

**Item 10      Update on Modernisation & Transfer**

146<sup>th</sup> ORDINARY MEETING OF THE HEARING AID COUNCIL- 2<sup>nd</sup> July 2008

**Summary**

A Gantt chart summarising the transfer project plan and a report summarising how stakeholder groups will experience the transfer.

**Action**

For consideration, discussion and agreement by the Committee.

## **1.0 Legislative background**

Since the Government announced its intention to abolish the Hearing Aid Council (HAC) it has been considering suitable legislation to effect the transfer of registrants to the Health Professional Council (HPC).

The Government has decided on a two step process. First, use the Health and Social Care Bill currently moving through Parliament to set up the repeal of the Hearing Aid Council Act and the transfer of the responsibility for registering Hearing Aid Dispensers to another body. Second, use the powers set out in Section 60 of the Health and Social Care Act 2001, to transfer that responsibility to the HPC. It is this second step that will set the date of transfer.

Both of these steps could be delayed or fail. However, our advice from Government is the transfer is most likely to take place at the end of March, April or May. The Government has committed to confirming a transfer date by the next HAC Council meeting on November 12<sup>th</sup> 2008. The transfer will be delayed if the Health and Social Care Bill is not passed by summer recess, 22<sup>nd</sup> July, or if Parliament rejects either the HAC amendment to the Bill or the Section 60 Order.

There are three consultations that the HAC and HPC must carry out in the coming months. These are on: the protected title the HPC will use; the Standards of Proficiency that will govern dispensers' clinical conduct and the Standards of Education and Training. The Registrar is working closely with HPC policy team to deliver these consultations.

## **2.0 Corporate plan objective**

The Council agreed a revised corporate plan in March 2008 and is committed to ensuring a smooth transfer to the HPC.

## **3.0 Transfer journeys**

This section gives an overview of how each group will be affected by the transfer.

### **3.1 The consumers**

The HPC should be the first point of contact for consumers after the transfer. The HPC will be able to tell consumers who is registered, explain the standards consumers should expect from dispensers and handle complaints.

#### **Consumers with a complaint open at transfer**

Consumers who have a complaint open at the point of the transfer will have their complaint handled by the HAC up to transfer then by the HPC. The HAC and HPC legal teams will meet in July/August to project plan their side of the transfer. The objective is to have as few complaints open at transfer as possible and to close those which are open promptly thereafter. The two organisations have agreed that they should work in parallel from around August onwards until 2 months after the transfer.

This will enable them to learn each others' processes so that information is collected in a standardised way, prioritised based on risk and other factors. It will also help the HPC prepare for the type of complaints they will handle. Resources have been

earmarked in the HAC and HPC budgets to ensure consumers understand how and why their complaint is being handed over to a new body and the implications of this.

### **Contacting the HAC**

The Hearing Aid Council website will be updated to explain the change in regulation and direct queries to the HPC. The SEC has asked that the Executive to investigate ways of keeping useful consumer information alive online after the transfer. The closedown of the Council will take around three months. During this time, staff will be able to answer phone calls and emails and direct mail. After the HAC has shut down then mail will be forwarded to the HPC or BERR and telephone lines and email accounts will have automatic response explaining the Council is closed and directing consumers to the HPC.

### **HAC contact details on receipts**

The HAC requires that registrants include its address on consumers' receipts. This requirement will be gone after the transfer. Registrants will not be obliged to include the HPC contact details on receipts.

The HAC is working with companies, consumer groups and the professional bodies to encourage dispensers to publish clear, explicit complaints handling procedures. The HAC will keep up this work until the transfer.

### **Publicising the transfer**

The HAC is working with the HPC and consumer organisations to publicise the transfer. The HPC is leading a PR campaign to inform consumers about the HPC's role and specifically the transfer of dispensers. The HAC and HPC will be meeting with consumer groups representing the hard of hearing and the elderly throughout the transfer process. Beyond that, the HAC is approaching broader consumer groups, such as the Citizen's Advice Bureau, National Consumer Council and Consumer Direct.

## **3.2 The dispensers**

### **Those on the register at point transfer**

Dispensers who are on the register at the point of transfer will be moved to the HPC register automatically. These dispensers will be treated from an administrative perspective as if the HPC were retaining them on the register. This is a lighter touch process than if they were treated as new registrants. The HPC will assume that if a dispenser was fit to practice on the HAC register that they are fit to practice on the HPC's. For instance, dispensers will not need certifications of good health from a GP.

