

Regulations governing the dispensing of hearing aids in the UK

Code of Trade Practice (2008)

Standards of Competence (2008)

Registration Rules (2007)

CODE OF TRADE PRACTICE (2008)

Whereas the Hearing Aid Council, acting pursuant to section 1(3) of the Hearing Aid Council Act 1968 (hereinafter referred to as “the Act”) has drawn up this Code of Trade Practice (hereinafter referred to as “the Code of Practice”) for adoption from 1 February 2008 by persons registered as dispensers of hearing aids under the Act and by persons employing such dispensers; and

The Secretary of State for Trade and Industry gave the Code of Practice his written approval on 1 February 2008.

The Code of Practice is as follows:

1. (a) All dispensers and all employers of dispensers shall maintain at all times a high standard of ethical conduct in the operation of their practices, the dispensing of hearing aids and in the training of trainees.
- (b) Without limitation to the scope of the requirement set out in paragraph 1(a), dispensers and the employers of dispensers shall be considered to have fallen below the high standard of ethical conduct required in paragraph 1(a) above if they fail without good reason to act in accordance with any qualifying promise made on their own behalf by the dispenser or employer of dispensers to the Disciplinary Committee.
- (c) Subject to the provisions of paragraph 1(d) below, a promise is a qualifying promise for the purposes of paragraph 1(b) above where:
 - (i) the promise made by the dispenser or employer of dispensers relates to the operation of their practice, including the dispensing of hearing aids, or the training of trainees; and

- (ii) the promise is given in proceedings brought before the Disciplinary Committee and relates to the subject matter of those proceedings.

Provided it satisfies the requirements of paragraphs (i) and (ii) above, a promise to undertake training is a qualifying promise.

- (d) A promise to pay a monetary penalty or all or part of the costs of any proceedings before the Investigating Committee or Disciplinary Committee is not a qualifying promise for the purposes of paragraph 1(c) above.

2. From 1 September 2004 dispensers and employers must notify the Council wherever a dispenser or trainee or employer:

- (a) is believed on reasonable grounds by a dispenser or employer to have acted in a manner which has fallen significantly below the high standard of ethical conduct set out in paragraph 1 of this Code of Practice; or
- (b) is believed on reasonable grounds by a dispenser or employer to have acted in a manner which constitutes serious misconduct involving dishonesty, fraud, cheating or false accounting; or
- (c) has been convicted of any criminal offence involving dishonesty and/or fraud and/or false accounting, or has been convicted of any other criminal offence which is not a trivial offence, provided that the conviction is not a spent conviction within the Rehabilitation of Offenders Act 1974, or in respect of which a custodial sentence has been imposed (whether suspended or not).

3. Dispensers shall at all times give the best possible advice they can to their clients regarding hearing aids and their use.
4. Dispensers shall, where appropriate, make it known to their clients that a hearing aid may not necessarily be of benefit.
5. Dispensers who are not Registered Medical Practitioners must advise a client to seek medical advice, if the client has not already done so, where the client reports or the dispenser finds any one or more of the conditions listed (a) to (e) below. This advice must be given at the time the client reports or the dispenser finds any of these conditions. A record of the findings, whether positive or negative, and any advice given by the dispenser regarding these conditions must be made. Where any finding is positive, with the client's agreement, a copy of the findings must be forwarded by the dispenser to the client's general practitioner or appropriate medical specialist. Where the client is a minor under the age of 18 years, any advice given must also be provided to an appropriate person on behalf of the client, and the consent of the appropriate person must be obtained before any findings are disclosed to the client's general practitioner or appropriate medical specialist.
 - (a) Subject to paragraph 6 (d), the whole or partial obstruction of the external auditory canal that would not allow proper examination of the eardrum and/or the proper and accurate taking of an aural impression. This includes wax or foreign bodies.
 - (b) Abnormal appearance of the eardrum and/or the outer ear.
 - (c) Persistent earache (being earache which lasts for more than seven days in the last 90 days before the consultation takes place).
 - (d) Discharge other than wax from the ear within the last 90 days.
 - (e) Conductive hearing loss where audiometry shows 25dB or greater air/bone gap at two or more of the following frequencies: 500, 1000, 2000 Hz.

- (f) A unilateral or asymmetrical hearing loss as indicated by a difference in left/right bone conduction thresholds of 20dB or greater at two or more of the following frequencies: 500, 1000, 2000, 4000 Hz.
 - (g) Hearing loss of sudden (24 hours) or rapid (up to 90 days) onset.
 - (h) Sudden (24 hours), rapid (up to 90 days), or recent (within one year) worsening of an existing hearing loss. Where an existing audiogram taken in the last 24 months is available this shall mean a difference of 15dB or more in air conduction threshold readings at two or more of the following frequencies: 500, 1000, 2000, 4000 Hz.
 - (i) Fluctuating hearing loss (within the last 90 days) not associated with head colds.
 - (j) A hearing loss that may be associated with noise exposure where the noise exposure has taken place within five years prior to the examination by a dispenser.
 - (k) Unilateral, pulsatile or distressing tinnitus (within the last 90 days).
 - (l) Rotary vertigo within the last 90 days.
 - (m) Premature hearing loss for those aged 18-40 years of age, being greater than 30dBHL in either ear at two or more of the following frequencies: 500, 1000, 2000, 4000 Hz.
 - (n) Concern that speech discrimination is significantly poorer than would be expected for the client's level of hearing.
 - (o) If the client is a minor under the age of 18 years.
6. Dispensers and employers who are not Registered Medical Practitioners shall not:

