The TCA only sets out a process for agreeing the recognition of professional qualifications between UK and EU regulators. The only implications for us as a

regulator would be if we wished to explore this further with EU regulators in order to put a joint proposal to the Partnership Council. The Partnership Council have met twice since the agreement was signed although there are several committees which monitor aspects of the agreement that meet more regularly. Most recently, at the October 2023 meeting of the [Trade specialized committee on services, investment and digital trade](#), a joint recommendation proposal on recognition arrangements for architects was discussed.

15. This does not preclude the UK from signing bilateral agreements with specific EU regulators although it is important to note that osteopathy is not regulated in every EU state.

The Free Trade Agreement between Iceland, Liechtenstein, Norway and the United Kingdom

16. The UK signed a free trade with the [EEA-EFTA states \(comprising Norway, Iceland and Liechtenstein\) in July 2021](#). The agreement includes provisions on RPQ which came into force on 1 December 2023. In order for the GOsC to implement the requirements in the agreement, changes were made to the Osteopaths Act 1993.
17. In summary, the provisions implement a system that is very similar to the previous system that existed when the UK was a member of the EU. That is, applicants from the UK or an EEA-EFTA state in each other's respective jurisdictions will have their qualifications recognised unless:
 - there are substantial differences between the applicant's professional qualifications and the essential knowledge or skills required to practise the regulated profession; or
 - the regulated profession comprises one or more professional activities that cover substantially different matters from those covered by the applicant's professional qualifications.
18. In the case of a qualification not being recognised, a UK or EEA EFTA regulator may require the applicant to undertake an aptitude test or a period of adaptation.
19. The implications for us as a regulator are that we will need to make some changes to the UK route to registration for applicants holding qualifications from these states in order to meet UK commitments under this free trade agreement. However, it should be noted that we have never received an application from an osteopath holding qualifications from Iceland, Liechtenstein or Norway.

The Swiss Citizen's Rights Agreement and the agreement between the Swiss Confederation and the UK on the recognition of professional qualifications

20. [The Swiss Citizen's Rights Agreement \(the CRA\)](#) was agreed in February 2019. The purpose was to ensure continued protection for Swiss and UK Citizen's rights in their respective countries following the UK's decision to leave the EU. The CRA extended transitional arrangements for Swiss and UK nationals established in either Switzerland or the UK.
21. In practice this means that the ability for UK and Swiss Nationals to have their qualifications recognised by each other's respective authorities was extended under the Directive to 31 December 2024, subject to the applicant starting to obtain their qualification prior to 1 January 2021. This means that qualifications will generally be recognised unless there are deemed to be substantial differences. Where substantial differences are identified, applicants are required to undertake an aptitude test or a period of adaptation. The CRA will expire on 31 December 2024.
22. In order to ensure that there continues to be RPQ beyond 31 December 2024, the [UK and Swiss authorities concluded an agreement for the recognition of qualifications in June 2023 \(the 2023 Agreement\)](#). This agreement is set to commence on 1 January 2025. The 2023 Agreement applies to professionals holding qualifications from the UK or Switzerland applying for recognition by a relevant authority in the other country, regardless of nationality. Therefore the focus is no longer on nationality, but the country where the qualification was obtained.
23. The 2023 Agreement is almost the same as the one between the UK and the EEA-EFTA states as detailed above. That is, there is an assumption that the qualification would be recognised unless there exist substantial differences between the applicant's qualification and what is required for the applicant to practice the profession in the host jurisdiction or the regulated profession in the host jurisdiction comprises one or more professional activities that cover substantially different matters than what is covered by the professional's professional qualification.
24. The Department for Business and Trade is currently working through options for implementation of the 2023 Agreement and we can provide the committee with further information on this at future meetings.
25. Again potential implications arise in relation to the adaptation of our route to registration for those holding Swiss qualifications.

The Common Travel Area (CTA) between the UK and Ireland

26. The CTA is a long-standing agreement between the UK, the Crown Dependencies and Ireland which predates British and Irish membership of the

EU. Under the CTA, British and Irish citizens can move freely and reside in either jurisdiction and enjoy associated rights and privileges, including the right to work, study and vote in certain elections, as well as to access social welfare benefits and health services. Irish citizens do not require a visa and pay the same student fees as UK students.

27. A [Memorandum of Understanding](#) regarding the CTA was signed in 2019 by both the Irish and UK governments. It states that RPQ "is an essential facilitator of the right to work" and therefore, both the UK and Irish government have agreed to ensure there are adequate routes to recognition for qualified professionals across the UK and Ireland. It does not go any further than this requirement.
28. Whilst osteopathy is not a regulated profession in Ireland there is a professional body, [The Osteopathic Council of Ireland](#).

