

A New Approach to the Registration of Health and Social Care Professionals

Summary

1. Health and social care professionals and their employers are being asked for their views on a new professional registration law in Jersey. The aim of this law is to standardise professional registration processes to support a safe and well-regulated care sector on the Island.
2. There are currently five different laws in Jersey governing the registration of different professional groups in the health and care sector. As a result, there are inconsistencies in registration requirements and practices between professions in terms of registration fees and renewal requirements. As there is no uniform registration process, there is no single up-to-date record of the health and social care professionals practising in Jersey or the qualifications they hold, making it more challenging to verify that those professionals are all appropriately qualified and ensure that their practice is effectively regulated.
3. It is proposed that the registration of health and social care professionals in Jersey is consolidated under a single law. This is to ensure parity between the professions in terms of registration requirements and fees. Secondly, it is proposed that all 'registrable occupations' will be required to register with the Jersey Care Commission ("the Commission"), which will manage an up-to-date register of professionals practising in the Island. The Commission is the only independent care regulator in Jersey and already registers most care professionals practicing in Jersey.
4. Most health and social care professionals are required to be registered in the UK with a relevant regulatory body prior to registering in Jersey. The purpose of a standardised secondary registration process in Jersey is to:
 - maintain an up-to-date register of these professionals practising in Jersey, so that their fitness to practise can be regulated effectively;
 - verify that these professionals have up-to-date qualifications to ensure that they are fit to practise in Jersey;
 - allow local action to be taken to restrict a professional's practise in Jersey while any regulatory action is taken by the relevant professional body (if it is proportionate and necessary to do so); and
 - where a professional ceases to practice or is no longer fit to practice, that there is a consistent approach to removal of the person from the relevant local register.

5. These proposed changes will improve the existing system and provide assurance to Islanders that health and social care professionals who are not properly qualified or are found unfit to practise are prevented from working in Jersey.

Background

6. People working in a range of different health and social care professions are currently required to register in Jersey before they may practise on the Island. The professions to which this applies are referred to as 'registrable occupations'. A list of these can be found in [Appendix 1](#).
7. Registration in Jersey relies on prior registration with a relevant UK statutory regulatory body. It is longstanding Government policy that those professional groups that are required to register under UK legislation will also be required to register in Jersey Law. Examples of UK regulatory bodies include:
 - [The General Medical Council \(GMC\)](#)
 - [The General Dental Council \(GDC\)](#)
 - [The Nursing and Midwifery Council \(NMC\)](#)
 - [Health and Care Professions Council \(HCPC\)](#)
 - [General Pharmaceutical Council \(GPhC\)](#)
8. These UK regulatory bodies have the power to set professional standards, determine educational and training requirements and manage fitness to practise issues. Having registered with the relevant UK regulatory body – which requires professionals to demonstrate that they have the necessary qualifications and meet any ongoing professional obligations – the professional must then register with a Jersey registration body before they can practise in the Island. Jersey registration bodies currently include the Commission, the Judicial Greffe or the Chief Pharmacist, depending on the profession. For example, in order to practise in Jersey, a doctor must hold a valid registration with the GMC before registering with the Commission locally.
9. Professional registration in Jersey is governed by five local laws, according to profession. These laws are listed below:
 - [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#) ("the 1960 Law")
 - [Health Care \(Registration\) \(Jersey\) Law 1995](#) ("the 1995 Law")
 - [Dentistry \(Jersey\) Law 2015](#) ("the 2015 Law")
 - [Opticians \(Registration\) \(Jersey\) Law 1962](#) ("the 1962 Law")
 - [Pharmacists and Pharmacy Technicians \(Registration\) \(Jersey\) Law 2010](#) ("the 2010 Law")

What are the issues?