- (a) represent themselves in any way as being so qualified, or at any time assume the status or hold themselves out as having the knowledge of one having surgical or medical knowledge, other than as set out in the Code of Practice or the Standard of Competence or the Examination Syllabus;
 - (b) practise any form of medical or surgical treatment for deafness;
 - (c) advertise that they are in a position to cure any human failing or physical ill; or
 - (d) practise any form of wax removal unless they are qualified to do so in a manner and form previously approved by the Council.
7. (a) Dispensers shall not indicate the fact that they are registered under the Act by means of any written representation, advertisement or promotional material involving the use of words other than:
- (i) "registered dispenser" or "registered hearing aid dispenser";
 - (ii) "registered dispensers" or "registered hearing aid dispensers";
 - (iii) "RHAD" (to be used only after a name as registered);
 - (iv) "registered under the Hearing Aid Council Act 1968", or
 - (v) "all hearing aid dispensers are required to be registered with the Hearing Aid Council".
- (b) Dispensers shall describe themselves as "Dispensers", "Registered Dispensers", "Registered Hearing Aid Dispensers", "RHADs", "Hearing Aid Dispensers", "Hearing Aid Audiologists", "Hearing Aid Consultants" or "Hearing Aid Specialists".

No other terms or abbreviations of these terms shall be used in a manner that might be expected to mislead or deceive members of the public if they were to see the description.

8. Every dispenser must have the following items of equipment with them at every consultation:
 - (a) a pure tone audiometer which contains the facilities for both air and bone conduction audiometry with masking, calibrated at least annually, with traceable reference to current BS/ISO/IEC standards as detailed in the Standard of Competence, such calibration certificates to be retained for a period of five years and produced for inspection as required by the Council or its committees;
 - (b) an otoscope and a supply of clean specula; and
 - (c) suitable aural impression material and associated equipment with appropriate cleaning facilities.

9. (a) Audiometry must be carried out by a dispenser:-
 - (i) a maximum of two months before a client is supplied with, or provided with under guarantee, new hearing aid, where "new" does not include identical replacement, **or**
 - (ii) a maximum of twenty-four months after the previous audiogram was taken if an identical replacement aid is supplied or provided under guarantee, **or**
 - (iii) whenever the client reports a change in hearing.

A dispenser must carry out audiometry in accordance with those recommended procedures of the British Society of Audiology as are current at the time of the audiometry being carried out or such other guidance as may be issued from time to time by the Council. This includes air conduction and bone conduction testing with the use of masking where necessary. Any audiogram carried out in accordance with this paragraph must be dated and signed or securely recorded electronically by the dispenser at the time it is

taken. All audiograms taken must include the make, type and serial number of the audiometer.

- (b) When impressions are required, they must be taken in accordance with the recommended procedures of the British Society of Audiology or where there is no recommended procedure, in accordance with appropriate professional practice and with due care and attention.
 - (c) With effect from 1 September 2004 dispensers should take all reasonable steps to retain audiograms and case history records for all clients:
 - (i) for a minimum period of five years from the date of supply of a hearing aid;
 - (ii) for a period of ninety days after testing a client who is not then supplied with a hearing aid.
10. (a) Neither a dispenser nor anyone else employed by or acting on behalf of a dispenser or employer of dispensers shall visit any potential client at his or her home unless the potential client or an appropriate person acting on his or her behalf has either requested or agreed to a visit in accordance with the following requirements:
- (i) The request or agreement was for a visit to be made on a particular day. This request or agreement cannot be a prior arrangement under which visits would be made more than 3 months later.
 - (ii) Whenever practicable and appropriate, a written notice must have been sent to the potential client setting out the details of the proposed visit including the day, date, approximate time and the name of the dispenser who will visit. Whenever a written notice has not been sent, the dispenser or employer must at that time make a record of why it was not practicable or appropriate to do so and must provide a copy of this record to the Council if so requested.

- (iii) When the request for a visit occurs as a consequence of an approach by telephone by the dispenser or someone acting on his behalf, the written notice must have been sent and must be accompanied by a first class pre-paid reply card providing the potential client with the opportunity to decline or to alter the appointment. The visit must be at least ten calendar days after the despatch of the notice by first class post unless an earlier date is requested by the potential client. A written record of such request must be made by the dispenser or someone acting on his behalf.
- (iv) When the request for a visit occurs as a consequence of a written approach by the dispenser or someone acting on his behalf, the dispenser may visit only where the potential client or someone acting on behalf of the potential client has:
 - (i) given written confirmation of the potential client's agreement to a visit on that day, or
 - (ii) given a verbal confirmation of the potential client's agreement to a visit on that day, in which case a written record must be made and kept by the dispenser.
- (v) A dispenser or employer of dispensers or anyone else employed by or acting on behalf of a dispenser or employer of dispensers may not charge for a visit or test unless the potential client has agreed to the proposed charge before the day of the visit. In such instances, a written notice as described at (ii) above must have been sent and it must have included details of the proposed charge.
- (b) Neither a dispenser nor anyone else employed by or acting on behalf of a dispenser or employer of dispensers shall visit any existing client at his or her home unless the client or an appropriate person acting

on his or her behalf has either requested or agreed to a visit. A record of the request or agreement for a visit must be made by the dispenser or someone acting on his behalf.

