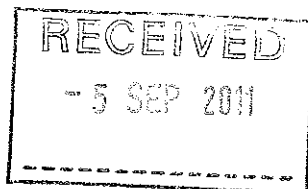


Anne Milton MP
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25 AUG 2011

Deo Amo, Peter and Gary

Thank you for your letter of 8 August expressing your views on the need for statutory regulation for clinical physiologists and your observations on the potential risks that may emerge in the operation of a voluntary registration scheme. I will respond to each issue in turn.

Clinical Physiologists

Enabling Excellence is clear that that the extension of statutory regulation will only be considered where there is a compelling case on the basis of a public safety risk, and where assured voluntary registers are not considered sufficient to manage this risk.

For statutory regulation to be extended to new groups, the Government would need to be presented with a robust body of evidence to demonstrate that there is a level of risk to the public which warrants the costs imposed by statutory regulation, and which cannot be effectively addressed through assured voluntary registration.

The Government is not convinced that a robust case for the mandatory statutory regulation of clinical physiologists in England has yet been made. However, we do not think that commissioning research or analysis of the case for statutory regulation would make sense at this time, before a system of assured voluntary regulation has been established. Until then it will not be possible to assess the relative benefits of statutory regulation compared with those of assured voluntary registration.

Voluntary Registers

In your letter, you outline various risks relevant to the operation of the current system of voluntary registers. I would like to take this opportunity to respond to your observations. Assured voluntary registration will complement, rather than replace, existing systems of assurance. It will give employers, commissioners and members of the public an additional means to assure themselves that professionals meet high standards of training, conduct and competence, and at all times apply high ethical standards to their work.

The decisions of voluntary registers, about the registration of individuals, are rightly open to challenge in the courts, in much the same way as the decisions of the statutory regulators are. However, we expect the proposed system of accreditation with the Council for Healthcare Regulatory Excellence (to be renamed the Professional Standards Authority for Health and Social Care subject to Parliamentary approval) to ensure that registrants of accredited registers have access to fair and robust internal appeals processes, thereby mitigating against the risk of successful challenge in the courts.

Ultimately, if a registrant is not satisfied with a decision, or with the outcome of an appeal, he or she may choose to leave the register. However, registrants who do this would no longer be able to use their registration to demonstrate to employers and to members of the public that they meet a set of nationally accredited standards.

We also expect the accreditation criteria to include a requirement for assured voluntary registers to publish the names of professionals who have been removed from the register, or who have removed themselves prior to the resolution of a complaint. This will allow employers and members of the public to verify a professional's registration history, and we would encourage members of the public and employers to ensure that they contact persons who are included on an assured voluntary register.

Therefore, for clinical physiologists the way forward is for a dialogue to be entered into with the CHRE, ahead of them becoming the Professional Standards Authority for Health and Social Care and having the power to accredit assured voluntary registers in 2012. Engagement in the process of assured voluntary registration will demonstrate whether there is a level of risk to the public which cannot be effectively addressed, and whether the evidence base is robust enough for the option of statutory regulation to be explored further.

I hope my response clarifies the Government's current position on the registration of clinical physiologists.

Best wishes

A handwritten signature in black ink, appearing to be 'Anne Milton', with a large, sweeping initial 'A'.

ANNE MILTON