Inconsistent registration requirements

10. As professional registration in Jersey is governed by different laws, there is no single Jersey registration body. Doctors, nurses, midwives, social workers and dental care professionals are required to register with the Commission; dentists and opticians are required to register with the Judicial Greffe; pharmacists and pharmacy technicians are required to register with the Chief Pharmacist.
11. There are also different registration requirements between the laws, including in relation to fees and registration renewal. Doctors are not required to annually renew their registration with the Commission (their registration is valid until they choose to cancel it), whilst nurses, midwives, social workers and dental care professionals must renew their registration with the Commission annually. Dental care professionals must also renew annually and pay a fee. Other professions, such as dentists and opticians, register with the Judicial Greffe and do not have to renew their registration at all.
12. A full breakdown of the current registration structure in Jersey can be found below¹:

Current Health and Social Care Professional Registration Summary					
Profession	Legislation	Registration Body	Initial Registration Fee	Renewal Period	Renewal Fee
Doctors	Medical Practitioners (Registration) (Jersey) Law 1960	Jersey Care Commission	£150	None at the current time – however, a 2 yearly return to remain on register to be introduced by Order	N/A
Nurses, Social Workers, Midwives, Clinical Psychologists, Occupational Therapists, etc. ²	Health Care (Registration) (Jersey) Law 1995	Jersey Care Commission	No	Annual	None

¹ For a complete list of registrable occupations, see the Schedule to the [Health Care \(Registration\) \(Jersey\) Law 1995](#)

² *Full List of Registrable Professions:

Ambulance paramedic, Art therapist, Biomedical scientist, Chiropodist, Chiropractor, Clinical psychologist, Clinical scientist, Dietitian, Midwife, Nurse, Nurse independent prescriber, Occupational therapist, Operating department practitioner, Optometrist independent prescriber, Orthoptist, Osteopath, Paramedic independent prescriber, Pharmacist independent prescriber, Physiotherapist, Physiotherapist independent prescriber, Podiatrist, Podiatrist independent prescriber, Psychotherapist, Radiographer, Registered nurse: first level, Registered nurse: second level, Social worker, Specialist community public health nurse, Speech and language therapist, Therapeutic radiographer independent prescriber

Dental Care Professionals	Dentistry (Jersey) Law 2015	Jersey Care Commission	£55	Annual	£55
Dentists	Dentistry (Jersey) Law 2015	Judicial Greffe	£150	None	N/A
Opticians	Opticians (Registration) (Jersey) Law 1962	Judicial Greffe	£150	None	N/A
Pharmacists	Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 2010	Minister for H&SS delegated to the Chief Pharmacist	£100	Annual	None
Pharmacy Technicians	Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 2010	Minister for H&SS delegated to the Chief Pharmacist	No	Annual	None

Incomplete register / fitness to practise

13. The lack of consistent renewal requirements between the different laws means that some registration bodies are unable to keep up to date registers of professionals. Their registers may include professionals who have left the island, retired or died, or who have out-of-date qualifications. This in turn means that the Commission cannot compile a single accurate record of the health and social care professionals who are practising on the Island or check whether their qualifications are up to date.
14. The lack of an up-to-date, centralised register of health and social care professionals in Jersey presents challenges to effective regulation. The absence of such a register locally presents risks that professionals who have been found unfit to practise by a UK regulator may appear to be entitled to continue practising in Jersey.

Insufficient powers to regulate

15. Under some of the current laws, the Commission also lacks powers to suspend the registration of certain registered professionals or to impose conditions on registered professionals outside the registration and renewal process. This is a crucial aspect of the Commission's powers as it ensures that action can be taken to prevent professionals from working in Jersey while the UK regulator considers whether a professional is fit to continue to practise.
16. There are also insufficient powers and duties for registration bodies, registered professionals and their employers to share important information on registered professionals with the Commission. Furthermore, the existing protections for the titles and functions of health and social care professions is inadequate in some cases.

What are we proposing?

17. It is proposed that the registration of health and social care professionals is standardised across all registrable occupations and centralised with the Commission, which already has a registration infrastructure in place. These changes will ensure that:

- the registration process is straightforward;
- all registrable occupations are treated equally and consistently; and
- these registrable occupations may be regulated effectively by the Commission.