11. Before supplying or effecting the supply of a hearing aid or before the client has entered into any commitment, dispensers must provide the client with the following information in writing, set out in a plain and intelligible manner:-
 - (a) the make and model of the aid/aids to be supplied;
 - (b) any cash price, including VAT, for the hearing aid, and details of any additional charges and any alternative terms as required by law if credit terms or rental are offered;
 - (c) the precise terms of any trial offered;
 - (d) the terms and conditions, if any, under which a client may cancel the order and the terms and details of any refund which may be available;
 - (e) the name and address and telephone number of the dispenser and the firm supplying the hearing aid and, if different:-
 - (i) whom the client should contact to exercise any rights under (c) and (d) above;
 - (ii) whom the client should contact to obtain batteries, repairs or service;
 - (f) the terms of any guarantee provided by or to the dispenser or employer;
 - (g) the terms of any guarantee offered by the manufacturer of a hearing aid to the client;
 - (h) an explanation of the dispenser's or employer's obligations under paragraph 19 of this Code of Practice;

- (i) an undertaking to arrange a further personal consultation with the client, at no further charge, at the place of the original consultation or wherever agreed by the client within 6 weeks of the supply of the hearing aid to assess the client's progress and to offer any assistance that may be required;
- (j) a statement that none of the above affect the client's statutory rights; and
- (k) a statement that "All hearing aid dispensers are required to be registered with the Hearing Aid Council and a copy of the Council's Code of Practice may be seen on request. The Council's duties include ensuring adequate standards in dispensers' conduct and competence. The address is: Hearing Aid Council, 70 St Mary Axe, London EC3A 8BD"

12. (a) Employers shall ensure that:-

- (i) all dispensers employed by them comply with the Code of Practice;
- (ii) all trainees employed by them only dispense under such supervision as required in the Code of Practice and Standard of Competence; and
- (iii) any dispensing by trainees employed by them is in accordance with the Code of Practice.

(b) Notwithstanding the obligations imposed by paragraph 12(a), where an employer has:-

- (i) alerted the Council to any alleged breach of the Code of Practice by an employee; and
- (ii) already taken all reasonable steps to prevent, remedy, or mitigate the occurrence or recurrence of such breach; and
- (iii) such breach is outside the terms of the employee's employment;

this will be taken into account by the Investigating Committee in determining whether a case against an employer ought to be referred to the Disciplinary Committee.

13. Employers shall not indicate the fact that they are registered under the Act or that they employ dispensers registered under the Act by means of any written representation, advertisement or promotional literature involving the use of words other than:
 - (a) "registered under the Hearing Aid Council Act 1968",
 - (b) "registered dispensers" or "registered hearing aid dispensers",
 - (c) "registered employer of hearing aid dispensers",
 - (d) "all hearing aid dispensers are required to be registered with the Hearing Aid Council", or
 - (e) "all employers of hearing aid dispensers are required to be registered with the Hearing Aid Council".
14. Employers shall describe themselves or their employees as "Dispensers", "Registered Dispensers", "Registered Hearing Aid Dispensers", "RHADs", "Hearing Aid Dispensers", "Hearing Aid Audiologists", "Hearing Aid Consultants" or "Hearing Aid Specialists".

No other terms or abbreviations of these terms shall be used in a manner that might be expected to mislead or deceive members of the public if they were to see the description.
15. Dispensers and employers shall ensure that a copy of this Code of Practice shall be made available to any person requesting it.
16. Dispensers and employers who are not Registered Medical Practitioners shall not designate their premises as a Clinic or Institute.
17. Dispensers and employers shall not take part directly or indirectly in the making of survey enquiries by personal visits or by telephoning

members of the public regarding deafness or the sale of hearing aids with a view to securing business.

18. Dispensers and employers shall make reasonable provision for the servicing of hearing aids and ancillary equipment supplied by them whether of their own make or not.
19. Where a hearing aid is supplied to a client:-
 - (a) Dispensers and employers shall, wherever it is possible to do so, assign to the client the benefit of any guarantee given to the dispenser or employer for that hearing aid. The assignment shall be made at the time the hearing aid is supplied to the client.
 - (b) In all other cases, dispensers and employers shall undertake to use all reasonable endeavours to provide the client with the benefit of any guarantee provided to the dispenser or employer for that hearing aid. The undertaking shall be given at the time the hearing aid is supplied to the client, and dispensers and employers shall comply with all such undertakings given to their clients.
 - (c) Dispensers and employers shall undertake to provide the client with all reasonable assistance in taking advantage of any guarantee provided by the manufacturer to the dispenser or employer in respect of that hearing aid, whether the guarantee is assigned to the client or not, including without limitation:-
 - (i) returning the hearing aid to the manufacturer for replacement or repair;
 - (ii) arranging for the client to receive any new or repaired hearing aid;
 - (iii) giving to the client any financial rebate or compensation paid by the manufacturer to the dispenser or employer under a manufacturer-supplier guarantee, unless the dispenser or employer has already provided to the client a full refund.

Dispensers and employers shall comply with all such undertakings given to their clients.

