



**Framework for Developing Consistent Descriptions of Regulatory Models:
United Kingdom**

This document provides a broad overview of the model(s) of regulation for professions and occupations. It is brief by design and aims to introduce the reader to the model(s) in place. The author is involved in professional and occupational regulation in the country discussed and their contribution is gratefully acknowledged. This project was initiated by the International Relations Committee of the Council on Licensure, Enforcement and Regulation (CLEAR), from where additional resources can be located at <http://www.clearhq.org/links.htm>

General Question:

- 1. Is the regulatory model consistent for each profession and occupation, or are there substantial differences?**
 - Although there is some variation, the professional regulatory model used in the UK is broadly consistent, providing for profession-led regulation by autonomous statutory bodies which are largely independent of Government.

Philosophy/Purpose

- 2. Describe the primary purpose of the model (e.g., public protection).**
 - The principal role of regulators is protection of the public and, in some instances, that is specifically written into the enabling statute. In the small number of instances where the regulator is also the professional body - a model which is increasingly rarely used - there may also be an obligation to promote the profession concerned.

Government Structure

- 3. Describe how regulatory entities are organized (e.g. nationally, by state, province, municipality etc).**
 - For the majority of professions regulation is a "reserved matter" under the UK devolution arrangements and therefore is a competence of the UK Parliament and Government rather than the separate legislatures and executives in Scotland, Wales and Northern Ireland. The legal profession is regulated on the basis of the three separate UK legal systems (England & Wales, Scotland, Northern Ireland) and some, such as, social care, have separate regulation in each of the four UK home countries (but under a UK-wide umbrella organisation).
- 4. Explain how regulatory entities interact and share power with other branches of government.**
 - Regulators are independent of any branch of government. Their statutory powers are provided by the legislature but they will interact with a "sponsor"

government department (e.g. Department of Health) when seeking legislative change.

Authority Basis

5. On what legal basis is the authority of regulatory entities derived?

- Regulators are created and given powers by Act of Parliament or by Orders made under such Acts.

Regulation Creation Framework

6. Describe how the legislative process works when creating the authority for regulatory entities.

7. Explain how public involvement and comment is incorporated into the process.

8. Describe how professionals and consumers influence regulations.

9. Explain how political involvement influences regulations.

- *Response to questions 6-9:* Legislation will be secured in the same manner as any other Act of Parliament. The Regulator may also have statutory rule-making powers which, depending upon the nature of the power, may require the rules to be approved by the legislature. Any new legislation or major change will be subject to a three month public consultation, in line with guidance issued by the Cabinet Office.

Regulatory Entities

10. Illustrate how regulatory entities (e.g., board, agency, college) are typically constituted and the degree to which they include practitioners, the public, and other stakeholders.

11. Detail how participants in the regulatory process are typically appointed to regulatory entities.

- *Response to questions 10-11:* Normally regulators will consist of a Council or Board made up of a specified number and mix of professionals and lay people. The professional members will normally be elected by registrants but in some cases are appointed by specific interests (such as professional bodies). The lay people are usually nominated by Government but via a transparent appointments process. The ratio of professional to lay members varies considerably but is being moved towards a norm of 50:50

12. Give examples of administrative and disciplinary functions typically undertaken by regulatory entities.

- The predominant model is one of integrated regulation, with regulators setting entry or proficiency standards, approving courses of education and training that meet those standards, registering graduates from those courses who meet other (e.g. health and character) specified requirements and disciplining practitioners who fall below those standards or breach the regulator's code of conduct.

13. Describe the typical funding structure of regulatory entities.

- Most regulators are funded entirely from the fees charged to registrants and applicants.

14. Indicate how much autonomy regulatory entities enjoy.

- Most regulators are fully autonomous.

15. Describe the relationship between regulatory entities and the professional membership organization, where different.

- It varies. Some of the older regulators are also the professional body but with the regulatory functions conducted at "arm's length" from the representative function. Otherwise, they are among the stakeholders with which the regulator will engage on a regular basis.

Practice Requirements

Broadly speaking, prior to beginning practice in a regulated profession or occupation, do requirements exist that must be met in the following areas:

16. education and training;

17. background checks;

18. experience;

19. examination(s) a candidate must pass;

20. continuing competence requirements for renewing practitioners;

21. fees practitioners must pay for entry to the profession;

22. fees practitioners pay as part of continuing practice requirements;

23. language(s) in which practitioners are expected to be proficient;

24. conduct that could cause withdrawal of a practitioner's right to practice?

- *Response to questions 16-24:* Yes, broadly speaking applicants will have to meet all or most of the requirements above in order to be eligible for registration by any of the regulators.

Inter-Jurisdictional Recognition of Regulation

25. Describe the reciprocity/endorsement/mutual recognition that exists with other government entities.

26. Identify international recognition and trade agreements that are affected.

- *Response to questions 25-26:* The European Community has a mutual recognition regime under which practitioners qualified to practice in another EC member state may be eligible to practice in the UK. Most regulators also have comparability procedures which enable overseas applicants with appropriate training and experience to practice in the UK. Generally this will apply to those from British Commonwealth countries which have similar education, legal and health care systems to the UK.

27. Are regulatory entities typically ISO 17024 accredited?

- No

Commonly Used Terms

28. List definitions of technical terms someone outside the regulatory agency may require to better understand the program.