A single 'professional registration' law

18. It is proposed that the five laws relating to registration of health and social care professionals be consolidated into one primary professional registration law. This uniform law will be based on the Health Care (Registration) (Jersey) Law 1995, as this covers the broadest range of professions. This single law will bring in standard registration process for all registrable occupations. This will involve:

- the Commission having oversight of professional registration in Jersey;
- the Commission maintaining registers of each professional group;
- a duty being placed on professionals to register with the Commission;
- the Commission having a duty to register a professional who provides evidence that they have a valid registration with a UK statutory regulatory body;
- a power for the Commission to place conditions on a professional's registration in Jersey to mirror conditions placed on their registration by the relevant UK regulator;
- an annual renewal process for registration;
- a cancellation process for registration;
- a suspension process for registration;
- an appeals process;
- information-sharing powers and duties;
- offences under law (which would result in the cancellation of a registration and criminal sanction in cases of providing false information or carrying on as a professional when not registered to do so); and
- a fitness to practise evaluation process (**a professional's fitness to practise will continue to be determined by the relevant UK regulator but the Commission will have improved powers to suspend professionals while their fitness to practise is being determined in extreme cases where is compelling evidence of risk to life**).

19. Only those health and social care professional groups that are required to register under UK Law will be required to register under Jersey Law. This is a continuation of longstanding Government policy.

Protected titles

20. The proposed legislation will protect the titles of certain registered professionals. For example, a Practitioner Psychologist is a registrable occupation, therefore only those registered as such can use the following protected titles: Practitioner Psychologist, Registered Psychologist and Clinical Psychologist.
21. This will be done by incorporating definitions of certain professions from English law (where available) into the single professional registration law. This means that only registered professionals will be able to use the title (as defined in law) they have registered as in Jersey. This protects both registered professionals and the public by preventing unqualified individuals from purporting themselves to be a certain health and social care professional.

Centralised registers

22. All registrable occupations will be required to register with the Commission, as well as a relevant UK regulatory body. This means that dentists, opticians, pharmacists and pharmacy technicians, who currently must register with the Judicial Greffe and Chief Pharmacist respectively, must register with the Commission. Existing registrants will be automatically transitioned to a new register held by the Commission, but they will be required to renew their registration with the Commission within one year of the new Law coming into force.
23. All professionals will be required to renew their registration with the Commission annually for a small, standardised fee. These fees will correlate with the administrative costs incurred by the Commission in maintaining the register of professionals, as well as responding to queries from employers and liaising with UK registration bodies where required. Fees will be set in consultation with professionals before the Law is implemented. **Fees are likely to correlate to those which are currently charged to dental care professionals - £55 to register and £55 to renew registration³.**
24. Requiring all professionals to renew their registration annually will ensure that the registers of professionals are kept up to date, enabling the Commission to consistently review each individual's professional status and ensure that, where appropriate, the nature and outcome of any fitness to practise investigation by a relevant UK regulatory body is

³ Fees will be tax deductible as a professional expense.

appropriately reflected in the local register. This will provide Islanders with assurance that all registered professionals remain properly qualified and that they are fit to practise.

25. The Commission will have a duty to maintain separate registers on each professional group, each containing all relevant information relating to each professional. The Commission must publish a public register containing limited details of every professional, including:

- name;
- profession;
- Jersey registration number;
- UK registration body and registration number (where applicable); and
- conditions attached to registration (if any).

Cancellation, suspension and appeals

26. Conditions applied by the UK regulatory body will be automatically applied to the professional's registration in Jersey⁴. The Commission will also have powers to suspend a professional's registration in Jersey when a professional is suspended by a UK regulator. The process of evaluating a professional's fitness to practise will continue to be handled by the relevant UK regulatory body rather than the Commission.

27. However, in extreme cases, the Commission would hold powers to act unilaterally in the interests of public safety before a UK regulatory body has acted. The Commission may act unilaterally to impose conditions on a professional's registration locally and possibly suspend their registration in Jersey for up to 18 months if it is reasonably foreseeable that the individual continuing to practice presents a serious risk to life, or where an individual has been charged with a serious offence. A serious offence includes:

- murder;
- manslaughter;
- any sexual offence under the [Sex Offenders \(Jersey\) Law 2010](#);
- serious injury to any person;
- any offence committed by an adult against a child under 18 years of age;
- serious interference with the investigation of a particular offence; or
- conspiring, assisting or attempting to commit a serious offence as above.