- (d) No charge shall be made by dispensers or employers for:-
 - (i) providing the assignment set out in paragraph 19(a) or the undertakings set out in paragraphs 19(b) and (c) above; or
 - (ii) providing assistance in accordance with the undertaking set out in paragraph 19(c) above, with the exception of postal and telephone charges reasonably incurred in providing that assistance.
- 20. Dispensers and employers taking part in any exhibition or public demonstration of hearing aids away from their own permanent places of business (other than trade or medical exhibitions at which aids are not on sale or offer to the public) shall ensure that adequate provision for subsequent refitting and service is available. The full name and registered Head Office address must be prominently displayed.
- 21. Dispensers and employers shall respond with reasonable expedition and in a proper manner to all enquiries made of them by the Registrar in connection with complaints made to the Council. Reasonable expedition shall be within 21 days unless a longer period is reasonably required, in which case an extension of this time period should be sought within this period of 21 days from the Registrar.
- 22. (a) Only those dispensers who have been registered for at least two years may supervise trainees. From 1 April 2005 supervisors must comply with the Continuing Professional Development Regulations contained in the Council's Registration Rules or such other requirements as laid down from time to time by the Council. Dispensers are responsible for any work done by a trainee under their supervision as required in the Code of Practice and Standard of Competence. Dispensers are also responsible for ensuring

that any dispensing undertaken by those they supervise is in accordance with this Code of Practice.

- (b) Notwithstanding the obligations imposed by paragraph 22(a), where a supervisor has:-
- (i) alerted the Council to any potential breach of the Code of Practice by a trainee under his supervision; and
 - (ii) already taken all reasonable steps to remedy, mitigate or prevent the recurrence of such breach; and
 - (iii) such breach is outside the terms of the trainee's employment;

this will be taken into account by the Investigating Committee in determining whether a case against a supervisor ought to be referred to the Disciplinary Committee.

23. Dispensers must notify the Registrar of the Council of the names and such other details as may be required of anyone who wishes to undergo full time training under their supervision. The dispenser shall then be known as that person's "notified supervisor" and that person as that dispenser's "notified trainee". The supervisor must notify the Registrar of any changes in these details within 28 days of these changes.
24. Dispensers may not supervise any trainee after the elapse of 60 days from that trainee having fully satisfied the requirements for registration as a hearing aid dispenser as prescribed from time to time in the Standard of Competence. This paragraph does not apply to "degree entrants".
25. Notified supervisors must:-
- (a) satisfy themselves that anyone whom they will supervise possesses the appropriate qualifications required by the Standard of Competence;

- (b) ensure that their notified trainees are aware of the requirements for preliminary and post-examination training as prescribed from time to time in the Standard of Competence;
- (c) ensure that their notified trainees dispense hearing aids only when undergoing full time training;
- (d) either sign a certificate testifying that a notified trainee is ready to sit the Council's examinations as prescribed in the Standard of Competence within two years of that trainee having been notified to the Council as a notified trainee or obtain the Council's agreement to that trainee continuing full time training under their supervision; and
- (e) either sign a certificate testifying that a notified trainee has satisfactorily completed the post-examination training within nine months of that trainee having been declared successful in all parts of the examination held by the Council or obtain the Council's agreement to that trainee continuing full time training under their supervision for such period of time as is deemed appropriate by the Council.

In the event that the Council does not agree to a trainee continuing full time training as required under (d) or (e) of this paragraph, then no dispenser may supervise dispensing by that trainee. This clause does not apply to "degree entrants".

- 26. Notified supervisors must inform the Registrar of any trainee who, for any reason other than registration, ceases to train under their supervision for a period of eight weeks or more. This clause does not apply to the supervision of "degree entrants".
- 27. Notified supervisors must ensure that, except as permitted under paragraphs 28 and 29, their notified trainees:-
 - (a) dispense hearing aids only when under their own physical supervision or under the physical supervision of another supervisor (and, for the avoidance of doubt, dispensing includes, but is not restricted to, examination of clients, otoscopy, audiometry, ear-impressioning and hearing aid fitting); and

- (b) are always described as “trainees” or “trainee hearing aid dispensers” in dealing with clients.

This paragraph does not apply to the supervision of “degree entrants”.

28. In the case of a trainee who has been declared successful in the Council’s written and practical examination as from time to time prescribed in the Standard of Competence, or, in the case of a student on an approved degree course, the notified supervisor must:-
- (a) ensure that the trainee or student on approved degree course undertakes all the normal duties of a dispenser in accordance with the Code of Practice and the Standard of Competence;
 - (b) either be available for consultation whenever that trainee or student on approved degree course dispenses alone or have made prior arrangements with that trainee or student for a nominated alternative supervisor to be available. The supervisor must arrange to see the client if requested to do so by either the client or the trainee or student on approved degree course.
 - (c) arrange training meetings in accordance with the Standard of Competence;
 - (d) provide the trainee or student on approved degree course with a logbook in the form prescribed by the Council, and ensure that the trainee or student maintains the logbook as required in the Standard of Competence; and
 - (e) ensure that the trainee or student on approved degree course is described as a “pre-registered hearing aid dispenser” in dealings with clients.
29. In the case of a trainee who is an applicant for registration undergoing an adaptation period, the notified supervisor must ensure that the applicant:-

- (a) is aware of the requirements of the Code of Practice and the detailed rules set for the adaptation period;
 - (b) dispenses under such supervision as set for that trainee's adaptation period;
 - (c) receives such further education and training as set for the adaptation period;
 - (d) has a logbook, in the form prescribed by the Council, and maintains the logbook as required; and
 - (e) is always described either as a "trainee" or "trainee hearing aid dispenser" or as an "overseas applicant for registration" in dealing with clients.
30. (a) Disciplinary proceedings may be brought against those registered with the Council who are alleged to have breached this Code of Practice.
- (b) For the avoidance of doubt, preliminary investigation of alleged breaches of the Code of Practice is undertaken by the Investigating Committee in order to decide whether a case ought to be referred to the Disciplinary Committee.
 - (c) Where the Investigating Committee considers the nature of an alleged breach by a dispenser or employer to be such that the case is capable of being dealt with without being referred to the Disciplinary Committee or is satisfied by the dispenser or employer that appropriate steps have been or are being taken to correct the alleged breach within a given period to ensure future compliance then it may conclude that the alleged breach does not require referral to the Disciplinary Committee.
 - (d) Where the Investigating Committee considers the nature of an alleged breach by a dispenser or employer to be such that the case ought to be referred to the Disciplinary Committee, it will be so referred to determine what, if any, disciplinary action is appropriate.