Implications for GOsC's registration process

29. Given that we now have agreements with Norway, Iceland, Liechtenstein and from 1 January 2025, Switzerland, we are required to adapt our international registration process for those holding qualifications from these countries.
30. The current registration process for international applicants is based on four steps. The first three are required to be completed to ensure that the applicant meets education, training and experience requirements, equivalent to what is covered in a recognised professional qualification obtained in the UK. The fourth step is common across registration routes for both those holding UK or international qualifications and requires applicants to meet health and character requirements as well as completing the application form and making the registration payment. Process maps of the current international and the previous EU routes to registration can be found in the Annex.
31. The GOsC international registration route already contains an assessment of qualification and what could be considered an aptitude test under the previous route to registration for EU applicants. However, regardless of whether an applicant's qualification is similar, all those holding non-UK qualifications are still required to go through all four steps to register.
32. The agreements with Norway, Iceland, Liechtenstein and Switzerland mean that if a qualification is assessed to not be substantially different, the applicant could move automatically to the formal application stage (step 4). Additionally, the current process does not allow for a period of adaptation as a separate option to an aptitude test. Therefore, the GOsC will be required to offer this as an option to those holding qualifications from Norway, Iceland, Liechtenstein and Switzerland. The period of adaptation was previously administered by the

osteopathic colleges. For the period of adaptation to be completed, Colleges would have to be satisfied that the applicant has met the requirements of the Osteopathic Practice Standards and confirm completion in a standard format to inform the registrar about an applicant for registration.

33. The current international registration process will remain unchanged for those holding qualifications issued from outside of these countries. However, we should be alive to the fact that this may change in the future as the UK seeks to negotiate free trade agreements with countries, such as Canada, Mexico, and India.
34. The exploration of this area has led us to reflect on potential options for how we consider applications for those who have trained outside the UK and whether we review this moving forward. However, we are mindful to continue to ensure that only those deemed able to meet the Osteopathic Practice Standards should be admitted to the register, regardless of where they trained outside the UK. How this judgement is reached, however, may vary on a case by case or country by country basis.

A way forward to address issues around the portability of UK qualifications to the EU

35. Whilst there has been some movement to move the UK closer to the previous system of RPQ through the agreements with the EEA EFTA states and Switzerland, this has only been achieved with a limited number of European countries that sit outside the EU. We recognise that the current agreements do not provide a comprehensive solution to COEI's concerns regarding the recognition of professional qualifications.
36. As part of our work to develop the profession, the GOsC had previously taken an active approach in developing the profession internationally. The GOsC helped to create what is now known as [Osteopathy Europe](#) and worked with the [Osteopathic International Alliance](#) and the World Health Organisation to promote high standards of osteopathy globally. Indeed, the UK was instrumental in developing and obtaining agreement to the Comité Européen de Normalisation, CEN, European Standard on Osteopathic Healthcare Provision in 2015, (EN 16686) developed in partnership with the European Federation of Osteopaths (EFO) and the Forum for Osteopathic Regulation in Europe (FORE) – both of which, merged to form Osteopathy Europe. This benchmark has been published in 33 European countries and has been used to support the development of regulation in many countries.
37. As the profession has developed over the years, the GOsC decided to reduce its commitments in this area, and leave the iO to play a greater role. However, given the concerns raised by COEI and GOsC's responsibility for the recognition

of international osteopathic professional qualifications, we have agreed that as a first step we would like to re-engage with certain individual EU regulators to raise awareness and understanding of the standards of UK qualifications and to explore issues around portability.

38. COEI have advised that the majority of their EU/EEA students come or used to come from the following countries:

- France
- Portugal
- Switzerland
- Norway

Therefore, we will prioritise speaking with French and Portuguese regulators. Norway and in the near future, Switzerland, are covered under agreements the UK has signed with both countries on the recognition of professional qualifications.

39. We appreciate that there may be other countries where osteopathy is regulated that we might engage with to improve portability of qualifications. We will work closely with COEI to help us identify any new countries.

Proposed next steps

40. Our intention is to commence discussions with international regulators to establish relationships, to raise awareness and understanding of the standards of UK qualifications and to explore and better understand issues around portability. We will report back to the Committee on our progress and to update on options for next steps in this area.

41. We are exploring other models of recognition of professional qualifications in anticipation of future trade agreements reflecting on maintaining standards.

42. We are working on updating our registration assessment processes to give effect to existing trade agreements which have been put into place post Brexit.