⁴ The Commission will have powers to add or vary conditions in addition to those automatically applied by the UK regulator. These conditions applied locally by the Commission may extend beyond those approved in advance by the UK regulatory body if, on the balance of probabilities, the professional's practice presents a risk to life or if the professional has been charged with a serious offence.

28. Under the proposed law, the Commission will be required to put in place an internal process for determining whether to act unilaterally to place conditions on or suspend a professional's registration before the relevant UK regulatory body has acted. They must consult registered professionals on and publish this process.
29. In considering whether to act unilaterally in the interests of public safety, the Commission will be reliant on information provided by third parties and must take appropriate clinical and legal expert advice. If the Commission considers that it is appropriate to act before the UK regulatory body in placing conditions on or suspending the person's registration, the Commission will be required to provide advance notice to the professional in writing, which must include reasons for suspension. The professional must be provided with the opportunity to challenge any possible action before a decision is made by making representations to the Commission as part of a formal process.
30. Under the proposed legislation, a professional's registration will be cancelled automatically by the Commission if the professional:
- is struck off by their UK regulator;
 - informs the Commission they no longer wish to be registered (i.e.their practice in Jersey will cease);
 - are found to have obtained their registration fraudulently;
 - have failed to renew their registration within 30 days of its expiry;
 - have died; or
 - have been convicted of a serious offence in Jersey (see paragraph 27).
31. An individual will have the right to appeal to the Royal Court against any decision of the Commission to refuse to register the person; cancel, suspend or impose conditions on their registration. The Court will have the power to confirm, reverse or vary the decision against which the appeal is brought.
32. Note that, in almost all cases, the Commission will be required to enforce the decisions of UK regulatory bodies in Jersey rather than exercising their own discretion (except in extreme cases where there is, on the balance of probabilities, a risk to life or where the professional has been charged with a serious offence). Almost all appeals against the decision of the Commission would be a question of whether the Commission properly applied the UK regulator's decision in Jersey. As the majority of appeals will be on narrow grounds alleging that the Commission acted either unlawfully or unreasonably, it is most appropriate for the Royal Court to deal with appeals.

What does this mean for professionals and their employers?

33. If you are a health and social care professional practising in Jersey in an occupation listed under Appendix 1 or an employer of these professions, the proposed legislation may mean some changes to the professional registration process. This will mean that, by law, health and social care professionals in Jersey will have to:
- register with the Commission in order to practise in Jersey (those already registered with the Commission, the Judicial Greffe or the Chief Pharmacist will not have to register again) – this will be in addition to being registered with a relevant UK regulatory body;
 - pay an initial, standard registration fee to the Commission;
 - renew their registration annually for a small, standard fee;
 - comply with any conditions attached to their registration by the relevant UK regulatory body or the Commission;
 - inform the Commission if any information relating to their registration changes.
34. Note that professionals already registered with the Commission, the Judicial Greffe or the Chief Pharmacist will not have to register again. Existing registrants will be automatically transitioned to a new register held by the JCC. They must renew their registration with the Commission within one year of the new Law coming into force.
35. Employers must ensure that employees who hold occupations listed under Appendix 1 are suitably qualified. This means ensuring that employees are registered with the Commission in order to perform their service in Jersey, both prior to employment and on an ongoing annual basis. This only applies if the professional is performing the services set out in Appendix 1. Employers who fail to apply reasonable due diligence in this regard may be guilty of an offence. This duty on the employer applies where a professional is employed to perform their service on a contract that is more limited than an employment contract - for example, where a professional joins a partnership.

Project timescales

Activity	Timescale
12-week consultation	November 2023 – February 2024
Consultation report published	March 2024
Law drafting instructions approved	May 2024
Law lodged in the States Assembly for debate	Q3 2025
Law comes into force	Q1 2026

Feedback

36. We would like to hear your thoughts on these proposals and how this will work for you in practice. You can give us feedback by:

- Completing the [survey](#), or;
- Emailing careregulation@gov.je.