31. The following terms have the same meanings as in the Hearing Aid Council Act 1968 (as it may be amended from time to time) and accordingly as at 1 September 2004:-

“Council” means the Hearing Aid Council established under the Hearing Aid Council Act 1968;

“dispenser of hearing aids” means an individual who conducts or seeks to conduct oral negotiations with a view to effecting the supply of a hearing aid, whether by him or another, to or for the use of a person with impaired hearing; and references to the dispensing of hearing aids or to acting as a dispenser of such aids shall be construed accordingly;

“employer of dispensers” includes any person who enters into any arrangement with an individual whereby that individual undertakes for reward or anticipation of reward to act as a dispenser with a view to promoting the supply of hearing aids by that person and references to employers, the employing of dispensers and their employment shall be construed accordingly;

“hearing aid” means an instrument intended for use by a person suffering from impaired hearing to assist that person to hear better but does not include any instrument or device designed for use by connecting conductors of electricity to equipment or apparatus provided for the purpose of affording means of telephonic communication;

“prescribed” means prescribed by the rules made by the Council pursuant to section 4 of the Act;

“supply” means supply by way of retail sale or by way of hire; but does not include a sale to a person acquiring for the purposes of trade;

In addition, in this Code of Practice and in the Standard of Competence:

“dispenser” has the same meaning as “dispenser of hearing aids”;

“employer” has the same meaning as “employer of dispensers”;

“a trainee” or “trainee hearing aid dispenser” or “student on approved degree course” means a person whose name has been notified to the Registrar of the Council in accordance with the provisions of Section 3(1)(a)(ii) of the Act and who is undergoing full time training with a view to being registered as a dispenser of hearing aids;

“existing client” means a person to whom a dispenser or employer has previously supplied a hearing aid;

“pre-registered hearing aid dispenser” means a person who has been declared successful in the Council’s written and practical examination as from time to time prescribed in the Standard of Competence, or an individual undertaking a degree course which has been approved by the Council who has produced a certificate from the university or higher education provider evidencing completion of the appropriate modules of the degree;

“degree entrant” means a person who has been accepted for admission on a degree course approved by the Council and notified to the Registrar as undergoing full time training with a view to becoming a dispenser of hearing aids and under the supervision of a registered dispenser.

“student on approved degree course” means an individual undertaking a degree course approved by the Council and is able to demonstrate completion of appropriate education and training to dispense without direct, physical supervision;

“Registered Medical Practitioner” means an individual who is on the register of Registered Medical Practitioners of the General Medical Council;

“the Act” means the Hearing Aid Council Act 1968 as amended by the Hearing Aid Council (Amendment) Act 1989;

“Standard of Competence” means the Standard of Competence from time to time drawn up by the Council pursuant to section 1(3) of the Act and approved by the Secretary of State with any approved variation thereof.

Words importing the singular number shall include the plural and vice versa.

Words importing the masculine shall include the feminine and neuter and vice versa.

Note: It is a criminal offence for anyone to dispense hearing aids unless:

- registered with the Council as a dispenser of hearing aids; or
- a trainee acting under the supervision of a registered dispenser.

STANDARDS OF COMPETENCE FOR DISPENSERS OF HEARING AIDS (2008)

Whereas the Hearing Aid Council, acting pursuant to Section 1(3) of the Hearing Aid Council Act 1968 (hereinafter referred to as "the Act") has drawn up this Standard of Competence for persons applying to be registered as dispensers of hearing aids under section 2(4) at any time on or after 19 October 2007; and

The Secretary of State for Business, Enterprise and Regulatory Reform gave the Standard of Competence his written approval on 1st February 2008.

1. The Standard of Competence is one of the following alternatives:-
 - (1) Possession of a minimum of a foundation degree in hearing aid audiology (or equivalent) approved by the Council.
 - (2) For individuals notified to the Council as undergoing full time training with a view to being registered as a dispenser of hearing aids and acting under the supervision of a registered dispenser, and who are accepted by the Council before 31st March 2008:
 - (a) possession of academic qualifications deemed by the Council to be no less than the equivalent of:
 - (i) For those born on or after 1st January 1974:
Advanced level passes in GCE or GCSE or NIGCE or Higher Grade SCE in two subjects or Higher National Certificate.