From the point of transfer onwards, dispensers must meet the HPC's Standards of Performance, its Standards of Conduct, Performance and Ethics and its CPD requirements. They will be required to pay the HPC retention fee (currently £72 a year and payable in a lump sum or by quarterly direct debit).

### **Dispensers with an open complaint at transfer**

There has been some concern that an open complaint could prevent a dispenser from transferring to the HPC. This would have a serious impact on dispensers' welfare. However, the HAC and HPC have worked together to close this gap. All dispensers on the register will be transferred at the same time irrespective of whether there is an open complaint against them or not.

The HAC and HPC will work together to minimise the number of open complaints and keep dispensers informed throughout the transfer. The HPC will assume responsibility for resolving the complaint from the point of transfer and treat it as they would any other complaint received after transfer. Dispensers will be held against the HPC Standards rather than the HAC Code regardless of when the offence occurred. In extremely serious cases, the HPC may apply to have a dispenser suspended from the register until the complaint is resolved.

**Dispensers who have previously been on the HAC register but are not registered at transfer**

Anyone who has joined the HAC register in the past should be eligible to join the HPC register in the future. Exceptions will be those who the HPC struck off or those who do not meet any additional HPC criteria, such as those relating to good health and character. Those who have been out of practice for some time may be asked to complete some additional testing or training. The HPC will have a historical record of voluntarily removed dispensers.

The HAC will write to people who have voluntarily removed themselves from the HAC register in the last 3 years alerting them to transfer and explaining their options for joining to the HAC or the HPC registers.

**Dispensers who have been struck off the HAC register**

All dispensers struck off by the HAC will be compiled on a Watch List held by the HPC. The HPC uses Watch Lists to flag up struck off applicants at the application stage. Such applicants will be referred to an HPC Registration Panel who will decide whether or not they should be registered.

**Pre-registered dispensers who have not yet completed their training by the transfer date**

The HAC and HPC will write to these people and their supervisors so they understand how the transfer process affects them. Once they have completed their training they will contact the HPC. The HAC registrar will be employed by the HPC as needed to certify their logbooks.

**New dispensers who wish to register for the first time after the transfer**

New dispensers will apply to the HPC to join the register. UK based applicants will need to meet the minimum standards of education (an approved foundation degree), complete an application form and meet the minimum standards of health and character.

International registrants apply via a separate route and should see the HPC website for further details. The HPC can also register European applicants on a temporary and occasional basis.

**Current dispensers looking to register to dispense privately for the first time**

It is expected that public sector dispensers will be registered with the HPC from 2011. Until that date, public sector dispensers wishing to begin dispensing privately will need to apply to the HPC beforehand. They will be treated as any other new registrant above. UK based dispensers will need to meet the minimum education requirements.

### **Informing dispensers**

The HAC will publicise the transfer and the dispensers' journey through its website, by writing a number of times to dispensers in partnership with the HPC, through meetings and the professional bodies. HPC has begun attending industry events, explaining its role and processes and what it expects from dispensers and meeting professional bodies.

### **3.3 The companies**

The HPC does not register employers. One of the reasons for abolishing the Council is to simplify regulation by removing overlapping regulation. The Government and the Council is confident that there is sufficient protection in general law to regulate companies to an acceptable level. Over and above that, the Council is supporting BSHAA's work to develop a voluntary OFT approved Consumer Code for consumers which will offer those covered still more protection.

### **3.4 Trading standards and consumer groups**

The HAC will be approaching the Trading Standards Institute to agree joint working arrangements during and after the transfer. In particular, whether a single Authority could act as a lead for all hearing aid issues.

### **3.3 The Council Members**

If the transfer takes place at the end of March then the final Council meeting will be that month. Once the transfer date is confirmed then the Council schedule will be settled. Council Members will not meet during the close down period. Members can be held accountable for the Council's actions after transfer. Having consulted BERR, the Executive will prepare guidance for Members on their obligations and the lifespan of those obligations. For example, this will advise Members what they should do with any data they hold about relating the Council.

### **3.4 The HAC office staff**

Council has expressed its strong concern for the welfare of staff throughout the transfer. NVQ training has been put in place at no cost to the Council and there will be further support and training for staff to help them move on to new jobs. The HAC is liaising with BERR to ensure that staff can be informed of any relevant vacancies and can be given preference through the Civil Service Register.

The HPC is keen to have some parallel running of staff so that HAC staff can pass on their expertise.

### **3.5 The HAC Executive**

The Executive will work throughout the close down period. The HAC is liaising with BERR to ensure that staff can be informed of any relevant vacancies. The Executive are also accountable after the closure for the Council's closure and will seek guidance from BERR.