Appendix 1 – Registered Professions, Protected Titles and Prescribed Qualifications

“Health Professions Order” means the Health Professions Order 2001 of the United Kingdom

“prescription only medicine” has the same meaning as in the Medicines (Prescription Only) (Jersey) Order 1997

	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	Registered Profession	Protected Title	Prescribed Qualification
1.	Arts Therapist	Art Therapist Art Psychotherapist Drama Therapist, Music Therapist	Entry as an arts therapist in the register established and maintained under article 5 of the Health Professions Order
2.	Biomedical Scientist	Biomedical Scientist	Entry as a biomedical scientist in the register established and maintained under article 5 of the Health Professions Order
3.	Chiropodist/Podiatrist	Chiropodist Podiatrist	Entry as a chiropodist or podiatrist in the register established and maintained under article 5 of the Health Professions Order
4.	Chiropodist/Podiatrist Independent Prescriber	Chiropodist Independent Prescriber Chiropodist Supplementary Prescriber Chiropodist Prescriber Podiatrist Independent Prescriber Podiatrist Supplementary Prescriber Podiatrist Prescriber	Qualification consisting of – (a) entry as a chiropodist or podiatrist in the register established and maintained under article 5 of the Health Professions Order; (b) notation on that register as a chiropodist or podiatrist independent prescriber; and (c) a reasonable degree of experience, and of continuing professional development, in prescribing
5.	Chiropractor	Chiropractor	Entry as a chiropractor in the register established and maintained under article 2 of the Chiropractors Act 1994
6.	Clinical scientist	Clinical scientist	Entry as a clinical scientist in the register established and maintained under article 5 of the Health Professions Order
7.	Dentist	Dentist Dental Surgeon Endodontist Orthodontist Prosthodontist Periodontist	Entry as a dentist in the register established and maintained under section 14 of the Dentists Act 1984
8.	Dental Care Professional	Clinical Dental Technician Dental Hygienist Dental Nurse Dental Technician Dental Therapist Orthodontic Therapist	Entry as a dental care professional in the register established and maintained under section 36B of the Dentists Act 1984
9.	Dietitian	Dietitian Dietician	Entry as a dietitian in the register established and maintained under article 5 of the Health Professions Order
10.	Hearing Aid Dispenser	Hearing Aid Dispenser	Entry as a hearing aid dispenser in the register established and maintained under article 5 of the Health Professions Order
11.	Medical Practitioner	Medical Practitioner Medical Doctor Physician	Entry as a medical practitioner in the register established and maintained under section 2 of the Medical Act 1983
12.	Midwife	Midwife	Entry as a midwife in the register established and maintained under article 5 of the Nursing and Midwifery Order 2001 of the United Kingdom

13.	Nurse	Nurse Registered Nurse Specialist Community Public Health Nurse	Entry as a registered nurse: first level, a registered nurse: second level, or a specialist community public health nurse in the register established and maintained under article 5 of the Nursing and Midwifery Order 2001 of the United Kingdom
14.	Nurse Independent Prescriber	Nurse Independent Prescriber Nurse Supplementary Prescriber Nurse Prescriber Midwife Independent Prescriber Specialist Community Public Health Nurse Independent Prescriber	Qualification consisting of – (a) entry in the register established and maintained under article 5 of the Nursing and Midwifery Order 2001 of the United Kingdom as – (i) a midwife, (ii) a registered nurse: first level, or (iii) a specialist community public health nurse; (b) notation on that register as a nurse independent prescriber or nurse supplementary prescriber; and (c) a reasonable degree of experience, and of continuing professional development, in prescribing prescription only medicines
15.	Occupational Therapist	Occupational Therapist	Entry as an occupational therapist in the register established and maintained under article 5 of the Health Professions Order
16.	Optician	Optician Dispensing Optician Optometrist	Entry as a dispensing optician or optometrist in the register established and maintained under section 7 of the Opticians Act
17.	Optometrist Independent Prescriber	Optometrist Independent Prescriber	Qualification consisting of – (a) entry as an optometrist in the register established and maintained under Section 7 of the Opticians Act 1989 of the United Kingdom; (b) notation on that register as an optometrist independent prescriber; and (c) a reasonable degree of experience, and of continuing professional development, in prescribing prescription only medicines
18.	Operating Department Practitioner	Operating Department Practitioner	Entry as an operating department practitioner in the register established and maintained under article 5 of the Health Professions Order
19.	Orthoptist	Orthoptist	Entry as an orthoptist in the register established and maintained under article 5 of the Health Professions Order
20.	Osteopath	Osteopath	Entry as an osteopath in the register established and maintained under Section 2 of the Osteopaths Act 1993 of the United Kingdom
21.	Paramedic	Paramedic Ambulance Paramedic	Entry as a paramedic in the register established and maintained under article 5 of the Health Professions Order
22.	Paramedic Independent Prescriber	Paramedic Independent Prescriber Paramedic Supplementary prescriber Paramedic Prescriber	Qualification consisting of – (a) entry as a paramedic in the register established and maintained under article 5 of the Health Professions Order; (b) notation on that register as a paramedic independent prescriber; and (c) a reasonable degree of experience, and of continuing professional development, in prescribing
23.	Pharmacist	Pharmacist	Entry as a pharmacist in the register established and maintained under article 19 of the Pharmacy Order 2010