- (ii) For those born between 1st June 1949 and 31st December 1973, either:-
 - (a) Ordinary level passes in GCE or GCSE or NIGCE (Grades A, B or C) or Standard Grade SCE (Grades 1, 2 or 3) in four subjects, or
 - (b) Ordinary level passes in GCE or GCSE or NIGCE (Grades A, B or C) or Standard Grade SCE (Grades 1, 2 or 3) in two subjects and either an Advanced Level GCE or GCSE or NIGCE or Higher Grade SCE or Higher National Certificate.
 - (iii) In the case of those born before 1st June 1949 the Council may accept other evidence of literacy and numeracy that it considers demonstrates the suitability of the applicant; and
- (b) (i) notification to the Registrar that the applicant wishes to undergo full time training.
 - (ii) completion of the full time training in no more than five years. Any extension of that period will be at the discretion of the Council and should be applied for in writing together with the reason for the application at least 28 days prior to the expiry of the five year period or whatever additional period was previously authorised. The training need not have been continuous provided that the Registrar should have been informed in writing by the notified supervisor within fourteen days after any cessation of training lasting more than a period of eight weeks and following any such cessation the notified supervisor has informed the Registrar in writing at least fourteen days prior to re-commencement of training; and
- (c) submission to the Council of a certificate signed by the trainee's notified supervisor testifying that the trainee is ready to sit the Council's examination having

undergone full time preliminary training in compliance with paragraph 3 of the Standard of Competence, including experience of dispensing subject to the constraints of paragraph 27 of the Code of Practice, so that, in the judgement of the signatory, the trainee is competent to dispense without physical and personal supervision; and

- (d) declaration by the Council of success in all parts of the examination held by the Council. This declaration must have been made no more than nine months before the date on which the trainee applies to the Registrar for registration under section 2 of the Act, or whatever additional period the Council shall have allowed that trainee; and
 - (e) submission to the Council of a certificate signed by the trainee's notified supervisor testifying that the trainee has satisfactorily completed at least 850 hours of post-examination training in compliance with paragraph 4 of the Standard of Competence and that in the opinion of the signatory the applicant is competent to act as a dispenser of hearing aids; and
 - (f) submission to the Council of a logbook as described in paragraph 4 of the Standard of Competence; and
 - (g) the agreement of the Council that the certificate at (e) above and the logbook at (f) above are satisfactory;
- or
- (3) being qualified to practice as a hearing aid dispenser in another European Union member state, European Economic Area member state or Switzerland and accepted by the Council as the designated authority under the provisions of European directives.
- or
- (4) (a) acceptance by the Council that the applicant has evidence of education and training gained elsewhere that substantially meets the theoretical and practical requirements of the Council's examination

and post-examination training, in which case the applicant will be offered an aptitude test or adaptation period at the discretion of the Council; and

(b) in the event that the applicant is offered an aptitude test, a declaration by the Council of success in that test; and

(c) in the event that the applicant is offered an adaptation period, the submission to the Council of a certificate signed by the trainee's notified supervisor testifying that the trainee has satisfactorily completed the adaptation period as set out in paragraph 5 of the Standard of Competence as prescribed for that trainee by the Council and that in the opinion of the signatory the applicant is competent to act as a dispenser of hearing aids.

or (5) in the case of applicants whose evidence of education and training gained elsewhere differs substantially from the theoretical and practical requirements of the Council's examination and post-examination training:-

(a) (i) notification to the Registrar that the applicant wishes to commence an adaptation period;

(ii) submission to the Council of a certificate signed by the trainee's notified supervisor testifying that the trainee has satisfactorily completed an adaptation period as set out in paragraph 5 of the Standard of Competence as prescribed for that trainee by the Council and that in the opinion of the signatory the applicant is competent to act as a dispenser of hearing aids;

- (iii) submission to the Council of a logbook as prescribed in the adaptation period for that trainee; and
 - (iv) agreement of the Council that the certificate at (ii) above and the logbook at (iii) above are satisfactory; or
- (b) declaration by the Council of success in an “aptitude test” as set out in paragraph 5 of the Standard of Competence.

The choice of undergoing an adaptation period or taking an aptitude test is the applicant’s provided that, in the opinion of the Council, the evidence of education and training shows preparation for dispensing hearing aids. In all other cases, including those trained elsewhere within the UK, the choice is the Council’s.

2. The Council may dispense with the requirements of 1(1)(c), (e) and (f) and of 1(3) (a)(ii) and (iii) if satisfied that for reasons beyond the applicant’s control it is not reasonably practicable to obtain the prescribed certificates or the logbook.
3. Preliminary training is a period during which the trainee undergoes full time training either through study, accompanying a supervisor, and dispensing under physical and personal supervision.
4. Post-examination training follows immediately on declared success in all parts of the examinations held by the Council. It is a period of at least 850 hours full time training spread over at least six months and no more than nine months (or such extended period as may have been permitted by the Council). During this period, the trainee must:
 - (a) undertake all the normal duties of a Registered Hearing Aid Dispenser in accordance with the requirements of the Code of Practice; and
 - (b) consult a supervisor in cases of difficulty; and

- (c) attend a training meeting of at least 3 hours' duration, once in each month, with the notified supervisor or a nominated alternative for assessment of the trainee's progress. These meetings should include reviewing case histories, problem solving, briefing in technical advances, general advice and assistance. At least two of these meetings must be on a 1:1 basis; **not** group meetings; and
- (d) record in a logbook, provided by the notified supervisor and in such form as laid down from time to time by the Council: the hours of post-examination training (through both meetings and dispensing) undergone; and brief details of all dispensing undertaken; and the day, date, time and place of each training meeting, persons present, and matters discussed. Both the trainee and the supervisor must sign the logbook after each meeting; and
- (e) keep the logbook at all times including if changing employer. The logbook is to be photocopied every month with the notified supervisor keeping the copy; and
- (f) immediately report loss of the logbook. The Council may require the trainee to undergo an extended period of post-examination training in the event of such loss; and
- (g) submit a copy of the logbook to the Council for inspection at any time requested to do so. The Council will routinely request copies of some logbooks to be submitted to the Council for scrutiny.