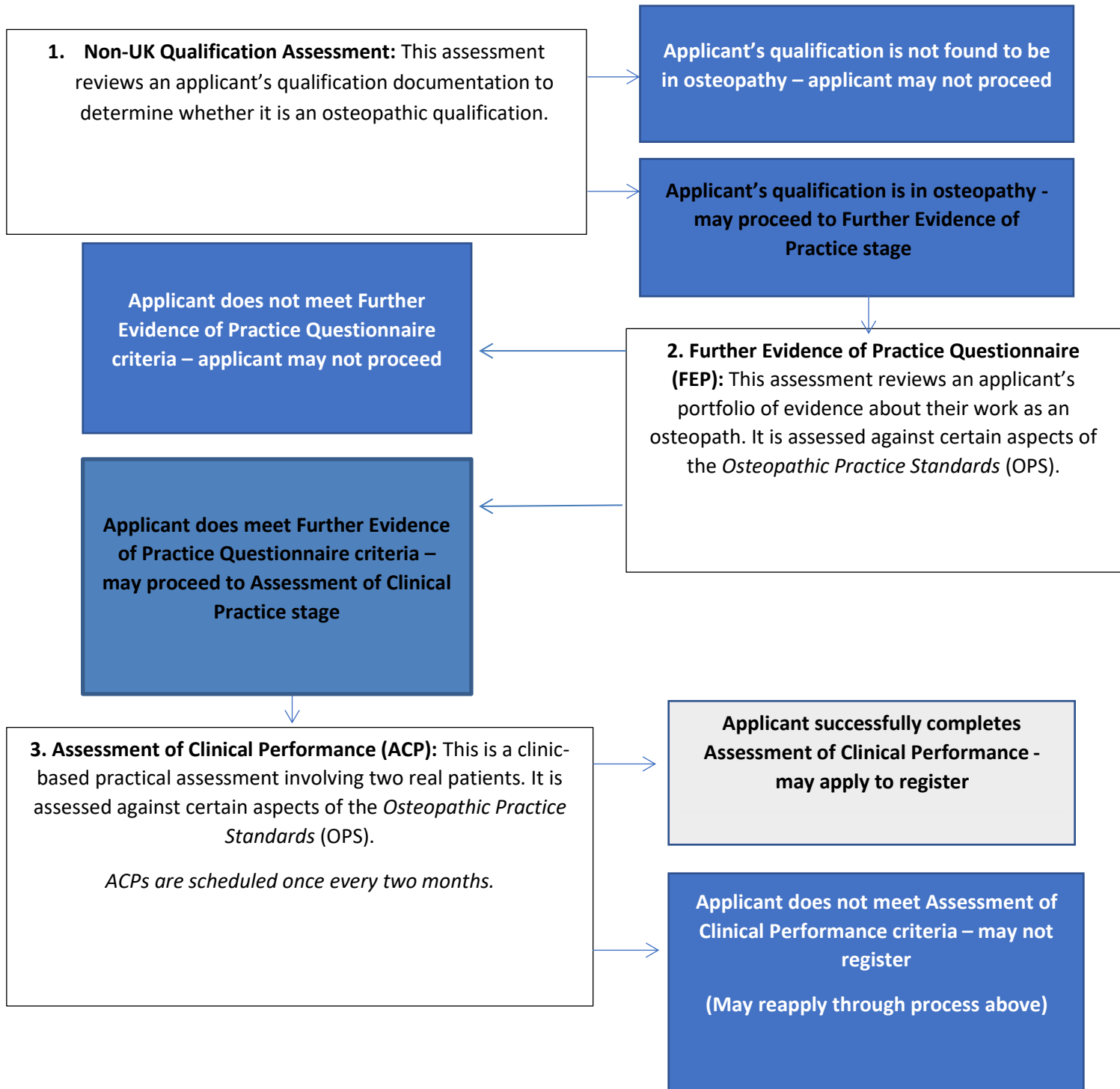
43. We are working with the OEIs to quality assure and maintain standards.

Recommendations:

1. To consider and provide feedback on the contents of the paper with particular reference to the questions outlined in the paper.
2. To agree that we explore further the issues arising from changes to the international environment in relation to recognition of professional qualifications and our regulatory response.

Annex to 4

Flowchart - Application to join UK Register of osteopaths: Pathway for international applicants



Annex to 4

Flowchart - Application to join UK Register of osteopaths: Previous pathway for applicants with EU Rights

(now applicable to applicants holding qualifications from Norway, Iceland and Liechtenstein and future applicants from Switzerland)