24.	Pharmacist Independent Prescriber	Pharmacist Independent Prescriber Pharmacist Prescriber	Qualification consisting of – (a) entry as a pharmacist in the register established and maintained under article 19 of the Pharmacist Order 2010 of the United Kingdom; (b) notation on that register as a pharmacist independent prescriber; and (c) a reasonable degree of experience, and of continuing professional development, in prescribing prescription only medicines
25.	Pharmacy Technician	Pharmacy Technician	Entry as a pharmacy technician in the register established and maintained under article 19 of the Pharmacy Order 2010
26.	Physiotherapist	Physiotherapist Physical Therapist	Entry as a physiotherapist in the register established and maintained under article 5 of the Health Professions Order
27.	Physiotherapist Independent Prescriber	Physiotherapist Independent Prescriber Physiotherapist Prescriber	Qualification consisting of – (a) entry as a physiotherapist in the register established and maintained under article 5 of the Health Professions Order; (b) notation on that register as a physiotherapist independent prescriber; and (c) a reasonable degree of experience, and of continuing professional development, in prescribing prescription only medicines
28.	Podiatrist Independent Prescriber	Podiatrist Independent Prescriber	Qualification consisting of – (a) entry as a podiatrist in the register established and maintained under article 5 of the Health Professions Order; (b) notation on that register as a podiatrist independent prescriber; and (c) a reasonable degree of experience, and of continuing professional development, in prescribing prescription only medicines
29.	Practitioner Psychologist	Practitioner Psychologist Registered Psychologist Clinical Psychologist Forensic Psychologist Counselling Psychologist Health Psychologist Educational Psychologist Occupational Psychologist Sport and Exercise Psychologist	
30.	Prosthetist/Orthotist	Prosthetist Orthotist	Entry as a prosthetist or orthotist in the register established and maintained under article 5 of the Health Professions Order
31.	Radiographer	Radiographer Diagnostic Radiographer Therapeutic Radiographer Sonographer	Entry as a radiographer in the register established and maintained under article 5 of the Health Professions Order
32.	Social Worker	Social Worker	Entry as a social worker in the register kept under Section 39 of the Children and Social Work Act 2017
33.	Specialist Community Public Health Nurse	Specialist Community Public Health Nurse	Entry as a specialist community public health nurse in the register established and maintained under article 5 of the Nursing and Midwifery Order 2001 of the United Kingdom
34.	Speech and Language Therapist	Speech and Language Therapist Speech Therapist	Entry as a speech and language therapist in the register established and maintained under article 5 of the Health Professions Order

35.	Therapeutic Radiographer Independent Prescriber	Therapeutic Radiographer Independent Prescriber Therapeutic Radiographer Prescriber Radiographer Independent Prescriber Radiographer Prescriber	Qualification consisting of – (a) entry as a radiographer in the register established and maintained under article 5 of the Health Professions Order; (b) notation on that register as a therapeutic radiographer independent prescriber; and (c) a reasonable degree of experience, and of continuing professional development, in prescribing prescription only medicines
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