A trainee who has ceased post-examination training and who wishes to continue may apply to the Council for an extension of the maximum period within which post-examination training must take place.

5. (1) The "adaptation period" will be such period of supervised practice as the Council considers necessary to ensure the applicant has the knowledge and skills required by the Council.

The adaptation period will be subject to detailed requirements made by the Council, which set the length of the period, the

supervisory requirements, the further education and training required, the knowledge and skills to be assessed, etc. As required by paragraph 23 of the Code of Practice, the applicant's supervisor will notify the Council that the applicant will be undergoing full time training before the applicant first dispenses under supervision.

- (2) The "aptitude test" set by the Council will test the theoretical knowledge, practical skills and knowledge of professional rules required by the Council and not covered by the applicant's evidence. Prior to declared success in the aptitude test, the applicant may not dispense unless first notified to the Council as a full time trainee and unless under supervision as required by paragraph 26 of the Code of Practice. Applicants for the aptitude test are required to take and pass the aptitude test within eighteen months of being accepted for the test by the Council. Any extension of that period will be at the discretion of the Council and must be applied for in writing together with the reason for such application at least 28 days prior to the expiry of the 18 month period, or whatever additional period was previously authorised.

In the case of those with NVQ level III in Audiology or equivalent, the adaptation period or aptitude test will only cover those aspects of the Council's syllabus relating to its Code of Practice, consumer legislation and knowledge of the selection and fitting of available commercial hearing aids over a full range of different technical characteristics.

6. The Council shall appoint an Examining Body comprising at least:-
 - (a) two registered dispensers of hearing aids;
 - (b) one person having specialised medical knowledge relating to hearing impairment; and
 - (c) one person having audiological technical knowledge;and shall appoint one of their number as Chairman.
7. The members of the Examining Body shall hold office for one year but shall be eligible for re-appointment.

8. The Council shall hold the following examinations at least twice in each year:-
- (a) written examination composed of two papers each of three hours (the terms of which papers shall be approved by the Examining Body and be set and marked by such persons as shall be nominated by the Examining Body);
 - (b) a practical examination at which at least one of the examiners shall be a registered dispenser on the Examining Body or appointed by the Council.

Candidates shall be examined on the subjects described in the Examination Syllabus, such Examination Syllabus as may be approved by the Council from time to time. Candidates must satisfy the Council in both parts of the examination, and also, (if required to do so at the discretion of the Examining Body) at an oral interview before at least three members of the Examining Body or the examiners appointed by the Council. Candidates who fail to satisfy the Examining Body in either the written or practical parts of the examination at any one examination, however, shall be permitted to take that failed part again, together with an oral interview as above, at a subsequent examination provided they undergo a further period of full time preliminary training for the whole of the intervening period.

9. The Council, shall specify an adaptation period or set an aptitude test for an applicant within four months of receipt of all the documents needed by the Council to compare that applicant's evidence of knowledge and skills or experience with that required by the Council through its examinations and post-examination training. The documents must include, as appropriate, 4 copies of: the certificate or other evidence of education and training; the syllabus followed; evidence of relevant experience which, in the case of applicants wishing to take an aptitude test, must include a statement signed by a suitable person, that the applicant is competent to dispense without physical and personal supervision; a translation into English of the above documents a Certificate of Good Standing.

THE REGISTRATION RULES 2007

Whereas the Hearing Aid Council, acting pursuant to Section 4 of the Hearing Aid Council Act 1968 as amended (hereinafter referred to as “the Act”), has drawn up these Registration Rules with respect to the form and keeping of the Registers to be maintained in accordance with section 2 of the Act and with respect to the making of entries, alterations and corrections therein; and

The Secretary of State for Business, Enterprise and Regulatory Reform gave the Registration Rules his approval on 10 October 2007.

1. These Rules may be cited as the Registration Rules 2007.
2. The Interpretation Act 1978 shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.
3. In relation to the registration of a dispenser of hearing aids, the particulars to be entered in the appropriate Register shall be his date of birth, surname, forenames, the address at which he ordinarily resides and, if he carries on business on his own account, any business name under which he carries on business and the address at which he does so.
4. In relation to the registration of an employer of dispensers of hearing aids, the particulars to be entered in the relevant Register shall be:
 - (a) in the case of an individual, his date of birth, surname, forenames and the address at which he ordinarily resides and the address of his principal place of business together with any business name under which he carries on business;
 - (b) in the case of a partnership firm, the dates of birth, names and forenames of each of the partners and the addresses at which they ordinarily reside, the name of the firm and the address of its principal place of business;
 - (c) in the case of a body corporate, its name and the address of its registered office, its company registration number, the address of its principal place of business (if different from

that of its registered office), any business name under which it carries on business and the names and forenames of all its directors.

5. (a) Any application for registration as a dispenser must be made within 60 days of that person having fully satisfied the requirements for registration as a hearing aid dispenser (the commencement of said period having been notified to the applicant by the Registrar) and this application shall be accompanied by such registration fee set out in Section 2 of the Act as agreed or varied by the Council in accordance with section 4(d) of the Act and two passport-sized photographs and any application for registration as an employer of dispensers shall be accompanied by the registration fee so mentioned as agreed or varied by the Council.
 - (b) Any application for registration in either of the Registers shall contain the information required by Rules 3 or 4 above and shall be made on the relevant form obtainable for this purpose from the Registrar.
 - (c) An application for registration as a dispenser pursuant to Section 2(4)(b) of the Act shall be accompanied by such documents as set out by the Registrar and required to demonstrate that the applicant has met the Council's Standards of Competence.
 - (d) An application for registration for the provision of services on a temporary and occasional basis shall be accompanied by a declaration made pursuant to Article 7 and in a form set out by the Registrar.
6. (a) In order to retain registration any individual registered as a dispenser of hearing aids shall pay an annual retention fee of £425 as agreed or varied by the Council in accordance with section 4(d) of the Act for every year subsequent to the first year of registration, such payment to be accompanied by two passport-sized photographs. No retention fee shall be payable by individuals registered for the provision of services

on a temporary and occasional basis under the provisions of European directives.

- (b) In order to retain registration any individual, firm or body corporate registered as an employer of dispensers shall pay an annual retention fee of £425 as agreed or varied by the Council in accordance with section 4(d) of the Act for every year subsequent to the first year of registration.
 - (c) The retention fee shall be payable on 1st April of each year.
7. (a) Where a retention fee is not received by the Registrar within 14 days of the relevant payment date in Rule 6 above the Registrar shall send to the individual, firm or body corporate concerned at whichever address on the Register he considers most appropriate a notice requiring payment of the fee to be made on or before the 14th day after such notice. If payment is not made before expiry of that period, the Registrar shall send a further notice by recorded delivery warning the individual, firm or body corporate that failure to pay the fee on or before the 14th day after the date of such further notice will occasion the removal of the name and particulars of the individual, firm or body corporate concerned from the Register on the 15th day after the date of such further notice.
- (b) Where payment of a retention fee is not duly made after service of the notices mentioned in sub-paragraph (a) above, the Registrar may remove from the Register the name and particulars of the individual, firm or body corporate concerned provided that where the Registrar does so and the retention fee is subsequently paid and an application for restoration is made in accordance with section 8 of the Act, the Disciplinary Committee may, after considering all relevant circumstances (including the past conduct of the individual, firm or body corporate), order restoration to the Register.
8. Any individual whose name has voluntarily been removed from the Register may only seek re-registration provided this period is not in excess of three years and any re-registration application to the Registrar outside this time period will be conditional upon the

individual taking the Council's aptitude test; or undergoing an adaptation period, the length and content of which shall be at the sole discretion of the Council.

9. Any individual, firm or body corporate whose name is entered in the Register shall notify the Registrar in writing by recorded delivery within one month of the occurrence of any event which makes the particulars entered in a Register in relation to that individual, firm or body corporate incorrect or incomplete, and shall within that period supply the information necessary to rectify the entry in the relevant Register.
10. When the Registrar receives information that an entry in the Register has become incorrect or application is made by or on behalf of the registered individual, firm or body corporate for an entry in the Register to be altered, he shall make the required correction or alteration. No charges shall be made for a correction or alteration under this Rule.
11.
 - (a) The Registrar shall remove from the Register particulars of any individual who has died, of any partnership which has been dissolved and of any body corporate which has been wound up or struck off the register of companies.
 - (b) The Registrar may remove from the Register the name of any individual, firm or body corporate upon receipt of a written application by or on behalf of the registered person, firm or body corporate stating the grounds on which the application is made and accompanied by a statutory declaration that the applicant is not aware of any reason for the institution of proceedings which might lead to the erasure of the name under Section 7 of the Act.
 - (c) The Registrar may remove from the Register the name of any person registered for the provision of services on a temporary and occasional basis where (a) the person has become established within the UK (b) he is subject to a decision of a competent authority in the relevant member state where he is established, which has the effect that he is no longer lawfully established in that state or he is prohibited (even on a temporary basis) from practising there or (c) he fails to provide the Council with a renewal declaration made pursuant to Article 7 and in a form set out by the Registrar.

12. The Registrar shall erase from the Register the name of any registered person, firm or body corporate in respect of which he receives a direction to that effect from the Disciplinary Committee under Section 7 of the Act on the date upon which such direction takes effect.
13. (a) The Registrar shall issue every registered person with an annual certificate of registration, including a recent photograph of the dispenser, or in any other form approved by the Council. Such certificates shall remain the property of the Council and the Registrar may require any certificate, which he has issued, to be returned to him at any time without giving any reason.
(b) The Registrar shall not issue an annual certificate to any person in respect of a year subsequent to the year of first registration unless the appropriate retention fee has been paid.
14. Dispensers (except those registered to provide services on a temporary or occasional basis) shall comply with any guidelines or regulations issued by the Council on Continuous Professional Development (CPD), and in particular will be required to send to the Registrar, with each retention fee renewal on 1st April of each year, details of CPD points attained in a form specified by the Registrar.

From 1 April 2005 compliance with these Continuous Professional Development regulations will be compulsory.
15. The Council shall accredit points to structured courses and accredit points to unstructured relevant reading material in accordance with CPD standards and procedures which it shall issue from time to time.
16. Dispensers must forward details, when requested, of their CPD records to the Registrar for the purposes of random audit by the Council to ensure standards are maintained or to the Investigating Committee in response to a complaint against a dispenser.
17. These rules come into operation on 19 October 2007.